1989
Huntsville
Zoning Ordinance

Updated to June 3, 2016

Planning Commission
Huntsville * Alabama

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PREAMBLE

ORDINANCE NO. 63-93

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY CHAPTER 16 OF TITLE 37, SECTIONS 772 TO 785, INCLUSIVE, CODE OF ALABAMA, 1940, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF HUNTSVILLE, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHTS, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ALL EXISTING ZONING ORDINANCES EXCEPT THOSE REFERRING TO FIRE ZONES AND AIRPORT OBSTRUCTION ZONES.

WHEREAS, Chapter 16, Title 37, Code of Alabama, 1940, empowers the City of Huntsville to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the City Council of the City of Huntsville, Alabama, deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City, to enact said Ordinance; and

WHEREAS, the City Council of the City of Huntsville, Alabama, pursuant to the provisions of Chapter 16, Title 37, Code of Alabama, 1940, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced herein; and

WHEREAS, the Planning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and design to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, the Planning Commission has made a thorough study of this Ordinance, and held public hearings thereon, and submitted its final report to the City Council of the City of Huntsville, Alabama; and

WHEREAS, the City Council of the City of Huntsville, Alabama, has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and held such public hearings; and

WHEREAS, all requirements of Chapter 16, Title 37, Code of Alabama, 1940, have been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

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1989 RECOMPILATION OF THE ZONING ORDINANCE OF THE CITY OF HUNTSVILLE

The Zoning Ordinance of the City of Huntsville, Alabama, was adopted by the Huntsville City Council on March 21, 1963, as Ordinance No. 63-93. Since then it has been amended by other ordinances, which are listed with their dates of adoption in the appendix. A recompilation of the Zoning Ordinance was printed in 1978 with a revised numbering system as adopted by Ordinance No. 81-127. This current volume is a recompilation and reorganization of the original ordinance and includes all the amendments adopted through April 1, 2016.

Each chapter contains those articles pertaining to a specific type of zoning district or to a specific group of regulations. The table of contents identifies all section numbers and section headings within each article. Following each zoning district title in the table of contents is a one to three letter/digit code in parentheses; these are the computer codes used to identify the various zoning districts in the planning department computer files.

At the end of each article (except Article 3) is a listing of all the ordinances that have amended that particular article, beginning with the ordinance that established the article originally. The originating ordinance and any subsequent ordinance that readopted the entire article are preceded by an asterisk. Each section within an article is followed by references in parentheses to the ordinances in which the language shown was actually adopted, except Article 3 which is referenced only at the end of each definition.

Pagination is internal to each article and can be found at the top of each page.

This recompilation does not affect the zoning maps, and the official Zoning Maps continue therefore to be adopted pursuant to Ordinance No. 63-93, and amendments thereto, which have from time to time been adopted by the City Council. All zoning and rezoning affecting a particular property may be ascertained by referring to the Zoning Maps, then by reference to specific ordinances which should show and reflect property by specific description thereof, and to the references thereto which have been placed upon the zoning maps by the planning staff.

ARTICLE 1 TITLE, APPLICATION AND INTERPRETATION

1.1 - Short Title

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Huntsville, Alabama." (63-93)

1.2 - Application of Regulations

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly, except hereinafter provided:

1.2.1 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 unless in conformity with all of the regulations herein specified for the district in which it is located.

1.2.2 No building or other structure shall hereafter be erected or altered:

1. to exceed the height;

2. to accommodate or house a greater number of families;

3. to occupy a greater percentage of lot area;

4. to have narrower or smaller rear yards, front yards, or side yards,

than herein required or in any other manner contrary to the provisions of this ordinance.

1.2.3 No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. (63-93)

1.3 - Interpretation, Purpose, and Conflict

In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements, adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the City of Huntsville. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern. (63-93)

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ARTICLE 2 DISTRICTS

2.1 - Establishment of Districts

For the purpose of this ordinance, the area of the City of Huntsville, Alabama, is hereby divided into districts as follows:

Residence 1 District	(63-93)
Residence 1-A District	(63-93)
Residence 1-B District	(63-93)
Residence 1-C District	(91-109)
Residence 2 District	(63-93)
Residence 2-A District	(63-93)
Residence 2-B District	(63-93)
Residence 2-C District	(06-640)
Residential Office	(98-260)
Neighborhood Business C-1 District	(63-93)
Neighborhood Business C-2 District	(63-93)
General Business C-3 District	(63-93)
Highway Business C-4 District	(77-1)
Commercial Recreation C-5 District	(84-618)
Central Business C-B District	(06-1201)
Village Business C-6 District	(15-677)
Light Industry District	(63-93)
Heavy Industry District	(63-93)
Planned Industrial District	(67-257)
Airport Industrial Park District	(69-72)
Commercial Industrial Park District	(85-644)
Heavy Manufacturing District	(92-74)
Industrial Park District	(95-413)
Research Park District	(63-93)
Research Park West District	(84-70)
Research Park Applications District	(84-70)
Research Park Commercial District	(98-52)
Research Park Applications 2 District	(09-831)
Medical District	(70-172)
Medical 2 District	(05-860)
Disposal Storage District	(70-105)
Flood Hazard District	(98-189)
Airport Obstruction and Noise Exposure District	(66-81)
Airport Commercial District	(87-316)
Slope Development District	(96-159)
Planned Development-Housing PD-H District	(82-122)
Planned Development-Shopping Center District	(88-192)
Planned Development-Highway Commercial District	(88-192)
Office District	(06-732)

(63-93, 82-122, 93-772, 95-413, 99-206, 05-013, 05-860, 06-640, 06-732, 06-1201, 09-831, 15-585, 15-677)

2.2 - Provision for Official Zoning Maps

The boundaries and designations of the districts provided for herein are hereby established as shown on the maps identified by the title, "City of Huntsville, Alabama, Zoning Maps," which maps shall be further identified by the numbers and effective dates of the adopting and amending ordinances.

The official ordinances defining district boundaries and bearing the signature of the Mayor of the City of Huntsville shall be on file in the office of the City Clerk-Treasurer. The official zoning maps shall be on file in the Planning office. (63-93, 93-772)

2.3 - District Boundaries Defined

Unless otherwise specifically shown on the Official Zoning Maps of the City of Huntsville, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad rights-of-way, natural boundary lines such as natural or artificial water courses, the corporate limit lines as existed at the time of enactment or amendment of this ordinance.

Questions concerning the exact location of district boundary lines shall be decided by the Board of Adjustment constituted as provided in Article 92 hereof. (63-93)

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*63-93, 82-122, 93-772, 95–413, 99-206, 05-013, 05-860, 06-640, 06-732, 06-1201, 09-831, 15-585, 15-677

ARTICLE 3 DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future; and the plural number includes the singular, and the singular the plural. The word "shall" is mandatory, the word "may" is permissive. The word "lot" includes the words "plot or parcel." The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual. The word "building" includes the word "structure;" "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

3.1 - Interpretation

For the purpose of this ordinance certain terms or words shall be interpreted as follows:

Accessory Structure - A supplementary structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use containing no plumbing facilities other than one laundry sink and/or one toilet, and meeting the requirements of Section 73.8 with the exception that, plumbing facilities may be allowed in an accessory structure that is used as a bath house in conjunction with a swimming pool, provided such bath house does not exceed 180 square feet in area.
(66-88, 84-254, 01-732)

Accessory Use - See Section 73.1.1 in Supplementary Regulations hereof. (63-93)

Alley - A public thoroughfare having a narrow right-of-way and affording a secondary means of access to abutting properties. (63-93)

Antenna - A device used to transmit and/or receive radio frequency signals. (96-1008)

Apartment - See Dwelling, Multiple Family. (63-93)

Area, Building - Total building area is the area of the lot covered by all buildings, principal and accessory, but not including the ordinary projections of window sills, belt courses, cornices, eaves, chimneys and other architectural features provided that such features shall not project more than two feet from the building. (82-122, 11-899)

Assisted Living Facility – A system of housing and limited care that is designed for those who need some assistance with daily activities but do not require care in a nursing home. (14-576)

Basement - A story partly underground, but having at least one-half of its height above the average level of the adjoining ground. (63-93)

Bearing capacity - The safety factor for bearing capacity applies to all structures that have a foundation. A soil-bearing capacity is defined as the amount of load a soil can carry without experiencing a shear failure. A minimum safety factor of 3.0 is commonly recommended for bearing capacity. (91-103)

Boarding House - A building other than a hotel, cafe, or restaurant where, for compensation, meals are provided for three or more persons. (63-93)

Broadcast Services - The transmission of television and radio programming to reach the general public. For the purposes of this ordinance, towers supporting VHF and UHF television and FM radio transmitting antennas shall be regulated as broadcast towers as shall any other towers that require an elevated site to broadcast programming to the general public. AM radio broadcast towers, which do not require elevated sites, exceptionally tall towers or line of sight transmission, shall be regulated as for mobile and fixed point radio service towers. (96-1008)

Buffer of Screen Planting - A strip of land not less than fifteen (15) feet wide containing plant materials planted and maintained as follows:

> One (1) tree per fifteen (15) linear feet of length of said strip, no less than sixty percent (60%) of which shall be of an evergreen screening tree species, as defined herein, with the remainder of the required trees being deciduous trees, fifty percent (50%) of which shall be deciduous screening trees, as defined herein, with no single species constituting more than one third (1/3) of the total required trees; as well as, two (2) screening shrubs, as defined herein, per five (5) linear feet of said strip, a minimum of which sixty percent (60%) shall be evergreen, however, in no case shall any one species constitute more than one third (1/3) of the total number of required shrubs; as well as, grass, permanent mulch beds, or other permanent vegetative ground cover on all parts of each screen planting strip. All required plants shall be arranged in such a manner so as to provide a variety of plant materials, locations, and spacing with the intent of achieving the greatest degree of screening practical. Additional plants may be planted within the strip provided the minimum screening requirements as listed above are met. Existing vegetation may be credited in lieu of the required planting provided the existing vegetation is identified by species, size and condition on an approved landscape plan, and provided that the existing vegetation provides a degree of screening that meets or exceeds that which would be provided by the required planting.
>
> A screening shrub shall be a locally adapted species of a type capable of reaching a minimum height of five (5) feet and a minimum spread of five (5) feet within three (3) years of planting. All such shrubs shall be a minimum twenty-four (24) inches in height and spread at time of installation.
>
> A screening tree shall be any deciduous or evergreen tree whose mature height can be expected to exceed thirty-five (35) feet, and which has an expected crown spread of twenty (20) feet or more. Deciduous screening trees shall be at least ten (10) feet in height and two (2) inches in diameter measured at one-half (1/2) foot above grade for newly planted trees at the time of planting, or two (2) inches in diameter measured four and one-half (4-1/2) feet above grade if existing. Evergreen screening trees shall be at least six (6) feet in height and three (3) feet in crown width at the time of planting, or two (2) inches in diameter measured at four and

one-half (4-1/2) feet above grade if existing. However, in no case shall any tree required herein be of a height of less than six (6) feet, or of a crown width of less than three (3) feet at the time of planting.

In the case where there is an easement on the property in the area where the Buffer of Screen Planting is required and said easement prevents the planting of landscape materials as required in the Buffer of Screen Planting, then the required Buffer of Screen Planting shall be located outside of and alongside the easement and shall meet the full requirements of the Buffer of Screen Planting.

In the case where there are overhead utility lines located within fifteen (15) feet of the boundary of the required Buffer of Screen Planting, the required screening trees shall be replaced by tree species with an expected mature height of no less than ten (10) feet, and no greater than twenty (20) feet; however, no less than sixty percent (60%) of the required trees, in such cases, shall be evergreen, and no single species shall constitute more than one third (1/3) of the required trees.
(63-93, 92-4, 08-318)

Buildable Area - The buildable area is the portion of the lot remaining after required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on total building area as a percent of lot area may require open space within the buildable area. (82-122)

Building - Any structure having a roof supported by columns or by walls. (63-93)

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 for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. (63-93)

Building Line - A line showing the nearest distance to the street property lines that it is permissible to build a structure as permitted by this ordinance. (63-93)

Child Care Center - A facility licensed by the Alabama Department of Human Resources that provides for the care of thirteen or more children. (91-18)

Child Care Home - A child care facility which is a family home, which receives on a regular basis not more than six children for care during part of the 24-hour day, and which is licensed and regulated by the Alabama Department of Human Resources. (91-18)

Commercial Mobile Radio Services - Encompasses those mobile services that are operated for profit, are connected to a telephone exchange network, and are available to the general public; includes services such as cellular telephone, personal communication services (PCS), specialized mobile radio (SMR), and paging. (96-1008)

Convenience Store - A small scale retail store that offers for sale a limited line of groceries and household items and may also sell gasoline. (06-730)

Court - A court is an uncovered outdoor space enclosed on two or more sides by exterior walls of buildings on the same lot. Courts need not be based at or near grade level, depending on their function in buildings, but where a court is overlooked by residential occupancies, limitations on occupancy from the surface of the required court upward shall be as provided for in Yard, below. (82-122)

Coverage - That percentage of the lot area covered by the building area. (63-93)

Day Care Home - see Child Care Home. (91-18)

DBS - Direct broadcast satellite services; a satellite system with sufficient power to allow small earth stations to be used for reception of compressed video signals. (96-1008)

Dog Kennel - A structure used for the harboring of more than three (3) dogs that are more than six (6) months old. (63-93)

Dwelling - Any building or portion thereof which is used for residential purposes. (63-93)

Dwelling, Multiple Family - A residence occupied by three (3) or more families, with separate housekeeping and cooking facilities for each. (63-93)

Dwelling, Single Family - A detached residence occupied by one (1) family. (63-93, 66-88)

Dwelling, Two Family - A residence occupied by two (2) families only, with separate housekeeping and cooking facilities for each. (63-93)

Dwelling Unit - Any portion of a building used as a separate abode for a family having its own cooking facilities. (63-93)

Earth station - A facility that transmits and/or receives radio signals to and/or from a satellite. (96-1008)

Enclosed Mall Shopping Center - A single structure composed of buildings or groups of buildings connected by a covered mall and designed primarily for mercantile use with multiple tenants. (84-818)

Expected Future Use - The land use that is anticipated to be appropriate for a site after reclamation has been completed. (91-78)

Expressway - A multi-lane divided highway for through traffic with full control of access and with grade separations at street intersections. (84-818)

Extraction Activities - All functions, work, and activities in connection with the development or extraction of mineral deposits, and all uses reasonably incidental thereto, including but not limited to the construction of roads and other means of definition of extraction activities also includes all pre-extraction activities, which are those activities involving physical alteration of the earth that are necessary before the access, pipelines, electric power lines, storage facilities, structures, processing equipment, and recirculating water systems, but not including chemical processing plants. The definition of extraction activities also includes all pre-extraction activities,

which are those activities involving physical alteration of the earth that are necessary before the actual extraction process can begin, and includes clearing and grading, but excludes site surveying, coring, mapping, and other functions necessary solely for proper planning and evaluation of the site. (91-78)

Extraction Site - All that land owned, leased or controlled for the primary purpose of conducting extraction activities to include but not be limited to all surface areas from which minerals are removed or are to be removed in the future, related storage and processing areas, and areas disturbed by extraction activities such as the construction or improvement of roads. (91-78)

FAA - Federal Aviation Administration. (96-1008)

Family - Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises. May include domestic servants and gratuitous guests. (63-93)

Farmers Market– A market conducted outdoors or in an unenclosed shelter where retail sales and demonstration of home-grown products, including produce, ornamental crops, meat, eggs and other agricultural products; homemade value added products, including baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey; and handmade arts, crafts, and unique local goods are conducted by the vendor engaged in the production of such products. The term does not include the sale or demonstration of mass produced items, used clothing, appliances, and other similar products. (15-406)

FCC - Federal Communications Commission. (96-1008)

Fixed Point Radio Services - Encompasses non-mobile common carriers and multipoint distribution service operations that require fixed transmitting and receiving facilities, such as fixed point microwave and multipoint multichannel distribution services (MMDS). (96-1008)

Food Court - A common space adjacent to food vendors within an enclosed shopping mall designed and furnished for the convenience of diners. (91-79)

Food Kiosk - A non-motorized pushcart or stand designed to be portable and not permanently attached to the ground from which prepared food or beverages are peddled, vended, sold, displayed, offered for sale, or given away. (13-882)

Garage, Private - An accessory structure used for storage purposes only and having a capacity of not more than three (3) automobiles, or not more than two (2) automobiles per family housed in the building to which the garage is accessory, whichever is greater. (63-93)

Garage, Repair - Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles, or other motor vehicles. (63-93)

Gravel Pit - A site from which gravel is removed or excavated for the purpose of disposition away from the immediate premises whether such disposition is

immediate or in the future. (91-78)
Group Child Care Home - A child care facility which is a family home, which receives on a regular basis at least seven but no more than twelve children for care during part of the 24-hour day, which has at least two adults present and supervising the activities, and which is licensed and regulated by the Alabama Department of Human Resources. (91-18)

Group Day Care Home - See Group Child Care Home. (91-18)

Group Nighttime Home - See Group Child Care Home. (91-18)

Health Officer - Huntsville-Madison County Health Officer or his duly authorized assistant. (63-93)

Heliport (Commercial) - An area, either at ground level or elevated on a structure, that is used for the frequent landing and take-off of helicopters, whose surface of the heliport be of such material that dust, dirt, or other objectionable matter will not be blown onto adjoining property by helicopter operations, which heliport may or may not contain all or part of such auxiliary facilities as waiting rooms, hangers, parking, fueling, and maintenance areas. (77-523)

Hotel - A building or group of buildings used by transient guests and containing no cooking facilities in the individual units. (66-88)

House Trailer - Any structure intended for or capable of human habitation, mounted upon wheels and capable of being driven, propelled, or towed from place to place without change in structure, or design by whatsoever name it is colloquially or commercially known; and regardless of whether or not its wheels are removed and the structure is fixed to a permanent foundation. (63-93)

Hydrologic - Dealing with the properties, distribution and circulation of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere. (91-78)

Kitchenette - A facility designed and intended for storing and preparing food for limited use for transient guests. Such kitchenette shall be limited to six (6) linear feet of counter space containing a stove having not more than three (3) eyes, a sink, and a refrigerator having a volume of not more than 4.5 cubic feet. Overhead cabinets shall not exceed six (6) linear feet in length. (66-88)

Launderette - A business premises equipped with individual clothes washing machines for the use of retail customers. (63-93)

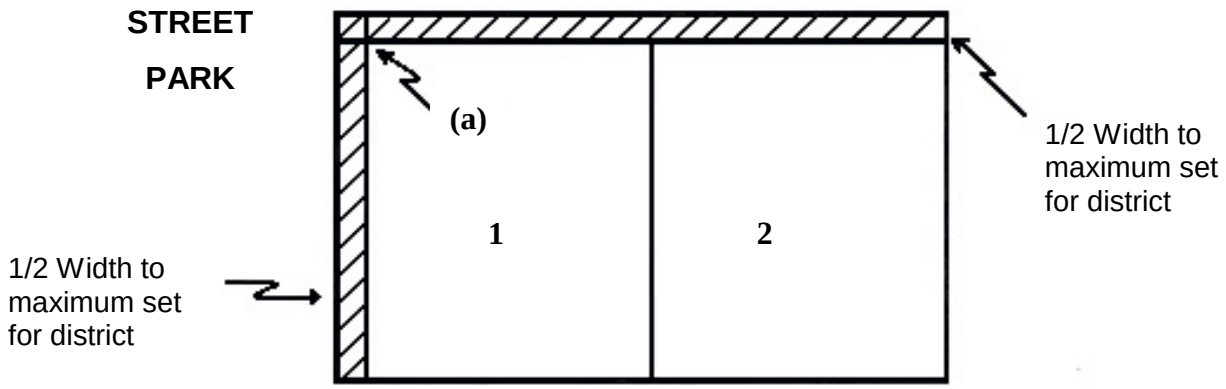
Lot - A lot is a parcel of land. For the regulatory purposes of this ordinance a lot may consist of a single lot of record, a portion of a lot of record, combinations of adjacent individual lots and/or portions of lots, or a parcel described by metes and bounds, provided that in no case of division or combination by private action shall any residual lot be created which does not meet the requirements of this ordinance and other applicable regulations. (63-93, 82-122)

Lot, Area - Lot areas shall be computed as follows:

(1) Net area of a regular lot shall be computed as total area within its boundaries.

(2) Gross area of a regular lot shall be computed as net area plus half of adjoining permanent open space, such as streets, parks, flood plains or slopes on which building is prohibited, or lands dedicated or covenanted to remain in permanent open space, up to a maximum specified for the district. Where such permanent open space adjoins a lot on two or more adjacent sides, the area thus added shall include the area required to complete the gap otherwise left at the intersection, as indicated at (a) below.

The gross area of Lot 1 is thus the area within its boundaries plus the hatched areas at the top and side, including the small rectangle marked (a). (82-122)



Major Arterial - A street or highway of great continuity designed to accommodate the highest traffic volumes and longest trip desires. Major arterials are defined and designated in the Major Street Plan. (86-522)

Major Collector - A street of reasonable continuity that channels traffic between arterials and from other collector streets to the arterial system. Major collectors are defined and designated in the Major Street Plan. (86-522)

Major Repair Work - Any work on a motorized vehicle, including, but not limited to, major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or vibration. (66-88)

Major Street Plan - The latest adopted Major Street Plan of the City of Huntsville as it may be from time to time amended. (63-93)

Mineral - Any substance, organic or inorganic, found in nature as part of the earth and having sufficient value away from its natural location to be mined, quarried, or dug for its own sake or for its own specific use. (91-78)

Minor Arterial - A street or highway of considerable continuity interconnecting with and augmenting the principal arterial system and providing service to moderate length trips at a somewhat lower level of mobility. Minor arterials are defined and designated in the Major Street Plan. (86-522)

Minor Collector - A street that carries traffic from a number of local streets to the major collector/arterial system, between other collectors, and from activity centers to a street of higher classification. Minor collectors are defined and designated in the Major Street Plan. (86-522)

MMDS - Multichannel multipoint distribution services (also called wireless cable). (96-1008)

Mobile Food Vending Site - A collection of mobile food vending units clustered together on a single lot or parcel of land under common ownership or control. (13-882)

Mobile Food Vending Unit - A trailer or motorized vehicle designed to be portable and not permanently attached to the ground from which only prepared food or beverages are peddled, vended, sold, displayed, offered for sale, or given away. (13-882)

Mobile Radio Services - A radio communication service that operates between mobile and fixed stations or between mobile stations. Mobile radio includes personal wireless services and private mobile radio services. (96-1008)

Motel - A building or group of buildings used by transient guests. (63-93, 66-88)

Nighttime Home - See Child Care Home. (91-18)

Nursery School - A school designed to provide daytime care or instruction for two (2) or more children from 2 to 5 years of age inclusive. (63-93)

Offices - Space or rooms used for professional, administrative, clerical, and other similar uses. (63-93)

Parking Space - An off-street space, enclosed or unenclosed, containing not less than 180 square feet of area exclusive of driveways appurtenant thereto, permanently reserved for the temporary storage of one (1) motor vehicle and connected without obstruction to a street or alley by a driveway. (63-93)
PCS - Personal communications services. (96-1008)

Performing Arts Center - A facility for the presentation of the performing arts, including indoor live performances, and indoor and outdoor concert halls. (05-013)

Permanent Building - A building erected with the required footings and supported on a perimeter foundation, piers or slab; connected to all required utilities; and meeting all applicable building codes. (98-104)

Personal Use Tower - A tower or mast supporting only those antennas used for Amateur Radio service, non-commercial Citizens Band, short wave listening, residential TV and/or Radio broadcast reception or other personal radio enthusiast or public service purposes, which are used entirely on a non-revenue-producing basis. (98-689)

Personal Wireless Services - Includes commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by the

Federal Communications Commission. (96-1008)

Photovoltaic Solar Energy Production Facility - Consists of one or more freestanding ground, pole, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. (12-466A)

Portable Storage Structure - A transportable storage structure that is designed and used primarily for the storage of household goods, personal items and other materials for use on a limited basis on residential property. Such structures are uniquely designed for their ease of loading to and from a transport vehicle. For the purposes of this ordinance, the trailer portion of a tractor trailer, boxcars and shipping containers shall also be considered portable storage structures when expressly used for the purposes of on-site storage in residential districts. (08-529A)

Portable Tower, Mobile Tower or Truck Mounted Tower - Towers designed to be portable, whether or not the facility of which they are a part is permanently affixed to the ground, a building, or other permanent structure and utilized to supplement the service of a personal wireless service provider on a temporary basis. (96-1008)

Private Access Way - A private vehicular thoroughfare permanently reserved in order to provide a means of access to more than one zoning lot, all having frontage on a public or private street. (91-105)

Private Mobile Radio Services - Includes mobile radio services such as two-way radio used by public safety, special emergency, land transportation, and industrial radio service users. (96-1008)

Quarry - An extraction operation in which rock, stone or any mineral other than sand, gravel and soil is removed or excavated for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future. (91-78)

Radio - Generic term referring to the communication of impulses, sounds and pictures through space by means of electromagnetic waves. (96-1008)

Reclamation - The reconditioning or rehabilitation of land used for an extraction activity to make it suitable for the expected future use. (91-78)

Rooming House - Any building or portion thereof which contains not less than three (3) or more than nine (9) guest rooms which are used, or let, for occupancy by individuals for compensation whether paid directly or indirectly. (63-93)

Sand Pit - A site from which sand is removed or excavated for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future. (91-78)

Seating Capacity - Number of seats or occupancy permitted in any area as established by the Huntsville Bureau of Fire Prevention in accordance with relevant safety codes. (84-650)

Sign - See Article 72 - Sign Control Regulations.

Soil Pit - A site where dirt or soil is removed below the grade of surrounding land for any purpose other than that necessary for and incidental to site grading or building construction. (91-78)

Stability - The safety factor for stability is the sum of the forces which resist down-slope movement divided by the sum of the forces which would cause down-slope movement. For stability a value of unity (1.0) represents static equilibrium, and any value less than 1.0 represents failure. A minimum safety factor of 1.5 is commonly recommended for stability. (91-103)

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. (63-93)

Story, Half - A top floor in which the floor area with eight (8) feet or more of head clearance is less than fifty (50) percent of the floor area of the story next below. (63-93)

Street - Any public or private way set aside for common travel more than twenty-one (21) feet in width if such existed at the time of enactment of this ordinance, or such right-of-way forty (40) feet or more in width if established thereafter. (63-93)

Street Frontage - All the property on one side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. In no case shall this definition be construed to mean or include any portion of a dead end street which is perpendicular to the centerline of the street. For the purpose of this definition, a cul-de-sac is not considered a dead end street. (70-132)

Structure - Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, signs, billboards, and fences, but not including telephone poles and overhead wires, fences less than three (3) feet high, retaining walls or terraces. (63-93)

Subdivision Regulations - Subdivision Regulations of the City of Huntsville adopted September 29, 1949, or as may be revised or amended from time to time. (63-93)

Swimming Pools, Private - Permanent or semi-permanent pools accessory to residential uses; this does not include portable plastic wading pools. (63-93)

Total Floor Area - The area of all floors of a building including finished attics and basements when considered as a story under the terms of this ordinance. (63-93)

Tourist Home - A dwelling in a residential district in which the permitted area for business use under this ordinance consists of rooms for the accommodations of paying transient guests. (63-93)

Trailer Camp - Any site, lot, field, or tract of land privately or publicly owned or operated, upon which two or more house trailers used for living, eating, or sleeping

quarters are located; such establishments being open and designated to the public as places where temporary residential accommodations are available, whether operated for or without compensation, by whatsoever name or title they are colloquially or commercially termed. (63-93)

Trailer Regulations - Madison County Regulations governing the construction, equipment, and operations of Trailer Camps adopted and approved August 25, 1966, as the same may be amended. (63-93)

Transmitter - Equipment that generates radio signals for transmission via antenna. (96-1008)

TVBS - Television broadcast station. (96-1008)

Use - The purpose for which land, or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained. (63-93)

Variance - A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts. (63-93)

Wireless Telecommunications - Any transmission or reception of signs, signals, writing, images, sounds, and/or data of any nature by means of the electromagnetic spectrum. Wireless telecommunications include but are not limited to cellular telephone, personal communication services (PCS), commercial and private mobile radio, paging, public safety, fixed point microwave, amateur radio, radio and television broadcasting, satellite services such as direct broadcast satellite (DBS), and multichannel multipoint distribution services (MMDS). (96-1008)

Wireless Telecommunications Tower - A structure, such as a self-supporting lattice tower, a guyed tower, or a monopole, designed and constructed primarily for the purpose of supporting one or more antennas, which may include accessory facilities necessary for equipment storage and unmanned operations. (96-1008)

Yard - A yard is an open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty-six inches (36") above the general ground level of the graded lot upward (except as otherwise provided by these regulations), provided however, that fences and walls may be permitted in any yard subject to any height limitations established herein, and further provided that poles, posts, and other customary yard accessories, ornaments and furniture shall be permitted in any required yard if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

Ordinary projections of window sills, belt courses, chimneys, cornices, eaves and similar architectural features, and air conditioners or similar appliances, shall not

project more than two (2) feet into any required yard, and no support for a roof shall be based in any required yard. (63-93, 82-122)

Yard, Front - A yard extending across the front of a lot between the side lot lines. Corner lots have two front yards as described in Section 73.7 hereof. Front yards are measured at the building line. (63-93, 66-88).

Yard, Rear - A yard extending across the rear of a lot between the side lot lines. The rear yard shall be to the rear of the front yard, as described in Section 73.7 hereof. (63-93, 66-88)

Yard, Side - A yard between the main building and the side lot line and extending from the required front yard to the required rear yard, as described in Section 73.7 hereof. (63-93, 66-88)

ARTICLE 10 RESIDENCE 1 DISTRICT REGULATIONS

Within a Residence 1 District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

10.1 - Uses Permitted

Land and buildings shall be used only for the following uses:

Single family dwellings.

Agricultural uses, provided no sales are made on the premises; and gardens customary to residential occupancy and buildings incidental thereto, but not including commercial animal or poultry farms or kennels.

Municipal, county, state, or federal use; including publicly owned or operated schools, libraries, museums, and art galleries.

Churches and similar places of worship.

Accessory structures.

Accessory uses as defined and regulated by Section 73.1.1 hereof.

A real estate sign advertising the sale, rental or lease of the premises on which it is maintained; provided that such sign does not exceed eight (8) square feet in area and the location of said sign shall be at least twenty (20) feet distant from all lot lines.

Church bulletin board that does not exceed twelve (12) square feet in area. (63-93)

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof. (09-1053)

10.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73:

10.2.1	Minimum required lot area:	15,000 square feet
10.2.2	Minimum required lot width:	100 feet
10.2.3	Minimum required lot frontage:	20 feet
10.2.4	Minimum required depth of front yard:	
	From major arterials (*See Section 73.15*):	50 feet

From other streets: 40 feet

For homes built prior to the adoption of this ordinance amendment (Ordinance No. 07-109), newly constructed front porches may encroach on the front yard setback by a maximum of five (5) feet. For the purposes of Residence 1 District regulations and restrictions, a "front porch" shall mean a roofed one-story open structure projecting from and structurally connected to the front of the residence. The front porch shall not be enclosed by glass, wood, siding, screening or other material.

10.2.5	Minimum required depth of rear yard:	45 feet
10.2.6	Minimum required width of each side yard:	15 feet
10.2.7	Maximum total building area:	35% of total lot area
10.2.8	Maximum stories:	2 1/2
10.2.9	Maximum height: (63-93, 86-522, 07-109, 12-583)	35 feet

10.3 - Off-Street Parking Requirements

Required off-street parking spaces shall be provided as set forth in Article 70 hereof. (63-93)

10.4 - Private Streets - Private Subdivisions

Developments may be approved abutting upon private streets provided the following standards are observed:

10.4.1 Private streets and private subdivisions must be designed and constructed prior to final approval to the same standards required for design and construction of public streets and public subdivisions, and must provide adequate access to the public authority for police and fire protection, public utilities, and other public services.

10.4.2 Density: Dwelling units shall not exceed requirements for development with public streets.

10.4.3 Adequate provision must be made, as shown on the approved plan, for maintenance of private streets, private access ways and common areas to the standard practiced in the city for maintenance of public streets and areas by use of a homeowners association or other agreement approved by the City Attorney.

10.4.4 Adequate provision must be made, noted upon the approved plan, and recorded in the office of Judge of Probate, for the dedication of

any private streets which in the determination of the governing body of the city may in the future be required to provide adequate public access for adjacent or other property. Each private subdivision shall exhibit a self-contained street pattern with no more than two ways in or out.

10.4.5 No private street shall be permitted if such street is shown on the Major Street Plan of the City of Huntsville Planning Commission.

10.4.6 No development shall be permitted and no permit shall be issued therefor for development abutting upon a private street or streets except in accordance with a plan approved by the Huntsville Planning Commission and the governing body of the city, the approval by each to be preceded by a public hearing similar in all respects to public hearings required for public subdivisions, and in accordance with such conditions as may be required by the Huntsville Planning Commission and the governing body of the city to insure that the purpose, intent, and spirit of the city plan is observed.

10.4.7 The above regulations governing development along private streets and in private subdivisions shall be permitted for single family detached development within Residence 1, 1-A, 1-B, 1-C, 2, 2-A, 2-B and 2-C districts and for single family attached developments within Residence 2 and 2-A districts. (81-358, 82-92, 91-105, 99-206, 07-460)

10.5 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.1 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (87-177)

10.6 – Second Kitchens

10.6.1 A property owner shall be permitted to construct a second kitchen in a single family detached dwelling if the property is, and will be, in compliance with the zoning regulations and does not require a variance for installation of the second kitchen.

10.6.2 A second kitchen shall be located within the dwelling and shall share at least one common interior wall with and be directly accessible from the living areas of the dwelling and shall not be separated from the living areas by an exterior connection or by a non-habitable space such as a garage or breezeway.

10.6.3 No kitchen shall be permitted in a detached accessory structure on a single family lot nor in a structure physically attached to the dwelling but separated from it by a garage, breezeway, porch or any other non-habitable space.

10.6.4 A second kitchen shall not be permitted in a single family dwelling having roomers or boarders as regulated by Section 73.1.1.

10.6.5 Users of the second kitchen must be family members or temporary guests of the property owner, and the property owner must occupy the dwelling as his/her legal residence. A family member in the context of this section shall include only individuals related by blood, marriage or law. A temporary guest is one who maintains a legal residence elsewhere. The property owner shall not receive any rent or other remuneration from temporary guests.

10.6.6 A second kitchen shall be served by the dwelling's utility connections; there shall be no separate meters.

10.6.7 A single family dwelling having two kitchens shall not be permitted to operate a home occupation that is in any way dependent upon the presence of the second kitchen.

10.6.8 A single family dwelling having two kitchens shall not give evidence of such by having two mail boxes or two addresses.

10.6.9 A single family dwelling having two kitchens in a single family zoning district shall not be used as rental property, and it shall be the responsibility of the owner, when selling such property, to inform any prospective purchaser of this attached condition. If the property is to be used as rental property, then all facilities accommodating the second kitchen shall be removed prior to rental. If a property is found to be operating in violation of this section, then the second kitchen shall be immediately dismantled at the owners' expense.

10.6.10 The Zoning Administrator shall maintain a record of all single family dwellings having two kitchens in a single family zone. (07-460)

10.6.11 These regulations governing the installation of second kitchens in single family detached dwellings shall apply in Residence 1, 1-A, 1-B and 1-C districts. (01-732)

10.7 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*63-93, 81-358, 82-92, 86-522, 87-177, 91-105, 99-206, 01-732, 07-109, 07-460, 08-429, 09-1053, 12-583, 15-758

ARTICLE 11 RESIDENCE 1-A DISTRICT REGULATIONS

Within a Residence 1-A District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

11.1 - Uses Permitted

Land and buildings shall be used only for the uses permitted in Section 10.1 hereof. (63-93)

11.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof.

11.2.1	Minimum required lot area:	12,000 square feet
11.2.2	Minimum required lot width:	75 feet
11.2.3	Minimum required lot frontage:	20 feet
11.2.4	Minimum required depth of front yard:	
	From major arterials *(see Section 73.15)*:	50 feet
	From other streets:	35 feet
	For homes built prior to the adoption of this ordinance amendment (Ordinance No. 07-109), newly constructed front porches may encroach on the front yard setback by a maximum of five (5) feet. For the purposes of Residence 1-A District regulations and restrictions, a “front porch” shall mean a roofed one-story open structure projecting from and structurally connected to the front of the residence. The front porch shall not be enclosed by glass, wood, siding, screening or other material.	
11.2.5	Minimum required depth of rear yard:	40 feet
11.2.6	Minimum required width of each side yard:	
	Main building 1 to 1 1/2 stories in height:	10 feet
	Main building 2 to 2 1/2 stories in height:	12 feet
11.2.7	Maximum total building area:	35% of total lot area
11.2.8	Maximum stories:	2 1/2

11.2.9	Maximum height: (63-93, 86-522, 07-109, 12-583)	35 feet

11.3 - Off-Street Parking Requirements

Required off-street parking spaces shall be provided as set forth in Article 70 hereof. (63-93)

11.4 - Private Streets - Private Subdivisions *See Section 10.4*

11.5 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.1 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (87-177)

11.6 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*63-93, 86-522, 87-177, 07-109, 08-429, 12-583, 15-758

ARTICLE 12 RESIDENCE 1-B DISTRICT REGULATIONS

Within a Residence 1-B District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

12.1 - Uses Permitted

Land and buildings shall be used only for the uses permitted in Section 10.1 hereof. (63-93)

12.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof.

12.2.1	Minimum required lot area:	7,500 square feet
12.2.2	Minimum required lot width:	60 feet
12.2.3	Minimum required lot frontage:	20 feet
12.2.4	Minimum required depth of front yard:	
	From major arterials (*see Section 73.15*):	50 feet
	From other streets:	30 feet
	For homes built prior to the adoption of this ordinance amendment (Ordinance No. 07-109), newly constructed front porches may encroach on the front yard setback by a maximum of five (5) feet. For the purposes of Residence 1-B District regulations and restrictions, a “front porch” shall mean a roofed one-story open structure projecting from and structurally connected to the front of the residence. The front porch shall not be enclosed by glass, wood, siding, screening or other material.	
12.2.5	Minimum required depth of rear yard:	35 feet
12.2.6	Minimum required width of each side yard:	
	Main building 1 to 1 1/2 stories in height:	8 feet
	Main building 2 to 2 1/2 stories in height:	10 feet
12.2.7	Maximum total building area:	40% of total lot area
12.2.8	Maximum stories:	2 1/2

12.2.9 Maximum height: 35 feet
(63-93, 86-522, 07-109, 12-583)

12.3 - Off-Street Parking Requirements

Required off-street parking spaces shall be provided as set forth in Article 70 hereof. (63-93)

12.4 - Private Streets - Private Subdivisions *See Section 10.4*

12.5 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.1 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (87-177)

12.6 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*63-93, 86-522, 87-177, 07-109, 08-429, 12-583, 15-758

ARTICLE 13 RESIDENCE 2 DISTRICT REGULATIONS

Within a Residence 2 District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

13.1 - Uses Permitted

Land and buildings shall be used only for the following uses:

Uses permitted in Section 10.1 hereof.

Two-family dwellings.

Zero lot line dwellings.

Single-family attached dwellings.

Semi-detached dwellings.

Accessory structures and uses.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(63-93, 79-159, 01-646, 09-1053)

13.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof.

13.2.1 For Single Family Dwellings

(1)	Minimum required lot area:	6,000 square feet
(2)	Minimum required lot width:	50 feet
(3)	Minimum required lot frontage:	20 feet
(4)	Minimum required depth of front yard:	
	From major arterials (*See Section 73.15*):	50 feet
	From other streets:	20 feet
(5)	Minimum required depth of rear yard:	25 feet
(6)	Minimum required width of each side yard:	

		Main building 1 story in height:	5 feet
		Main building 2 stories in height:	6 feet
		Least sum of widths of both side yards:	14 feet
	(7)	Maximum total building area:	40% of total lot area
	(8)	Maximum stories:	2
	(9)	Maximum height:	30 feet

13.2.2 Two Family Dwellings

	(1)	Minimum required lot area:	7,500 square feet
	(2)	Minimum required lot width:	60 feet
	(3)	Minimum required lot frontage:	20 feet
	(4)	Minimum required depth of front yard:	
		From major arterials (*See Section 73.15*):	50 feet
		From other streets:	20 feet
	(5)	Minimum required depth of rear yard:	25 feet
	(6)	Minimum required width of each side yard:	
		Main building 1 story in height:	5 feet
		Main building 2 stories in height:	6 feet
		Least sum of widths of both side yards:	14 feet
	(7)	Maximum total building area:	35% of total lot area
	(8)	Maximum stories:	2
	(9)	Maximum height: (63-93, 86-522)	30 feet

13.2.3 Single Family Attached Dwellings

Single family attached dwellings shall not form long unbroken lines of row housing. The Planning Commission shall determine that the proposed single family attached dwellings are designed in such a manner as to be in harmony with good land use planning. Single family attached dwellings shall constitute groupings making efficient, economical, compatible, and convenient use of land and

open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas. Also, front yard parking is prohibited.

(1) Minimum required lot area: 2,200 square feet

(2) Minimum required lot width: 20 feet

(3) Minimum required depth of front yard for each complex shall be fifty (50) feet from a major arterial and ten (10) feet from other public or private streets.

(4) Minimum required width of each side yard: 10 feet
(Required only at unattached ends of single family attached dwelling complex)

(5) Maximum stories: 2 1/2

(6) Maximum height of building: 35 feet

(7) Not less than four nor more than eight single family attached dwellings shall be contiguous. Also, no two contiguous single family attached dwellings shall be built with the same front line. The required difference in front line shall be a minimum of three (3) feet.

(8) No portion of a single family attached dwelling or accessory structure in or related to one single family attached dwelling complex shall be closer than twenty (20) feet to any portion of a single family attached dwelling or accessory structure related to another single family attached dwelling complex, or to any building outside the single family attached dwelling area.

(9) Each single family attached dwelling shall be constructed on its own lot.

(10) Each single family attached dwelling shall provide not less than six hundred (600) square feet of yard space exclusive of private access ways and off-street parking. If the yard space is divided, one space shall not contain less than four hundred (400) square feet of open yard space, and the remaining two hundred (200) square feet shall be secluded at ground level from view from streets or neighboring property. Locating the secluded yard space in the required front yard is prohibited.

(11) Off-street parking shall be provided at a minimum rate of two spaces per each single family attached dwelling.

(12) Any private access way must be maintained by an association. (79-159, 79-417-B, 86-522, 91-105)

13.2.4 Zero Lot Line Dwellings

The purpose of zero lot line dwellings is to permit the construction of detached single-family dwellings on lots with a small side yard requirement on one side of the lot. This concept permits better use of the entire lot by compacting the usual front, rear, and side yards into one or more internal gardens which may be completely walled in or screened.

(1)	Minimum required lot area:	6,000 square feet
(2)	Minimum required lot width:	50 feet
(3)	Minimum required lot frontage:	20 feet
(4)	Minimum required depth of front yard:	20 feet
(5)	Minimum required depth of rear yard:	15 feet
(6)	Minimum required width of each side yard: One side yard of 1 inch; opposite side yard of 12 feet.	
(7)	Maximum total building area:	50% of total lot area
(8)	Maximum stories:	2
(9)	Maximum height:	30 feet

(10) Off-street parking shall be provided at a minimum rate of two spaces for each dwelling.

(11) Zero lot line dwellings shall be constructed against the lot line on one side of a lot, with the exception of corner lots, and no windows, doors, or other openings shall be permitted on this side. Where adjacent zero lot line dwellings are not constructed against a common lot line, the developer must provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall. (87-268)

13.2.5 Semi-Detached Dwellings

A single-family dwelling attached to one other single-family dwelling by a common vertical wall, with each dwelling located on a separate lot and having separate utilities. The purpose of the semi-detached dwelling is to permit the construction of duplex

type housing where each dwelling can be owned in fee simple. Semi-detached dwellings must be constructed in multiples of two on two contiguous lots, each of which shall meet the following density controls:

(1)	Minimum required lot area per dwelling:	4,500 square feet
(2)	Minimum required lot width:	30 feet
(3)	Minimum required lot frontage:	20 feet
(4)	Minimum required depth of front yard:	
	From major arterials (*See Section 73.15*):	50 feet
	From other streets:	20 feet
(5)	Minimum required depth of rear yard:	25 feet
(6)	Minimum required width of each side yard:	
	Unattached side:	10 feet
	Attached side:	None
(7)	Maximum total building area:	50% of total lot area
(8)	Maximum stories:	2
(9)	Maximum height:	30 feet
(10)	Minimum number of off-street parking spaces per dwelling:	2

(11) The common party wall must be without openings and extend from the cellar floor to the highest point of the roof along the common lot line.

(12) Where a garage door faces the street, the garage shall be set a minimum of 5 feet behind the front wall of the dwelling. (01-646)

13.3 - Off-Street Parking Requirements

Required off-street parking spaces shall be provided as set forth in Article 70 hereof. (63-93)

13.4 - Private Streets - Private Subdivisions *See Section 10.4*

13.5 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.1 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (87-177)

13.6 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*63-93, 79-159, 79-417-B, 86-522, 87-177, 87-268, 91-105, 01-646, 07-462, 08-429, 09-1053, 15-758

ARTICLE 14 RESIDENCE 2-A DISTRICT REGULATIONS

Within a Residence 2-A District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

14.1 - Uses Permitted

Land and buildings shall be used only for the following uses:

Uses Permitted in Section 10.1 hereof.

Two family dwellings.

Multiple family dwellings.

Accessory structures and uses.

Zero lot line dwellings.

Single family attached dwellings.

Semi-detached dwellings.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(63-93, 79-159, 01-646, 09-1053)

14.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Articles 73 and 92:

14.2.1 For Single Family Dwellings: The density controls in Section 13.2.1 shall apply.

14.2.2 For Two Family Dwellings: The density controls in Section 13.2.2 shall apply.

14.2.3 For Multiple Family Dwellings containing only one building:

(1) Minimum required lot area is 8,000 square feet for the first two families; 3,000 square feet for each additional family dwelling unit.

(2) Minimum required lot width: 70 feet

(3) Minimum required lot frontage: 30 feet

(4) Minimum required depth of front yard:

From major arterials (*see Section 73.15*): 50 feet

From other streets: 30 feet

(5) Minimum required depth of rear yard: 35 feet

(6) Minimum required width of each side yard:

Main building 1 to 1 1/2 stories in height: 8 feet

Main building 2 stories in height: 10 feet

(7) Maximum total building area: 35% of total lot area

(8) Maximum stories: 2

(9) Maximum height: 30 feet

14.2.4 For Multiple Family Dwellings containing more than one building: The density controls in Section 73.13 shall apply.

14.2.5 For Single Family Attached Dwellings: The density controls in Section 13.2.3 shall apply.

14.2.6 For Zero Lot line Dwellings: The density controls in Section 13.2.4 shall apply.

14.2.7 For Semi-Detached Dwellings: The density controls in Section 13.2.5 shall apply.
(63-93, 79-159, 87-268, 01-646)

14.3 - Off-Street Parking Requirements

Required off-street parking spaces shall be provided as set forth in Article 70 hereof. (63-93)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

14.4 - Private Streets - Private Subdivisions *See Section 10.4*

14.5 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.1 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (87-177)

14.6 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*63-93, 79-159, 87-177, 87-268, 01-646, 08-429, 09-1053, 10-507, 15-758

ARTICLE 15 RESIDENCE 2-B DISTRICT REGULATIONS

Within a Residence 2-B District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

15.1 - Uses Permitted

Land and buildings shall be used only for the following uses:

Uses permitted in Section 10.1 hereof.

Two family dwellings.

Semi-detached dwellings.

Single family attached dwellings.

Multiple family dwellings.

Assisted living facilities.

Hotels, motels, tourist homes, rooming houses, boarding houses and office buildings.

Kitchenettes in bona fide motels, located on state or federal highways, not to exceed twenty percent (20%) of the total number of units.

Trailer parks meeting the following requirements in addition to those imposed by other local ordinances:

(1) Minimum parcel of land required shall be not less than ten (10) acres for each trailer park.

(2) Minimum size lot required for each trailer space shall be not less than forty (40) feet wide and sixty (60) feet long.

(3) A buffer strip not less than twenty (20) feet in width, screen planted and maintained as defined under Section 3.1 - Buffer of Screen Planting hereof, shall be provided completely around the trailer park; provided however, that a minimum front yard depth of fifty (50) feet, of which the first twenty (20) feet shall be landscaped and maintained, shall be required from a major arterial.

(4) Such trailer park may not accept trailers unless and until such time as at least fifty (50) of its lots have been completely developed together with facilities as required by other local ordinances. (63-93, 66-88, 86-522, 01-646)

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(09-1053, 14-576)

15.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73.

15.2.1 For Single Family Dwellings: The density controls in Section 13.2.1 shall apply.

15.2.2 For Two Family Dwellings: The density controls in Section 13.2.2 shall apply.

15.2.3 For Multiple Family Dwellings containing only one building:

(1) Minimum required lot area is 6,000 square feet for the first two families; 2,000 square feet for each additional family dwelling unit.

(2)	Minimum required lot width:	60 feet
(3)	Minimum required lot frontage:	30 feet
(4)	Minimum required depth of front yard:	
	From major arterials (*See Section 73.15*):	50 feet
	From other streets:	30 feet
(5)	Minimum required depth of rear yard:	25 feet
(6)	Minimum required width of each side yard:	
	Main building one story in height:	5 feet
	Main building 2 or more stories:	7 feet
	Least sum of widths of both side yards:	14 feet
(7)	Maximum total building area:	50% of total lot area
(8)	Maximum stories:	3
(9)	Maximum height:	45 feet

15.2.4 For Multiple Family Dwellings containing more than one building: The density controls in Section 73.13 shall apply.

15.2.5 For Hotels, Motels and Office Buildings:

(1) Minimum required lot area is 6,000 square feet.

(2) Minimum required lot width: 40 feet

(3) Minimum required lot frontage: 20 feet

(4) Minimum required depth of front yard:

From major arterials (*see Section 73.15*): 50 feet

From other streets: 30 feet

(5) Minimum required depth of rear yard: 25 feet

(6) Minimum required width of each side yard:

Main building one story in height: 5 feet

Main building 2 or more stories: 7 feet

Least sum of widths of both side yards: 14 feet

(7) Maximum total building area: 50% of total lot area

(8) Maximum stories: 3

(9) Maximum height: 45 feet

15.2.6 For Semi-Detached Dwellings: The density controls in Section 13.2.5 shall apply.

15.2.7 For Single Family Attached Dwellings: The density controls in Section 13.2.3 shall apply.

(63-93, 66-88, 86-522, 01-646, 14-316)

15.3 - Off-Street Parking Requirements

Required off-street parking spaces shall be provided as set forth in Article 70 hereof. (63-93)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

15.4 - Private Streets - Private Subdivisions *See Section 10.4*

15.5 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.2 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (87-177)

15.6 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*63-93, 66-88, 85-643, 86-522, 87-177, 01-646, 08-429, 09-1053, 10-507, 14-316, 14-576, 15-758

ARTICLE 16 RESIDENCE 1-C DISTRICT REGULATIONS

Purpose

The purpose of the Residence 1-C District is to provide a single family zoning district designed to meet the existing small lot dimensions of older neighborhoods. The intent is to minimize non-conformities while encouraging the preservation and continuity of the neighborhood. It is not the intent that these regulations should be applied to new subdivisions.

Within a Residence 1-C District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

16.1 - Uses Permitted

Land and buildings shall be used only for uses permitted in Section 10.1 hereof. (91-109)

16.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof.

16.2.1	Minimum required lot area:	5,500 square feet
16.2.2	Minimum required lot width:	40 feet
16.2.3	Minimum required lot frontage:	20 feet
16.2.4	Minimum required depth of front yard:	
	From major arterials (*See Section 73.15*):	50 feet
	From other streets:	15 feet
	From side street on corner lots (*See Section 73.7.4*):	5 feet
16.2.5	Minimum required depth of rear yard:	25 feet
16.2.6	Minimum required width of each side yard:	
	Main building 1 story in height:	4 feet
	Main building 2 stories in height:	5 feet
16.2.7	Maximum total building area:	40% of total lot area
16.2.8	Maximum stories:	2

16.2.9 Maximum height: 30 feet

(91-109, 01-644, 09-1051)

16.3 - Off-Street Parking Requirements

Required off-street parking spaces shall be provided as set forth in Article 70 hereof. (91-109)

16.4 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.1 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (91-109)

16.5 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

*91-109, 01-644, 08-429, 09-105, 15-758

ARTICLE 17 RESIDENCE 2-C DISTRICT REGULATIONS

Purpose

The purpose of the Residence 2-C District is to provide a zoning district tailored to protect, preserve, and continue the distinctive configuration, scale, and appearance of Huntsville's mill villages as they were constructed during the early decades of the 20th century. The intent is to minimize non-conformities while encouraging the preservation and continuity of these neighborhoods which document a significant phase of Huntsville's history and which provide a scale and type of housing that is vital to the city's future ability to adequately house all its residents. It is not the intent that these regulations should be applied to new subdivisions.

Within a Residence 2-C District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

17.1 - Uses Permitted

Land and buildings shall be used only for the following uses:

Single family dwellings.

Two-family dwellings

Multiple family dwellings on lots currently or previously occupied by multiple family dwellings.

Agricultural uses, provided no sales are made on the premises; and gardens customary to residential occupancy and buildings incidental thereto, but not including commercial animal or poultry farms or kennels.

Municipal, county, state or federal uses; including publicly owned or operated schools, libraries, museums, and art galleries.

Signs shall be permitted in accordance with Section 72.4.1 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

Accessory structures.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof. (09-1053)

17.2 - Density Controls in Lincoln Village South of Oakwood

The following yard, density, and height of building requirements shall be observed:

17.2.1 For Single Family and Two-Family Dwellings -- except as provided in Article 73 hereof.

(1) Minimum required lot area shall be as platted in Lincoln Park Second Addition (Plat Book v. 1, Page 299) and the minimum required lot area for newly created lots shall be 4,800 square feet.

(2) Minimum required lot width: 35 feet

(3) Minimum required lot frontage: 20 feet

(4) Required depth of front yard shall match the front line setback of the existing structures on the block. If there are no existing dwellings on the block, the front setback shall be no less than ten (10) feet nor more than twenty (20) feet. *(See Section 73.7.4)*

(5) Minimum required depth of rear yard: 5 feet

(6) A minimum separation of 6 feet 2 inches shall be maintained between the side walls of dwellings on adjoining lots.

Minimum required depth of side yard to street: 3 feet

Minimum required depth of side yard to alley: 1 foot

(7) Maximum stories: 1

(8) Maximum height: 15 feet

(9) Maximum width of single family dwellings: 35 feet

(10) Maximum width of each unit in a two-family dwelling: 18 feet

17.2.2 <u>For Multiple Family Dwellings</u>

(1) Multiple family dwellings shall be permitted on Lots 19, 24, 31, 32, 33, 34, 43, 56, 57 & 58 as platted in Lincoln Park Second Addition (Plat Book v. 1, Page 299). Buildings having three or more residential units shall be configured as an unbroken line of housing.

(2) Minimum required lot width: 100 feet

(3) Minimum required lot frontage: 20 feet

(4) Required depth of front yard shall match the front line setback of the existing structures on the block. If there are no existing dwellings on the block, the front setback shall be no less than ten (10) feet nor more than twenty (20) feet. *(See Section 73.7.4)*

(5) Minimum required depth of rear yard: 10 feet

(6) A minimum separation of 6 feet 2 inches shall be maintained between the side walls of dwellings on adjoining lots.

Minimum required depth of side yard to street:	5 feet
Minimum required depth of side yard to alley:	3 foot

(7)	Maximum stories:	1
(8)	Maximum height:	15 feet

17.2.3 For Non-residential Buildings

(1) Non-residential buildings shall be permitted only on lots that are occupied, at the time of this amendment, by non-residential uses permitted in the district; provided, however, no non-residential buildings shall be permitted on lots previously or currently used for residences.

(2)	Minimum required lot width:	100 feet
(3)	Minimum required lot frontage:	20 feet
(4)	Minimum required depth of front yard:	30 feet
(5)	Minimum required depth of rear yard:	10 feet
(6)	Minimum required depth of side yards:	25 feet
(7)	Maximum stories:	2 1/2
(8)	Maximum height:	30 feet

17.2.4 Parking Requirements

(1) Residential parking shall be permitted only in rear yards and on street. Detached garages are permitted in the rear yard if access is from an alley. No parking, garages, or garage access shall be permitted in any front or side yard.

(2) Non-residential parking shall not be allowed in any required yard. Five visitor parking spaces may be located in front of a building but not in the required front yard.

17.2.5 Design Requirements for Dwellings

(1) In order to maintain the unique building character of the residential structures in Lincoln Park Second Addition and to preserve the identity and sense of place of this historic mill village, the following design requirements shall apply to existing residential structures:

(a) Where a two-family dwelling is combined to form a single family dwelling, the original façade of the two-family dwelling shall be maintained as that of a two-family dwelling with the doors, windows and porches remaining in their original configuration.

(b) Where two dwelling units of a multiple family dwelling are combined to form one dwelling unit, the original façade of the multiple family dwelling shall be maintained with the doors, windows and porches remaining in their original configuration. The façade of the multiple family dwelling shall maintain the appearance of having dwelling units with a maximum width of eighteen (18) feet per dwelling unit.

(c) All dwellings shall have their primary entrance facing the street and each unit shall have a separate entry porch.

(2) In order to maintain the unique building character of the residential structures in Lincoln Park Second Addition and to preserve the identity and sense of place of this historic mill village, the following design requirements shall apply to newly constructed residential structures:

(a) New construction shall follow the size, style and placement of the doors and windows and maintain the rhythm of the porch orientation of the existing historic residential dwellings.

(b) The exterior of newly constructed multiple family dwellings shall maintain the appearance of having a maximum width of eighteen (18) feet per dwelling unit with the doors, windows and porches having the same configuration and orientation of the existing historic multiple family dwellings.

(c) All dwellings shall have their primary entrance facing the street and each unit shall have a separate entry porch.

17.3 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*06-640, 08-429, 09-1053, 15-758

ARTICLE 20 NEIGHBORHOOD BUSINESS C-1 DISTRICT REGULATIONS

Purpose

The Neighborhood Business C-1 District is primarily intended to serve the day-to-day needs of surrounding residential neighborhoods for retail goods and personal services. It is to be a restricted commercial district offering a limited range of convenience goods and services combined with low-intensity business and professional offices and upper story apartments.

The goal is to encourage the location of small scale businesses and to provide districts conducive to the establishment and growth of locally owned businesses. It is further the intent of these regulations that Neighborhood Business C-1 District zones be limited in size in order to best serve their intended purpose; to minimize the impact of noise, light, traffic, trash and other pollutants on nearby residents; and to encourage pedestrian use.

Landscaped buffer yards are required along the perimeters of the district to create a transitional area between residential and commercial uses, to shield nearby residents from the disruptions associated with commercial operations, and to upgrade the appearance of neighborhood shopping areas.

Within a Neighborhood Business C-1 District as shown on the official Zoning Maps of the City of Huntsville the following regulations shall apply:

20.1 - Uses Permitted

20.1.1 Land and buildings shall be used only for the following uses:

Accessory structures and uses.

Agricultural uses, excluding firewood sales and outdoor nurseries.

Antique stores and art galleries, excluding flea markets.

Apparel stores.

Assisted living facilities.

Bakeries, where not more than five (5) persons are employed on the premises and where the products made are sold exclusively at retail on the premises.

Banks and credit unions.

Barber shops, beauty parlors, reducing salons and fitness/exercise centers, excluding tattoo and body piercing parlors.

Book, map, card and stationery stores.

Cafes, delicatessens, coffee shops and restaurants without alcoholic beverages.

Car wash facilities, provided they are no larger than one bay and are operated as an accessory use to a service station.

Churches and similar places of worship.

Computer and telephone sales and service shops.

Confectionery stores.

Convenience stores.

Dancing and music academies.

Drug stores.

Dry cleaning establishments utilizing only non-flammable dry cleaning fluids.

Florist shops.

Grocery, health, and ethnic food stores.

Hardware stores, gift shops and variety stores.

Home furnishings stores.

Jewelry stores and watch repair shops.

Launderettes.

Medical, optical and dental offices and clinics for health professionals, excluding overnight care and ambulance services.

Multiple family dwellings, accessory structures, and uses—provided that such multiple family dwellings conform to the requirements set forth in Article 15 - Residence 2-B District and Section 20.2.1 hereof.

Municipal, county, state or federal uses, excluding off-premises liquor retailers.

Music and video stores.

Newsstands and hobby shops.

Notions and dry goods stores.

Nurseries, kindergartens or day care centers for children.

Office supply stores.

Offices for architects, attorneys and other professionals; consumer service offices such as real estate and insurance agencies; and administrative offices.

Pet supply stores, excluding the sale of live animals.

Photography studios and photo retail sales.

Pickup stations for laundry or dry cleaning; coin-operated dry cleaning establishments excluding steam presses of any type.

Quick copy print shops.

Radio, television and appliance stores and repair shops.

Residential dwelling units on the second and/or third floors above commercial or office uses, provided such units contain at least 800 square feet and are in compliance with all applicable regulations for habitable space.

Shoe stores, shoe repair shops and tailor shops.

Signs shall be permitted in accordance with Section 72.4.2 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

Sporting goods shops.

Upholstering shops employing not more than five (5) persons.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(06-730, 09-1053, 11-11, 14-576)

20.1.2 <u>Conditions on Uses</u>

(1) No outdoor loudspeaker, public address system, music or other form of entertainment shall be audible at any residential property line.

(2) All businesses shall be conducted within an enclosed building except for agricultural uses, sidewalk/patio seating at restaurants, gasoline pumps, and playgrounds for child care centers.

(3) No exterior display of goods or merchandise shall be permitted in parking and vehicular use areas, required yards, or landscaped areas.

(4) No exterior storage of any type shall be permitted unless it is totally contained, the containers are screened from public view, and such storage is located in a rear or side yard.

(5) Trash collection facilities and dumpsters shall be located away from residential districts and shall be concealed by solid wood and/or masonry walls for their full height. Where wood is used as the screening material, it shall be securely attached to an all metal support structure; if the wood is not pressure treated, it shall be cedar, redwood or cypress; and no wood member shall exceed 12 inches in width. The gates shall be of metal, shall be at least 80% opaque, and shall be self closing. (02-196, 03-285)

(6) No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

20.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof.

20.2.1 Multiple family dwellings: The requirements set forth in Article 15 - Residence 2-B District Regulations shall be applicable except that maximum height shall be regulated by Section 20.2.2(5); building setbacks from rights-of-way shall be regulated by Section 20.2.2(1); setbacks from side lot lines shall be 15 feet and from rear lot lines shall be 20 feet; and internal spacing shall be as required by Section 73.13.4(2).

20.2.2 Business structures and other permitted uses:

(1) Minimum required depth of front yard:

From major arterials: 50 feet
(see Section 73.15)

From other streets: 30 feet

(2) For corner lots the front yard requirements of Section 20.2.2(1) shall be observed from both streets upon which the land abuts.

(3) Rear yards are not required except where the rear lot line abuts on a residential district; in such cases, there shall be provided a rear yard of not less than 20 feet.

(4) Side yards are not required except where the side lot line abuts a residential district then a minimum side yard of 15 feet shall be provided. Where buildings are not contiguous, the space between them shall be at least ten feet and shall be improved for use by pedestrians or vehicles or be landscaped.

(5) Maximum number of stories is 3 and maximum height is 50 feet; however, wherever a C-1 district abuts a residential district (except across a street) the maximum height shall be 30 feet and maximum stories shall be 2 at the required setback line for the C-1 district: height limit shall increase one foot for every 4-foot increase in distance from the setback line up to a maximum height of 50 feet. (02-196)

20.3 - Off-Street Parking and Loading Requirements

Except as provided herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

Parking shall not be permitted in any required side yard nor in the first fifteen (15) feet of any required rear yard. (02-196, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

20.4 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements, except for multifamily dwellings which must comply only with Section 71.6 – PVA Lighting Requirements, when applicable. Where the requirements of Article 71 are in conflict with Article 20, then the more stringent shall apply. (02-196)

20.5 – Landscaping Requirements

20.5.1 Front Yards:

(1) On local streets contained wholly within a C-1 district the first 5 feet of the required front yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

(2) On local streets that extend into other zoning districts and on collector and arterial streets the following landscaping is required:

(a) Whenever 80% of the length of a building's street façade is located at the minimum building line, then the first 5 feet (10 feet on major arterials) of the required front yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

(b) If more than 20% of a building's street façade is set back farther than the minimum building line, then the first 15 feet of the required front yard shall be landscaped with a minimum of one large Type 1 or Type 2 shade tree per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

20.5.2 Side and Rear Yards: Where side or rear yards are required adjacent to residential districts, the first 15 feet shall be landscaped with a Buffer of Screen Planting as defined herein. However, if the proposed development is apartments and the adjacent residentially zoned property is already developed with, or has a building permit for, apartments, then that side or rear yard may be landscaped with a minimum of one large Type 1 or Type 2 shade tree per each fifty linear feet of yard or portion thereof in place of the Buffer of Screen Planting.

Dumpsters and other structures are not permitted in any required rear or side yard.

Pedestrian paths are permitted through Buffers of Screen Planting to connect residential areas with neighborhood businesses so long as they do not intrude on nor cross any private property without the owner's permission.

20.5.3 Lots in Use without Buildings: In the event that a parcel is put to use without a building, then the first ten feet along all lot lines shall be landscaped with a minimum of one large Type 1 or Type 2 shade tree and 8 shrubs per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass. If the parcel abuts a residential district, then Section 20.5.2 shall apply along the side and/or rear lot lines.

20.5.4 Installation and Maintenance of Landscaping:

(1) Trees and shrubs shall be well distributed, though not necessarily evenly spaced and shall meet the Minimum Size Standards as set out in Table 1 of Section 71.5.1(2).

(2) All landscaping shall be installed in accordance with Section 71.5.3 -Installation Requirements (1), (2), (3), (4), (7) and (8) and with Section 73.19 - Installation of Landscaping.

(3) The owner, lessee, or his agents shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced within one year after notification or during the next appropriate planting period, whichever comes first. (02-196)

20.6 - Designation of New C-1 Districts

The designation of a new Neighborhood Business C-1 district or the enlargement an existing C-1 district after the adoption of this ordinance shall not create a C-1 district that exceeds 200 feet in depth from a local street right-of-way, 400 feet in depth from a collector street right-of-way, or 500 feet in depth from an arterial street right-of-way except where a pre-existing condition would make such limitations unworkable or unreasonable in the opinion of the Planning Commission. When enforcing these depth limitations, no remainder piece of land shall be created that would be rendered unusable by the regulations of this Zoning Ordinance. (02-196)

20.7 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.1, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

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*63-93, 66-88, 69-7, 73-171, 79-417-A, 80-395, 85-4, 85-643, 86-522, 86-700, 87-177, 91-79, 95-498, 96-1008, 99-1020
*02-196, 03-285, 06-730, 08-429, 09-430, 09-1053, 10-507, 11-11, 14-576

THIS SECTION IS RESERVED

ARTICLE 22 NEIGHBORHOOD BUSINESS C-2 DISTRICT REGULATIONS

Within a Neighborhood Business C-2 District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

22.1 - Uses Permitted

Land and buildings shall be used only for the following uses:

22.1.1 Any use permitted in a Neighborhood Business C-1 District provided such uses shall conform to the requirements of said district.

22.1.2 Outdoor advertising and other signs shall be permitted in accordance with Section 72.4.4 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (63-93, 87-177)

22.1.3 Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof. (09-1053)

22.1.4 Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.1, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

22.2 - Density Controls

These regulations shall be identical to Section 20.2. Outdoor advertising signs and posters shall meet all yard requirements imposed herein. (63-93)

22.3 - Off-Street Parking Requirements

Required off-street parking spaces shall be provided as set forth in Article 70 hereof. (63-93)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

22.4 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements, except for multifamily dwellings which must comply only with Section 71.6 - PVA Lighting Requirements, when applicable. (85-643, 99-1020)

22.5 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel,

or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*63-93, 85-643, 87-177, 99-1020, 08-429, 09-1053, 10-507, 11-11, 15-758

ARTICLE 23 GENERAL BUSINESS C-3 DISTRICT REGULATIONS

Within a General Business C-3 District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

23.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Antique stores.

Apparel stores.

Art and craft galleries and studios.

Assisted living facilities.

Bakeries, where not more than five (5) persons are employed on the premises and where the products made are sold exclusively at retail on the premises.

Banks and credit unions.

Barber shops and beauty parlors.

Book, map, card and stationery stores.

Churches and similar places of worship.

Computer and telephone sales and service shops.

Computer programming, software design and web design services.

Confectionery stores.

Convenience stores.

Dance and music academies.

Cafes, delicatessens, coffee shops and restaurants without alcoholic beverages.

Commercial and trade schools.

Commercially operated parking garages having at least two levels of parking.

Drug stores.

Dry cleaning pick-up stations.

Florist shops.

Farmers Markets.

Food kiosks and street vendors.

Grocery, health, and ethnic food stores.

Gymnasiums, reducing salons, fitness and exercise centers, health clubs and spas.

Hardware stores, gift shops and variety stores.

Home furnishings stores.

Hotels, motels and bed & breakfasts.

Jewelry stores and watch repair shops.

Launderettes.

Light manufacturing and assembly -- provided the goods are to be sold on the premises only and provided that not more than ten (10) persons are employed in the process.

Locksmiths.

Medical, optical and dental offices and clinics for health professionals.

Mobile Food Vending Sites.

Mobile Food Vending Units.

Multiple family dwellings, accessory structures and uses.

Municipal, county, state or federal uses and facilities.

Music and video stores.

Newsstands and hobby shops.

Newspaper offices.

Notions and dry goods stores.

Nurseries, kindergartens or day care centers for children.

Office supply stores.

Offices for accountants, architects, attorneys and other professionals; consumer service offices such as real estate agencies, insurance agencies, travel agencies, advertising agencies; and administrative offices.

Performing Arts Centers.

Pet supply stores, excluding the sale of live animals.

Photography studios and photo retail sales.

Places of amusement and assembly including skating rinks, bowling alleys, billiard or pool parlors, trampoline centers, miniature golf, baseball batting stations, skateboard parks, but not including theatres.

Private hospitals, sanitarium or nursing home.

Private schools.

Quick copy print shops.

Radio and television studios but not including broadcast towers.

Radio, television and appliance stores and repair shops.

Residential dwelling units -- provided such residential units occupy upper-story space within new or rehabilitated existing buildings having non-residential uses on the street level and provided that such residential are in compliance with all applicable regulations for habitable space. All such residential uses shall have an entrance separate from the non-residential uses on the street level unless the entrance to the building opens into a lobby from which access to each use originates.

Shoe stores, shoe repair shops and tailor shops.

Social, social service, union and civic organizations.

Sound and video recording studios.

Sporting goods shops.

Telephone answering services and telemarketing services.

Upholstering shops employing not more than five (5) persons.

Other uses that are similar to and fit within one of the above categories but not including (1) Off-Premises Liquor Retailers,

(2) trailer parks, (3) tattoo and body piercing parlors, (4) flea markets and (5) car wash facilities. No use shall be permitted which is not in harmony with the character of the district and with the specifically enumerated uses by reason of noise, odor, dust, dirt, gases, vibration, fire and explosive hazards. It is further stipulated that no exterior storage of wares, goods or materials shall be permitted within this district.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.2 hereof.

(07-401, 09-1053, 11-11, 11-899, 12-356, 13-882, 14-576, 15-406)

23.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 and in the Historic District Buffer Zones hereof:

(1) Minimum front yard requirements: None

(2) Minimum rear yard requirements: None, except that when the rear lot line abuts a residential district, except across a street, a rear yard of twenty-five (25) feet is required of which the first five (5) feet of the required rear yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree and six (6) shrubs per each linear fifty (50) feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

(3) Minimum side yard requirements: None, except that when the side lot line abuts a residential district, except across a street, a side yard of ten (10) feet is required.

(4) Maximum height for new construction is unlimited; however, where the property abuts a Residence 1, Residence 1-A, Residence 1-B, Residence 1-C, Residence 2, Residence 2-A or Residence 2-C district, except across a street, the maximum number of stories shall be two (2) stories with a maximum height of thirty-five (35) feet. Where the property abuts a Residence 2-B district, except across a street, the maximum number of stories shall be three (3) stories with a maximum height of forty-five (45) feet. The properties that abut residential properties and that fall within these height restrictions shall be designated and referred to as Historic District Buffer Zone A.

Within Historic District Buffer Zone B, the maximum number of stories shall be four (4) stories with a maximum height of sixty (60) feet.

Within Historic District Buffer Zone C, the maximum number of stories shall be five (5) stories with a maximum height of seventy-five (75) feet.

Within Historic District Buffer Zone D, the maximum number of stories shall be six (6) stories with a maximum height of ninety (90) feet.

(5) Maximum total building area is one hundred percent (100%) of total lot area, except when the side or rear lot line abuts a residential district.

(6) Where buildings are not contiguous, the space between them shall be a minimum of ten (10) feet and shall be improved for use by pedestrians or vehicles or be landscaped.

(09-510)

23.3 - Installation and Maintenance of Landscaping

(1) Trees and shrubs shall be well distributed, though not necessarily evenly spaced and shall meet the Minimum Size Standards as set out in Table 1 of Section 71.5.1(2).

(2) All landscaping shall be installed in accordance with Section 71.5.3 -Installation Requirements (1), (2), (3), (4), (7) and (8) and with Section 73.19 - Installation of Landscaping.

(3) The owner, lessee, or his agents shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced within one year after notification or during the next appropriate planting period, whichever comes first.

23.4 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.3 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

23.5 - Off-Street Parking Requirements

Off-street parking is not required in a General Business C-3 District; however, where off-street parking and vehicular use areas are provided, landscaping and lighting is required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements. Off-street loading and vehicle standing space shall be provided as required in Article 70 hereof.

23.6 – Historic District Buffer Zone Density Controls and Design Guidelines

Due to the historic nature of this district as a retail, office and residential area, with buildings abutting the sidewalks and sharing party walls, the following density controls and design guidelines shall apply in Historic District Buffer Zone A, Historic District Buffer Zone B, Historic District Buffer Zone C and Historic Buffer Zone D:

23.6.1 Front yards

None permitted, except:

(1) A National Register listed building moved from its original site may retain its existing setback to a maximum of ten feet; or

(2) Where there is located a porte-cochere, plaza, courtyard, or other such public space. In such case, the porte-cochere must be built to the property line along the street frontage.

All open space on a site not covered by building, parking or sidewalks shall be landscaped according to the applicable provisions of Section 23.6.7 - Landscaping Requirements.

23.6.2 Side and rear yards

(1) Minimum rear yard requirements: None, except that when the rear lot line abuts a residential district, except across a street, a rear yard of twenty-five (25) feet is required of which the first five (5) feet of the required rear yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree and six (6) shrubs per each linear fifty (50) feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

(2) Minimum side yard requirements: None, except that when the side lot line abuts a residential district, except across a street, a side yard of ten (10) feet is required.

23.6.3 Height

(1) Where General Business C-3 District properties abut a Residence 1, Residence 1-A, Residence 1-B, Residence 1-C, Residence 2, Residence 2-A or Residence 2-C district, except across a street, the maximum number of stories shall be two (2) stories with a maximum height of thirty-five (35) feet. Where the property abuts a Residence 2-B district, except across a street, the maximum number of stories shall be three (3) stories with a maximum height of forty-five (45) feet. The properties that abut residential properties and that fall within these height restrictions shall be

designated and referred to as Historic District Buffer Zone A.

(2) Within Historic District Buffer Zone B, the maximum number of stories shall be four (4) stories with a maximum height of sixty (60) feet.

Historic District Buffer Zone B is defined as the property that lies within the following boundaries: Begin at the intersection of the centerlines of Clinton Avenue and Monroe Street/Lincoln Street; then in a southerly direction along the centerline of Monroe Street/Lincoln Street to the intersection of the centerlines of Lincoln Street and Randolph Avenue; then West along the centerline of Randolph Avenue to the intersection of the centerlines of Randolph Avenue and Green Street; then South along the centerline of Green Street to the intersection of the centerlines of Green Street and Eustis Avenue; then West along the centerline of Eustis Avenue to the intersection of the centerlines of Eustis Avenue and Franklin Street; then South along Franklin Street to the intersection of the centerlines of Franklin Street and Gates Avenue; then West along the centerline of Gates Avenue to the intersection of the centerlines of Gates Avenue and Madison Street; then South along the centerline of Madison Street to the intersection of the centerlines of Madison Street and Lowe Avenue; then West along Lowe Avenue to a point near the half-block line on the north side of Lowe Avenue between Gallatin Street and Madison Street; then in a northerly direction along the rear lot lines of those properties fronting Madison Street to the centerline of Manning Drive; then West along the centerline of Manning Drive to the intersection of the centerlines of Manning Drive and Fountain Row; then North along the centerline of Fountain Row to the intersection of the centerlines of Fountain Row/Fountain Circle and Williams Avenue; then continue north along the centerline of Fountain Circle to the intersection of the centerlines of Fountain Circle and Gates Avenue; then East along the centerline of Gates Avenue to the intersection of the centerlines of Gates Avenue and Madison Street; then North along the centerline of Madison Street to the intersection of the centerlines of Madison Street and South Side Square; then East along the centerline of South Side Square to the intersection of the centerlines of South Side Square and East Side Square; then North along the centerline of East Side Square to the intersection of the centerlines of East Side Square and Randolph Avenue; then East along the centerline of

Randolph Avenue to the intersection of the centerlines of Randolph Avenue and Green Street; then North along the centerline of Green Street to the intersection of the centerlines of Green Street and Clinton Avenue; then East along the centerline of Clinton Avenue to the intersection of the centerlines of Clinton Avenue and Lincoln Street and the point of beginning.

(3) Within Historic District Buffer Zone C, the maximum number of stories shall be five (5) stories with a maximum height of seventy-five (75) feet.

Historic District Buffer Zone C is defined as the property that lies within the following boundaries: Begin at the intersection of the centerlines of Green Street and Monroe Street/Lincoln Street; then in a southerly direction along the centerline of Monroe Street/Lincoln Street to the intersection of the centerlines of Lincoln Street and Clinton Avenue; then West along the centerline of Clinton Avenue to the intersection of the centerlines of Clinton Avenue and Green Street; then North along the centerline of Green Street to the intersection of the centerlines of Green Street and Monroe Street/Lincoln Street and the point of beginning.

(4) Within Historic District Buffer Zone D, the maximum number of stories shall be six (6) stories with a maximum height of ninety (90) feet.

Historic District Buffer Zone D is defined as the property that lies within the following boundaries: Begin at the intersection of the centerlines of Clinton Avenue and Green Street; then South along the centerline of Green Street to the intersection of the centerlines of Green Street and Randolph Avenue; then West along the centerline of Randolph Avenue/North Side Square to the intersection of the centerlines of Randolph Avenue/North Side Square and Jefferson Street/West Side Square; then North along the centerline of Jefferson Street to the intersection of the centerlines of Jefferson Street and Clinton Avenue; then East along the centerline of Clinton Avenue to the point of beginning.

(5) In order to create a sense of harmony and compatibility, all buildings within the historic district buffer zones shall be designed to be overlooked by taller buildings within the General Business and Central Business districts as well as be seen from surrounding streets and public places.

Elevator shafts and similar structural elements not intended as places of occupancy or storage; heating, ventilating and air conditioning equipment; solar collectors; communication and transmission devices and similar mechanical fixtures may extend above the roof if they conform to the following requirements:

(a) Such fixtures and structural elements must be completely shielded from view at street level and/or incorporated into the architectural design of the building as a whole; and

(b) Complementary parapets, screens, shades and superstructures are encouraged to create a visually pleasing and architecturally consistent roofscape for the building.

(6) Rooftop gardens, decks and terraces must be completely shielded from view at street level with their railings and screens situated discretely behind parapets so as not to attract attention away from the building cornices. In all historic district buffer zones, roof gardens, decks and terraces are considered to be places of occupancy, and as such, must conform to the height limitations for eye level (defined as six [6] feet above the highest occupied surface). The height limitations for eye level shall be included in calculating the height of the building and shall not be less than six (6) feet below the prescribed maximum height for the building. An example of the height limitations for eye level is presented in the following illustration.

23.6.4 - Off-Street Parking Requirements

(1) Off-street parking is not required in the General Business C-3 District; however, where off-street parking and vehicular use areas are provided in the Historic District Buffer Zones, lighting is required in accordance with Section 71.6 - PVA Lighting Requirements. Off-street loading and vehicle standing space shall be provided as required in Article 70 hereof. No surface parking or vehicular drive parallel to the street shall be permitted between a building and any street on which it has frontage, except in the case of a porte-cochere. In such case, the porte-cochere must be built to the property line along the street frontage.

(2) Five or more surface parking spaces must be screened from streets, pedestrian areas, and sidewalks according to the provisions of Section 23.6.7(a) and Section 23.6.7(b).

(3) Surface parking shall utilize alleys for ingress and egress. A curb cut from a public street will be allowed only if alternative access is not available.

(4) No more than fifteen percent (15%) of a building site or other tract may be utilized for surface parking. If additional spaces are needed, they shall be provided within the building itself or within a parking garage.

(5) All parking surfaces and unpaved driveways shall be curbed along their perimeters.

23.6.5 – Parking Garages

Parking garages erected within the Historic District Buffer Zones shall comply with the following requirements:

(1) All street level garage frontages shall provide commercial space equivalent to seventy-five percent (75%) of the linear frontage of street frontage, exclusive of driveways; such commercial space shall be a minimum of eighteen (18) feet deep as measured from the façade of the building.

(2) Vehicular driveways shall be sited and designed so as to create the least hazard to pedestrians, and curb cuts shall not exceed twenty-five percent (25%) of any street frontage greater than one hundred and sixty (160) feet.

(3) The ground floor façade should be differentiated from the upper levels to further enhance the continuity of the street

wall and shall comply with the provisions of Section 23.6.6[1]- Street Level Walls.

(4) Sloping floor levels shall not be revealed or implied by the exterior design of the garage elevations as seen from any street frontage.

(5) Parked cars shall be screened from public view to a height of three (3) feet and six (6) inches, consistent with the guardrail height as defined by the International Building Code.

(6) Façades should be designed to be compatible with the surrounding buildings in terms of scale, color and texture of materials, form and massing, and design detailing.

23.6.6 - Site Development

The Historic District Buffer Zones are intended to create harmonious transition zones between the urban core and the residential areas. These Historic District Buffer Zones will preserve and enhance the many historic buildings while adding new buildings that will expand and contribute to the low scale, small town, urban environment that makes the downtown attractive for pedestrians. Every effort should be made to preserve and renovate the historic structures and to create new infill construction that is compatible with the old in terms of scale, proportion, materials, design and function without being imitative.

(1) Street Level Walls

The purpose of the street level wall requirement is twofold. The first goal is to promote the establishment of a variety of retail, service and entertainment type businesses for the convenience of the office, residential, and tourist populations in the downtown area. The second aim is to promote pedestrian use and activity and to encourage a higher degree of street life and vitality in the downtown. Retailing is enhanced by having transparent store fronts abutting the sidewalk and by assembling a critical mass of continuous retail activities along adjoining streets.

(a) The front façade of all new buildings shall be oriented toward a public street as shall the principal entrances.

(b) Doorways shall be recessed into the building interior to a depth sufficient to separate sidewalk traffic from outwardly opening doors, to create focal interest, and to punctuate the street wall.

(c) To maintain consistency with the existing historic streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. The facades should be designed to be compatible with surrounding buildings in terms of scale, color and texture of materials, form and massing, and design detailing. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, precast concrete, glass, and where appropriate, cast metal for fenestrations, columns and beams. Polished stone and mirrored glass should be avoided as primary materials. Synthetic and imitation materials as well as aluminum, vinyl and plastic materials are not acceptable.

(d) To create an animated streetscape, an unbroken expanse of solid or blank wall shall not exceed twenty (20) linear feet. Devices suitable to break such a wall span include doors, windows, display windows and cases, street art, fountains, plazas, trees and landscaping, pedestrian furniture and the introduction of variety in materials, texture, color and/or pattern of wall materials.

(e) Street level commercial spaces should be configured as units fifteen (15) to fifty (50) feet wide in order to stimulate visual interest, establish a predictable rhythm for pedestrians, and encourage the introduction of small retail and service businesses.

(f) Windows located in street level walls, with the exception of stained glass windows, shall be transparent. Windows located in street level walls shall have a maximum sill height of forty-eight (48) inches as measured from the sidewalk.

(2) <u>Utilities and Mechanical Units</u>

(a) All power, communication and other wiring shall be located underground.

(b) All exterior mechanical equipment, trash facilities, and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

23.6.7 - Landscaping Requirements

(1) Landscape Buffers for Surface Parking

Buffer strips required to separate surface parking spaces from streets and pedestrian uses shall be landscaped in one of the following ways:

(a) A minimum 5-foot wide planting bed having a continuous masonry wall between thirty (30) and forty-two (42) inches high planted on the street side with at least one nondeciduous vine or shrub for every ten (10) feet of wall length and one small maturing tree for every thirty (30) feet of wall length. Trees, shrubs and vines shall be evenly distributed along the length of the wall. The landscape bed shall be planted with an evergreen ground cover; or

(b) A minimum 5-foot wide bed having a hedge of a nondeciduous species, planted and maintained to form a continuous visual screen at least thirty (30) inches high within one year of planting and one small maturing tree for every thirty (30) linear feet of required planting bed. The bed shall be planted with an evergreen ground cover.

(2) General Landscape Requirements

(a) Plant material used to fulfill these requirements must be provided with an adequate irrigation system which does not rely on drainage from the street, sidewalk, or buildings.

(b) All plant material must conform to the current version of the “American Standard for Nursery Stock” published by the American Association of Nurserymen.

(c) The species of trees used must be consistent with adopted city ordinances concerning urban trees.

(d) Maintenance of landscaping in a healthy, neat and attractive condition is the responsibility of the owner of the property. Specifically, all plant material shall be watered, fertilized, pruned, kept free from weeds and litter, and replaced if diseased, injured or dead in a manner consistent with good horticultural practices.

(e) All landscaping shall be installed in accordance with Section 73.19 - Installation of Landscaping.

23.6.8 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.3 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.
(09-510)

23.7 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.2, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

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*63-93, 66-88, 69-7, 73-171, 84-1, 84-818, 85-4, 87-177, 99-1020, 03-593, *06-1203, 07-401, 09-510, 09-1053, 11-11, 11-899, 12-356, 13-882, 14-576, 15-315, 15-406

ARTICLE 24 HIGHWAY BUSINESS C-4 DISTRICT REGULATIONS

Purpose

The purpose of the Highway Business C-4 District is to provide for the retailing of goods and the furnishing of major services, selected trade shops, and automotive repairs. Characteristically this district occupies a larger area than the Neighborhood Business C-1 District, is intended to serve a considerably greater population, and offers a wider range of specialized services. This district is intended to be utilized primarily by those commercial uses which cater to the traveling public, tourists, trucks, and heavy automobile traffic.

To this extent, this district is usually located on a major arterial highway at or near the intersection with one or more other major arterial highways so that it is accessible from all directions.

It is not the intent of this district to encourage the extension of existing strip commercial areas, since the pattern of present development provides more than ample frontage for this purpose. Future expansion of this district should desirably occur as an increase in district depth rather than as further strip-like extension along thoroughfares.

Within a Highway Business C-4 District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply.

24.1 - Uses Permitted

24.1.1 Land and buildings shall be used only for the following uses:

Accessory structures and uses as permitted herein.

Agricultural uses.

Apparel stores.

Ambulance services.

Animal hospital or veterinary clinic, pet shops.

Assisted living facilities.

Auction gallery, including auto auction.

Automobile sales, new and used, retail and wholesale with attendant facilities—except that any mechanical or body repair must be conducted entirely within an enclosed structure and provided further that all vehicles on a used car sales lot must be in operating condition at all times.

Automobile repair garage, mechanical and body—provided all operations are conducted entirely within an enclosed structure.

Bakery—where not more than five (5) persons are employed on the premises and where the products made are sold exclusively at retail on the premises.

Bank, savings and loan associations.

Barber shop, beauty parlor, reducing salons.

Book stores.

Building and lumber supply establishments—provided the entire storage area is enclosed within a solid fence at least seven (7) feet in height, or greater, if required to adequately screen such area, and that any machine operations must be conducted entirely within an enclosed structure.

Bus depots.

Cafes, delicatessens, coffee shops and restaurants without alcohol.

Car wash establishments.

Churches and similar places of worship.

Commercial parking garages or lots.

Confectionery store.

Dancing or music academy.

Drug stores and apothecaries.

Dry cleaning establishments utilizing only non-flammable dry cleaning fluids.

Farmers Markets.

Florist shops and greenhouses.

Furniture stores.

Gasoline service stations.

Grocery stores.

Gymnasiums, fitness and exercise centers, health clubs and spas.

Hardware store, gift shop and variety store.

Hotels, motels, tourist homes, camping trailer courts.

Jewelry store, watch repair shop.

Laundry operations, launderette, coin operated dry cleaning establishments.

Light manufacturing and assembly—provided the goods are to be sold on the premises only, and provided not more than ten (10) persons are employed in the process.

Mobile Food Vending Sites.

Mobile Food Vending Units.

Mobile home and trailer parks.

Mortuaries and crematoriums.

Municipal, county, state or federal use.

Multiple family dwellings.

Music or record shop.

Newsstand, hobby shop.

Notion and dry goods store.

Nursery, kindergarten or day care for children.

Offices, professional buildings.

Office-warehouse—where the structure is used for offices and the storage of goods, wares, or merchandise in conjunction with a business located on the site. No outside storage of goods, wares, or merchandise is permitted on premises.

Photographic studios, photo retail sales.

Places of amusement including skating, bowling, trampolines, golf driving ranges, miniature golf, baseball batting, and similar non-offensive establishments, but not including theatres or drive-in theatres.

Print shops, newspaper publishing house.

Private hospitals, sanitarium or nursing home.

Radio and television studios but not including broadcast towers.

Radio and television appliance stores and repair shops.

Self-propelled, camping and recreational vehicle sales; trailer and mobile home sales; boat sales.

Shoe store, shoe repair shop, tailor shop.

Upholstering shop--where not more than five (5) persons are employed.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof. (09-1053)

24.1.2 Variances

The Board of Adjustment shall have no authority to grant variances that would reduce required separation distances for establishments selling or serving alcoholic beverages or permit such uses on street classifications other than those specified in Section 24.1.1.

(77-1, 84-1, 84-818, 85-4, 86-771, 89-121, 91-79, 95-498, 96-1008, 97-707, 03-593, 03-672, 07-401, 11-899, 13-882, 14-576, 15-406)

24.2 - Density Controls

The following yard, density, and height of building requirements shall be observed:

24.2.1 Multiple Family Dwellings:

Plans for multiple family projects containing two or more buildings which are located on the same parcel of land shall be presented to the Planning Commission for review. The Planning Commission shall make certain the proposed development meets the following requirements:

(1) The proposed development shall be compatible with requirements and intent of the Subdivision Regulations relative to access, drainage, utilities, and major streets.

(2) Sidewalks not less than four (4) feet wide are required in the project area leading from all front and rear doors to streets. Sidewalks are also required along all property of the project abutting streets.

(3) 6,000 square feet of land area for the first two dwelling units; 2,000 square feet of land area for each additional dwelling unit provided, however, such required land area must be exclusive of vehicular access ways but may include parking spaces.

(4) Closest permitted distance between any two apartment buildings shall be ten (10) feet for one-story buildings; fourteen (14) feet for two-story buildings.

(5) Minimum distance from an apartment building to a parking space shall be eight (8) feet.

(6) Minimum distance from front or side of an apartment building shall be fifty (50) feet to a major arterial right-of-way and thirty (30) feet to other public street rights-of-way.

(7) Minimum distance from side of apartment building to side property line shall be seven (7) feet for one-story buildings; eight (8) feet for two-story buildings.

(8) Minimum distance from rear of apartment building to side property line shall be thirty (30) feet.

(9) Minimum distance from either rear or side of apartment building to rear lot line shall be twenty-five (25) feet.

(10) Minimum distance from front of one apartment building to front of another apartment building shall be thirty (30) feet.

(11) Windows in all apartment buildings shall have not less than a twenty (20) foot view (measured perpendicular from the window) unobstructed by other buildings located on the same parcel of land.

(12) Minimum distance from the parking areas to any street right-of-way shall be twenty (20) feet.

(13) Maximum number of stories shall be ten (10).

24.2.2 Trailer Parks and Mobile Home Parks:

(1) Minimum parcel of land required shall be not less than five (5) acres for each park.

(2) Minimum size lot required for each trailer space shall be not less than forty (40) feet wide and eighty (80) feet long.

(3) Minimum side yard setback - ten (10) feet from the side lot or space line.

(4) A buffer strip not less than twenty (20) feet deep shall be provided completely around the trailer park or mobile home park; provided however, that a minimum front yard depth of fifty (50) feet, of which the first twenty (20) feet shall be landscaped and maintained, shall be required along a major arterial.

(5) Such trailer or mobile home park shall not accept trailers until at least fifty (50%) percent of its lots have been completely developed together with facilities as required by other ordinances and regulations.

(6) Such trailer or mobile home park shall be required to also meet regulations required by other local codes and ordinances.

24.2.3 Camping Trailer Courts:

(1) Minimum parcel of land required shall be not less than two (2)

acres for each court.

(2) Minimum size lot required for each trailer space shall be not less than fifteen (15) feet wide and forty (40) feet long.

(3) A buffer strip not less than twenty (20) feet deep shall be provided completely around the court; provided however, that a minimum front yard depth of fifty (50) feet, of which the first twenty (20) feet shall be landscaped and maintained, shall be required along a major arterial.

(4) Such camping trailer court shall not accept trailers until fifty percent (50%) of its lots have been completely developed together with facilities as required by these regulations.

(5) Side yard setback - trailers shall be set back a minimum of five (5) feet from the side lot or space line.

24.2.4 Business Structures and Other Permitted Uses:

(1) Minimum required depth of front yard - all structures shall be set back not less than fifty (50) feet from all street rights-of-way.

(2) Minimum required depth of rear yard - twenty (20) feet, except where the rear lot line abuts a residential district there shall be provided a rear yard of not less than thirty-five (35) feet.

(3) Minimum required width of each side yard - none, except where a side lot line abuts a residential district there shall be provided a side yard of not less than twenty (20) feet.

(4) Maximum number of stories shall be ten (10). (77-1, 86-522)

24.3 - Required Yards

24.3.1 Off-Street parking areas, driveways and vehicular access ways, except as necessary to cross the required front yard, are not permitted in the first twenty (20) feet of the required front yard as measured from the street right-of-way and said area shall be landscaped and maintained in a manner as to be neat in appearance when viewed from any street. (09-430)

24.3.2 Exterior storage of materials shall be in the side and rear yards only and shall be contained by fencing in such a manner as to be neat in appearance when viewed from any street. No exterior storage or display of materials or products, whether for sale or not, is permitted in the required front yard except farm equipment sales, new and used car sales, trailer sales, recreational vehicle sales and mobile home sales and these uses shall not be permitted in the first twenty (20) feet of the required front yard.

24.3.3 A seven (7) foot high screen shall be provided along the perimeter

at the rear and side yards of the tract to be developed and/or used for commercial purposes when the tract abuts either on the rear or side lot line of a residential district. Such screening shall not extend closer than fifty (50) feet to any street right-of-way. If planting is to be used as a screen, it shall be provided as set forth in Section 3.1 - Buffer of Screen Planting, hereof. Such plants shall be initially not less than seven (7) feet in height. (77-1)

24.4 - Signs Permitted

Outdoor advertising and other signs shall be permitted in accordance with Section 72.4.4 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (77-1, 87-177)

24.5 - Off-Street Parking and Loading Requirements

Off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

24.6 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements, except for multifamily dwellings which must comply only with Section 71.6 - PVA Lighting Requirements, when applicable. (85-643, 99-1020)

24.7 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.4, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

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*77-1, 84-1, 84-818, 85-4, 85-643, 86-522, 86-771, 87-177, 89-121, 91-79, 95-498, 96-1008, 97-707, 99-1020, 03-593, 03-672, 07-401, 09-430, 09-1053, 10-507, 11-11, 11-899, 13-882, 14-576, 15-406

ARTICLE 25 COMMERCIAL RECREATION C-5 DISTRICT REGULATIONS

Purpose

The Commercial Recreation C-5 District is established to provide areas under unified control in which the principal use of land is devoted to recreation and resort complexes catering to the local or tourist population. The intent is to reserve lands which because of particular location and natural features are adapted for such recreational uses and to encourage the development of these locations in such a manner as to minimize traffic hazards and to foster compatibility with other uses in the vicinity.

25.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Amusement parks and entertainment centers.

Cafes, delicatessens, coffee shops and restaurants without alcohol.

Camping facilities and grounds and tourist oriented trailer parks not for permanent residence.

Convenience food stores of no more than four thousand (4000) square feet in floor area operated as an accessory use to other principal uses.

Country clubs and golf courses.

Educational institutions including dormitories, faculty domiciles, and related uses.

Farmers Markets.

Hotels and motels.

Marinas and related waterfront uses.

Mobile Food Vending Sites.

Mobile Food Vending Units.

Municipal, county, state or federal use--including publicly owned or operated libraries, museums, art galleries and exhibit centers.

Other uses similar in character to those enumerated herein.

Residential uses only in connection with other principal permitted uses.

Souvenir and curio shops--only when operated in conjunction with another principal use enumerated herein.
Buildings, structures, and uses accessory and customarily incidental to any of the above uses.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(84-618, 85-4, 97-707, 03-593, 09-1053, 11-11, 13-882, 15-406)

25.2 - Density Controls and Setbacks

25.2.1 Minimum lot area shall not be less than five (5) acres for each use or group of uses as originally proposed. Additions of less than five acres to existing uses shall be allowed.

25.2.2 Yards facing an existing or proposed public street other than a controlled access highway shall be considered front yards. Such yards shall have a minimum depth of fifty (50) feet, provided that no building shall project through an imaginary height plane as described in Section 25.6.

25.2.3 All other yards shall have a minimum depth of twenty-five (25) feet, provided that no building shall project through an imaginary height plane as described in Section 25.6.

25.2.4 All required yards shall be kept clear of parking, loading areas, accessory uses and buildings, provided however, a gate or security station may be located in a required yard.(84-618)

25.3 - Street Access and Frontage

25.3.1 Each lot shall have a minimum frontage of one hundred (100) feet on a public road.

25.3.2 Access to building sites shall be via collector or arterial streets wherever possible. No access roads serving sites shall be permitted which may place heavy traffic on residential streets that are not classified as major collector or arterial streets. (84-618)

25.4 - Off-Street Parking and Loading Requirements

Required off-street parking spaces and loading requirements shall be provided as set forth in Article 70 hereof. (84-618, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

25.5 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting Requirements

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping Requirements. (85-643, 99-1020, 09-430)

25.6 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.7 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (84-618, 87-177)

25.7 - Height

No portion of any building shall project through imaginary height planes leaning inward from yards as defined in Section 25.2.2 or 25.2.3 at a slope of 1.0 foot of height for each foot of horizontal distance measured perpendicularly to the property boundary. (84-618)

25.8 - Development Procedure

25.8.1 Anyone desiring to receive a building permit for the use of land lying in a Commercial Recreation C-5 District must submit to the Director of the City Planning Department the following information for the approval of plans:

(1) A site plan showing property boundaries, easements, locations and design of buildings, driveways, driveway intersections with streets, parking and loading areas, grading and landscaping plans, and sidewalks.

(2) Plans for all signs to be erected, including location, design, color and lighting of each sign.

25.8.2 The Director of the City Planning Department shall review and approve by signature the proposed site plan upon finding that the same complies with these regulations. If the proposed site plan is not approved, the Director of the City Planning Department shall state in writing on the proposed site plan the cause for such disapproval. (84-618)

25.9 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.4, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

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*84-618, 85-4, 87-177, 97-707, 03-593, 09-430, 09-1053, 10-507, 11-11, 13-882, 15-406

ARTICLE 26 CENTRAL BUSINESS C-B DISTRICT REGULATIONS

Purpose

The Central Business C-B District is intended to serve as a community focal point by recognizing and encouraging those unique characteristics that make Huntsville and its downtown distinctive. For 150 years Huntsville has functioned as a small, rural town although growth during the late 20th century has partially obscured those origins. The downtown and adjoining residential historic preservation districts are the only surviving concentrations of the historic town; two of the districts are listed on the National Register of Historic Places and more than 35 structures and sites in the commercial core are individually listed on the Register.

The purpose of these regulations is to continue the development of the downtown in such a way as to provide a strong sense of continuity with the past by continuing those characteristics that created its identity: a dense concentration of low-scale buildings, a pedestrian rather than car orientation, high-quality materials and design, a diversity of uses including street level retail and service uses, and generous landscaping to soften the streetscape and buffer where needed.

The streets in the downtown area are the networks of public open space that set the tone for the district. Because visual continuity is an important aspect in creating an identity for the downtown, a consistency in streetscape design should extend to redevelopment of the streets, the sidewalk pavement, the landscaping, and street furniture. To further enhance this continuity, a moderate building is specified, the intrusion of surface parking is discouraged, street level retail and commercial service uses are encouraged and identifiable building entrances are required.

The 10-story height limit assures that new construction will be compatible with historic structures; minimizes the wind tunnel effect between buildings; assures the penetration of sunlight to ground level; enhances the pedestrian streetscape; and is conducive to small scale retail and service establishments.

While parking cannot be eliminated, it can be treated so as to diminish its disruptive effects on the streetscape and its unsightly visual qualities. Surface parking is held to a minimum in this district and landscaping is required wherever parking abuts pedestrian use areas. The goal is to eventually replace surface lots with occupied buildings and to have parking provided in multi-level garages or within the buildings themselves.

Within a Central Business C-B District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

26.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Antique stores.

Apparel stores.

Art and craft galleries and studios.

Bakeries, where not more than five (5) persons are employed on the premises and where the products made are sold exclusively at retail on the premises.

Banks and credit unions.

Barber shops and beauty parlors.

Book, map, card and stationery stores.

Brewpubs and beer breweries.

Cafes, delicatessens, coffee shops and restaurants without alcoholic beverages.

Churches and similar places of worship.

Class 1 and Class 2 restaurants and Class 3 Beer or Table Wine Retailers including sidewalk cafes.

Class 1 and Class 2 On-Premises Beer and Table Wine Retailers.

Class 3 Lounges.

Class 4 Lounges -- provided that such use shall be subject to each of the following restrictions:

(1) (a) A Class 4 Lounge shall not be located within five hundred (500) feet of a residential district;

(b) Said distance shall be measured from the external boundary of the licensed premises of the Lounge, inclusive of any adjoining parking areas whether such areas are owned, leased or otherwise assigned to the Lounge, to the closest point of the residential district boundary.

(2) (a) A Class 4 Lounge shall not be located within five hundred (500) feet of a church, or public or private elementary or secondary school, nursery, kindergarten or day care center, except a Class 4 Lounge may be located within five hundred (500) feet of accessory day care centers located in office buildings.

(b) Said distance shall be measured from the external boundary of the licensed premises of the Class 4 Lounge, inclusive of any adjoining parking areas whether such areas are owned, leased or otherwise assigned to the Class 4 Lounge, to any buildings within which such other uses are located.

(c) The aforesaid distance restrictions from churches, schools, nurseries, kindergartens and day care centers shall not apply in the following enumerated cases: (i) where the licensed premises and the church or school, nursery, kindergarten or day care center front on different streets and do not have common exits or driveways providing access or adjoining property lines, or (ii) where the church, school, nursery, kindergarten or day care center was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six months.

Clubs.

Commercial and trade schools.

Commercially operated parking garages having at least two levels of parking.

Computer and telephone sales and service shops.

Computer programming, software design and web design services.

Confectionery stores.

Convenience stores.

Dance and music academies.

Drug stores.

Dry cleaning pick-up stations.

Florist shops.

Food kiosks and street vendors.

Grocery, health, and ethnic food stores.

Gymnasiums, reducing salons, fitness and exercise centers, health clubs and spas.

Hardware stores, gift shops, hobby shops and variety stores.

Home furnishings stores.

Hotels and bed & breakfasts.

Jewelry stores and watch repair shops.

Launderettes.

Locksmiths.

Medical, optical and dental offices and clinics for health professionals, excluding overnight care and ambulance services.

Municipal, county, state or federal uses and facilities.

Music and video stores.

Newsstands.

Newspaper offices.

Notions and dry goods stores.

Nurseries, kindergartens or day care centers for children.

Office supply stores.

Offices for accountants, architects, attorneys and other professionals; consumer service offices such as real estate agencies, insurance agencies, travel agencies and advertising agencies; and administrative offices.

Off-Premises Beer Retailer and Off-Premises Table Wine Retailer -- provided that such uses shall not be within five hundred (500) feet of a residential district as measured from the external boundaries of the property of said uses, nor within five hundred (500) feet of any building in which there is a church, or public or private elementary or secondary school, nursery, kindergarten or day care center. The aforesaid distance restrictions from churches, schools, nurseries, kindergartens or day care centers shall not apply in the following enumerated cases:

(1) where the licensed premises and the church or school, nursery, kindergarten or day care center front on different streets and do not have common exits or driveways providing access or adjoining property lines, or

(2) where the church, school, nursery, kindergarten or day care center was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six months.

Performing Arts Centers.

Pet supply stores, excluding the sale of live animals.

Photography studios and photo retail sales.

Private schools.

Pub -- provided that such use shall be subject to each of the following restrictions:

(1) (a) A Pub shall not be located within five hundred (500) feet of a residential district;

(b) Said distance shall be measured from the external boundary of the licensed premises of the Pub, inclusive of any adjoining parking areas whether such areas are owned, leased or otherwise assigned to the Pub, to the closest point of the residential district boundary.

(2) (a) A Pub shall not be located within five hundred (500) feet of a church, or public or private elementary or secondary school, nursery, kindergarten or day care center, except a Pub may be located within five hundred (500) feet of accessory day care centers located in office buildings.

(b) Said distance shall be measured from the external boundary of the licensed premises of the Pub, inclusive of any adjoining parking areas whether such areas are owned, leased or otherwise assigned to the Pub, to any buildings within which such other uses are located.

(c) The aforesaid distance restrictions from churches, schools, nurseries, kindergartens and day care centers shall not apply in the following enumerated cases: (i) where the licensed premises and the church or school, nursery, kindergarten or day care center front on different streets and do not have common exits or driveways providing access or adjoining property lines, or (ii) where the church, school, nursery, kindergarten or day care center was established after the licensed premises began operation and said operation has not been

abandoned or discontinued for a period of six months.

Quick copy or print shops.

Radio and television studios but not including broadcast towers.

Radio, television and appliance stores and repair shops.

Residential dwelling units -- provided such residential units occupy upper-story space within new or rehabilitated existing buildings having non-residential uses on the street level and provided that such residential units contain at least eight hundred (800) square feet and are in compliance with all applicable regulations for habitable space. All such residential uses shall have an entrance separate from the non-residential uses on the street level unless the entrance to the building opens into a lobby from which access to each use originates.

Shoe stores, shoe repair shops and tailor shops.

Social, social service, union and civic organizations.

Sound and video recording studios.

Sporting goods shops.

Telephone answering services and telemarketing services.

Upholstering shops employing not more than five (5) persons.

Other uses that are similar to and fit within one of the above categories but not including (1) Off-Premises Liquor Retailers, (2) new commercially operated surface parking lots, (3) tattoo and body piercing parlors, (4) flea markets, (5) gasoline service stations, (6) car wash facilities or (7) storage facilities. No use shall be permitted which is not in harmony with the character of the district and with the specifically enumerated uses by reason of noise, odor, dust, dirt, gases, vibration, fire and explosive hazards. It is further stipulated that no exterior storage of wares, goods or materials shall be permitted within this district.
(07-401)

26.2 - Density Controls

Due to the historic nature of this district as a retail, office and residential area, with buildings abutting the sidewalks and sharing party walls, the following density requirements shall apply:

26.2.1 Front yards

None required and none permitted, except:

(1) A National Register listed building moved from its original site may retain its existing setback to a maximum of ten feet; or

(2) Parking garages using the landscaped setback option rather than the street level wall requirements.

All open space on a site not covered by building, parking or sidewalks shall be landscaped according to the applicable provisions of Section 26.5 - Landscaping Requirements.

26.2.2 Side and rear yards

None required except where a side or rear lot line abuts a residential district. In that case, there shall be provided a side or rear yard equal to twice the height of the tallest portion of the rear building wall, of which the first ten (10) feet along the district boundary shall be planted and maintained as a landscape buffer as specified in Section 26.5.2. The remaining setback may be landscaped or used for a driveway or parking.

26.2.3 Height

(1) Maximum height for new construction is limited to ten (10) stories and one hundred and fifty (150) feet above the sidewalk on which it fronts; however, where the property abuts a residential zoning district or is across the street from residentially zoned land, then the maximum height shall be two (2) stories and thirty (30) feet.

(2) Elevator shafts and similar structural elements not intended as places of occupancy or storage; heating, ventilating and air conditioning equipment; solar collectors; communication and transmission devices and similar mechanical fixtures may extend above the roof if they conform to the following requirements:

(a) No more than one-third of the roof area may be used for such features;

(b) These fixtures must be set back from the edge of the roof a minimum distance of two (2) feet for every foot by which they extend above the roof surface up to a maximum height of fifteen (15) feet; and

(c) All such roof fixtures must be screened by an architectural structure compatible in material and design with the main body of the building.

26.3 - Off-Street Parking Requirements

26.3.1 Off-street parking is not required in the Central Business C-B District; however, where off-street parking and vehicular use areas are provided, lighting is required in accordance with Section 71.6 - PVA Lighting Requirements. Off-street loading and vehicle standing space shall be provided as required in Article 70 hereof. No surface parking or vehicular drive parallel to the street shall be permitted between a building and any street on which it has frontage.

26.3.2 Five or more surface parking spaces must be screened from streets, pedestrian areas, and sidewalks according to the provisions of Section 26.5.1 and Section 26.5.2.

26.3.3 Surface parking shall utilize alleys for ingress and egress. A curb cut from a public street will be allowed only if alternative access is not available.

26.3.4 No more than fifteen percent (15%) of a building site or other tract may be utilized for surface parking. If additional spaces are needed, they shall be provided within the building itself or within a parking garage.

26.3.5 All parking surfaces and unpaved driveways shall be curbed along their perimeters.

26.3.6 Parking garages erected within the district shall comply with the following requirements:

(1) All street level garage frontages shall provide commercial space equivalent to seventy-five percent (75%) of the linear frontage of street frontage, exclusive of driveways; such commercial space shall be a minimum of eighteen (18) feet deep as measured from the façade of the building;

or

The garage must have a landscaped setback of ten (10) feet, planted and maintained as required by Section 26.5.2 - General Landscape Requirements.

(2) Vehicular driveways shall be sited and designed so as to create the least hazard to pedestrians, and curb cuts shall not exceed twenty-five percent (25%) of any street frontage greater than one hundred and sixty (160) feet.

(3) The ground floor façade should be differentiated from the upper levels to further enhance the continuity of the street

wall and shall comply with the provisions of Section 26.4.1-Street Level Walls.

(4) Sloping floor levels shall not be revealed or implied by the exterior design of the garage elevations.

(5) Parked cars shall be screened from public view.

(6) Façades should be designed to be compatible with the surrounding buildings in terms of scale, color and texture of materials, form and massing, and design detailing.

26.4 - Site Development

The Central Business C-B District is intended to create a stable urban core that will preserve and enhance the many historic buildings while adding new buildings that will expand and contribute to the low scale, small town, urban environment that makes the downtown attractive for pedestrians. Every effort should be made to preserve and renovate the historic structures and to create new infill construction that is compatible with the old in terms of scale, proportion, materials, design and function without being imitative. The Central Business C-B District is perceived as being a very specialized sector of the city, one that combines private and governmental businesses with entertainment and tourism while encouraging high density residential development as an integral part of the mix. The regulations that follow focus on those aspects of development that are essential to the creation of a center that attracts people, who in turn provide the vitality that makes the downtown successful.

26.4.1 Street Level Walls

The purpose of the street level wall requirement is twofold. The first goal is to promote the establishment of a variety of retail, service and entertainment type businesses for the convenience of the office, residential, and tourist populations in the downtown area. The second aim is to promote pedestrian use and activity and to encourage a higher degree of street life and vitality in the downtown. Retailing is enhanced by having transparent store fronts abutting the sidewalk and by assembling a critical mass of continuous retail activities along adjoining streets.

(1) The front façade of all new buildings shall be oriented toward a public street as shall the principal entrances.

(2) Doorways shall be recessed into the building interior to a depth sufficient to separate sidewalk traffic from outwardly opening doors, to create focal interest, and to punctuate the street wall.

(3) To maintain consistency with the existing historic streetscapes, new construction shall utilize natural

materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, precast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.

(4) To create an animated streetscape, at least fifty percent (50%) of the street level walls shall be windows and doorways. An unbroken expanse of solid or blank wall shall not exceed twenty (20) linear feet. Devices suitable to break such a wall span include street art, fountains, plazas, trees and landscaping, pedestrian furniture and the introduction of variety in materials, texture, color and/or pattern of wall materials.

(5) Street level commercial spaces should be configured as units fifteen (15) to forty (40) feet wide in order to stimulate visual interest, establish a predictable rhythm for pedestrians, and encourage the introduction of small retail and service businesses.

(6) Windows located in street level walls, with the exception of stained glass windows, shall be transparent.

26.4.2 Utilities and Mechanical Units

(1) All power, communication and other wiring shall be located underground.

(2) All exterior mechanical equipment, trash facilities, and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

26.5 - Landscaping Requirements

26.5.1 Landscape Buffers for Surface Parking

Buffer strips required to separate surface parking spaces from streets and pedestrian uses shall be landscaped in one of the following ways:

(1) A 5-foot wide planting bed having a continuous masonry wall between thirty (30) and forty-two (42) inches high planted on the street side with at least one nondeciduous vine or shrub for every ten (10) feet of wall length and one small maturing tree for every thirty (30) feet of wall length. Trees, shrubs and vines shall be evenly distributed along

the length of the wall. The landscape bed shall be planted with an evergreen ground cover; or

(2) A 5-foot bed having a hedge of a nondeciduous species, planted and maintained to form a continuous visual screen at least thirty (30) inches high within one year of planting and one small maturing tree for every thirty (30) linear feet of required planting bed. The bed shall be planted with an evergreen ground cover.

26.5.2 General Landscape Requirements

(1) Plant material used to fulfill these requirements must be provided with an adequate irrigation system which does not rely on drainage from the street, sidewalk, or buildings.

(2) All plant material must conform to the current version of the "American Standard for Nursery Stock" published by the American Association of Nurserymen.

(3) The owner of any lot that becomes vacant for any reason after the date of adoption of this Article shall have one hundred and eighty (180) days to either secure a building permit and begin construction of a new building or landscape the first fifteen (15) feet adjoining the public right-of-way in accordance with Section 26.5.1.

(4) The species of trees used must be consistent with adopted city ordinances concerning urban trees.

(5) Maintenance of landscaping in a healthy, neat and attractive condition is the responsibility of the owner of the property. Specifically, all plant material shall be watered, fertilized, pruned, kept free from weeds and litter, and replaced if diseased, injured or dead in a manner consistent with good horticultural practices.

(6) All landscaping shall be installed in accordance with Section 73.19 - Installation of Landscaping.

26.6 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.3 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

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*06-1201, 07-401

ARTICLE 27 VILLAGE BUSINESS C-6 DISTRICT REGULATIONS

Purpose

The Village Business C-6 District is intended to preserve neighborhood character as well as encourage a variety of uses in a more pedestrian oriented setting and sustain a harmonious transition between existing and new structures. This district is intended to encourage innovative redevelopment projects that set standards for landscaping, community design and aesthetics.

Within a Village Business C-6 District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

27.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Antique stores.

Accessory structures and uses.

Agricultural uses.

Antique stores and art galleries, excluding flea markets.

Bakeries, where not more than five (5) persons are employed on the premises.

Barber shops, beauty parlors, reducing salons and fitness/exercise centers, excluding tattoo and body piercing parlors.

Book, map, card and stationery stores.

Cafes, delicatessens, coffee shops and restaurants without alcoholic beverages.

Churches and similar places of worship.

Computer programming, software design and web design services.

Dance and music academies.

Drug stores.

Florist shops.

Grocery, health, and ethnic food stores.

Gift shops.

Home furnishings stores.

Jewelry stores and watch repair shops.

Multiple family dwellings, accessory structures and uses.

Municipal, county, state or federal uses and facilities.

Music and video stores.

Newsstands and hobby shops.

Notions and dry goods stores.

Office supply stores.

Offices for accountants, architects, attorneys and other professionals; consumer service offices such as real estate agencies, insurance agencies, travel agencies, advertising agencies; and administrative offices.

Performing Arts Centers.

Photography studios and photo retail sales.

Quick copy print shops.

Radio and television studios but not including broadcast towers.

Residential dwelling units -- provided such residential units occupy upper-story space within new or rehabilitated existing buildings having non-residential uses on the street level and provided that such residential units are in compliance with all applicable regulations for habitable space. All such residential uses shall have an entrance separate from the non-residential uses on the street level unless the entrance to the building opens into a lobby from which access to each use originates.

Shoe stores, shoe repair shops and tailor shops.

Sound and video recording studios.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.2 hereof.
(15-677)

27.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof:

(1) Minimum front yard requirements: None

(2) Minimum rear yard requirements: None, except that when the rear lot line abuts a residential district, except across a street, a rear yard of twenty-five (25) feet is required of which the first five (5) feet of the required rear yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree and six (6) shrubs per each linear fifty (50) feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

(3) Minimum side yard requirements: None, except that when the side lot line abuts a residential district, except across a street, a side yard of ten (10) feet is required.

(4) Maximum height is 35 feet.

27.3 – Site Development

In order to promote the purpose of the district the following standards shall be applied:

27.3.1 Building Size, Architecture, and Walkability

(1) For purposes of this section: (a) buildings sharing a common wall or having walls touching at or above grade shall be considered as one building; (b) the term "retail trade" means an establishment engaged primarily in selling goods, including groceries, or merchandise to the general public at retail.

(2) An individual retail trade, including tenants, shall not occupy more than 25,000 square feet of gross floor area in a building, including all interior floor space, roof top parking, and outdoor retail and storage areas.

(3) A group of retail trades separately owned or operated, including tenants, shall not occupy more than 50,000 square feet of floor area in a building, including all interior floor space, roof top parking, and outdoor retail and storage areas.

(4) New buildings shall not have, nor shall existing buildings be altered to have, a distinct architectural style commonly employed by retail franchises enhance or promote brand identity through visual recognition.

(5) Where buildings are not contiguous, the space between them shall be a minimum of ten (10) feet and shall be improved for use by cyclists, pedestrians, or vehicles, or be landscaped.

27.3.2 Street Level Walls

The purpose of the street level wall requirement is to promote pedestrian use and activity and to encourage a higher degree of street life and vitality in the village district. Retailing is enhanced by having transparent store fronts abutting the sidewalk and by assembling a critical mass of continuous retail activities along adjoining streets.

(1) Doorways that front on a public sidewalk shall be recessed into the building interior to a depth sufficient to separate sidewalk traffic from outwardly opening doors, to create focal interest, and to punctuate the street wall.

(2) New construction, including substantial remodeling, shall utilize natural materials for the exterior cladding of all visible wall surfaces. The facades should be designed to be compatible with the purpose of the districtin terms of scale, color and texture of materials, form and massing, and design detailing. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, precast concrete, glass, and where appropriate, cast metal for fenestrations, columns and beams. Reflective materials, including mirrored glass should be avoided as primary materials. Synthetic and imitation materials as well as aluminum, steel or other metal siding or cladding, vinyl and plastic materials are not allowed, except as a special exception in accordance with Section 92.5.3(39). Where a new or remodeled non-residential building abuts a lot containing an existing single or two-family dwelling unit or a residential district, its facades should be designed to be compatible with the residential use in terms of scale, color and texture of materials, form and massing, and design detailing.

(3) To create an animated streetscape, an unbroken expanse of solid or blank wall shall not exceed twenty (20)

linear feet. Devices suitable to break such a wall span include doors, windows, display windows and cases, street art, fountains, plazas, trees and landscaping, pedestrian furniture and the introduction of variety in materials, texture, color and/or pattern of wall materials.

(4) Street level commercial spaces should be configured as units in order to stimulate visual interest, establish a predictable rhythm for pedestrians, and encourage the introduction of small retail and service businesses.

(5) Windows located in street level walls, with the exception of stained glass windows, shall be transparent.

27.3.3 Utilities and Mechanical Units

(1) All electrical, communication and other wiring shall be located underground within the alleys where practicable.

(2) All exterior mechanical equipment, trash facilities, and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

(3) Trash collection facilities and dumpsters shall be concealed by solid wood and/or masonry walls for their full height. Where wood is used as the screening material, it shall be securely attached to an all metal support structure; if the wood is not pressure treated, it shall be cedar, redwood or cypress; and no wood member shall exceed twelve (12) inches in width. The gates shall be of metal, shall be at least eighty percent (80%) opaque, and shall be self-closing.

27.3.4 Landscaping Requirements

(1) Landscape Buffers for Surface Parking

Buffer strips required to separate surface parking spaces from streets and pedestrian uses shall be landscaped in one of the following ways:

(a) A 5-foot wide planting bed having a continuous masonry wall between thirty (30) and forty-two (42) inches high planted on the street side with at least one nondeciduous vine or shrub for every ten (10) feet of wall length and one small maturing tree for every thirty (30) feet of wall length. Trees, shrubs and vines shall be evenly distributed along the length of

the wall. The landscape bed shall be planted with an evergreen ground cover; or

(b) A 5-foot bed having a hedge of a nondeciduous species, planted and maintained to form a continuous visual screen at least thirty (30) inches high within one year of planting and one small maturing tree for every thirty (30) linear feet of required planting bed. The bed shall be planted with an evergreen ground cover.

(2) General Landscape Requirements

(a) Plant material used to fulfill these requirements must be provided with an adequate irrigation system which does not rely on drainage from the street, sidewalk, or buildings.

(b) All plant material must conform to the current version of the "American Standard for Nursery Stock" published by the American Association of Nurserymen.

(c) The species of trees used must be consistent with adopted city ordinances concerning urban trees.

(d) Maintenance of landscaping in a healthy, neat and attractive condition is the responsibility of the owner of the property. Specifically, all plant material shall be watered, fertilized, pruned, kept free from weeds and litter, and replaced if diseased, injured or dead in a manner consistent with good horticultural practices.

(e) All landscaping shall be installed in accordance with Section 73.19 - Installation of Landscaping.

27.3.5 Exterior Storage

No exterior storage of any type shall be permitted, unless it is totally contained, the containers are screened from public view, and such storage is located in a rear or side yard.

27.4 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.3 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

27.5 - Off-Street Parking and Loading Requirements

Except as provided herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

Parking shall not be permitted in any required side yard nor in the first five (5) feet of any required rear yard.

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

27.6 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements.

27.7 – Performance Standards

The performance standards listed in Section 50.2 (Research Park District) hereof shall be required for all uses located in a Village Business C-6 District.

27.8 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.1, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11, 15-677)

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*15-677

ARTICLE 30 PLANNED DEVELOPMENT PD DISTRICT REGULATIONS

Purpose

Within districts now existing or hereafter created, it is intended to permit establishment of new PD: Planned Development Districts for specialized purposes where tracts suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis.

Suitability of tracts for the development proposed shall be determined primarily by reference to any applicable officially adopted plans of the city, but due consideration shall be given to existing and prospective character of development of surrounding property.

PD districts shall be so related to the general development pattern and the objectives of applicable officially developed plans as to provide for comfort and convenience of occupants, facilitate protection of the character of surrounding neighborhoods, and provide facilities appropriate to the needs of the city.

Within PD districts, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design, conservation of resources, and a better environment.

In view of the substantial public advantages of planned development, it is the intent of these regulations to promote and encourage development in this form where appropriate in location, character and timing.

30.1 - Planned Development, Defined

For the purposes of these regulations, a planned development is:

30.1.1 Land under unified control, to be planned and developed as a whole;

30.1.2 In a single development operation or a definitely programmed series of development operations, including all access, lands and buildings;

30.1.3 For principal and accessory structures and uses substantially related to the character and purposes of the district;

30.1.4 According to plans that include not only sewers, drainage, streets, utilities, lots and/or building sites and the like, but also typical 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 on the land as related to the buildings; and

30.1.5 With a program for provision, operation, and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of, or visitors to, the district, but will not be provided, operated, or maintained at general public expense. (82-122, 82-295, 84-619)

30.2 - Relation of PD Regulations to General Zoning, Subdivision or Other Regulations; Variations on Equal Satisfaction of Public Purposes

The planned development regulations that follow shall apply generally to the initiation and regulation of all planned development districts. Where there are conflicts between the special PD regulations herein and general zoning, subdivision or other regulations or requirements, these regulations shall apply in PD districts unless the City Council shall find, in the particular case, that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable PD or general regulations, but the City Council makes a finding that in the particular case public purposes are satisfied to an equivalent or greater degree, Council may make specific modification of the regulations in the particular case, provided that where floor area and similar ratios (other than off-street parking requirements) have been established by PD regulations, Council shall not act in a particular case to modify such ratios.

Except as indicated above, notwithstanding procedures and requirements generally in effect, procedures and requirements set forth herein, and in guides and standards officially adopted as part of regulations for particular classes of PD districts, shall apply in PD districts, to any amendments creating such districts, and to issuance of all required permits therein. (82-122)

30.3 - Planned Development PD Districts, Where Permitted; How Established and Designated

Planned Development PD districts may hereafter be established by amendment to the official Zoning Maps and related amendatory action where tracts suitable in location and character for the uses and structures proposed are to be planned and developed on a unified basis, according to the requirements and procedures set forth herein.

PD districts shall be appropriately located with respect to intended function, to the pattern and timing of development existing or proposed in officially adopted plans, and to public or private facilities existing or clearly to be available at the time the development reaches the stage where they will be needed. All requirements specified in Article 90 - Amendments, shall be met, as well as the following specific requirements:

30.3.1 Access - PD districts shall be directly accessible from major or collector streets, and shall be so designed as to provide direct access, without creating an additional amount of traffic on local streets in adjoining residential neighborhoods that would exceed the

amount of traffic created if developed under existing zoning. Local streets may be connected only when it can be certified that by doing so this will not create an unnecessary hardship within the PD district or surrounding residential areas. A traffic demand analysis must be submitted before local streets can be connected.

30.3.2 Relation to Public Utilities, Facilities and Services; Private Provision or Contribution - PD districts shall be located in the proximity of adequate existing or planned sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations.

30.3.3 Physical Character of the Site; Relation to Surrounding Property - The site shall be suitable for development in the manner proposed, without hazards to persons or property, on or off the tract, from probability of flooding, erosion, subsidence or slipping of the soil, or other dangers, annoyances, or inconvenience. Condition of soil, ground water level, drainage, and topography shall be appropriate to both kind and pattern of such intended development.

If appropriate to the form of planned development, lands to be included in PD districts may be divided by streets, rights-of-way or easements, waterways or other separation, but shall be so located, dimensioned, and arranged as to permit unified planning and development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas. (82-122, 84-619)

30.4 - PD Additions to PD Districts

Where planned development additions are proposed to an existing PD district, and where the land and proposed plan of development is appropriately related to the existing PD district and provides necessary safeguards in relation to the surrounding area, PD amendments allowing such additions may be made without regard to the minimum area requirements set forth herein. Such additions may be of the same classification as the PD district being added to, or may be of another classification if the Planning Commission recommends and the City Council approves such other classification and plans proposed therefor as complementary to the original PD district. (82-122)

30.5 - Procedures on PD Amendments

Applications for amendment shall be submitted as for other amendments, and the following additional procedures shall be followed and requirements met:

30.5.1 Pre-Application Conference - Before submitting an application for PD amendment, a prospective applicant may confer with the Director of the City Planning Department or his delegated representative to obtain information and guidance before entering into binding commitments or incurring substantial expense in the

preparation of plans, surveys, reports, and other data. In arranging such meetings, the Planning Director may request the attendance of such officials or agency representatives as may be appropriate in the circumstances of the case. No statement made or information given during such pre-application conferences shall be binding on the city or the applicant, but a record shall be kept of recommendations made, and a copy of such record shall be provided to the applicant. (82-122)

30.5.2 Applications for PD Amendments; Materials to be Submitted with Applications; Materials to be Submitted on Subsequent Request - Applications for PD amendments shall be submitted as for other amendments. Materials required with the application, or on subsequent request, shall include all plans, maps, studies or reports reasonably necessary to the city for the purpose of making required determinations generally, or in the particular case, with copies as necessary for referrals and recording.

At the time of application all of the following shall be filed:

(1) A location map on a scale of 1" = 800'.

(2) A boundary and topographic survey of 1" = 200' with 5' intervals and extending 500' beyond the district boundaries. Existing features or conditions to be shown are public and private roads, pedestrian ways, utilities, easements.

(3) A description of physical features establishing limitations on location or kind of development or access, including but not necessarily limited to:

(a) Slopes;
(b) Soils (erosion characteristics, construction limitations);
(c) Flood hazards (flood plains, major flash flood channels);
(d) Sinkholes, springholes, caves;
(e) Areas subject to slippage, sedimentation or rockfalls from above;
(f) Areas requiring special limitation or treatment to avoid hazards to property below from slippage, sedimentation, runoff, rockfalls; and
(g) Existing streams, creeks, lakes and natural drainage features.

(4) A description of natural or cultural features to be considered in relation to preservation which may establish further limitations on location or kind of development or access, including but not necessarily limited to:

(a) Significant tree stands, understory vegetation or other ground cover;
(b) Buildings or sites of substantial historic or cultural significance;
(c) Major trails and other established pedestrian ways; and
(d) Cemeteries.

(5) A report identifying all property owners within the area of the proposed PD district, and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners and/or their prospective successors in title:

(a) To proceed with the proposed development according to the regulations in effect when the map amendment creating the district is passed, with such modifications as are set by the City Council in the course of such action; and

(b) To provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to City Council for completion of such development according to approved plans; and for continuing operation and maintenance of such areas, facilities, and services as are not to be provided, operated, or maintained at general public expense; and such dedications, contributions, or guarantees as are required for provision of needed public facilities and services; and

(c) To bind further successors in title to any commitments made under (a) and (b) above.

(6) A preliminary development concept plan shall be submitted in addition to, or as part of, the report described above, together with proposals in accord with (a) and (b) above, as a basis for specific agreements concerning plans, programs, and instruments, or specific modifications of details of applicable regulations where it is alleged by the applicant that such modification serves public purposes to an equivalent or higher degree than would strict conformity with such regulations.

In addition to identification of the proposed planned development, the developers and the persons or firm preparing the plan, scale, date, and similar details, this plan shall indicate:

(a) Use and approximate location, orientation, height, and floor area of proposed structures and portions of structures; similar data on existing structures, if any;

(b) Points of access for principal pedestrian and vehicular ways, plan for access from external ways, circulation pattern within the district;

(c) Location of water, sewerage and drainage facilities, lines, and easements of other utilities, within the district and as extended to connect outside the district;

(d) Location, character and scale of vehicular parking and service facilities;

(e) Relation to adjoining land uses and zoning districts, including, where view protection or provision is an objective, location of principal public viewpoints within, into, or through the proposed PD district;

(f) Existing lot and blocks, if any, and general pattern of proposed lot and blocks, if any; and

(g) Where development is to be in stages, nature and timing of each stage shall be indicated. (82-122, 82-295)

30.5.3 Preliminary Review of Application as Submitted; Requirement for Special Studies, Investigations or Reports - On receipt of the application and preliminary concept plan and proposals as indicated above, the Planning Director and such other agencies or officials as he may deem appropriate in the circumstances of the particular case, shall study the proposal to determine conformity with any officially adopted plans of the city, and with the stated intent and substance of zoning and other applicable regulations.

In the course of such review, written findings shall be made as to the necessity for any special studies, investigations or reports needed to make determinations called for in the particular case, where existing information available to the Planning Department or cooperating agencies or officials is inadequate.
(82-122)

30.5.4 Preliminary Conferences with Applicants - Following such review, unless complete conformity is found and no special studies are required, the applicant shall be notified in writing of any discrepancies, and of the willingness of the Planning Director and other appropriate officials or agencies to confer for the purposes of assisting the applicant in bringing the material submitted as nearly

as possible into conformity with requirements and/or to define specific modifications of regulations or officially adopted plans that seem justified in view of equivalent services of public purposes by the proposal.

The applicant shall also be informed of the need for any special studies, investigations or reports, and of the reasons such material is required in the circumstances of the particular case. Where the need for such special studies, investigations or reports arises as a result of a proposal for a PD district, applicants shall pay all costs incidental thereto, and the studies shall be made by the city, agencies cooperating with the city, or experts acceptable to the city.

If the applicant does not desire to participate in such conferences, or to provide or pay the costs of any special studies, investigations or reports requested, the Planning Director shall base his report to the Planning Commission and City Council on the application as received.

If the applicant joins in such conferences, changes may be made in the original proposal, further conferences may be held, and additional material requested on finding of need as above.

In the course of such preliminary conferences, any recommendations for changes shall be recorded in writing, with reasons therefor, and shall become part of the record in the case. Applicants shall indicate, in writing, their agreement to such recommendations, or their disagreement and reasons therefor; and such response by applicants shall also be included in the record. (82-122, 84-619, 85-97)

30.5.5 Planning Department Recommendations - At such time as further conferences appear unnecessary, or at any time on request of the applicant, the Planning Department shall prepare a report to the Planning Commission and City Council containing findings:

(1) As to the suitability of the tract for the general type of PD zoning proposed, physical characteristics of the land, and relation of the proposed development to surrounding areas and existing and probable future development;

(2) As to relation to, and access from, major or collector roads, and to utilities and other facilities and services;

(3) As to adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed (with findings as to such matters based on opinions of the City Attorney);

(4) As to the suitability of plans proposed, or the desirability of changes, with reasons therefor; and

(5) As to the desirable specific modifications in generally applicable regulations or officially adopted plans, as applicable in the particular case, based on determinations that such modifications are necessary or justified in the particular case by demonstration that the public purposes of PD or other regulations would be met to at least an equivalent degree by proposals of the applicant.

Based on such findings, the Planning Department shall recommend to the Planning Commission approval of the PD amendment as proposed, approval conditioned on specific stated modifications, or disapproval, with recorded reasons therefor. (82-122)

30.5.6 Actions by Planning Commission, City Council - Following receipt of the Planning Department report, the Planning Commission shall recommend to the City Council approval of the PD amendment as proposed, approval conditioned on specific stated modifications, or disapproval with recorded reasons therefor. Where the PD development concept plan involves a subdivision of land, the Planning Commission may hold a public hearing on such subdivision as required by Alabama law before submitting a recommendation regarding the PD zoning proposal to City Council.

Actions by the City Council shall be as for zoning amendments generally. Council may grant the application in accord with PD and other regulations applicable, may include specific modifications of PD or other applicable regulations as provided at Section 30.5.5 (5), or may deny the application, with written reasons for the denial.

If amendment is granted, the City Council shall in its amending action approve the preliminary development concept plan as it may have been changed during earlier procedures, or indicate required modifications, if any, which shall be binding in determinations concerning final development plans. If modifications are required, the City Council shall officially state its reasons therefor in the record.

If amendment is granted, the development shall be required to be in accord with final development plans meeting the requirements of these and other regulations, as supplemented or modified by the City Council in the particular case as part of the amending action, and shall conform to any time or priority limitations established by Council on beginning and completion of the development as a whole, or in specified stages.

At the time of amendment, the City Council shall pass upon the adequacy in form and substance of any agreements, contracts, deed restrictions, sureties, or other instruments involved; and before development may proceed, such instruments shall be approved by appropriate officers and agencies. (82-122, 84-619, 85-97)

30.5.7 Planning Commission Action on Approval of Final Plans - Not more than ninety (90) days after the City Council approves the PD rezoning the final plan must be submitted to the Planning Commission or, if the Planned Development is to be developed in stages, then the final plan for the first stage must be submitted within ninety (90) days after Council approval. The Planning Commission must approve the staging of development and the following provisions must be complied with:

(1) In a PD, the ratio of gross floor area as initially approved or amended shall not be exceeded at any given stage of construction.

(2) Each stage shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PD district or its surroundings at any stage of the development.

(3) The commencement of actual construction of any stage of the PD district shall be governed by the provisions of Section 30.6.

If the Planning Commission does not receive the final plan or the final plan of an approved stage within ninety (90) days of the PD rezoning by the City Council, it may take action as described in Section 30.6.

After a PD district has been established, no building permit shall be issued therein, and no grading, clearing, excavations or filling shall take place, until the Planning Commission has approved final plans and reports. Such approval shall be based on substantial compliance with the preliminary development concept plan, including any modifications required by the City Council in its amending action, and on compliance with regulations applying at the time of rezoning, including any modification in application established by the City Council. Where applicable regulations are amended following the rezoning action, applicants or their successors in interest may elect to conform to such amended regulations, subject to the same modifications if they affect such amended regulations in the same way.

Form and content of such final plans and reports shall be as prescribed in zoning, subdivision or other lawful regulations,

generally or for particular PD districts, and in rules of the Planning Commission and other affected agencies.

Upon approval of final plans and reports, building permits or other required permits shall be issued in the same manner as applies generally, provided that any requirements or limitations concerning the order and location in which such permits are to be issued in the particular PD district shall be observed.

Except as provided below, final plans and reports approved shall be binding on the applicants and any successors in title so long as PD zoning applies to the land.
Final plan approval does not require formal public notice or hearing. (82-122, 84-619)

30.5.8 Changes in Approved Final Plans - Minor changes in the location, siting, and height of buildings and structures, lot and block configuration and street geometrics may be authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. Where minor changes involve changes in an approved subdivision plat, the form and content of such changes shall meet the requirements of the subdivision regulations. No change authorized by this subsection may cause any of the following:

(1) A change in the primary use or character of the development;

(2) An increase in the intensity of use;

(3) An increase in the problems of traffic circulation and public utilities;

(4) A reduction in approved open spaces; or

(5) A reduction of off-street parking and loading space or required pavement widths.

All changes other than minor changes shall be subject to review and recommendation by the Planning Commission, another public hearing, and further amendatory action by the City Council as required for original approval. (82-122)

30.6 - Expiration of Time Limits in Relation to PD Amendments: Failure to Meet Other Requirements

Where time limits are set for beginning or completion of development or stages of development, or where other requirements are established in connection with a PD amendment, and where such time limits or other requirements are not met, the Planning Director shall promptly call the matter to the attention of the Planning Commission, with

a full written account of the circumstances, and the findings and recommendations of the Planning Department. The Planning Commission shall then review the case and make recommendations to the City Council:

30.6.1 That PD zoning for the entire district be continued with revised time limits; or

30.6.2 That PD zoning be continued for part of the district, with or without revised time limits, that appropriate steps be taken to correct any deficiencies in area or open space requirements in designated portions of the district which have not been developed, and that remaining portions of the district be rezoned to an appropriate category; or

30.6.3 That the entire district be rezoned from PD to an appropriate category; and/or

30.6.4 That such other steps be taken as seem equitable in the circumstances of the case and will appropriately protect the public interest.

Such recommendations shall include proposals for appropriate action concerning any legal instruments in the case. (82-122)

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*82-122, 82-295, 84-619, 85-97

ARTICLE 31 PD-H: PLANNED DEVELOPMENT-HOUSING DISTRICT REGULATIONS

The following regulations and requirements apply to PD-H: Planned Development-Housing Districts, defined for the purposes of these regulations as planned development districts primarily for dwellings and related uses and facilities.

31.1 - PD-H Districts, Where Permitted; Intensity of Use

PD-H districts may hereafter be established in accordance with the general procedures and requirements set forth in Article 30. Intensity (or density) of residential use in any PD-H district hereafter created shall be established at the time of amendment creating the district. (82-122)

31.2 - Permitted Principal and Accessory Uses and Structures

31.2.1 Principal Uses and Structures Permitted Generally - The following principal uses and structures shall be permitted generally:

(1) Dwellings, detached, semi-detached and attached, including multifamily; residence hotels, apartment hotels, and other facilities including lodgings other than for transients, except as permitted as accessory uses;

(2) Public schools through the secondary level, and private schools with similar academic curriculums, except that no school shall conduct training in the industrial arts in such a manner that there is external evidence of the conduct of such activity;

(3) Day nurseries, kindergartens, day care centers for children or for the elderly;

(4) Non-commercial social, recreational and cultural facilities, such as neighborhood or community centers, game rooms, libraries, golf courses, swimming pools, and the like;

(5) Places of worship; and

(6) Structures and uses required for operation of a public utility, performance of a governmental function, or performance of any function found reasonably necessary for the operation and maintenance of the planned development and otherwise permitted under these or general regulations, subject to the requirements thereof.

31.2.2 Accessory Uses and Structures Permitted Generally - Customary accessory uses and structures clearly incidental to permitted principal uses and structures shall be permitted in this district,

subject to the limitations of Section 73.1, with home occupations limited to twenty-five percent (25%) of residential floor area. In addition, agricultural uses accessory to principal uses in the district may be permitted other than on the lots or adjacent to the building sites of such principal uses, where it is found that satisfactory arrangements have been made for continuing management and maintenance. In connection with such agricultural uses, there shall be no sales on the premises and no commercial animal or poultry operations or kennels. (82-122)

31.2.3 Additional Principal or Accessory Structures and Uses - Where the scale, character and/or location of particular planned developments justify additional principal or accessory structures and uses, they may be specifically authorized by City Council at the time of rezoning to PD-H status, or subsequent to rezoning by the Board of Adjustment as special exceptions.

Examples of such additional principal or accessory uses and structures include convalescent or rest homes in large planned developments primarily for the elderly, convenience or other commercial facilities in large planned developments, or in developments where such facilities are not conveniently available in the vicinity, personal service establishments, or medical or dental offices. The following requirements and limitations shall apply:

(1) No evidence of any such additional facilities shall be apparent from outside the planned development;

(2) Such uses and structures shall be designed and intended primarily to serve occupants of the development and their guests, and not to attract other visitors or customers;

(3) Scale of such facilities shall be in keeping with scale of residential development to the period at which such facilities are installed or provided, except that in the case of staged development, facilities may be scaled to serve residential occupancy anticipated within one year;

(4) Commercial, service or office floor area authorized for such additional principal or accessory structures and uses shall not exceed ten percent (10%) of an amount equal to residential floor area developed, or staged for completion within one year;

(5) Such facilities shall be so located, and access and parking so designed, as to maximize convenience for occupants of the development, and minimize hazards or annoyances;

(6) Off-street parking required for such nonresidential uses shall, where reasonably feasible, be combined with other

nonresidential parking at neighborhood or community centers, and when so combined shall not be required to exceed one-half the amount required generally at Section 70.1;

(7) No such facilities shall be permitted if their construction would reduce open space, or increase coverage by buildings or impermeable surface, or increase residential floor area beyond limits established for the district; and

(8) No outside storage shall be permitted with any accessory use. (82-122, 82-295)

31.3 - Land Use Intensity (LUI) Ratings and Related Requirements

The following requirements and limitations apply to dwelling and lodging uses within PD-H districts hereafter created from or within other districts. Application of these requirements and limitations, and definitions and rules of interpretation of the terms involved, appear at Section 73.16.

PD-H DISTRICT CREATED FROM OR WITHIN DISTRICT

	R-1	R-1A	R-1B	R-2	Research Park and R-2A	R-2B and other districts
Gross Area Minimum for district	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres
LUI Rating	35	37	40	45	50	56
Residential Floor Area Ratio (FAR)	.141	.162	.200	.283	.400	.606
Open Space Ratio (OSR)	.78	.77	.76	.74	.72	.70
Livability Space Ratio (LSR)	.54	.53	.52	.48	.44	.40
Recreation Space Ratio (RSR)	.030	.032	.036	.042	.052	.065
Off-Street Parking/ Spaces per Dwelling Unit (D.U.)	2.0	2.0	1.5	1.5	1.25	1.25

Gross land area x FAR = Maximum permitted residential floor area.

Gross land area x OSR = Minimum required open space.

Gross land area x LSR = Minimum livability (non-vehicular open space, a part of total open space).

Gross land area x RSR = Minimum recreation space, a part of livability space.

(82-122, 82-295, 82-494)

31.4 - Site Planning, External Relationships

Site planning within the district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development including prevention of excessive storm drainage in runoff peaks. In particular:

31.4.1 Principal Vehicular Access Points - Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. Minor streets shall not be directly connected with streets outside the district in such a way as to encourage use of such minor streets by substantial amounts of through traffic. (82-122)

31.4.2 Access for Pedestrians and Bicycles - Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Such access need not be adjacent to, or limited to the vicinity of, access points for automotive vehicles. Where there are crossings of pedestrian ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial automotive traffic at edges of districts, safeguards including fencing may be required to prevent crossings except at designated points. Bicycle and/or bridle paths, if provided, shall be so related to the pedestrian system that street crossings are combined. (82-122)

31.4.3 Protection of Visibility - Automotive Traffic, Cyclists, and Pedestrians - Protection of visibility for automotive traffic, cyclists, and pedestrians shall be as generally provided at Section 73.10 - Corner Visibility. In addition, where there is pedestrian, bicycle, or equestrian access from within the development to a street at its edges by paths across yards or other open space without a barrier to access to the street, no material impediment to visibility, as defined therein, shall be created or maintained within areas appropriate to the circumstances of the case, but in any event within a visibility triangle equivalent to that required in Section 73.10. (82-122)

31.4.4 Uses Adjacent to Single-Family Residence Districts - If a PD-H district adjoins a single-family residence district, then either:

(1) The portion of the perimeter of the PD-H district so adjoining shall be planned and developed only for uses permitted in the adjoining residential district and in accordance with all other requirements for such district; or

(2) Common open space for the PD-H district to a depth of one hundred (100) feet from the district boundary shall be provided. No intensive recreational use or off-street parking shall be permitted within seventy-five (75) feet of the district boundary in such cases. (82-122, 84-619)

31.4.5 Yards, Fences, Walls, or Vegetative Screening at Edges of PD-H Districts - Yards, fences, walls, or vegetative screening shall be provided at edges of PD-H districts where needed to protect residents from undesirable views, lighting, noise, or other off-site influences, or to protect residential occupants of other districts from similar adverse influences within the PD-H district. In particular, extensive off-street parking areas, service areas for loading and unloading vehicles other than passenger, and areas for storage and collection of refuse and garbage shall be screened. (82-122)

31.4.6 Height Limitations at Edges of PD-H Districts - Except along boundaries where adjoining districts permit greater heights within similar areas, no portion of any building in such district shall project through imaginary planes leaning inward from district boundaries at an angle representing an increase in height for each foot of horizontal distance perpendicular to the boundary as follows: Adjacent to Residence 1, 1-A, 1-B, 1-C, 2 and 2-C districts, 0.5 foot; adjacent to other districts, 1.0 foot. (82-122, 07-460)

31.4.7 Signs Visible from Outside PD-H Districts - No signs visible from outside PD-H districts shall be erected within such district other than not to exceed two signs identifying the development, with total combined maximum surface area not to exceed fifty (50) square feet, at each principal entrance. In addition, during the process of construction and initial sale or rental within such development, temporary announcement signs may be allowed by special permit only, issued by the Zoning Administrator for periods not exceeding one year, and renewable for one-year terms but not to exceed two additional years.

Such temporary signs shall not exceed two, with combined maximum surface area not exceeding one hundred (100) square feet for each principal entrance. Such signs shall be located at least ten (10) feet from any property line, and oriented for minimum adverse effects on adjoining or facing residential property. Location shall be

further governed by requirements for vision clearance at intersections as set forth at Section 73.10. (82-122, 07-460)

31.5 - Site Planning, Internal Relationships

The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, and facilities, for appropriate relation of space inside and outside buildings to intended uses and structural features, and for preservation of desirable natural or historic features and minimum disturbance of natural topography. In particular:

31.5.1 Streets, Drives, Parking and Service Areas - Streets, drives, parking and service areas shall provide safe and convenient access to dwelling units and general facilities, and for service and emergency vehicles. Streets shall not be so laid out as to encourage outside traffic to traverse the development on local streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with use and shape of the site and the convenience and safety of occupants. (82-122, 84-619)

31.5.2 Vehicular Access to Streets - Vehicular access to streets shall be limited and controlled as follows:

(1) Streets or Portions of Streets Serving 50 or Fewer Dwelling Units: If the street or portion thereof serves fifty (50) or fewer dwelling or lodging units, vehicular access from off-street parking and service areas may be directly to the street from the sites of individual dwelling or lodging units. Determination of number of units served shall be based on normal routes of traffic anticipated in the development.

(2) Vehicular Access to Other Streets or Portions of Streets: Vehicular access to other streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner that minimizes marginal traffic friction and promotes free flow of traffic on streets without excessive interruption.

31.5.3 Ways for Pedestrians and Cyclists: Use by Emergency or Service Vehicles - Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate project facilities, and principal off-site pedestrian destinations. Maximum walking distance in the open between dwelling units and parking areas, delivery areas, and refuse and garbage storage areas shall not exceed one hundred and fifty (150) feet.

Walkways to be used by substantial numbers of children as play areas or as routes to school or other destinations shall be so located and safeguarded as to minimize contact with normal automotive traffic. If substantial bicycle traffic is anticipated, bicycle paths shall be coordinated with the walkway system. Street crossings shall be held to a minimum on walkways, bicycle paths, and/or bridle trails and shall be located and designed to promote safety and appropriately marked and otherwise safeguarded.

Pedestrian ways and bicycle paths, appropriately located, designed, and constructed, may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic, including motorbikes and motorcycles.

31.5.4 Protection of Visibility - Automotive Traffic, Cyclists, and Pedestrians - Protection of visibility for automotive traffic, cyclists, and pedestrians shall be as provided at Section 31.4.3. (82-122)

31.6 - Open Space and Spacing of Buildings or Portions of Buildings Containing Dwelling or Lodging Units

Definitions, rules for interpretation, and requirements and limitations concerning open space and spacing of buildings or portions of buildings containing dwelling or lodging units shall be as provided at Section 73.16. (82-122)

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*82-122, 82-295, 82-494, 84-619, 07-460

ARTICLE 32 PD-SC: PLANNED DEVELOPMENT-SHOPPING CENTER DISTRICT REGULATIONS

32.1 - Application of Regulations

The following regulations and requirements apply to PD-SC: Planned Development-Shopping Center districts, defined for the purposes of these regulations as planned development districts for neighborhood PD-SC(N), community PD-SC(C) and regional PD-SC(R) shopping centers.

32.1.1 Establishing Districts; Intent

PD-SC districts may hereafter be established in accord with general procedures and requirements of Article 30. It is the intent of these regulations to provide for development of such centers in scale with surrounding areas, at appropriate locations, and in accord with standards set forth herein. It is further intended to permit the establishment of such districts only where planned shopping centers with carefully-related buildings, parking and service areas, and landscaped open space will serve clearly demonstrated public needs, reduce marginal traffic friction from that which would result from strip commercial development, and protect property values in surrounding neighborhoods. It is further intended that PD-SC districts shall provide a broad range of facilities and services appropriate to the general need of the area served, as distinguished from PD-HC: Planned Development-Highway Commercial districts, with their specialized combinations of uses, or individual convenience establishments.

32.1.2 Limitations on Access from Local Streets

Access to PD-SC districts shall not be from local streets if such an arrangement encourages through traffic in residential neighborhoods. (88-192)

32.2 - PD-SC(N): Planned Development-Neighborhood Shopping Center Districts

32.2.1 Intent

PD-SC(N): Planned Development-Neighborhood Shopping Center districts are intended to be built around a supermarket as the major use, and to provide for the sale of convenience goods, and provision of personal services, serving a trade area normally within 10 minutes driving time.

32.2.2 Access

PD-SC(N) centers shall be located only with direct access to, and preferably at inter- sections of collector streets or those of a more

intensive use category, or on suitable frontage roads adjacent to such streets. (88-192)

32.3 - PD-SC(C): Planned Development-Community Shopping Center Districts

32.3.1 Intent

PD-SC(C): Planned Development-Community Shopping Center districts are intended to be built around a junior department store or substantial variety store as the major tenant, in addition to a supermarket, serving a trade area normally within 20 minutes driving time.

32.3.2 Access

PD-SC(C) centers shall be located only with direct access to, and preferably at intersections of, minor arterial streets, or those of a more intensive use category, or on suitable frontage roads adjacent to such streets. (88-192)

32.4 - PD-SC(R): Planned Development-Regional Shopping Center Districts

32.4.1 Intent

PD-SC(R): Planned Development-Regional Shopping Center districts are intended to be built around one or more full-line department stores, serving a trade area normally within 25 minutes driving time.

32.4.2 Access

PD-SC(R) centers shall be built only with direct access to principal arterial streets, and preferably intersections of principal arterial streets with each other, or with minor arterial streets, or on suitable adjacent frontage roads. (88-192)

32.5 - Permitted Principal and Accessory Uses and Structures

The following principal and accessory uses and structures may be permitted in PD-SC districts, subject to the limitations and requirements set forth. The listings are intended to be illustrative (except where limitations are stated) rather than rigidly inclusive, and PD-SC zoning may be denied if a proposed center does not include a sufficient range of establishments to provide for the general needs of the trade area to be served.

32.5.1 PD-SC(N) Districts

Branch offices for financial institutions such as banks and savings and loan institutions.

Delicatessen or neighborhood restaurant-- provided no live entertainment or dancing is permitted, and provided that where alcoholic beverages are sold for on-premises consumption, more than fifty percent (50%) of the gross sales must be composed of meals or food prepared on the premises.

Medical, optical and dental offices and clinics; establishments for sale, fitting and repair of hearing aids.

Off-Premises Beer Retailer and Off-Premises Table Wine Retailer-- provided that such uses shall be located in a commercial establishment with gross sales of more than fifty percent (50%) in grocery items and further provided that such uses shall not be located within five hundred (500) feet, as measured from the external boundaries of said uses, of any building in which there is a church or public or private elementary or secondary school, nursery, kindergarten or day care center. The aforesaid distance restrictions from churches, schools, nurseries, kindergartens or day care centers shall not apply if the church, school, nursery, kindergarten or day care center was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six months.

Personal service establishments, including:

Barber shops, beauty shops

Cleaning and laundry agencies; cleaning and laundry establishments not employing more than five persons per shift in operation, and processing only goods delivered to and picked up from the premises by individual customers;

Coin-operated laundry and dry cleaning establishments.

Public buildings and uses appropriate to the character of the district or requiring location within the district.

Retail stores, except those dealing primarily in second-hand merchandise, including:

Bakeries, confectioneries, delicatessens, fish markets, meat markets and the like, for retail trade only; clothing stores, shoe stores; drug stores, news stands, book and tobacco shops; florists, gift shops, jewelry stores, stationery stores, antique shops, specialty shops; groceries, supermarkets; hardware, sporting goods, garden supply stores; variety stores.

Service stations (but not repair garages) -- provided that not more than one service station shall be permitted in any PD-SC(N) district,

and that no site for such station shall occupy more than 15,000 square feet of net lot or site area.

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures.

32.5.2 PD-SC(C) Districts

As for PD-SC(N) districts, and in addition:

Department stores (junior).

Furniture and home furnishing stores.

Main office of financial institutions, such as banks and savings and loan institutions.

Offices, with total office space not occupying more than ten percent (10%) of gross leasable area.

Service stations (but not repair garages) limited to two in any PD-SC(C) district--provided that no service station site shall exceed 20,000 square feet.

32.5.3 PD-SC(R) Districts

As for PD-SC(C) districts, and in addition:

Automotive supply stores.

Bowling alleys and similar commercial recreational establishments.

Offices, with total office space not exceeding twenty percent (20%) of total gross leasable area.

Service stations (but not repair garages)-- provided that no service station site shall exceed 25,000 square feet, and that total area in service station use shall not exceed two percent (2%) of the land area of the district.

32.5.4 The Planning Commission may recommend to the City Council additional uses as proposed by the applicant if such uses are in keeping with similar zoning classifications within the immediate area of the rezoning request and provided that such uses will not affect the surrounding character of the area. Such additional uses shall be specified at the time of rezoning and must be approved as for all rezonings. (88-192)

32.6 - Land Area Requirements

Minimum land area required for creation of PD-SC districts, and maximum area allowable, is as follows:

District	*Land Area in Square Feet*	
	Minimum	*Maximum*
PD-SC(N)	100,000	500,000
PD-SC(C)	500,000	1,500,000
PD-SC(R)	1,500,000	No maximum

(88-192)

32.7 - Floor Area Limitations; Gross Leasable Area Limitations and Requirements

32.7.1 Maximum Total Floor Area

Maximum total floor area for any PD-SC district shall not exceed .20 times the gross land area of the district.

32.7.2 Gross Leasable Area (GLA) Defined; Minimum Requirement

Gross leasable area (GLA) is defined for purposes of these regulations as the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, measured from the center lines of joint partitions and from outside wall faces. (Areas for common use, such as walkways, stairwells, public rest rooms, and the like, are not to be included in GLA computations.)

Total GLA actually provided shall be not less than sixty-seven percent (67%) of the maximum permissible floor area for the district.

32.7.3 Minimum GLA Requirement for Principal Use

At least one single major principal use shall contain not less than twenty-five percent (25%) of the total gross leasable area of the district, except that no such use shall be required to contain over 100,000 square feet of gross leasable area.

32.7.4 Maximum GLA Limitation for Principal Use

No single major principal use shall contain over forty percent (40%) of the total gross leasable area of the district. (88-192)

32.8 - Height Limitation

Maximum height shall be 30 feet.

32.9 - Pedestrian and Landscaped Common Area Requirements

Not less than fifteen percent (15%) of the land area of the district shall be reserved for pedestrian use and landscaping, and shall be improved and maintained accordingly. Such area may include covered malls for general pedestrian use, exterior walkways, play areas for children, outdoor seating areas, and similar facilities for common use by tenants and visitors. Appropriately improved deck and roof areas may be included in such common area. (88-192, 99-1020)

32.10 - Off-Street Parking and Loading Requirements

Off-street parking shall be provided at a ratio of at least one space per three hundred (300) square feet of GLA. Provision shall be made for adequate off-street loading facilities. The provisions of Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements, shall apply. (88-192, 99-1020)

32.11 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.10 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (88-192)

32.12 - Site Planning, External Relationships

32.12.1 Orientation of Uses and Structures

Orientation of permitted uses and structures shall be toward streets other than adjacent local streets in residential neighborhoods, and away from such neighborhoods, whether or not the district is separated from the neighborhoods by streets.

32.12.2 Vehicular and Pedestrian Access

Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes, frontage streets, and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Whether required or provided voluntarily, such merging and turnout lanes, frontage streets, and/or traffic dividers may be included as part of the required yard adjacent to the street, except that no such lanes, streets or dividers shall be located in any part of any required landscaped yard established in conformity with Section 32.12.3.

Pedestrian access may be at any suitable location, but shall where practicable be separated from vehicular access points to reduce congestion, marginal friction and hazards, except where

signalization is used to control pedestrian and vehicular movements safely.

32.12.3 External Yards Generally; Adjacent to Residential Districts

External yards with a minimum width of thirty-five (35) feet shall be provided along all property lines. Landscaping and use of such yards, except where traversed by permitted vehicular accessways, shall be as provided below:

(1) Along arterial or collector streets or frontage streets, except in areas described at (2) below, the nearest fifteen (15) feet to the right-of-way shall be maintained in landscaping (which may include walkways), unless turn-out or merging lanes are provided, in which case the nearest ten (10) feet to the turn-out or merging lane shall be landscaped. The remainder of such yard may be used for off-street parking.

(2) Where side yards in residential districts adjoin the PD-SC district without an intervening street or alley, the nearest thirty-five (35) feet within the PD-SC district to the zoning boundary shall be maintained in landscaping, not including walkways other than continuations of sidewalks along the street, for a depth equivalent to the front yard depth required in the residential district, and no vehicular access or parking shall be permitted in such landscaped area.

(3) Where lots in residential districts face a PD-SC district across local streets, the nearest thirty-five (35) feet to the right-of-way within the PD-SC district shall be maintained in landscaping, and no off-street parking shall be permitted in such area. Vehicular and pedestrian access through such landscaped strip shall be only where provided for convenience of residents of adjoining residential areas, and shall not be so located as to encourage general public access or through traffic on local residential streets.

(4) In all other locations, the nearest ten (10) feet to the district boundary shall be maintained in landscaping, including walkways, except for permitted vehicular accessways, and no off-street parking shall be permitted.

In general, landscaping as required above shall be of a nature which conceals extensive parking areas or service areas within PD-SC districts, where such concealment is reasonably practicable, but shall not create hazards to automotive traffic or pedestrians by reducing visibility at intersections within or adjoining the district.

Where deemed necessary for the protection of adjacent property against the adverse effects of noise, lights, or undesirable views, berms, fences, walls or hedges of an appropriate character may be required. (88-192)

32.13 - Site Planning, Internal Relationships

In general, the plan shall establish a unified and well-organized arrangement of buildings, service areas, parking, and pedestrian and landscaped common areas providing for maximum comfort and convenience of visitors and occupants. Commercial buildings shall be so grouped in relation to parking areas that after visitors arriving by automobile enter the walkway system, establishments may be visited conveniently with a minimum of further automotive movement.

Facilities and access routes for shopping center deliveries, servicing and maintenance shall be so located and arranged as to prevent interference with pedestrian traffic in the center. Service stations shall be so located that operations do not interrupt pedestrian or automotive traffic flows in other parts of the center.

Loading zones where customers pick up goods shall be so located and arranged as to minimize interference with pedestrian movement within the center. (88-192)

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*88-192, 99-1020

ARTICLE 33 PD-HC: PLANNED DEVELOPMENT - HIGHWAY COMMERCIAL DISTRICT REGULATIONS

33.1 - Application of Regulations; PD-HC Districts Defined

The following regulations apply to PD-HC: Planned Development-Highway Commercial districts, defined for the purposes of these regulations as planned developments for complementary groupings of highway-related commercial and service activities.

33.1.1 PD-HC Districts; Where Permitted; Intent

PD-HC districts may hereafter be established in accord with general procedures and requirements set forth in Article 30.

It is the intent of these regulations to provide for establishment of such districts at locations appropriate in terms of officially adopted land use and transportation plans of the City of Huntsville, and in accord with standards set forth herein. It is further intended that PD-HC districts shall:

(1) Encourage concentration of grouped complementary uses next to streets with large traffic volumes, providing well planned development on sites with adequate frontage and depth to permit controlled access and reduce marginal traffic friction;

(2) Serve as an alternate to further extensions of general commercial zoning; and

(3) Protect stability and property values in surrounding residential neighborhoods. (88-192)

33.2 - Permitted Principal and Accessory Uses and Structures

The following principal and accessory uses and structures may be permitted in PD-HC districts, subject to regulations of such districts, only where they form complementary and compatible groupings contributing to the efficiency and convenience of the particular district, and only where, by their location or design, they are appropriate in their surroundings.

In general, retail, wholesale, personal and business services, professional and general offices, distribution and warehousing activities, and recreational uses may be permitted in such districts in appropriate combinations where they would serve the needs of those passing on highways or the general public.

Applications for amendments to PD-HC zoning status may be denied if the particular district does not contain complementary and compatible facilities, or if a particular complex of uses, in themselves complementary and compatible, would be

inappropriate in the location proposed because of surrounding development and/or zoning.

The following illustrative groups of uses are considered complementary and compatible. In some groups, uses which would not be permitted as dominant may be allowable in support of the main function. Thus in the automotive sales and services category, a small restaurant or lunchrooms for employees and visitors would support the major activity, but a large restaurant attracting customers who would not otherwise be coming to the district would be out of place. In determinations concerning proposed PD-HC rezonings, consideration shall be given to such balance between principal and supporting uses.

Uses which are customarily accessory and clearly incidental to permitted principal uses shall be allowed in all PD-HC districts, subject to the same considerations as to whether they are complementary, compatible, and at appropriate scale.

33.2.1 Tourist services - adjacent to major tourist routes only

Motels
Eating and drinking establishments, including drive-in
Campgrounds, recreational vehicle parks
Convenience stores
Laundromats
Service stations, but not major repair garages
Tourist recreational facilities

33.2.2 Office parks

Professional and general offices
Supporting facilities, including as appropriate to function of the particular district laboratories, pharmacies, computer centers, centralized facilities for reproduction and mailing of printed matter, office supply and equipment establishments, and the like.
Supporting eating and drinking establishments.

33.2.3 Home and garden centers

Furniture stores
Hardware stores, including those with equipment rental
Home appliance stores
Establishments for sale of building materials (enclosed operation)
Furniture repair and upholstery
Garden supply stores, nurseries, greenhouses, florist shops
Supporting facilities including, as appropriate, eating and drinking establishments (other than drive-in), branch banks, and the like.

33.2.4 Automotive sales and services (auto sales parks)

New car dealerships and service departments, with associated used car sales

Used car dealerships (in some locations)
Auto parts; accessories
Automobile, truck and trailer rentals
Recreational vehicles, boats and trailers
Mobile home sales and service (in some locations)
Service stations; repair garages
Appropriate support facilities

33.2.5 Distribution centers (may involve rail as well as highway access)

Truck terminals; freight terminals
Warehousing, wholesaling
Automotive service stations, repair garages
Supporting restaurant and motel facilities (88-192)

33.3 - Minimum Area of District; Access Requirements

Minimum land area for establishment of PD-HC district shall be 200,000 square feet, with minimum frontage of 250 feet on an arterial street. (88-192)

33.4 - Maximum Floor Area

Maximum total floor area for any PD-HC district shall not exceed .20 times the gross land area of the district. (88-192)

33.5 - Height Limitations

Maximum height shall be thirty (30) feet. (88-192)

33.6 - Pedestrian and Landscaped Open Space Requirements

Pedestrian and landscaped open space requirements shall be as for PD-SC, Section 32.9. (88-192)

33.7 - Off-Street Parking and Loading Requirements

Off-street parking and loading requirements shall be as for PD-SC, Section 32.10.

33.8 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.10 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

33.9 - Site Planning, External and Internal Relationships

Considerations and requirements on external and internal relationships of site planning shall be as for PD-SC, Sections 32.12 and 32.13. (88-192)

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*88-192

ARTICLE 40 LIGHT INDUSTRY DISTRICT REGULATIONS

Within a Light Industry District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

40.1 - Uses Permitted

Land or buildings shall be used only for the following uses:

Agricultural uses, including sales on premises.

Apartment house containing not less than three (3) dwelling units--provided the requirements of Article 15 - Residence 2-B District, are met.

Assisted living facilities.

Boarding houses and rooming houses.

Correctional Facilities.

Farmers Markets.

Gymnasiums, fitness and exercise centers, health clubs and spas.

Mobile Food Vending Sites.

Mobile Food Vending Units.

Mortuaries, funeral homes and crematoriums.

Municipal, county, state or federal use.

Parking lots and parking garages.

Places of amusement including skating, bowling, trampolines, golf driving ranges, miniature golf, baseball batting, and similar establishments, but not including theatres.

Private hospitals, sanitarium or nursing home.

Single family and two-family residence only when constructed on lots recorded prior to March 21, 1963--provided the rules and regulations of Article 13 - Residence 2 District, are met.

Small animal farms, pet shops, kennels, veterinarian operations.

Trailer parks.

Uses permitted by Section 23.1 hereof, provided:

(1) There is no limit on the number of employees of any establishment;

(2) Retail and/or wholesale activities are permitted in conjunction with industries;

(3) Dry cleaning and laundry operations are permitted;

(4) Outdoor advertising and other signs shall be permitted in accordance with Section 72.4.4 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

Any lawful retail sales and services except off-premises liquor retailers, theatres or drive-in theatres, indoor firing ranges, and the sale of alcoholic beverages by any restaurant or food vendor located in or adjacent to a food court.

Wholesale operations; storage; trucking terminals.

Accessory structures and uses.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(63-93, 73-171, 84-1, 84-818, 85-4, 87-177, 88-461, 91-79, 96-259, 97-707, 09-1053, 09-815, 10-182, 11-11, 11-899, 13-882, 14-576, 15-406)

40.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof.

40.2.1 Permitted residential uses shall conform to the regulations of Article 15 - Residence 2-B District.

40.2.2 Minimum required depth of front yard:

From major arterials (*see Section 73.15*):	50 feet
From other streets:	30 feet

40.2.3 Minimum rear yard: None, except that when rear of lot abuts a residential district a rear yard of 25 feet is required.

40.2.4 Minimum side yard: None, except that when the side lot line abuts a residential district, a side yard of 25 feet is required. (63-93, 71-76, 86-522)

40.3 - Off-Street Parking

Required off-street parking spaces and loading requirements shall be provided as set forth in Article 70 hereof. (63-93)

Required bicycle parking spaces and facilities shall be provided as set forth in

Article 76 hereof. (10-507)

40.4 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements, except for multifamily dwellings which must comply only with Section 71.6 - PVA Lighting Requirements, when applicable. (85-643, 99-1020)

40.5 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.5, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

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*63-93, 71-76, 73-171, 84-1, 84-818, 85-4, 85-643, 86-522, 86-771, 87-177, 88-461, 91-79, 96-259, 97-707, 99-1020, 09-1053, 09-815, 10-182, 10-507, 11-11, 11-899, 13-882, 14-576, 15-406

ARTICLE 41 HEAVY INDUSTRY DISTRICT REGULATIONS

Within a Heavy Industry District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

41.1 - Uses Permitted

Land or buildings shall be used only for the following uses:

Any use permitted under Section 40.1 and under the conditions therein enumerated except private hospitals, sanitarium or nursing home.

Industries listed in Section 41.2 hereof.

Assisted living facilities.

Commercial heliports and/or helipads.

Correctional Facilities.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(63-93, 68-142, 77-523, 84-1, 84-818, 86-771, 09-1053, 09-815, 11-11, 14-576)

41.2 - Uses Normally Prohibited

The intent of this section is to permit those industries that would not be obnoxious or offensive to other uses permitted in and adjacent to the district by reason of noise, smoke, dirt, dust, odor, fire, or explosion hazard, and other objectionable features.

The following uses are specifically prohibited except however, that such industries may be permitted in this district as special exceptions, authorized by the Board of Adjustment as hereinafter provided.

Abattoir, stockyards.

Manufacture of acetylene gas, acid, ammonia, or chlorine, bleaching chemicals, powder, alcoholic beverages.

Asphalt manufacture, limestone drying.

Auto wrecking, or storage of wrecked autos for purpose of used parts sales.

Blast furnaces, boiler and tank works.

Bag cleaning.

Central mixing plant for cement mortar or paving materials.

Processing, incineration or storage of dead animal materials, including curing, tanning and storage of hides, distillation of bones, coal, fat rendering, candle making, fertilizer manufacture, glue size, and gelatin manufacture.

Manufacture of paint, turpentine, varnish, soap and tar products, disinfectants and dyestuff.

Wool pulling or scouring.

Cement, lime, gypsum or plaster of Paris manufacture.

Salvage yards.

Paper and paper pulp manufacture.

Ore reduction.

Junk, scrap metal, rags, paper, cotton waste, storage, or baling.

Gasoline and L.P. Gas bulk storage plants.
(86-771)

41.3 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof:

41.3.1 Permitted residential uses shall conform to the regulations of Article 15 - Residence 2-B District.

41.3.2 Minimum required depth of front yard:

From major arterials (*see Section 73.15*):	50 feet
From other streets:	30 feet

41.3.3 Minimum rear yard: None, except that when the rear lot line abuts a residential district, a rear yard of twenty-five (25) feet is required.

41.3.4 Minimum side yard: None, except that when the side lot line abuts a residential district, a side yard of twenty-five (25) feet is required. (68-88, 71-76, 86-522)

41.4 - Off-Street Parking

Required off-street parking spaces and loading requirements shall be provided as set forth in Article 70 hereof. (63-93)

41.5 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements, except for multifamily dwellings which must comply only with Section 71.6 - PVA Lighting Requirements, when applicable. (85-643, 99-1020)

41.6 - Bicycle Parking Requirements

Bicycle parking requirements shall be provided as set forth in Article 76 hereof. (10-507)

41.7 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.6, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

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*63-93, 66-88, 68-142, 71-76, 77-523, 84-1, 84-818, 85-643, 86-522, 86-771, 99-1020, 09-1053, 09-815, 10-507, 11-11, 14-576

ARTICLE 42 PLANNED INDUSTRIAL DISTRICT REGULATIONS

Purpose

The purpose and intent of the Planned Industrial District Regulations are to provide for a comprehensively planned district for the orderly growth and development of certain industrial uses which are, by virtue of controls, mutually harmonious with other industries permitted in said Planned Industrial District and also harmonious with residential, commercial, and other uses permitted in nearby districts. The Planned Industrial District caters to basic industries requiring large tracts of land; it is intended to be protected from encroachment by commercial, residential, and other land uses adverse to the location and expansion of industrial development.

The Planned Industrial District Regulations are intended to promote the health, safety, morals, welfare, comfort, and convenience of the inhabitants of this district and the surrounding lands.

Within a Planned Industrial District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

42.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Agricultural operations on tracts of ten (10) acres or greater--provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Commercial heliports and/or helipads.

Computer and data processing services.

Correctional Facilities.

Educational, scientific, and research organizations.

Engineering, architectural, and design services.

Federal, state, county, city or public utilities owned or operated buildings and uses.

Manufacturing, processing, fabrication or assembly of the following:

(1) Apparel.

(2) Automotive and implements.

(3) Chemicals and chemical products.

(4) Electrical and electronic machinery, equipment and supplies.

(5) Food and kindred products intended for human consumption.

(6) Lumber and wood products.

(7) Machinery other than electrical.

(8) Metal and metal products.

(9) Ordnance and accessories.

(10) Plastics, glass and rubber products.

(11) Printing and publishing.

(12) Professional, scientific, and controlling instruments.

(13) Research and development operations.

(14) Textile mill products.

(15) Transportation equipment.

Medical and dental laboratories.

Office buildings for general office purposes.

Research, experimental and testing laboratories.

Trucking terminals.

Warehousing, interior storage, and distribution in conjunction with manufacturing, assembly and office use.

Exterior storage in conjunction with the above mentioned uses, completely screened from adjacent property lines and streets.

Accessory structures and uses to those permitted herein.

Signs shall be permitted in accordance with Section 72.4.2 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof. (87-317, 09-1053, 09-815)

42.2 - Performance Standards

The performance standards set forth in Section 50.2 hereof shall be required for all uses located in the Planned Industrial District. (87-317)

42.3 - Required Yards

42.3.1 Yards facing an existing or proposed street other than a controlled access highway shall be considered front yards. Such yards shall have a minimum depth of one hundred (100) feet.

42.3.2 All other yards shall have a minimum depth of fifty (50) feet, except as provided for in Section 42.3.4.

42.3.3 All required yards shall be kept clear of parking areas, driveways and vehicular access ways except as provided for in Sections 42.6.4 and 42.6.5, and shall be kept clear of loading areas, exterior storage areas, and accessory uses and buildings, provided however, a gate or security station may be located in a required yard. (09-430)

42.3.4 Railroad setback: Where a tract of land abuts a railroad right-of-way, the rear or side yard setback requirements for principal or accessory structures may be reduced to twenty-five (25) feet from the railroad right-of-way.

42.3.5 Easements: There shall be provided an easement of not less than twenty-five (25) feet along each side and rear lot line for utilities, drainage, and railroad purposes. (87-317, 88-434)

42.4 - Density Controls

42.4.1 Buildings shall not cover an area greater than sixty percent (60%) of the total area of the tract.

42.4.2 Minimum lot area shall not be less than four acres for each tract.

42.4.3 Minimum lot width of each tract shall not be less than two hundred (200) feet as measured at the building line.

42.4.4 Maximum number of stories and maximum height are unlimited except as provided for in Article 63 - Airport Obstruction and Noise Exposure District Regulations. (87-317)

42.5 - Street Access and Frontage

42.5.1 Each lot shall have a minimum frontage of one hundred (100) feet on a public road.

42.5.2 Access to building sites shall be via collector or arterial streets wherever possible. No access roads serving plants shall be permitted which may place heavy traffic on residential streets that are not classified as major collector or arterial streets. (87-317)

42.6 - Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

42.6.1 All parking areas shall be paved and properly drained. No parking shall be permitted any place other than in paved parking areas.

42.6.2 Loading areas shall not be placed within any front yard nor in any required yard and shall be located and properly screened, as well as practicable, so as to not be visible from any existing or proposed street.

42.6.3 Parking and loading areas shall be landscaped in accordance with Section 42.7 - Landscaping Requirements.

42.6.4 Off-street parking for visitors, executives and handicapped persons may be permitted in the required front yard not to exceed three (3) spaces per one hundred (100) feet of frontage on a public street and shall not encroach within seventy (70) feet of an existing or proposed street.

42.6.5 Off-street parking areas in required rear and side yards are not permitted within thirty (30) feet of any side or rear property line.

42.6.6 Driveways and vehicular access ways in required rear and side yards, except as necessary to cross a required rear or side yard, are not permitted within thirty (30) feet of any rear or side property line. Driveways and vehicular access ways shall be paved and properly drained. (87-317, 88-434, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

42.7 - Landscaping Requirements

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

42.7.1 All yards required under this ordinance shall be landscaped and maintained. A minimum of one tree per twenty (20) linear feet of distance for each boundary line shall be planted in the required

yards.

42.7.2 All off-street parking, loading and unloading areas shall be screened, as well as practicable, from view from streets by the use of earth berms or landscaping materials.

42.7.3 Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements.

42.7.4 Each side and rear yard shall have not less than a thirty (30) foot wide strip of land adjacent to the property line planted and maintained, except as provided for in 42.3.4; however if any yard faces an existing or proposed street, then it shall have not less than a seventy (70) foot wide strip of land planted and maintained except for main access drives into the site. (87-317, 88-434, 92-4, 99-1020)

42.8 - Industrial District Plan

42.8.1 Any landowner of property lying in a Planned Industrial District desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.

42.8.2 Anyone desiring to secure a building permit for the use of land lying in a Planned Industrial District must submit to the City Planner (City Planning Department) a generalized plot plan of the tract to be developed for approval. Such generalized plot plan shall have shown thereon the following information:

(1) Location map showing the boundaries of the tract to be developed.

(2) The location of all buildings proposed to be constructed.

(3) The general location of parking areas, loading docks, proposed railroad spurs, and public and/or private access ways.

(4) Site grading and storm drainage plan.

(5) Proposed utilities services.

(6) Required screening.

(7) Required and adequate easements.

The City Planner (City Planning Department) shall review and

approve by signature the proposed plot plan upon finding that the same complies with these regulations.

If the proposed plot plan is not approved, the City Planner (City Planning Department) shall state in writing on the proposed plot plan the cause for such disapproval. (87-317)

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*67-257, 68-142, 77-523, 82-59, 85-643, 86-522, 87-177, *87-317, 88-434, 92-4, 99-1020, 09-430, 09-1053, 09-815, 10-507

ARTICLE 43 AIRPORT INDUSTRIAL PARK DISTRICT REGULATIONS

Purpose

The purpose of the Airport Industrial Park District is to provide a protective district for the orderly and harmonious development of the lands of the Huntsville-Madison County Airport Authority.

These regulations shall apply to all the lands of the Huntsville-Madison County Airport Authority located in Huntsville, Madison County, Alabama, consisting of some three thousand (3000) acres, more or less.

The nature and type of uses permitted in this district shall be governed by their performance standards relative to smoke, dust, dirt, and other particulate matter; toxic or noxious matter; odorous matter; vibration; noise; fire and explosive hazard; heat; glare; radioactive materials; electromagnetic interference; and stream pollution.

The minimum standards heretofore referred to set forth the minimum control necessary in each of the several areas to prevent adverse effect of land use permitted in the Airport Industrial Park District, on the operation and maintenance of the Huntsville-Madison County Airport, and on nearby property.

These Airport Industrial Park District regulations are intended to promote the physical and mental health, safety, morals, welfare, comfort, and convenience of the inhabitants of the district and its environs.

Within an Airport Industrial Park District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

43.1 - Uses Permitted

No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained, except for one or more of the following uses:

Dwellings only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or watchmen and their families.

Farming and other agricultural uses.

Federal, state, county or city owned or operated buildings and uses.

Office buildings for general office purposes.

Off-street parking for motor vehicles in connection with uses within the district.

Research, experimental and testing laboratories.

Industrial uses, manufacturing and processing--provided all such uses are in accordance with performance standards as stated in Section 43.7 hereof. Structures accessory to uses permitted by Section 43.1 hereof, including but not limited to, warehouses, storage buildings, and pump houses.

Accessory uses to uses permitted in the Airport Industrial Park District such as recreational facilities and dining facilities in connection with the operation of an establishment and primarily for employees.

Heliports and radio and television studios but not including broadcast towers--provided such uses are in accordance with Section 43.7 hereof.

Retail sales and consumer service establishments (not including warehouse sales) accessory to any permitted use, other than agricultural or residential uses.

Bulk fuel storage.

Hotel, motel, and related dining facilities.

Signs shall be permitted in accordance with Section 72.4.9 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(69-72, 87-177, 96-1008)

43.2 - Uses Specifically Prohibited

The intent of this section is to prohibit those industries which could be obnoxious or offensive to other uses permitted in and adjacent to the district by reason of noise, smoke, dirt, dust, odor, fire or explosive hazard, and other objectionable features.

The following uses are specifically prohibited:

Abattoir; stockyards.

Asphalt manufacture.

Auto wrecking or storage of wrecked autos for the purpose of used parts sales.

Processing, incineration or storage of dead animal materials including curing, tanning, and storage of hides, distillation of bones, and fat rendering.

Salvage yards or junk yards.

Paper pulp manufacture.

Coal, coke, or wood storage yard.

Dead animal or offal reduction.

Grease, lard, or tallow manufacture from animal fats.

Poultry killing or dressing.

Veterinary hospital.

Trailer Parks. (69-72)

43.3 - Required Yards and Landscaped Areas for Industrial Buildings

43.3.1 No principal or accessory structure shall be located less than fifty (50) feet from any side or rear lot line.

43.3.2 No principal or accessory structure shall be located less than one hundred (100) feet from any existing or proposed major street as adopted by the Huntsville Planning Commission.

43.3.3 The required front and side yards set forth above shall be landscaped and the provisions of Section 3.1 - Buffer of Screen Planting of this ordinance shall be observed where appropriate.

43.3.4 Exterior storage of materials shall be contained by fencing in such a manner as to be neat in appearance when viewed from any street.

43.3.5 All building heights shall conform to the Airport Obstruction Ordinance (Article 63) and amendments thereto. (69-72)

43.4 - Density Regulations

43.4.1 Buildings shall not cover an area greater than thirty percent (30%) of the total area of the tract upon which the buildings are located.

43.4.2 Minimum lot width of each tract shall be not less than two hundred (200) feet as measured at the building line, excepting lots for permitted residential uses. (69-72)

43.5 - Street Access and Frontage

Each lot shall have a minimum frontage of one hundred and fifty (150) feet on a public road, provided however, the Planning Commission may approve a lesser frontage to a minimum of fifty (50) feet for lots located on cul-de-sacs or on street curves, or having other extraordinary characteristics. (69-72)

43.6 - Off-Street Parking and Loading Requirements for Industrial Uses

Required off-street parking spaces and loading requirements shall be provided as set forth in Article 70 hereof.

43.6.1 Off-street parking and loading spaces are not permitted in the required front yard except for visitors and/or administrative parking.

43.6.2 Visitor parking shall be provided on a basis of at least one parking space for each ten (10) employee spaces.

43.6.3 Parking shall not be permitted in more than twenty-five percent (25%) of the required front yard nor in the first ten (10) feet. (69-72, 86-522, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

43.7 - Performance Standards

43.7.1 General - No part of the Airport Industrial Park District and no improvement thereon shall be used or allowed to be used at any time for the manufacture, storage, distribution, or sale of any product or the furnishing of any service, in a manner which is unreasonably noxious or offensive, or an unreasonable annoyance or a nuisance to other tenants on the airport because of odors, heat, fumes, smoke, noise, glare, vibration, soot, or dust. No activity shall be carried on which may be or may become dangerous to public health and safety; which shall increase the fire insurance rating for adjoining or adjacent property, or which shall be illegal.

43.7.2 Noise - Except for the operation of motor vehicles, aircraft and other transportation facilities to, from, and on a building site or incidental to the use thereof, and on the public airport areas of the airport, the sound pressure level generated on a building site shall not at any point on the property line exceed the decibel level in the designated octave bands shown below:

Octave Band Cycle/ Second	Maximum Permitted Sound Level in Decibels Re 0.0002 Dynes/cm2
3 - 300	75
300 - 1200	55
1200 - 4800	45
4800 and above	40

Testing of aircraft engines and other engines shall be conducted in noise-suppressing test cells so that sound levels do not exceed the levels specified above.

43.7.3 Vibration - Maximum permitted vibration from any cause shall not exceed the following when measured at the property line:

Frequency (Cycles/Second)	Displacement (Inches)
10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 and above	.0001

43.7.4 Air Pollution - Except for the operation of motor vehicles and aircraft to, from, and on the building site or incidental to the use thereof, the following requirements shall apply:

(1) Any use producing smoke, dust, odor, fumes, gas, aerosols, particulates, products or combustion, or any other atmospheric pollutant, shall be conducted within a completely enclosed building.

(2) No use shall emit smoke for more than three minutes in any one hour which is darker than Number One in the Ringelmann Chart as published and revised by the U.S. Bureau of Mines.

(3) No operation shall discharge toxic or noxious matter into the atmosphere.

(4) The emission of noxious or objectionable odors which are detectable without instruments at or beyond the property line will not be permitted.

(5) Particulate matter shall be defined as any material discharged into or suspended in the atmosphere in finely divided form. Calculation of the total net rate of emission of particulate matter within the boundaries of any lot shall be made in the following manner:

(a) Determine maximum emission in pounds per hour from each source of emission and divide this figure by the acres in the lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.

(b) For each gross hourly rate of emission, deduct the height of emission correction factor from the following table, interpolating as necessary for heights not given:

ALLOWANCES FOR HEIGHT OF EMISSION

Height of Emission Above Grade (Feet)	Correction Pounds/Hour/Acre
50	0.01
100	0.06

The result is the net hourly rate of emission in pounds per acre from each source of emission.

(c) Adding together individual net rates of emission gives the total net rates of emission from all sources of emission within the boundaries of the lot.

The total net rate of emission from all sources within the boundaries of a lot in the Airport Industrial Park District shall not exceed one pound per acre of lot area during any one hour. The emission from all sources within any lot area of particulate matter containing more than ten percent (10%) by weight of particles having a diameter larger than forty-four (44) microns is prohibited. The emission of particles in the form of fly ash from any flue or smokestack shall not exceed 0.2 grains per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.

43.7.5 Stream Pollutants - No effluent shall be discharged in any stream, nor any discharge in the Huntsville sewerage system shall be permitted, except as approved by the City of Huntsville Engineer of Public Works and the State of Alabama Water Improvement Commission.

43.7.6 Heat or Glare - Any operation producing intense glare or heat shall be performed within an enclosed or screened area in such a manner that the glare or heat emitted will not be perceptible without instruments at any property line of a building site.

43.7.7 Fire and Explosive Hazard - All activities and all storage of flammable and explosive materials shall be in accordance with the National Board of Fire Underwriters' publications and local ordinances.

43.7.8 Industrial Waste Materials - All disposal of industrial waste shall be in accordance with the State of Alabama Water Improvement Commission regulations therefor.

43.7.9 Radioactive Materials - The handling of radioactive materials, the discharge of such materials into the air or water, and the disposal of radioactive wastes shall be in conformance with the regulations

of the Atomic Energy Commission as set forth in Title 10, Chapter 1, Part 20, "Standards for Protection Against Radiation," as amended.

43.7.10 Electromagnetic Interference - Industries shall emit only that amount of unshielded spurious electromagnetic radiation as is necessary for the conduct of their operations. Federal Communications Commission requirements shall govern maximum radiation which tends to interfere with meaningful signals. (69-72)

43.8 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements. (85-643, 99-1020)

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*69-72, 85-643, 86-522, 87-177, 96-1008, 99-1020, 09-430, 10-507

ARTICLE 44 COMMERCIAL INDUSTRIAL PARK DISTRICT REGULATIONS

Purpose

The purpose of the Commercial Industrial Park District is to provide for the retailing of goods and services, the light manufacture and assembly of products, and the warehousing and distribution of such products within the controlled environment of an attractive, park-like setting. Minimum lot sizes are defined, front, side and rear yards are required, signage is restricted, and landscaping and natural buffers are specified.

Within a Commercial Industrial Park District as shown on the official Zoning Maps for the City of Huntsville, Alabama, the following regulations shall apply:

44.1 - Uses Permitted

Agricultural uses including sales on premises.

Correctional Facilities.

Farmers Markets.

Federal, state, county, city or public utility owned or operated buildings and uses.

Gymnasiums, fitness and exercise centers, health clubs and spas.

Hotels and motels.

Mobile Food Vending Sites.

Mobile Food Vending Units.

Mortuaries, funeral homes and crematoriums.

Office buildings.

Any lawful retail sales and services except indoor firing ranges, and theatres or drive-in theatres.

Warehousing, wholesaling, interior storage, and distribution in conjunction with manufacturing, assembly and office uses.

Light manufacturing and assembly provided all such uses are in accordance with the performance standards referenced in Section 44.10 hereof.

Recreational facilities intended primarily for use by employees and tenants of the Commercial Industrial Park development.

Accessory structures and uses to those permitted herein.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(85-644, 89-121, 96-259, 97-707, 09-1053, 09-815, 11-11, 11-899, 13-882, 15-406, 16-259)

44.2 - Density Controls

44.2.1 Minimum lot size shall not be less than one (1) acre for each tract.

44.2.2 Minimum lot width of each tract shall not be less than one hundred (100) feet as measured at the minimum building line. (85-644, 86-522)

44.3 - Required Yards

44.3.1 All required yards shall be kept clear of driveways and vehicular access ways, except as necessary to cross a required yard, and shall be kept clear of parking areas, loading areas, accessory uses and buildings, provided however, that a gate or security station or a detached ground identification sign meeting the requirements of Section 72.4.5 may be located in a required yard.

44.3.2 Yards facing an existing or proposed public street shall be considered front yards. Such yards shall have a minimum depth of fifty (50) feet from a major arterial and forty (40) feet from other public streets. On corner lots having two front yards, the required front yard shall be maintained on the street that the building front faces; the required front yard on the remaining street may be reduced to a minimum depth of thirty (30) feet, provided said street is not a major arterial.

44.3.3 Minimum required depth of rear yard shall be twenty (20) feet with a berm and planting screen or thirty-five (35) feet without a berm and planting screen.

44.3.4 Minimum required width of each side yard shall be ten (10) feet except where a side lot line abuts a residential district then there shall be provided a side yard of not less than thirty (30) feet with a berm and planting screen. (85-644, 86-522, 09-430)

44.4 - Street Access and Frontage

Each lot shall have a minimum frontage of one hundred (100) feet on a public road, provided however, the Director of the City Planning Department (City Planner) may approve a lesser frontage to a minimum of fifty (50) feet for lots located on cul-de-sacs or street curves.

Access to lots and building sites shall be via collector or arterial streets wherever possible. (85-644)

44.5 - Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

44.5.1 Driveways and vehicular access ways, except as necessary to cross a required yard, and parking areas are not permitted in any required yard.

44.5.2 All driveways, vehicular access ways and parking areas shall be paved and properly drained. No parking shall be permitted any place other than in paved parking areas.

44.5.3 Loading areas shall not be placed within any front yard or any required side or rear yard and shall be located and properly screened, as well as practicable, so as to not be visible from any existing or proposed street.

44.5.4 Parking and loading areas shall be landscaped in accordance with Section 44.8 - Landscaping Requirements, and parking areas shall be lighted in accordance with Section 71.6 - PVA Lighting Requirements. (85-644, 99-1020, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

44.6 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.5 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (85-644, 87-177)

44.7 - Height Requirements

Maximum number of stories shall be ten (10). (85-644)

44.8 - Landscaping Requirements

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

44.8.1 All yards required under this ordinance shall be planted with grass or an evergreen ground cover and shall be maintained so as to present an attractive and healthy appearance. Yard tree requirements shall be as follows:

(1) Front yards: A minimum of one (1) tree per thirty (30) linear feet of distance for each lot line fronting a public street shall be planted in the required front yard(s).

(2) Side and rear yards shall be planted with a minimum of one (1) tree per forty (40) linear feet for each side and rear lot line unless such yard abuts a residential or office district, in which case the first fifteen (15) feet of the required yard shall be landscaped with a Buffer of Screen Planting as defined herein.

Existing vegetation shall substitute for the required landscaping if the type, size and density of the existing vegetation creates a year round visual screen separating the industrial park from adjacent districts.

44.8.2 Required yard trees, unless elsewhere specified, shall be a mix of deciduous shade trees and evergreens; loblolly pines shall not account for more than twenty-five percent (25%) of the required number of trees; other conifers shall be those varieties that retain their branches at ground level.

44.8.3 All off-street parking areas, to include drives within the parking areas, greater than either twenty (20) automobile spaces or six thousand (6000) square feet shall have at least five (5%) percent of the interior of the parking area landscaped in planting islands or peninsulas. Width of islands or peninsulas shall be a minimum width of at least five (5) feet between backs of curbs and at least one tree per twenty (20) parking spaces shall be planted within the planting islands or peninsulas in addition to other landscaping materials and plants.

44.8.4 All parking areas shall be screened from view of public streets as well as is practicable by the use of berms, fencing or buffers of plant materials.

44.8.5 All mechanical and utility equipment, incinerators and trash containers, and accessory structures necessary for the conduct of a permitted use shall be adequately screened, as well as is practicable, by fencing or landscaping so as to not be visible from any existing or proposed street or from the ground floor of adjacent buildings. (85-644, 92-4, 09-1053)

44.9 - Underground Wiring Requirement

All power, communication, and other wiring hereafter installed in a Commercial Industrial Park District shall be placed underground. (85-644)

44.10 - Performance Standards

The performance standards listed in Section 50.2 (Research Park District) hereof shall be required for all uses located in a Commercial Industrial Park District. (85-644)

44.11 - Development Procedure for Tracts or Parcels

44.11.1 Any land owner of property lying within a Commercial Industrial Park District desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission for approval a plan of the proposed street, road, or right-of-way.

44.11.2 Anyone desiring to secure a building permit for the use of land lying within a Commercial Industrial Park District must submit to the Director of the City Planning Department the following information, as appropriate for approval of plans:

(1) A site plan for traffic engineering analysis, showing location

and design of buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas and sidewalks;

(2) A planting plan, including screen walls and fences, for analysis of adequacy of visual screening and landscape architectural design;

(3) Plans for all signs to be erected, including location and lighting of each sign.

The Director of the City Planning Department shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations. If the proposed plot plan is not approved, the City Planner shall state in writing on the proposed plot plan the cause for such disapproval. (85-644)

44.12 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.4, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

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*85-644, 86-522, 87-177, 89-121, 92-4, 96-259, 97-707, 99-1020, 09-430, 09-1053, 09-815, 10-507, 11-11, 11-899, 13-882, 15-406, 16-259

ARTICLE 45 HEAVY MANUFACTURING DISTRICT REGULATIONS

Purpose

The purpose of the Heavy Manufacturing District is to provide sites suitable for the operation of those industries engaged in the mechanical or chemical transformation of materials or substances into new products. These operations frequently require large tracts of land suitable for the external storage of both raw materials or components and finished products, and their physical plants may incorporate various towers, tanks and other external mechanical devices. It is the intent of this article to protect appropriate lands from the intrusion of incompatible uses while establishing regulations that would permit manufacturing companies to function in near proximity to dissimilar uses. To achieve this goal, these regulations require a minimum ten (10)-acre lot size, generous yard setbacks based on the compatibility of adjacent uses, landscape screening of outdoor storage and operations, and performance standards.

The Heavy Manufacturing District regulations are intended to promote the health, safety, welfare, comfort and convenience of the users of this district as well as of the inhabitants of the surrounding districts.

Within a Heavy Manufacturing District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

45.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Agricultural operations on tracts of ten (10) acres or greater--provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Federal, state, county, city or public utilities owned or operated buildings and uses.

Manufacturing, processing, fabrication or assembly of the following major groups as identified by the Standard Industrial Classification Manual (1987). The SIC major group number appears in parentheses at the end of each entry.

Food and kindred products intended for human consumption (20)

Textile mill products (22)

Apparel and other finished products made from fabrics (23)

Lumber and wood products (24)

Furniture and fixtures (25)

Printing and publishing (27)

Chemicals and chemical products (28)

Rubber and plastic products (30)

Leather and leather products (31)

Stone, clay, glass and concrete products operating without a mine or quarry (32)

Fabricated metal products (34)

Industrial and commercial machinery and computer equipment (35)

Electronic and other electrical equipment and components (36)

Transportation equipment (37)

Measuring, analyzing and controlling instruments; photograph, medical and optical goods; watches and clocks (38)

Miscellaneous manufacturing industries (39)

Offices, laboratories, and showrooms when operated as accessory uses to any permitted use.

Signs shall be permitted in accordance with Section 72.4.5 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

Warehousing, interior storage, and distribution in conjunction with manufacturing and assembly uses.

Exterior storage in conjunction with the above mentioned uses.

Accessory structures and uses to those permitted herein.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(92-74, 09-1053)

45.2 - Density Controls

45.2.1 Minimum lot area shall not be less than ten (10) acres.

45.2.2 No portion of any building or structure shall project through an imaginary height plane leaning inward from any yard at a slope of

0.4 foot of height for each foot of horizontal distance measured perpendicularly to the property boundary. (92-74)

45.3 - Street Access and Frontage

45.3.1 Each lot shall have at least two hundred (200) feet of frontage on a public street.

45.3.2 Access to building sites shall be via collector or arterial streets. No access roads serving plants shall be permitted which may place heavy traffic on residential streets which are not classified as major collector or arterial streets. (92-74)

45.4 - Required Yards

45.4.1 Yards facing an existing or proposed street other than a controlled access highway shall be considered front yards.

45.4.2 Required yard setbacks shall be determined by the type of permitted Heavy Manufacturing use and by the use immediately adjacent to the Heavy Manufacturing tract according to the following table:

If the permitted HM use is ...	And the adjacent use* is...		
	Residential Recreational Street ROW	Commercial Retail Office Research Park Medical	Industrial (Light & Heavy Ind. and Heavy Mfg.)
	Then the required yard setback is...		
Office, showroom, visitors parking lot	100'	100'	50'
Fully enclosed manufacturing operations, warehouses, employees parking lot	200'	150'	50'
Exterior storage	300’	200'	50'
Exterior manufacturing operations	400’	250’	100'

*Adjacent use shall be determined by its zoning district designation unless the actual use clearly falls within another category (e.g. a residential subdivision in a Light Industry zone would be treated as residential.)

45.4.3 There shall be required a minimum setback of fifty (50) feet from all property lines unless otherwise specified in this article.

45.4.4 No loading areas, exterior storage areas, or accessory uses and buildings shall be located in any required yard; provided however, a gate or security station may be placed in such yards.

45.4.5 Railroad setback: Where a tract of land abuts a railroad right-of-way, the rear or side yard setback requirements for principal or accessory structures may be reduced to fifty (50) feet from the railroad right-of-way.

45.4.6 Easements: There shall be provided an easement of not less than twenty-five (25) feet along each side and rear lot line for utilities, drainage, and railroad purposes. (92-74)

45.5 - Performance Standards

All permitted operations shall comply with applicable federal, state and local regulations concerning air pollution, odor, vibration, noise, fire and explosive hazards, glare, radiation, radioactive materials, electromagnetic interference, water pollution, and waste disposal. (92-74)

45.6 - Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

45.6.1 Parking areas provided for executives and visitors shall be paved and properly drained.

45.6.2 Parking areas in required rear and side yards are not permitted within fifty (50) feet of any rear or side property line.

45.6.3 Driveways and vehicular access ways in required rear and side yards, except as necessary to cross a required rear or side yard, are not permitted within fifty (50) feet of any rear or side property line.

45.6.4 Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements. (92-74, 99-1020, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

45.7 - Landscaping Requirements

Every site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

45.7.1 Visitors' parking lots shall be screened from view of all public streets and adjacent residential and recreational uses by a perimeter landscaping strip at least five (5) feet in width planted with an average of one tree and six shrubs per fifty (50) linear feet or fraction thereof of perimeter. Where a berm at least three (3) feet in height is used, the shrubs are optional but the trees will still be required. Such berms shall be planted with a vegetative ground cover.

45.7.2 All yards required under this article shall be landscaped and maintained. A minimum of one tree per forty (40) linear feet of distance for each boundary line adjacent to a non-industrial use (i.e. other than Light or Heavy Industry or Heavy Manufacturing or railroad right-of-way) or street right-of-way shall be planted in the required yards. Existing vegetation may substitute for part or all of this requirement if it forms a broken screen composed of intermittent visual obstructions from the ground to a height of at least twenty (20) feet and provides screening equivalent to having one tree every forty (40) feet. The majority of the trees used should be of non-deciduous species in order to assure a visual screen in all seasons and should be of a variety that maintains its foliage to the ground. (92-74)

45.8 - Heavy Manufacturing District Plan

45.8.1 Any landowner of property lying in a Heavy Manufacturing district desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.

45.8.2 Anyone desiring to secure a building permit for the use of land lying in a Heavy Manufacturing district must submit to the City Planner (City Planning Department) a generalized plot plan of the tract to be developed for approval. Such generalized plot plan shall have shown thereon the following information:

(1) Location map showing the boundaries of the tract to be developed.

(2) The location of all buildings and structures proposed to be constructed.

(3) The general location of parking areas, loading docks, exterior storage areas, proposed railroad spurs, and public and/or private access ways.

(4) Site grading and storm drainage plan.

(5) Proposed utilities services.

(6) All required screening and landscaping.

(7) Required and adequate easements.

The City Planner (City Planning Department) shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations.

If the proposed plot plan is not approved, the City Planner (City Planning Department) shall state in writing on the proposed plot plan the cause for such disapproval. (92-74)

*92-74, 99-1020, 09-430, 09-1053, 10-507

ARTICLE 46 INDUSTRIAL PARK DISTRICT REGULATIONS

Purpose

The purpose of the Industrial Park District is to provide sites for manufacturing, recycling, warehousing and industrial operations within the city that possess a moderate level of site amenities through perimeter landscaping, street setbacks, restrictions on outdoor operations, and screening of storage. Because industrial uses can produce excessive noise, activity, and heavy traffic, provisions have been included to protect adjacent residential and office districts through the inclusion of increased setbacks and an enhanced level of landscaping along their common boundaries. Building heights are permitted to increase in direct proportion to the building's distance from property lines. Adherence to adopted performance standards is required to prevent all types of environmental pollution. These regulations are intended to permit incompatible uses to function in close proximity; to encourage the establishment of attractive industrial districts responsive to the demands of modern industrial operations; and to promote the health, safety, welfare, comfort and convenience of the users of this district as well as of the inhabitants of the surrounding districts.

Within an Industrial Park District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

46.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Agricultural operations on tracts of ten acres or greater, provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Federal, state, county, or city owned or operated buildings and uses.

Light and heavy manufacturing operations subject to compliance with Section 46.3 hereof.

Warehousing and wholesale operations.

Trucking terminals.

Recycling operations.

Commercial heliports and/or helipads.

Medical and dental laboratories.

Research and experimental and testing laboratories.

Gasoline and L.P. bulk fuel storage facilities.

Office buildings.

Retail sales and exterior storage only as accessory uses to permitted uses and subject to the provisions of Section 46.2.

Structures and other uses accessory to those permitted herein.

Signs shall be permitted in accordance with Section 72.4.5 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(95-413, 09-1053, 09-815, 10-178)

46.2 - Use Standards

46.2.1 All permitted uses, with the exception of agricultural operations, truck and heavy equipment parking, container storage, signs, bulk fuel storage, and heliports, shall be conducted within completely enclosed buildings.

46.2.2 Exterior storage shall be permitted only within rear yards, and the stored products or materials shall be in an enclosed building or enclosed by a masonry wall, fence or evergreen hedge of sufficient opacity and size to completely screen the stored materials from view from adjacent properties and streets.

46.2.3 Parking or storage of company vehicles, trucks, containers, and heavy equipment used in connection with a permitted business shall be in the rear yard only and shall be screened by vegetation or a berm not less than four feet high.

46.2.4 Retail sales shall not occupy more than 20 percent of the total floor area of all buildings on any lot or group of contiguous lots in common ownership or control.

46.2.5 Bulk fuel storage facilities shall meet all setbacks as required for principal buildings in this district.

46.2.6 Recycling operations shall not include the collection, processing, storage or disposal of hazardous wastes as defined by federal and state regulations, but may include the collection and storage of household batteries. Recycling operations may include the collection, temporary holding, and transfer of medical wastes, but

shall not include their storage or disposal.

46.2.7 Any lot in an Industrial Park District that is used for any purpose other than agriculture, whether or not it contains a structure, shall meet all setback, landscaping, and parking regulations of this article. (95-413)

46.3 - Performance Standards

All operations shall comply with applicable federal, state and local regulations concerning air pollution, odor, vibration, noise, fire and explosive hazards, glare, radiation, radioactive materials, electromagnetic interference, water pollution, and waste disposal, including the performance standards set forth in Section 50.2 hereof.

46.4 - Required Yards

46.4.1 Front Yards: Yards facing an existing or proposed street other than a controlled access highway shall have a minimum depth of 40 feet. On a corner lot, the street frontage that the building faces may be designated as the front yard, in which case, the yard opposite the designated front yard shall be considered the rear yard.

46.4.2 Interior side and rear yards are those yards that abut land zoned Industrial Park District: interior rear yards shall have a minimum depth of 25 feet; interior side yards shall have a minimum depth of 20 feet.

46.4.3 Exterior side and rear yards are those yards that abut land in a zoning district other than Industrial Park; they shall have a minimum depth of 40 feet.

46.4.4 All required yards shall be kept clear of driveways and vehicular access ways, except as necessary to cross a required yard, and shall be kept clear of parking areas, loading areas, exterior storage areas, trash and waste storage containers, and accessory uses and buildings, provided however, a gate or security station may be located in a required yard.

46.4.5 Security fences shall not be placed in any required front yard.

46.4.6 There shall be provided an easement of not less than 20 feet along each side and rear lot line for utilities, drainage, and railroad purposes. (95-413, 09-430)

46.5 - Density Controls

46.5.1 Minimum lot area shall not be less than two acres.

46.5.2 Minimum lot width shall not be less than 100 feet as measured at the building line.

46.5.3 No portion of any building shall project through imaginary height planes leaning inward from any yard as defined in Section 46.4 at a slope of .6 foot of height for each foot of horizontal distance measured perpendicularly to the property boundary; provided however, that the maximum height shall not exceed 120 feet.

46.5.4 Buildings shall not cover an area greater than 60 percent of the total area of the lot. (95-413)

46.6 - Street Access and Frontage

46.6.1 Each lot shall have a minimum frontage of 75 feet on a public street.

46.6.2 Access to building sites shall be via collector or arterial streets wherever possible. No access streets serving plants shall be permitted which may place heavy traffic on residential streets that are not classified as major collector or arterial streets. (95-413)

46.7 - Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

46.7.1 All driveways, vehicular access ways and parking areas shall be paved and properly drained. No parking shall be permitted any place other than in paved parking areas.

46.7.2 Loading areas shall not be placed within any front yard nor in any required yard and shall be located and sufficiently screened so as to not be visible from any existing or proposed street.

46.7.3 Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements. All regulations of Article 71 concerning perimeter landscaping for parking areas must be met for parking areas located in any portion of a front yard. (95-413, 99-1020, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

46.8 - Landscaping Requirements

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

46.8.1 All yards required under this ordinance shall be planted with grass or an evergreen ground cover and shall be maintained so as to present an attractive and healthy appearance. Yard tree requirements shall be as follows:

(1) Front yards: A minimum of one tree per thirty linear feet of distance for each lot line fronting a public street shall be planted in the required front yard(s).

(2) Side and rear yards shall be planted with a minimum of one tree per forty linear feet for each side and rear lot line unless such yard abuts a residential or office district, in which case such yard shall be planted with a minimum of 3 large deciduous shade trees, 5 large evergreen trees and 7 understory trees for each 100 linear feet of yard.

Existing vegetation shall substitute for the required landscaping if the type, size and density of the existing vegetation creates a year round visual screen separating the industrial park from adjacent districts.

46.8.2 Required yard trees, unless elsewhere specified, shall be a mix of deciduous shade trees and evergreens; loblolly pines shall not account for more than 25 percent of the required number of trees; other conifers shall be those varieties that retain their branches at ground level.

46.8.3 All off-street parking, loading and unloading areas, and outdoor trash and waste storage containers shall be screened, as well as practicable, from view from streets by the use of walls, earth berms and/or vegetation. (95-413)

46.9 - Industrial Park Plan

46.9.1 Any landowner of property lying in an Industrial Park District desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.

46.9.2 Anyone desiring to secure a building permit for the use of land lying in an Industrial Park District must submit to the Planning Division director a generalized plot plan of the lot to be developed for approval. Such generalized plot plan shall have shown thereon the following information:

(1) Location map showing the boundaries of the tract to be developed and all adjacent uses.

(2) The location of all buildings and structures proposed to be constructed.

(3) The location of parking areas, loading docks, storage areas, proposed railroad spurs, and public and/or private access ways.

(4) Site grading and storm drainage plan.

(5) Proposed utilities services.

(6) Required and adequate easements.

(7) Proposed landscaping plans including the numbers, types and placement of trees and other vegetation.

(8) Details of all required screening including materials, locations, and extent.

(9) Proposed signage including size and location.

The Director of City Planning (or his designee) shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations.

If the proposed plot plan is not approved, the Director of City Planning (or his designee) shall state in writing on the proposed plot plan the cause for such disapproval. (95-413)

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*95-413, 99-1020, 09-430, 09-1053, 09-815, 10-178, 10-507

ARTICLE 50 RESEARCH PARK DISTRICT REGULATIONS

Purpose

The purpose and intent of the Research Park District Regulations are to provide a protective district with a park-like development for the orderly growth and development of certain industries and uses which are, by virtue of control, mutually harmonious with other industries and uses permitted, as well as with residential, commercial, and other uses permitted in nearby districts. The Research Park District caters to industries requiring the benefits that accompany this zoning classification and protects these industries from encroachment by commercial, residential, and other land uses adverse to the location and expansion of such development.

These Research Park District regulations are intended to promote the physical and mental health, safety, morals, welfare, comfort, and convenience of the inhabitants of this district and its environs.

Within the Research Park District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

50.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained, except for one or more of the following uses:

Dwellings only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or watchmen and their families--provided however, that residential subdivisions recorded prior to April 12, 1962, may be developed for single family use.

Agricultural uses, provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Federal, state, county, city or public utility owned or operated buildings and uses.

Office buildings for general office purposes.

Research, experimental and testing laboratories.

Educational, scientific and research organizations.

Limited, temporary sleeping quarters for scientists, laboratory technicians, custodians and caretakers that are demonstrated to be necessary to carry out a permitted use in this district.

Research and development and limited manufacturing and processing where at least thirty percent (30%) of the building area is devoted to non-manufacturing activities to include offices, laboratories, technical support, etc. The remaining

seventy percent (70%) may be used for manufacturing, assembly, storage and related uses.

Structures accessory to uses permitted by Section 50.1 hereof including, but not limited to, warehouses, storage buildings, and pump houses provided such accessory uses shall not exceed twenty percent (20%) of the total building area of the primary use.

Accessory uses to uses permitted in the Research Park District such as recreational facilities and dining facilities in connection with the operation of an establishment and primarily for employees, students, or faculty.

Heliports and radio and television studios but not including broadcast towers--provided such uses are in accordance with Section 50.2 hereof.

Retail sales and consumer service establishments (not including wholesale sales), accessory to any permitted uses other than agricultural or residential uses, and dealing primarily with employees, students, or faculty of establishments permitted as principal uses--provided that such commercial uses shall not occupy more than five percent (5%) of the total floor area of all buildings on any lot or group of contiguous lots in common ownership or control.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

Mobile Food Vending Sites.

Mobile Food Vending Units.

(84-70, 96-1008, 05-547, 09-1053, 15-479)

50.2 - Performance Standards

The following performance standards shall be required for all uses located in the Research Park District:

50.2.1 Air Pollution - Every use shall be so operated as to comply with the emission limitations specified in Chapter 12, Article II, Section 12-31, Code of Ordinances, City of Huntsville, Alabama, April 2003, as the same may be amended or revised, except that in the case of visible emission restrictions no visible emissions will be allowable.

50.2.2 Odor - No odors shall be emitted that are detectable without instruments at or beyond any property line.

50.2.3 Vibration - Maximum permitted vibration from any cause shall not exceed the following, when measured at the lot line:

Frequency (Cycles per Second)	Displacement (Inches)

10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 and above	.0001

50.2.4 Noise - Every use shall be so operated as to comply with the noise limitations specified in Chapter 12, Article V, Noise, Code of Ordinances, City of Huntsville, Alabama, April 2003, as the same may be amended or revised.

50.2.5 Fire and Explosion Hazard - All activities and all storage of flammable and explosive materials shall be in accordance with the National Board of Fire Underwriters' publications and other local ordinances.

50.2.6 Glare - No direct or reflected glare shall be produced so as to be visible at or beyond any lot line.

50.2.7 Radiation - Research operations shall cause no dangerous radiation at any property line as specified by the regulations of the Alabama Department of Public Health, Bureau of Radiological Health.

50.2.8 Radioactive Materials - The handling of radioactive materials, the discharge of such materials into air or water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Alabama Department of Public Health, Bureau of Radiological Health.

50.2.9 Electromagnetic Interference - Industries shall emit only that amount of unshielded spurious electromagnetic radiation as is necessary for the conduct of their operations. Federal Communications Commission requirements shall govern maximum radiation which tends to interfere with meaningful signals.

50.2.10 Water Pollution - No effluent shall be discharged in any stream. Discharge into the Huntsville sewerage system shall be as approved by the City of Huntsville Engineer of Public Works.

50.2.11 Waste - All industrial wastes shall be treated and disposed of in such a manner as to comply with all federal, local, and state standards. (84-70)

50.3 - Required Yards

50.3.1 Yards facing an existing or proposed street shall be considered a front yard. No principal or accessory structure shall be located less than one hundred and fifty (150) feet from any existing or

proposed street except those residential uses permitted by Section 50.1 hereof, which shall conform to the building setback lines established by the approved subdivision plat or thirty (30) feet, whichever is the greater.

50.3.2 No principal or accessory structure shall be located less than fifty (50) feet from any side or rear lot line.

50.3.3 All required yards set forth shall be landscaped as provided in Section 50.9 - Landscaping Requirements.

50.3.4 Exterior storage of materials shall not be placed in any required yard and shall be contained by fencing in such a manner as to be neat in appearance when viewed from any street. (84-70)

50.4 - Density Regulations

50.4.1 Buildings shall not cover an area greater than thirty percent (30%) of the total area of the tract upon which the buildings are located.

50.4.2 Minimum lot area shall be not less than three (3) acres for each tract, except for a permitted single family use.

50.4.3 Minimum lot width of each tract shall be not less than two hundred (200) feet as measured at the building line, excepting lots for a permitted single family use. (84-70)

50.5 - Street Access and Frontage

50.5.1 Each lot shall have a minimum frontage of one hundred and fifty (150) feet on a public road; provided however, the Planning Director may approve a lesser frontage to a minimum of one hundred (100) feet for lots located on cul-de-sacs or on street curves, or having other extraordinary characteristics.

50.5.2 Access to building sites shall be via collector or arterial streets. No access roads serving plants shall be permitted which may place heavy traffic on residential streets which are not classified as major collector or arterial streets. (84-70)

50.6 – Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

50.6.1 Driveways and vehicular access ways in required front yards, except as necessary to cross the required front yards, are not permitted within seventy-five (75) feet of any existing or proposed street. Driveways and vehicular access ways shall be paved and properly drained.

50.6.2 Parking areas in required front yards are not permitted within seventy-five (75) feet of any existing or proposed street.

50.6.3 Parking areas shall be paved and properly drained. No parking shall be permitted any place other than paved parking areas.

50.6.4 Loading areas shall not be placed within any front yard and shall be located and properly screened so as to be not visible from any existing or proposed street. (84-70, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

50.7 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.2 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (84-70, 87-177)

50.8 - Height Requirements

Maximum number of stories and maximum height are unlimited. (84-70)

50.9 - Landscaping Requirements

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

50.9.1 All side and rear yards shall have not less than a fifteen (15) foot wide strip of land adjacent to the property lines planted and maintained, except that where a rear or side yard abuts a residential district, then a thirty (30) foot wide strip of land shall be provided. Within the thirty (30) foot strip there shall be a fifteen (15) foot wide planting screen as provided for in Section 3.1 - Buffer of Screen Planting. (84-70, 92-4)

50.10 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements. (85-643, 99-1020)

50.11 - Development Procedure for Tracts or Parcels

50.11.1 Any landowner of property lying in a Research Park District desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.

50.11.2 Anyone desiring to secure a building permit for the use of land lying in a Research Park District must submit to the Director of

the City Planning Department a generalized plot plan of the tract to be developed for approval. Such generalized plot plan shall have shown thereon the following information:

(1) Location map showing the boundaries of the tract to be developed.

(2) The general location of main buildings proposed to be constructed.

(3) The general location of parking areas, loading docks, and public and/or private access ways.

(4) Site grading and storm drainage plan.

(5) Proposed utilities services.

(6) Required screening.

(7) Required and adequate easements.

(8) Landscaping provisions.

The Director of the City Planning Department shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations. If the proposed plot plan is not approved, the Director of the City Planning Department shall state in writing on the proposed plot plan the cause for such disapproval. (84-70)

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*63-93, 68-142, 70-64, 73-36, *84-70, 85-643, 87-177, 92-4, 96-1008, 99-1020, 05-547, 09-430, 09-1053, 10-507, 15-479

ARTICLE 51 RESEARCH PARK WEST DISTRICT REGULATIONS

Purpose

The purpose and intent of the Research Park West District Regulations are to provide a controlled and protected environment for the orderly growth and development of high technology industries within a park-like setting.

Within the Research Park West District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

51.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

A single family dwelling--only in connection with bona fide agricultural operations, as defined in Section 51.1.

Agricultural operations on tracts of ten (10) acres or greater--provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Federal, state, county, city or public utility owned or operated buildings and uses.

Office buildings for general office purposes, but only in connection with on-site research, development testing and related manufacturing or in connection with such uses off-site (example: the general administrative offices of a research and development firm are permitted though no on-site research and development occurs.)

Research, experimental and testing laboratories.

Educational, scientific and research organizations.

Production facilities and operations with a high degree of scientific input and activity where at least thirty percent (30%) of the building area is devoted to non-manufacturing activities to include offices, laboratories, technical support, etc. The remaining seventy percent (70%) may be used for manufacturing, assembly and related uses.

Limited, temporary sleeping quarters for scientists, laboratory technicians, custodians and caretakers that are demonstrated to be necessary to carry out a permitted use in this district.

Telecommunications businesses, excluding radio and television studios.

Computer programming and other software services.

Engineering, architectural, and design services.

Commercial heliports and/or helipads.

Structures accessory to uses permitted herein including, but not limited to, warehouses, storage buildings, and pump houses provided such accessory uses shall not exceed thirty percent (30%) of the total building area of the primary use.

Retail sales, consumer service establishments and other accessory uses (not including wholesale sales) are allowed in connection with any permitted use. Such uses will be primarily for the convenience of employees, students, or faculty of establishments permitted as principal uses; provided however, that commercial uses shall not occupy more than five percent (5%) of the total floor area of all buildings on any lot or group of contiguous lots in common ownership or control.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

Mobile Food Vending Sites.

Mobile Food Vending Units.

(84-70, 96-1008, 05-547, 09-1053, 12-581, 15-479)

51.2 - Performance Standards

The performance standards listed in Section 50.2 - Research Park District hereof shall be required of all uses located in the Research Park West District. (84-70)

51.3 - Required Yards

51.3.1 Yards facing an existing or proposed street other than a controlled access highway shall be considered front yards. Such yards shall have a minimum depth of one hundred and fifty (150) feet, provided that no building shall project through an imaginary height plane as described in Section 51.8.1.

51.3.2 All other yards shall have a minimum depth of fifty (50) feet, provided that no building shall project through an imaginary height plane as described in Section 51.8.2.

51.3.3 All required yards shall be kept clear of driveways and vehicular access ways, except as necessary to cross a required yard, and shall be kept clear of parking areas, loading areas, accessory uses and buildings, provided however, a gate or security station may be located in a required yard. (84-70, 09-430)

51.4 - Density Regulations

51.4.1 Buildings shall not cover an area greater than thirty percent (30%) of the total area of the tract upon which the buildings are located.

51.4.2 Buildings and all paved areas shall not cover an area greater than fifty percent (50%) of the total area of the tract.

51.4.3 Minimum lot area shall be not less than five (5) acres for each tract.

51.4.4 Minimum lot width of each tract shall be not less than three hundred (300) feet measured at the minimum building line. (84-70)

51.5 - Street Access and Frontage

51.5.1 Each lot shall have a minimum frontage of one hundred (100) feet on a public road.

51.5.2 Access to building sites shall be via collector or arterial streets wherever possible. No access roads serving plants shall be permitted which may place heavy traffic on residential streets that are not classified as major collector or arterial streets. (84-70)

51.6 – Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

51.6.1 Driveways and vehicular access ways, except as necessary to cross a required yard, are not permitted in any required yard. Driveways and vehicular access ways shall be paved and properly drained.

51.6.2 Parking areas shall not be placed in any required yard and shall be paved and properly drained. No parking shall be permitted any place other than paved parking areas.

51.6.3 Loading areas shall not be placed within any front yard or any required side or rear yard and shall be located and properly screened so as not to be visible from any existing or proposed street.

51.6.4 Parking and loading areas shall be landscaped in accordance with Section 51.9 - Landscaping Requirements.

51.6.5 Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements. (84-70, 99-1020, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

51.7 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.8 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (84-70, 85-595, 87-177, 05-547)

51.8 - Height Requirements

51.8.1 No portion of any building shall project through imaginary height planes leaning inward from a front yard as defined in Section 51.3.1 at a slope of .2 foot of height for each foot of horizontal distance measured perpendicularly to the property boundary, except as provided for in Section 73.9.1. (05-547)

51.8.2 No portion of any building shall project through imaginary height planes leaning inward from any yard other than a front yard, as defined in Section 51.3.2, at a slope of .6 foot of height for each foot of horizontal distance measured perpendicularly to the property boundary, except as provided for in Section 73.9.1. (84-70, 05-547)

51.9 - Landscaping Requirements

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

51.9.1 All yards required under this ordinance shall be landscaped and maintained. A minimum of one tree per twenty (20) linear feet of distance for each boundary line shall be planted in the required yards.

51.9.2 All off-street parking areas shall be screened, as well as practicable, from view from streets by the use of earth berms or landscaping materials.

51.9.3 All off-street parking areas, to include drives within the parking areas, greater than either twenty (20) automobile spaces or six thousand (6,000) square feet shall have at least five percent (5%) of the interior of the parking area landscaped in planting islands or peninsulas. Width of islands or peninsulas shall be a minimum width of at least five (5) feet between backs of curbs and at least one tree per twenty (20) parking spaces shall be planted within the planting islands or peninsulas in addition to other landscaping materials and plants. (84-70, 88-243, 92-4)

51.10 - Development Procedure for Tracts or Parcels

51.10.1 Any landowner of property lying in a Research Park West District desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.

51.10.2 Anyone desiring to secure a building permit for the use of land lying in a Research Park West District must submit to the Director of the City Planning Department the following information, as appropriate for approval of plans:

(1) A site plan for traffic engineering analysis, showing location and design of buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas and sidewalks;

(2) The percent of coverage of the total site in buildings, parking areas, accessory structures and drives;

(3) A grading plan and a planting plan, including screen walls and fences, for analysis of adequacy of visual screening and landscape architectural design;

(4) A site plan showing utilities and utility easements, including any waste disposal facilities; and

(5) Plans for all signs to be erected, including location, design, color and lighting of each sign.

The Director of the City Planning Department shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations. If the proposed plot plan is not approved, the Director of the City Planning Department shall state in writing on the proposed plot plan the cause for such disapproval. (84-70)

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*84-70, 85-595, 87-177, 88-243, 92-4, 96-1008, 99-1020, 05-547, 09-430, 09-1053, 10-507, 12-581, 15-479

ARTICLE 52 RESEARCH PARK APPLICATIONS DISTRICT REGULATIONS

Purpose

The purpose and intent of the Research Park Applications District Regulations are to provide a controlled environment designed specifically for those manufacturing and assembly plants and processing, warehousing, wholesale, and distribution operations that support and complement the existing Research Park District.

Within the Research Park Applications District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

52.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

A single family dwelling only in connection with bona fide agricultural operations, as defined in Section 52.1 hereof.

Agricultural operations on tracts of ten (10) acres or greater--provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Federal, state, county, city or public utility owned or operated buildings and uses.

Office buildings for general office purposes.

Manufacturing, processing, fabrication, or assembly of the following:

(1) Printing and publishing.

(2) Electrical and electronic machinery, equipment and supplies.

(3) Professional, scientific, and controlling instruments.

(4) Plastics, glass and rubber products.

(5) Machinery other than electrical.

(6) Transportation equipment.

(7) Metal and metal products.

(8) Chemicals and chemical products.

(9) Ordnance and accessories, except ammunition.

Warehousing, interior storage, and distribution in conjunction with manufacturing, assembly and office use.

Telecommunications.

Radio and television studios but not including broadcast towers.

Commercial heliports and/or helipads.

Communication services, not elsewhere classified.

Computer and data processing services.

Medical and dental laboratories.

Engineering, architectural, and design services.

Research, experimental and testing laboratories.

Educational, scientific, and research organizations.

Limited, temporary sleeping quarters for scientists, laboratory technicians, custodians and caretakers that are demonstrated to be necessary to carry out a permitted use in this district.

Exterior storage in conjunction with the above mentioned uses, completely screened from adjacent property lines and streets.

Accessory structures and uses to those permitted herein.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

Mobile Food Vending Sites.

Mobile Food Vending Units.

(84-70, 96-1008, 05-547, 09-1053, 12-581, 15-479)

52.2 - Performance Standards

The performance standards listed in Section 50.2 - Research Park District shall be required for all uses located in the Research Park Applications District. (84-70)

52.3 - Required Yards

52.3.1 Yards facing an existing or proposed street other than a controlled access highway shall be considered front yards. Such yards shall have a minimum depth of one hundred feet, provided that no building shall project through an imaginary height plane as described in Section 52.8.1.

52.3.2 All other yards shall have a minimum depth of fifty (50) feet, provided that no building shall project through an imaginary height plane as described in Section 52.8.2.

52.3.3 All required yards shall be kept clear of driveways, vehicular access ways and parking areas, except as provided for in Sections 52.6.1 and 52.6.2, and shall be kept clear of loading areas, exterior storage areas, accessory uses and buildings, provided however, a gate or security station may be located in a required yard. (84-70, 97-676, 09-430)

52.4 - Density Regulations

52.4.1 Buildings shall not cover an area greater than thirty percent (30%) of the total area of the tract upon which the buildings are located.

52.4.2 Buildings and all paved areas shall not cover an area greater than seventy percent (70%) of the total area of the tract.

52.4.3 Minimum lot area shall not be less than four (4) acres for each tract.

52.4.4 Minimum lot width of each tract shall not be less than two hundred (200) feet measured at the minimum building line. (84-70)

52.5 - Street Access and Frontage

52.5.1 Each lot shall have a minimum frontage of one hundred (100) feet on a public road.

52.5.2 Access to building sites shall be via collector or arterial streets wherever possible. No access roads serving plants shall be permitted which may place heavy traffic on residential streets that are not classified as major collector or arterial streets. (84-70)

52.6 – Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

52.6.1 Driveways and vehicular access ways, except as necessary to cross a required yard, are not permitted in any required rear or side yard, nor within one hundred (100) feet of the property line in any required front yard. Driveways and vehicular access ways shall be paved and properly drained.

52.6.2 Parking areas shall not be placed in any required side or rear yard, nor within one hundred (100) feet of the property line in any required front yard. All parking areas shall be paved and properly drained. No parking shall be permitted any place other than paved parking areas.

52.6.3 Loading areas shall not be placed within any front yard or any required side or rear yard and shall be located and properly screened so as not to be visible from any existing or proposed street.

52.6.4 Parking and loading areas shall be landscaped in accordance with Section 52.9 - Landscaping Requirements.

52.6.5 Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements. (84-70, 99-1020, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

52.7 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.2 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (84-70, 87-177)

52.8 - Height Requirements

52.8.1 No portion of any building shall project through imaginary height planes leaning inward from a front yard, as defined in Section 52.3.1, at a slope of .3 foot of height for each foot of horizontal distance measured perpendicularly to the property boundary.

52.8.2 No portion of any building shall project through imaginary height planes leaning inward from any yard other than a front yard, as defined in Section 52.3.2, at a slope of .6 foot of height for each foot of horizontal distance measured perpendicularly to the property boundary. (84-70, 97-676)

52.9 - Landscaping Requirements

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

52.9.1 All yards required under this ordinance shall be landscaped and maintained. A minimum of one tree per twenty (20) linear feet of distance for each boundary line shall be planted in the required yards.

52.9.2 All off-street parking areas shall be screened, as well as practicable, from view from streets by the use of earth berms or landscaping materials.

52.9.3 All off-street parking areas, to include drives within the parking areas, greater than either twenty (20) automobile spaces or six

thousand (6,000) square feet shall have at least five percent (5%) of the interior of the parking area landscaped in planting islands or peninsulas. Width of islands or peninsulas shall be a minimum width of at least five (5) feet between backs of curbs and at least one tree per twenty (20) parking spaces shall be planted within the planting islands or peninsulas in addition to other landscaping materials and plants. (84-70, 88-243, 92-4)

52.10 - Development Procedure for Tracts or Parcels

52.10.1 Any landowner of property lying in a Research Park Applications District desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.

52.10.2 Anyone desiring to secure a building permit for the use of land lying in a Research Park Applications District must submit to the Director of the City Planning Department the following information, as appropriate for approval of plans:

(1) A site plan for traffic engineering analysis, showing location and design of buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas and sidewalks;

(2) The percent of coverage of the total site in buildings, parking areas, accessory structures and drives;

(3) A grading plan and a planting plan, including screen walls and fences, for analysis of adequacy of visual screening and landscape architectural design;

(4) A site plan showing utilities and utility easements, including any waste disposal facilities; and

(5) Plans for all signs to be erected, including location, design, color and lighting of each sign.

The Director of the City Planning Department shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations. If the proposed plot plan is not approved, the Director of the City Planning Department shall state in writing on the proposed plot plan the cause for such disapproval. (84-70)

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*84-70, 87-177, 88-243, 92-4, 96-1008,97-676, 99-1020, 05-547, 09-430, 09-1053, 10-507, 12-581, 15-479

ARTICLE 53 RESEARCH PARK COMMERCIAL DISTRICT REGULATIONS

Within a Research Park Commercial district as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

53.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Ambulatory health care facilities, including dental care.

Apparel stores.

Bakeries--where the products made are sold exclusively at retail on the premises.

Banks and credit unions.

Barber shops, beauty parlors, reducing salons.

Book stores and newsstands.

Bowling alleys.

Cafes, delicatessens, coffee shops and restaurants without alcohol.

Confectionery stores.

Conference / Convention Centers.

Drug stores and apothecaries.

Dry cleaning establishments utilizing only non-flammable dry cleaning fluids.

Emergency health care clinics.

Florist shops.

Gift shops.

Grocery stores--provided no gasoline is offered for sale.

Hardware stores and variety stores--provided that no such business shall occupy more than 30,000 square feet of gross floor area.

Health clubs or Gyms.

Hobby shops.

Home furnishings stores.

Hotels and motels.

Jewelry stores.

Medical or Dental Centers.

Multiple family dwellings, accessory structures, and uses -- provided that such dwellings conform to the requirements set forth in Section 15.2.3(1), (2), (3) & (7) or Section 73.13.4 (2) (a), (b), (c), (h), & (i) and Sections 53.4 and 53.7 hereof.

Municipal, county, state or federal uses.

Music, record, and video sales and rental stores.

Nurseries, kindergartens or day care centers for children.

Office buildings.

Office supply and computer supply stores.

Performing Arts Center.

Photo finishing shops and photography studios.

Print shops and copying services.

Radio station studios and offices including required transmission equipment, but not including broadcast towers.

Residential dwelling units on the upper floors of hotels, mixed use, commercial or office buildings -- provided such units contain a minimum of 600 square feet and are in compliance with all applicable regulations for habitable space.

Shoe stores, shoe repair shops, and tailor shops.

Spa or Wellness Centers.

Sporting goods stores.

Teleconferencing centers.

Teleport.

Travel agencies.

Warehouse retail -- provided that no such business shall occupy more than 50,000 square feet of gross floor area.

Accessory structures only when essential for the operation of the permitted use.

Other uses that are similar to those enumerated and that would support and complement uses permitted within the adjoining Research Park district, but not

including the display, storage, or sales of merchandise in any parking and vehicular use area.

(06-826, 07-401, 11-11)

53.2 - Density Regulations

53.2.1 Minimum lot area shall be not less than one-half (1/2) acre.

53.2.2 Minimum lot width of each tract shall be not less than one hundred feet measured at the minimum building line.

53.3 - Street Access and Frontage

53.3.1 Each lot shall have a minimum frontage of fifty feet on a public road.

53.3.2 Access into a Research Park Commercial district shall be from a collector or arterial street and shall be in accordance with the adopted master plan, if any, for the adjoining Research Park district. No access roads serving the Commercial district shall be permitted which may place heavy traffic on residential streets that are not classified as collector or arterial streets.

53.3.3 All establishments shall be accessed from streets or drives internal to the Research Park Commercial district; curb cuts across the boundaries of the Commercial district to provide access for individual establishments shall not be permitted.

53.4 - Required Yards

The following minimum yards shall be required:

53.4.1 Yards abutting an existing or proposed street shall be considered front yards. No principal structure, accessory structure, exterior storage or merchandise shall be located less than fifty (50) feet from any existing or proposed collector or arterial street right of way, except as provided for in Section 53.5.2.

53.4.2 All yards abutting collector or arterial streets shall be kept clear of parking, loading areas, vehicular access ways, except as necessary to cross a required yard and except as provided for in Section 53.5.2 - Parking and Loading Areas. All yards described herein shall be landscaped in accordance with Section 53.8.1 - Landscaping Requirements.

53.4.3 Side and rear yards that abut the boundaries of the Research Park Commercial district and have no street frontage shall have a minimum depth of fifty feet in which no principal structure, accessory structure, or exterior storage or merchandise shall be located.

53.4.4 All required side and rear yards that abut the boundaries of the Research Park Commercial district shall be kept clear of parking, loading areas, and vehicular access ways, except as necessary to cross a required yard, and except as provided for in Section 53.5.2 - Parking and Loading Areas. All yards described herein shall be landscaped in accordance with Section 53.8.1 - Landscaping Requirements.

53.4.5 Yards having frontage on local streets shall have a minimum depth of twenty feet of which the first fifteen feet adjacent to the street shall be landscaped in accordance with Section 53.8.3 - Landscaping Requirements.

53.4.6 Internal side and rear yards that abut other side or rear yards within the Commercial district shall have a minimum depth of ten feet and shall be landscaped.

53.5 - Parking and Loading Areas

53.5.1 The minimum number of off-street parking spaces shall be provided and maintained as follows:

(1) Day care and nurseries: One space for each staff member plus one space for each ten children permitted plus a passenger loading space situated so that children will not have to cross a parking area or lanes of traffic.

(2) Hotels and motels: One space for each room or unit offered for rent.

(3) Lounges: One space per 100 square feet of gross floor area plus one space per employee on the largest shift.

(4) Medical clinics and medical offices: One space for each two hundred square feet of gross floor area.

(5) Office buildings: One space for each 250 square feet of gross floor area.

(6) Restaurants: One space per 100 square feet of gross floor area plus one space per employee on the largest shift.

(7) Retail sales and service establishments: One space for each three hundred square feet of gross floor area.

(8) Required off street parking may be located within the Research Park Commercial district boundary without respect to the use said parking is to serve, so long as the total provided off street parking is not less that the cumulative total required by all permitted uses within the district boundary.

53.5.2 Off street parking, including parking structures, loading areas and vehicular access ways, except as necessary to cross a required yard, shall not be permitted within twenty (20) feet of any boundary of the Research Park Commercial district.

53.5.3 Parking shall be paved and properly drained and have curbs and gutters. No parking shall be permitted any place other than paved parking areas.

53.5.4 Loading areas shall be sufficient to meet the requirements of each use. Loading areas shall not be placed within any front yard and shall be screened from view from public rights of way by the use of a 6-foot high wall or by a combination of live plant materials that is opaque from the ground to a height of at least 6 feet during all seasons of the year.

53.5.5 Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

53.6 - Permitted Signs

Signs shall be permitted in accordance with Section 72.4.11 - Research Park Commercial District Signs and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

53.7 - Height Limitations

53.7.1 Maximum number of stories for motels, hotels and office buildings shall be twelve stories.

53.7.2 Maximum number of stories for structures other than hotels, motels, and office buildings shall be five.

53.8 - Landscaping Requirements

53.8.1 Yards having frontage on arterial or collector streets shall be landscaped with a minimum of one Type 1 shade tree per twenty (20) linear feet of distance for each boundary line of such yards. Said trees shall be planted in a manner so as to distribute the required trees throughout the required yards. Each yard shall be planted with turf grass or other permanent evergreen ground cover.

53.8.2 Yards abutting a boundary of the district that does not have frontage on a right-of-way shall be landscaped with a minimum of one Type 1 shade tree and one Type 4 coniferous evergreen tree per thirty (30) linear feet of distance for each boundary line of such yards, planted in a manner so as to distribute the required trees throughout the required yards. Grass or other permanent evergreen ground cover shall be maintained on the remainder of the required yard.

53.8.3 Yards having frontage on a local street shall be planted with one Type 1 shade tree per twenty (20) linear feet of required yard, planted in a manner so as to distribute the required trees throughout the required yard. Grass or other permanent evergreen ground cover shall be maintained on the remainder of the required yard.

53.8.4 Parking areas shall be landscaped as follows:

(1) All off-street parking areas, shall be screened, as well as practicable, from view from public rights of way by the use of earth berms planted with a living evergreen ground cover or by evergreen shrubbery or by a combination of both to create a screen at least 4 feet high along the perimeter of the parking and vehicular use area.

(2) All off-street parking areas, excluding any below grade level area within a parking structure, to include drives within the parking areas, greater than either twenty (20) automobile spaces or six thousand (6,000) square feet shall have at least five percent (5%) of the interior of the parking area landscaped in planting islands or peninsulas. No island or peninsula shall contribute more than 500 square feet of area to the required total. Width of islands and peninsulas shall be a minimum width of at least eight (8) feet between backs of curbs. Landscaped islands and peninsulas shall be located so that no parking space shall be located farther than ten (10) spaces from a landscaped island or peninsula each of which shall contain at least one Type 1 shade tree. Grass or other permanent evergreen ground cover shall cover the remainder of each such landscaped island or peninsula.

53.8.5 All landscaping must be installed in accordance with the provisions of Section 71.5 - Plant Materials and Installation Requirements and Section 73.19 - Installation of Landscaping.

53.8.6 All landscape requirements are cumulative and may be distributed on the site in coordination with an overall landscape master plan as submitted and approved by the City of Huntsville Planning Department.

53.9 - Lighting

Lighting of off-street parking and vehicular use areas shall be in accordance with Section 71.6 - PVA Lighting Requirements. (99-1020)

53.10 - District Requirements

For land to be designated as a Research Park Commercial district it must satisfy the following conditions:

53.10.1 The land must be located within or contiguous to a Research Park, Research Park West, or Research Park Applications district.

53.10.2 The Research Park Commercial district must be directly accessible from collector or arterial streets when developed.

53.11 - Development Procedure

53.11.1 Any landowner of property lying in a Research Park Commercial district desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.

53.11.2 Anyone desiring to secure a building permit, except for interior tenant improvements, for the use of land lying in a Research Park Commercial district must submit to the Director of the City Planning Department the following information, as appropriate for approval of plans:

(1) A site plan showing location and design of buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas, sidewalks, utilities and utility easements, and waste disposal facilities, and

(2) The percent of coverage of the total site in buildings, parking areas, accessory structures and drives.

(3) A grading and drainage plan showing all existing and proposed contours, spot elevations, drainage facilities, all required drainage calculations, and all required erosion and sedimentation control measures.

(4) A landscape plan showing all required landscaping, all calculations for required landscape areas and plants, all screen walls and fences, plant schedules of types and sizes, and appropriate installation details.

(5) Building plans including floor plans and elevations showing finish materials, colors and accessories.

(6) Plans for all signs to be erected, including location, dimensions, design, colors, material and lighting for each.

The Director of the City Planning Department shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations within thirty (30) business days from a complete submittal. If the proposed plot plan is not approved, the Director of the City Planning Department shall state in writing on the proposed plot plan the cause for such disapproval within thirty (30) business days from a complete submittal.

53.12 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.5, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

*98-52, 99-1020, 05-013, 06-826, 07-401, 10-507, 11-11, 15-481

ARTICLE 54 RESEARCH PARK APPLICATIONS 2 DISTRICT REGULATIONS

Purpose

The purpose and intent of the Research Park Applications 2 District Regulations are to provide a controlled environment designed specifically for those manufacturing and assembly plants and processing, warehousing, wholesale, and distribution operations that support and complement the existing Research Park Districts.

Within the Research Park Applications 2 District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

54.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Agricultural operations on tracts of ten (10) acres or greater--provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Federal, state, county, city or public utility owned or operated buildings and uses.

Office buildings for general office purposes.

Manufacturing, processing, fabrication, or assembly of the following:

(1) Printing and publishing.

(2) Electrical and electronic machinery, equipment and supplies.

(3) Professional, scientific, and controlling instruments.

(4) Plastics, glass and rubber products.

(5) Machinery other than electrical.

(6) Transportation equipment.

(7) Metal and metal products.

(8) Chemicals and chemical products.

(9) Ordnance and accessories, except ammunition.

(10) Automotive and implements.

(11) Food and kindred products intended for human consumption.

(12) Research and development operations.

(13) Medical and dental instruments, apparatus and prosthetics.

Warehousing, interior storage, and distribution in conjunction with the above mentioned manufacturing, assembly and office uses.

Commercial heliports and/or helipads.

Telecommunications.

Radio and television studios but not including broadcast towers.

Communication services, not elsewhere classified.

Computer and data processing services.

Medical and dental laboratories.

Engineering, architectural, and design services.

Research, experimental and testing laboratories.

Educational, scientific, and research organizations.

Exterior storage in conjunction with the above mentioned uses, completely screened from adjacent property lines and streets.

Accessory structures and uses to those permitted herein.

Mobile Food Vending Sites.

Mobile Food Vending Units.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.2 hereof.

54.2 - Performance Standards

All operations shall comply with applicable federal, state and local regulations concerning air pollution, odor, vibration, noise, fire and explosive hazards, glare, radiation, radioactive materials, electromagnetic interference, water pollution, and waste disposal, including the performance standards set forth in Section 50.2 - Research Park District hereof.

54.3 - Use Standards

54.3.1 All permitted uses, with the exception of agricultural operations, truck and heavy equipment parking, container storage, signs, and heliports, shall be conducted within completely enclosed buildings.

54.3.2 Exterior storage shall be permitted only within rear yards, and the stored products or materials shall be in an enclosed building or enclosed by a masonry wall, fence or evergreen hedge, of sufficient opacity and size to completely screen the stored materials from view from adjacent properties and streets.

54.3.3 Parking or storage of company vehicles, trucks, containers, and heavy equipment used in connection with a permitted business shall be in the rear yard only and shall be screened by vegetation or an earthen berm not less than four (4) feet high.

54.3.4 Any lot in a Research Park Applications 2 District that is used for any purpose other than agriculture, whether or not it contains a structure, shall meet all setback, landscaping and parking regulations of this article.

54.4 - Required Yards

54.4.1 Front Yards: Yards facing an existing or proposed street other than a controlled access highway shall have a minimum depth of forty (40) feet. On a corner lot, the street frontage that the building faces may be designated as the front yard, in which case, the yard opposite the designated front yard shall be considered the rear yard.

54.4.2 Interior side and rear yards are those yards that abut land zoned Research Park Applications 2; interior side yards shall have a minimum depth of twenty (20) feet; interior rear yards shall have a minimum depth of twenty-five (25) feet.

54.4.3 Exterior side and rear yards are those yards that abut land in a zoning district other than Research Park Applications 2; they shall have a minimum depth of forty (40) feet.

54.4.4 All required yards shall be kept clear of driveways and vehicular access ways, except as necessary to cross a required yard, and shall be kept clear of parking areas, loading areas, exterior storage areas, trash and waste storage containers, and accessory uses and buildings, provided however, a gate or security station may be located in a required yard.

54.4.5 Security fences shall not be placed in any required front yard.

54.4.6 There shall be provided an easement of not less than twenty (20) feet along each side and rear lot line for utilities and drainage.

54.5 - Density Regulations

54.5.1 Minimum lot area shall not be less than two (2) acres.

54.5.2 Minimum lot width shall not be less than one hundred (100) feet as measured at the minimum building line.

54.5.3 No portion of any building shall project through imaginary height planes leaning inward from a front yard, as defined in Section 54.4.1, at a slope of .6 foot of height for each foot of horizontal distance measured perpendicularly to the property boundary; provided however, that the maximum height shall not exceed one hundred and twenty (120) feet.

54.5.4 Buildings shall not cover an area greater than sixty percent (60%) of the total area of the lot.

54.6 - Street Access and Frontage

54.6.1 Each lot shall have a minimum frontage of seventy-five (75) feet on a public road.

54.6.2 Access to building sites shall be via collector or arterial streets wherever possible. No access roads serving plants shall be permitted which may place heavy traffic on residential streets that are not classified as major collector or arterial streets.

54.7 – Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

54.7.1 Driveways and vehicular access ways, except as necessary to cross a required yard, are not permitted in any required side or rear yard, nor within forty (40) feet of the property line in any required front yard. Driveways and vehicular access ways shall be paved and properly drained.

54.7.2 Parking areas shall not be placed in any required side or rear yard, nor within forty (40) feet of the property line in any required front yard. All parking areas shall be paved and properly drained. No parking shall be permitted any place other than paved parking areas.

54.7.3 Loading areas shall not be placed within any front yard or any required side or rear yard and shall be located and properly screened so as not to be visible from any existing or proposed street.

54.7.4 Parking and loading areas shall be landscaped in accordance with Section 54.9 - Landscaping Requirements.

54.7.5 Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements.

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

54.8 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.5 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

54.9 - Landscaping Requirements

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

54.9.1 All yards required under this ordinance shall be planted with grass or an evergreen ground cover and shall be maintained so as to present an attractive and healthy appearance. Yard tree requirements shall be as follows:

(1) Front yards: A minimum of one (1) tree per thirty (30) linear feet of distance for each lot line fronting a public street shall be planted in the required front yard(s).

(2) Side and rear yards shall be planted with a minimum of one (1) tree per forty (40) linear feet for each side and rear lot line unless such yard abuts a residential district or office district, in which case such yard shall be planted with a minimum of three (3) large deciduous shade trees, five (5) large evergreen trees and seven (7) understory trees for each one hundred (100) linear feet of yard.

Existing vegetation shall substitute for the required landscaping if the type, size and density of the existing vegetation creates a year round visual screen separating the Research Park Applications 2 District from adjacent districts.

54.9.2 Required yard trees, unless elsewhere specified, shall be a mix of deciduous shade trees and evergreens; loblolly pines shall not account for more than twenty-five (25) percent of the required number of trees; other conifers shall be those varieties that retain their branches at ground level.

54.9.3 All off-street parking, loading and unloading areas, and outdoor trash and waste storage containers shall be screened, as well as practicable, from view from streets by the use of walls, earth berms and/or vegetation.

54.10 - Development Procedure for Tracts or Parcels

54.10.1 Any landowner of property lying in a Research Park Applications 2 District desiring to dedicate any street, road, or right-of-way to the

public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.

54.10.2 Anyone desiring to secure a building permit for the use of land lying in a Research Park Applications 2 District must submit to the Director of the City Planning Department the following information, as appropriate for approval of plans:

(1) A site plan for traffic engineering analysis, showing location and design of buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas and sidewalks;

(2) The percent of coverage of the total site in buildings, parking areas, accessory structures and drives;

(3) A grading plan and a planting plan, including screen walls and fences, for analysis of adequacy of visual screening and landscape architectural design;

(4) A site plan showing utilities and utility easements, including any waste disposal facilities; and

(5) Plans for all signs to be erected, including location, design, color and lighting of each sign.

The Director of the City Planning Department shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations. If the proposed plot plan is not approved, the Director of the City Planning Department shall state in writing on the proposed plot plan the cause for such disapproval.

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*09-813, 10-507, 15-479

ARTICLE 60 MEDICAL DISTRICT REGULATIONS

Purpose

The purpose of this Medical District is to provide a protective district for the harmonious development of medical facilities and related educational institutions. The Medical District is intended to be protected from encroachment by land uses adverse to the location, operation, and expansion of medical use development.

These Medical District Regulations are intended to promote the health, safety, morals, welfare, comfort, and convenience of the inhabitants of this district and its environs.

Within a Medical District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

60.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, or enlarged except for one or more of the uses herein cited and subject to the conditions stated herein:

Farming and other agricultural uses.

Federal, state, county, or city owned or operated buildings and uses.

General and private hospitals.

Medical or dental clinics.

Nursing homes, rest homes, and convalescent homes.

Medical educational institutions, including dormitories.

Medical research, experimental and testing laboratories.

General office uses and office buildings.

Medical, surgical and dental supply houses.

Apothecaries, drug stores.

Ambulance services.

Doctors' and nurses' quarters.

Retail sales and consumer service establishments accessory to any permitted use--provided that such commercial use shall not occupy more than fifteen percent (15%) of the total floor area of the building in which such use is located.

Accessory structures and uses to those permitted herein.

Artificial limb and brace, therapeutic establishments.

Florist shops.

Optical firms.

Book shops.

Gift shops.

Farmers Markets.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(70-172, 09-1053, 15-406)

60.2 - Density Controls

The following yard and density requirements shall be observed:

60.2.1	Minimum lot area:	10,000 sq. ft.
60.2.2	Minimum required depth of front yard:	
	From major arterials (*see Section 73.15*):	50 feet
	From other streets:	20 feet
60.2.3	Minimum side yard:	None, except that buildings not developed to the side lot line shall have a side yard of not less than ten (10) feet on any side.
60.2.4	Minimum rear yard:	None
60.2.5	Buildings shall not cover an area greater than sixty percent (60%) of the total area of the tract upon which the buildings are located.	
60.2.6	Street access and frontage:	Each lot shall have a minimum frontage of fifty (50) feet on a public road; provided however, the Planning Commission may approve a lesser frontage to a minimum of twenty (20) feet for lots located on cul-de-sacs or on street curves or having other

extraordinary characteristics if the lot width at the building line measures at least fifty (50) feet.

(70-172, 86-522)

60.3 - Required Yards and Landscaped Areas

60.3.1 The required front yard of all developed parcels shall be landscaped and maintained in a manner as to be neat in appearance when viewed from any street.

60.3.2 Exterior storage of materials shall be contained by fencing in such a manner as to be neat in appearance when viewed from any street. No exterior storage or display of materials whether for sale or not is permitted in the required front yard. (70-172)

60.4 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.6 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (70-172, 87-177)

60.5 - Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

60.5.1 Parking areas are not permitted in the required front yard.

60.5.2 Driveways and vehicular access ways, except as necessary to cross a required front yard, are not permitted in a required front yard.

60.5.3 Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements. (70-172, 99-1020, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

60.6 - Sidewalk Requirement

Six (6) foot-wide sidewalks shall be required along the streets of parcels to be developed. Sidewalks shall be so designed as to tie to existing sidewalks within the area. (70-172)

60.7 - Underground Wiring Requirement

All power, communication, and other wiring hereafter installed in a Medical District shall be placed underground. (70-172)

60.8 - Medical District Plan

60.8.1 Prior to the issuance of any building permit, any property owner desiring to subdivide or develop land within a Medical District, as shown on the official Zoning Maps of the city of Huntsville, Alabama, must submit to the City Planner for approval a development plan for each parcel or tract of land proposed to be developed. Such development plan shall have shown thereon the following information:

(1) The specific location of the tract to be developed or subdivided within said district and all land and development lying within five hundred (500) feet of the tract or parcel of land to be developed.

(2) Names and addresses of all land owners whose property adjoins said parcel or tract, as shown in the tax assessor's records of Madison County, Alabama.

(3) The location of all buildings proposed to be constructed within the tract.

(4) Existing and proposed accessways and roads, public and private.

(5) A generalized drainage plan showing existing and proposed drainage.

(6) Location of all existing and proposed public utilities as the same relates to the development of the property.

(7) Location of all off-street parking spaces and loading facilities.

(8) Location of proposed screen planting, walls, and garbage storage facilities.

(9) Location of all existing and proposed easements.

(10) Location of all sidewalks.

60.8.2 The Planning Director shall approve said development plan for a specified Medical District improvement, upon finding that the same complies with these regulations. All subsequent development on said tract or parcel shall be approved without resubmission in all cases where the proposed improvements substantially conform to the approved development plan. (70-172)

*70-172, 86-522, 87-177, 99-1020, 09-430, 09-1053, 10-507, 15-406

ARTICLE 61 DISPOSAL STORAGE DISTRICT REGULATIONS

Purpose

The purpose of this Disposal Storage District is to provide a special type of use district for those industries who, by their nature and operation, could have an adverse effect on residential, commercial, or other industrial uses.

The Disposal Storage District is established for the protection of these types of uses from the encroachment of residential and other commercial or industrial uses which would be adverse to the operation and expansion of these types of uses and at the same time to reduce to a minimum the influence of these types of uses on surrounding residential or commercial uses.

It is the intent of this district to be composed primarily of lands deep within the industrial areas of the city away from residential and commercial areas. These regulations are the minimum required for the mutual protection of the industrial users, and to that end, the district should not be adjacent to any residential or business districts, if such abutment can possibly be avoided.

Within a Disposal Storage District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

61.1 - Definitions

Notwithstanding other definitions within this ordinance, the following definitions shall apply to these regulations for the Disposal Storage District:

Automobile Wrecking Yard - Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition.

Junk or Salvage Yard - Any land or building or other structure where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, or used or salvaged materials as part of manufacturing operations. (70-105)

61.2 - Uses Permitted

No building, structure, land, or any combination of such shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained, except for one or more of the following uses:

Automobile wrecking yards

Asphalt manufacture

Central mixing plant for cement, mortar, or paving materials

Gasoline and L.P. gas bulk storage plants

Junk and/or salvage yards

Limestone drying and stockpiling

Quarrying

Federal, state, county, or city owned or operated uses

Wholesale operations

Warehousing and outdoor storage

Accessory structures and uses to permitted uses

Privately owned and operated landfills

Repair garages

Incinerators

Automobile storage yard

Scrap metal processing yard

Automobile graveyard

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(70-105, 09-1053)

61.3 - Required Yards

61.3.1 No building or structure shall be located less than fifty (50) feet from the front property line.

61.3.2 No building or structure shall be located less than twenty-five (25) feet from any side or rear property line.

61.3.3 Outdoor storage is permitted in the required front, side, and rear yards. (70-105)

61.4 - Fencing and Screening

61.4.1 A seven (7)-foot high chain-link fence, or equal, is required completely around the tract on which an automobile storage yard, scrap metal processing yard, or automobile graveyard is located, except gates will be provided at points of ingress and egress.

61.4.2 Each use shall be screen planted completely around the perimeter of the tract on which it is located, except at points of ingress and egress. This screen shall be planted and maintained as provided in Section 3.1 - Buffer of Screen Planting hereof. (70-105)

61.5 - Outdoor Storage and Waste Disposal

61.5.1 No materials or wastes shall be deposited upon a tract in such form or manner that they may likely be transferred off the tract by the elements.

61.5.2 All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in accordance with the Fire and Sanitation Ordinances of the City. (70-105)

61.6 - Off-Street Parking and Loading

Each use shall provide adequate off-street parking and loading for its employees, visitors, and customers. Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements. (99-1020)

On-street parking or loading shall not be permitted. (70-105)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

61.7 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.2 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (87-177)

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*70-105, 87-177, 99-1020, 09-1053, 10-507

ARTICLE 62 FLOOD HAZARD DISTRICT REGULATIONS

Purpose

The flood hazard areas of the City of Huntsville, Alabama, are subject to periodic inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which increase flood heights, velocities or erosion;

(2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) control filling, grading, dredging and other development which may increase erosion or flood damage; and,

(5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

62.1 - General Provisions

62.1.1 This article shall apply to all areas of the Flood Hazard District within the jurisdiction of Huntsville, Alabama. The Flood Hazard District is composed of the Floodway District and the Floodway Fringe District.

62.1.2 A floodplain development permit shall be required in conformance with the provisions of this article and of the City of Huntsville Stormwater Management Manual prior to the commencement of any land disturbance activities or any development or building activities, including filling, dumping, grading, or excavation within the Flood Hazard District. (See Section 62.8)

62.1.3 No structure or land within the Flood Hazard District shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable

regulations.

62.1.4 The boundaries and designations of the Floodway District and Floodway Fringe District provided for herein are hereby established as shown on the maps identified by the titles "National Flood Insurance Program, FIRM Flood Insurance Rate Map, Madison County, Alabama, and Incorporated Areas" (Community-Panel Number 010153, City of Huntsville, Alabama) composed of panels 0144, 0158, 0159, 0163, 0164, 0166, 0167, 0168, 0169, 0175, 0178, 0179, 0183, 0186, 0187, 0188, 0189, 0193, 0194, 0195, 0211, 0215, 0269, 0290, 0291, 0292, 0293, 0294, 0302, 0304, 0306, 0307, 0308, 0309, 0311, 0315, 0320, 0326, 0327, 0328, 0329, 0331, 0333, 0335, 0340, 0341, 0343, 0354, 0355, 0360, 0362, 0365, 0370, 0407, 0425, 0450, 0455, 0456, 0458, 0460, 0467, 0475, and 0478 issued by the Federal Emergency Management Agency, Federal Insurance Administration, bearing an effective date of April 20, 1998 and any revisions thereto.

62.1.5 For those land areas acquired by the city through annexation, the current effective Flood Insurance Study and data for Madison County are hereby adopted by reference.

62.1.6 These maps as identified, all explanatory matter thereof, and the *Flood Insurance Study, Madison County, Alabama, and Incorporated Areas*, dated April 25, 1995, and any revisions thereto are hereby adopted and made a part of this ordinance. Such maps and explanatory matter shall be filed in the office of the City Engineer of the City of Huntsville, Alabama. (98-189, 99-206)

62.2 - Definitions

Addition (to an existing building) - Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Area of shallow flooding - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is composed of the floodway and the floodway fringe.

Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Breakaway wall - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Development - Any man-made change to improved or unimproved real estate

including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of equipment or materials.

Effective date of this article - September 13, 1979.

Elevated building - A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood.

Flood or flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland waters; or

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - An official map of a community**,** issued by the Federal Insurance Administration, delineating the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain - Any land area susceptible to flooding.

Floodway (regulatory floodway) - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe - The area lying between the floodway and the boundaries of the 100-year floodplain.

Floor - The top surface of an enclosed area in a building including basement and/or garage, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Functionally dependent facility - A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term may include long-term storage, sales, or service facilities in connection with a marine facility only with the approval of the Board of Adjustment.

Highest adjacent grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure - Any structure that is:

(1) listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the

requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the Secretary to qualify as a National Register historic district; or

(3) determined as eligible for listing on the National Register by the State Historic Preservation Officer.

Lowest floor - The lowest floor of the lowest enclosed habitable area of a building or structure including basements and garages.

Manufactured home - A building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean sea level - The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purpose of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

National Geodetic Vertical Datum (NGVD) - As corrected in 1929, NGVD is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction - Any structure and any subsequent improvements to the structure for which the *start of construction* commenced on or after September 13, 1979.

Recreational vehicle - A vehicle which is built on a single chassis, has 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive loss - Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damages occurred.

Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. Substantial damage also means *repetitive loss*.

Substantial improvement - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *repetitive loss* or *substantial damage*, regardless of the actual amount of repair work performed. The market value of the building should be either:

(1) the appraised value of the structure prior to the start of the initial repair or improvement, or

(2) in the case of damage, the value of the structure prior to the damage occurring.

For the purpose of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. (98-189)

62.3 - Provisions for All Areas in the Flood Hazard District

The provisions of this section shall apply to all areas in the Flood Hazard District.

62.3.1 All new construction and substantial improvements to existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.

62.3.2 All new construction and substantial improvements to existing structures shall be constructed with materials and utility equipment resistant to flood damage.

62.3.3 All new construction and substantial improvements to existing structures shall be constructed by methods and practices that minimize flood damage.

62.3.4 All new and replacement water supply systems shall be constructed to minimize or eliminate infiltration of flood waters

into the system.

62.3.5 New and replacement sanitary sewer systems shall be constructed to minimize or eliminate infiltration of flood waters into the systems and exfiltration from the systems into flood waters.

62.3.6 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

62.3.7 Any alteration, repair, reconstruction, or improvement to a structure on which the start of construction was begun after the effective date of this article shall meet the requirements of new construction as contained in this article.

62.3.8 Electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

62.3.9 Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

62.3.10 Any alteration, repair, reconstruction or improvement to a structure that is not compliant with the provisions of this ordinance shall be undertaken only if the non-conformity is not furthered, extended or replaced. (98-189)

62.4 - Interpretation of Floodway District and Floodway Fringe District

The Floodway District and Floodway Fringe District are those land areas as specified on the FIRM maps identified in Section 62.1 hereof. Any interpretation necessary shall be made by the City Engineer of the City of Huntsville, Alabama.

62.5 - Application of the Flood Hazard District

To enable the district to operate in harmony with the Zoning Ordinance of the City of Huntsville, Alabama, the Flood Hazard District is created as a special district to be superimposed on other existing zoning districts contained in the Zoning Ordinance of the City of Huntsville, Alabama. Except where in conflict with the specific requirements of the Flood Hazard District, permitted uses, accessory uses, signs, minimum lot requirements, minimum yard requirements, maximum height, and requirements for off-street parking and loading shall be determined by the requirements of the basic district regulations contained elsewhere in this ordinance.

62.6 - Uses Specifically Prohibited in Floodway Districts

62.6.1 Structures of any type that would obstruct or impede the flow of flood water or cause any increase in the base flood level are hereby specifically prohibited.

62.6.2 Fill of any type in the floodway including dumping or temporary storage or stockpiling of any material.

62.6.3 Substantial improvement to an existing structure within the Floodway District.

62.6.4 Manufactured homes (mobile homes) except on existing improved lots in existing manufactured home (mobile home) parks or subdivisions licensed as of the effective date of this article, and then only if such mobile homes are anchored to resist flotation, collapse, or lateral movement by use of over-the-top or frame ties to ground anchors and if the elevation standards as provided for in Section 62.7.1 are met. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the elevation standards as set forth in Section 62.7.1 are met and provided the replacement is anchored to resist flotation, collapse, or lateral movement by use of over-the-top or frame ties to ground anchors. These standards shall be in addition to and consistent with applicable state requirements for resisting wind forces. (98-189)

62.7 - Standards for the Floodway Fringe District

In all areas of the Floodway Fringe District designated as Zone AE or AH, the following provisions are required.

62.7.1 Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement and garage, elevated to at least one foot above the base flood elevation. When solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood water shall be provided in accordance with the standards of Section 62.7.3 and must be certified as such to the Building Inspector by a registered engineer or architect.

62.7.2 Non-Residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement and garages, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed to one foot above the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the Building Inspector that the standards of this subsection and Section 62.13.6 are satisfied.

62.7.3 Elevated Buildings - New construction of or substantial improvements to elevated buildings that include any fully enclosed

area located below the lowest floor formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(1) Designs for complying with this requirement must either be certified by a registered engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all such openings shall be no higher than one foot above grade; and

(c) Such openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions;

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairways or elevator); and

(3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

62.7.4 For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced; for a manufactured home placed on a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damage as a result of a flood; and for manufactured homes not placed in a manufactured park or subdivision, but which are permitted by the Board of Zoning Adjustment, the following are required:

(1) Stands or lots elevated on compacted fill so that the lowest floor of the manufactured home will be one foot above the base flood elevation.

(2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

(a) The lowest floor of the manufactured home is

elevated no lower than one foot above the level of the base flood elevation, or

(b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(3) Each stand or lot shall have proper surface drainage and shall be accessible to the manufactured home and prime mover or hauler.

(4) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

62.7.5 All recreational vehicles placed on sites must either:

(1) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or additions; or

(2) Meet all the requirements for new construction including the anchoring and elevation requirements of Section 62.7.4(1) and (4) above.

62.7.6 A registered land surveyor shall submit data to the Building Inspector certifying that the elevation of the lowest floor of a structure in a Floodway Fringe District is in compliance with this article. This certification shall be submitted prior to the floor being placed. (98-189)

62.8 - Floodplain Development Permits and Other Required Permits

62.8.1 It shall be unlawful for any person, firm or corporation to carry out any mining, filling, grading, paving, excavation, or drilling operations in areas designated as Floodway District or Floodway Fringe District without having first obtained a permit for such activity from the City Engineer. The City Engineer shall maintain the official file copy of the Flood Insurance Rate Maps (FIRM) in his office and shall review applications for permits for any mining, filling, grading, paving, excavation, or drilling operations. Any person, firm or corporation failing to comply with the provisions of this section of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined according to Section 91.5 - Penalties.

Where any violation is discovered, the City Engineer shall direct the responsible person, firm, or corporation to restore the land to its prior state before said violation or require the responsible party to immediately obtain an approved floodplain development permit from the City Engineer. The City Engineer shall take whatever

steps necessary to enforce this section of this ordinance.

62.8.2 No building, grading, or floodplain development permit will be issued where any part of the property lies within the Flood Hazard District until plans for such improvements have been reviewed and approved by the City Engineer.

62.8.3 Floodplain Development Permit - Prior to any development activity, application for a floodplain development permit shall be made to the City Engineer on forms furnished by the Inspection and Engineering divisions of the City of Huntsville.

62.8.4 For all new construction and substantial improvements, the permit holder shall provide to the City Engineer an as-built certification of the regulatory floor elevation or flood-proofing level using FEMA certificates immediately after the lowest floor or flood-proofing is completed. (98-189)

62.9 - Standards for Areas of Shallow Flooding (AO Zones)

Located within the Flood Hazard District established in Section 62.1 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply in these areas:

62.9.1 All new construction of and substantial improvements to residential structures shall have the lowest floor, including basement and garage, elevated to the flood depth number (in feet) specified on the Flood Insurance Rate Map above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement and garage, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with the standards of Section 62.7.3 (Elevated Buildings).

62.9.2 All new construction of and substantial improvements to non-residential structures shall comply with the following:

(1) The lowest floor, including basement and garage, shall be elevated to the depth number (in feet) specified on the Flood Insurance Rate Map above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement and garage, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood water shall be provided in accordance with the standards identified in Section 62.7.3 (Elevated Buildings); and

(2) The Building Inspector shall obtain a copy of the FEMA elevation certificate completed by a registered land surveyor verifying the actual elevations in relation to mean sea level (or highest adjacent grade) of the regulatory floor elevation

including basement and garage.

(3) New construction of or the substantial improvement to a non-residential structure may be flood-proofed in lieu of elevating. The structure, together with attendant utility and sanitary facilities, shall be completely flood-proofed to or above that level determined in subsection (1) above so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(4) A registered engineer or architect shall complete and submit to the Building Inspector a copy of the FEMA flood-proofing certificate, and a registered land surveyor shall verify the actual elevations in relation to mean sea level (or highest adjacent grade) of the level in which flood-proofing has been accomplished. The engineer or architect also shall certify to the Building Inspector that the design and methods of construction are in accordance with accepted standards of practice and with the provisions of this article.

(5) Drainage paths shall be provided, and shown on the permit drawings, to direct floodwaters around and away from any proposed structures. (98-189)

62.10 - Standards for Streams Without FIA Established Base Flood Elevations and/or Floodways (A Zones)

Within the Flood Hazard District where streams exist but no base flood data have been provided or where base flood data have been provided but a floodway has not been delineated, the following provisions shall apply.

62.10.1 The following provisions shall apply when streams exist but where base flood data and floodway data are not available:

(1) A registered engineer shall submit sufficient engineering data to the City Engineer showing base flood discharges, base flood elevations, and floodway data along the stream channel. The City Engineer shall request as much information as deemed necessary to determine and set base flood elevations, floodway widths and regulatory minimum finish floor elevations along the stream channel.

(2) Minimum Finished Floor Requirements - New construction of or substantial improvements to structures shall be elevated or flood-proofed to meet the requirements of Section 62.7 based on the established regulatory flood elevations set by the City Engineer as determined in Section 62.10.1(1) above.

(3) Floodway District - Section 62.6 shall apply to the established floodway set by the City Engineer as described

in Section 62.10.1(1).

62.10.2 When sufficient engineering data is currently available to the City Engineer to establish regulatory flood elevations and floodway data along the stream channel, the following provisions shall apply:

(1) The City Engineer shall provide the required minimum finished floor elevations and/or the location and width of the floodway district from information and data from his records and files.

(2) Minimum finished floor requirements - New construction of or substantial improvements to existing structures shall be elevated or flood-proofed to meet the requirements of Section 62.7 based on the established regulatory flood elevations set by the City Engineer as determined in Section 62.10.2(1).

(3) Floodway District - Section 62.6 shall apply to the established floodway set by the City Engineer as described in Section 62.10.2(1).

62.10.3 When base flood elevation data or floodway data have not been provided in accordance with Sections 62.1, 62.10.1, or 62.10.2, then the City Engineer shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available (including eyewitness accounts of flood elevations along a waterway) from federal, state or other sources in order to administer the provisions of this ordinance. Only if data are not available from these sources, then the following provisions shall apply:

(1) No encroachments, including structures or fill material, shall be located within an area equal to the top width of the stream or twenty-five feet, whichever is greater, measured from top of stream bank, unless certification by a registered engineer is provided demonstrating that such encroachment shall not result in an increase in the flood levels during the occurrence of the base flood discharge.

(2) In special flood hazard areas without base flood elevation data, new construction of and substantial improvements to existing structures shall have the lowest floor of the lowest enclosed area, including basement and garage, elevated to no less than three feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with Section 62.7.3 (Elevated Buildings). (98-189)

62.11 - Standards for Subdivision Proposals

62.11.1 All subdivision proposals shall be consistent with the need to minimize flood damage.

62.11.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

62.11.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

62.11.4 Base flood elevation data shall be provided for subdivision proposals and other proposed developments to include manufactured home parks and subdivisions. The subdivision final plat shall prescribe the minimum building floor elevations for structures located within any Floodway Fringe District.

62.11.5 The boundaries of Floodway and Floodway Fringe districts shall be shown and identified on all subdivision plans for land lying partially or wholly within the Flood Hazard District. (98-189)

62.12 - Variances

62.12.1 The City Engineer shall review petitions for variances and report his findings to the Board of Zoning Adjustment.

62.12.2 Variances shall not be granted within any designated Floodway District if any increase in flood levels during the base flood discharge would result or if hazardous stream flow velocities would result, except under the conditions enumerated in Section 62.12.3.

62.12.3 Conditions for Variances

Variances shall only be issued:

(1) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. The provisions of this article are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully.

(2) Upon a showing of good and sufficient cause.

(3) Upon a determination that failure to grant the variance would result in unnecessary hardship unique and different from that shared or suffered by adjacent and similar property also in the designated floodway.

(4) Upon a determination based on hydrologic and hydraulic analyses performed by a registered engineer that the granting of a variance will not result in increased flood levels, floodway widths or hazardous streamflow velocities during a base flood discharge. Neither will the variance create additional threats to public safety, extraordinary public expense or nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances

with respect to the use to which the property is to be put.

(5) For any building or structure in existence prior to the effective date of this article that is hereafter destroyed or substantially damaged to fifty percent or more of its replacement cost at the time of destruction by any means if the reconstruction does not exceed the volume and external dimensions of the original structure and does not offer any greater obstruction to the flow of flood water than did the original structure.

(6) For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair, rehabilitation, or restoration will not result in the structure losing its historical designation and the variance is the minimum to preserve the historic character and design of the structure.

(7) For new construction on an isolated lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level in residential subdivisions recorded prior to the effective date of this ordinance.

(8) For the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood.

62.12.4 Standards for Evaluating Variance Applications by the Board of Adjustment

In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) the danger that materials may be swept onto other lands to the injury of others;

(2) the danger to life and property due to flooding or erosion damage;

(3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) the importance of the services provided by the proposed facility to the community;

(5) the necessity of the facility to a waterfront location in the case of a functionally dependent facility;

(6) the availability of alternative locations not subject to flooding or erosion damage for the proposed use;

(7) the compatibility of the proposed use with existing and anticipated development;

(8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

62.12.5 Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Zoning Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

62.12.6 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

62.12.7 The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (98-189, 07-460)

62.13 - Duties and Responsibilities of the City Engineer

Duties of the City Engineer shall include, but shall not be limited to, the following:

62.13.1 Review all floodplain development plans and permit applications to assure that the requirements of this article have been satisfied on the plans and permit application form;

62.13.2 Review floodplain development to assure that construction is being accomplished in conformance with the permit requirements and the requirements of this article;

62.13.3 Review proposed development within the Flood Hazard District to assure that all necessary permits have been received from government agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344. Require that copies of such permits be provided and maintained on file with the floodplain development permit;

62.13.4 Obtain a copy of the FEMA flood elevation certificate in order to verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement and garage, of all new construction or substantially improved structures in accordance with Section 62.8.4;

62.13.5 Obtain a copy of the FEMA flood-proofing certificate in order to verify and record the actual elevation in relation to mean sea level to which any new or substantially improved structures have been flood-proofed in accordance with Sections 62.8.4 and 62.9.2;

62.13.6 When flood-proofing is utilized for a structure, the City Engineer and Building Inspector shall obtain certification of the design criteria from a registered engineer or architect in accordance with Sections 62.7.2 and 62.9.2;

62.13.7 Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency and the Alabama Emergency Management Agency (AEMA);

62.13.8 For any altered or relocated watercourse, submit engineering data/analysis within six months to FEMA and AEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood-carrying capacity of any altered or relocated watercourse is maintained;

62.13.9 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

62.13.10 Where interpretation is needed as to the exact location of the boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Engineer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;

62.13.11 When base flood elevation data or floodway data have not been provided in accordance with Section 62.1, then the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of Section 62.10;

62.13.12 All permits and records specified in Sections 62.8 and 62.13 shall be maintained in the office of the City Engineer and shall be open for public inspection. (98-189)

62.14 - <u>Duties and Responsibilities of the Building Inspector</u>:

62.14.1 Obtain certification from a registered engineer or architect in

accordance with Section 62.7.2 or 62.9.2 when flood-proofing is utilized for a particular structure.

62.14.2 Maintain building permits pertaining to the provisions of this article in the office of the Building Inspector.

62.14.3 Require a registered land surveyor to verify the actual elevation (in relation to mean sea level) of the lowest floor, including basement and garage, of all new or substantially improved structures and to complete and furnish a copy of the FEMA elevation certificate.

62.14.4 Require a registered land surveyor to verify the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood-proofed and to complete and furnish a copy of the FEMA flood-proofing certificate. (98-189)

62.15 - Duties and Responsibilities of the City Planner:

62.15.1 Submit reports to the Federal Insurance Administration regarding the Federal Flood Insurance Program as requested. (98-189, 07-460)

62.15.2 The Zoning Administrator shall review all development plans and permit applications to determine if the development lies within a designated Floodway or Floodway Fringe District and assure that any development within a designated Floodway or Floodway Fringe District meets all requirements of this ordinance. If the Zoning Administrator cannot make a determination of the Floodway or Floodway Fringe districts, then the City Engineer will make the determination. (07-460)

62.15.3 The Zoning Administrator shall inform any person wishing to develop within a Flood Hazard District about the district regulations and permit application forms, and provide a copy of the regulations and other pertinent information that may assist the developer. (07-460)

62.16 - Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Huntsville, Alabama, or by any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (98-189)

(Interim Ordinances 78-248 and 79-201)
*79-239, 85-714, *87-269, 91-107, 93-235
*98-189, 99-206, 07-460

ARTICLE 63 AIRPORT OBSTRUCTION AND NOISE EXPOSURE DISTRICT REGULATIONS

Purpose

The purpose and intent of the Airport Obstruction and Noise Exposure District regulations are to regulate the height of man-made structures and natural objects within the Airport Hazard Area as herein defined; and, to regulate the use of lands within the *Airport Noise Exposure Zone* herein defined to assure such use to be compatible with the noise environment at that location. These regulations apply to those portions of the Airport Hazard Area and Airport Noise Exposure Zone which lie within the jurisdiction of the City of Huntsville, Alabama.

63.1 - Establishment of Airport Hazard Area

The boundaries and designations of the Airport Hazard Area are hereby established and approved as defined herein and as shown and designated on the "AIRPORT OBSTRUCTION AND LAND USE MAP" filed herewith and made a part hereof by reference. Said map is further identified by the signature of the Mayor of the City of Huntsville, Alabama, and attested by the City Clerk-Treasurer. Certified copy of the said map is of public record in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama. (87-364)

63.2 - Establishment of Airport Noise Exposure Zone

The boundaries and designations of the Airport Noise Exposure Zone are hereby established and approved as described herein and as shown and designated on the "AIRPORT OBSTRUCTION AND LAND USE MAP" hereinabove adopted, in conformance with the AIRPORT NOISE EXPOSURE MAP, dated 1990, prepared and published by the Secretary of Transportation of the United States of America pursuant to Section 105, *Aviation Safety and Noise Abatement Act of 1979*, as amended, which said AIRPORT NOISE EXPOSURE MAP, dated 1990, is filed herewith and made a part hereof by reference. Said map is further identified by the approval of the Secretary of the Department of Transportation of the United States of America. A copy of the said map, certified as a part of this regulation, is of public record in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama. (87-364)

63.3 - Application

The Airport Hazard Area and the Airport Noise Exposure Zone are created under this Article as special zoning classifications. Where these special zones overlap other zoning districts created under the Zoning Ordinance of the City of Huntsville, Alabama, the requirements of these special zones are to be superimposed on and enforced in addition to all other zoning regulations applicable to those districts. If the requirements of these special zoning classifications require the alteration or elimination of uses, structures, or other objects which would be permitted under the other applicable zoning regulations of the City of Huntsville, Alabama, then the more stringent requirements of this Article shall be followed. (87-364)

63.4 - Definitions

The following definitions shall apply to this Article unless the context otherwise requires:

Airport - The Huntsville-Madison County Airport, Huntsville, Alabama.

Airport Elevation - 628 feet above mean sea level.

Airport Hazard - Any structure, tree or use of land which obstructs the airspace required for the safe and efficient operation of the airport, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport, or is otherwise incompatible with airport operations.

Airport Hazard Area - An area of land and water lying within a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, and the area within the limits of the airport boundary, the instrument approach-departure zones, transition surface zones, horizontal surface zones, conical surface zones and airport noise exposure zones, all as shown by the Airport Obstruction Zone Map adopted as a part of this regulation in Section 63.2, supra.

Airport Noise Compatibility Program - Program reflected in documents (and revised documents) developed in accordance with the guidelines established by the Department of Transportation Federal Aviation Administration.

Airport Reference Point - The point established as the geographical center of the airport landing area. The reference point of the Huntsville-Madison County Airport is as follows: Latitude 34 degrees, 28 minutes, 35 seconds; Longitude 86 degrees, 46 minutes, 20 seconds.

Aviagation Easement - An easement and right-of-way appurtenant to Huntsville-Madison County Airport for the unobstructed passage of aircraft in the airspace above the grantors' property above designated altitudes, together with the right to cause in all airspace above the surface of grantors' property such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of the said airport, including the taking off and landing of aircraft at the airport.

Compatible Land Use - The use of land that is normally compatible with the outdoor noise environment (or an adequately attenuated noise level reduction for any indoor activities involved) at the location because the yearly day-night average sound level is at or below that identified for that or similar use under Table 2, Appendix A, Part 150, Federal Aviation Regulations.

Day-Night Average Sound Level - The 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m. and between 10 p.m. and midnight, local time. (See Yearly Day-Night Average Sound Level (Ldn).)

Height Limitation - The maximum elevation for the highest point that a structure may be altered, erected, or a tree allowed to grow.

Instrument Runway - A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

Landing Strip - The area of the airport used for the landing, the taking-off, or taxiing of aircraft.

Noise Level Reduction (NLR) - The amount of noise level reduction achieved through incorporation of noise attenuation (between outdoor and indoor levels) in the design and construction of a structure.

Person - Any individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver assignee, or other representative thereof.

Political Subdivision - City of Huntsville, Alabama.

Primary Surfaces - These surfaces are symmetrically located with respect to the centerline of the landing strip. The transverse profile of primary surfaces are horizontal; whereas, longitudinal profiles may vary throughout its length. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surfaces for this ordinance are hereby established as follows:

(1) PRIMARY SURFACE RUNWAY 18R-36L - This surface is 1,000 feet wide and 10,400 feet in length and begins 200 feet outward from each end of said runway.

(2) PRIMARY SURFACE RUNWAY 18L-36R - This surface is 1,000 feet wide and 8,400 feet in length and begins 200 feet outward from each end of said runway.

Runway - The paved surface of airport landing strip.

Sound Attenuation - Measures which must be incorporated into the design and construction of a structure to achieve noise level reduction to compatible Ldn.

Sound Exposure Level - The level, in decibels, of the time integral of squared A-weighted sound pressure during a specified period or event, with reference to the square of the standard reference sound pressure of 20 micropascals and a duration of one second.

Structure - Any object constructed or installed by man including but without limitation, buildings, towers, antennae, smoke-stacks, and overhead transmission wires.

Tree - Any object of natural growth.

Yearly Day-Night Average Sound Level (Ldn) - The 365-day average, in decibels, day-night average sound level. (87-364, 89-181)

63.5 - Zones

The Airport Hazard Area is hereby divided into separate zones, the limits of which are established as shown on the Airport Obstruction Map of the Huntsville-Madison County Airport, which is made a part of this ordinance as it may be supplemented and amended. The various zones are hereby established, defined and adopted as follows:

63.5.1 Instrument Approach-Departure Zones - These zones are established at each end of the runways for instrument landings and take-offs. The instrument approach-departure zone shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of each runway and thereafter remaining at a width of 16,000 feet to the terminal end of the zone, its centerline being the continuation of the centerline of the runway.

63.5.2 Transitional Zones - These zones extend outward from both sides of the primary surface and the approach-departure zones to an intersection with the inner horizontal, conical and outer horizontal zones or other transitional zones.

63.5.3 Inner Horizontal Zone - This zone is established as the area commencing at the periphery of the transitional zones of the airport and extending outwardly and horizontally to a perimeter of which is constructed by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway of the airport and connecting the adjacent arcs by lines tangent to those arcs. This zone does not include the instrument approach-departure zones and transitional zones.

63.5.4 Conical Zone - This zone is established commencing at the periphery of the inner horizontal zone of the airport and extending outward and upward for a horizontal distance of 4,000 feet. This zone does not include the instrument approach-departure zones and the transitional zones.

63.5.5 Outer Horizontal Zone - This zone is established as the area commencing at the periphery of the conical zones of the airport and extending outwardly and horizontally to the periphery of the airport hazard area. This zone does not include the instrument approach-departure zones and transitional zones.

63.5.6 Airport Noise Exposure Zones - These zones are land use areas lying within 3,000 feet outward and perpendicular to each side of each runway centerline and its extension and 25,000 feet outward from the end of Runway 18R; 25,350 feet outward from the end of Runway 36L; 25,350 feet outward from Runway 18L; and 25,000 feet outward from the end of Runway 36R. (87-364)

63.6 - Criteria to Govern Height Limitations

Except as otherwise permitted in this Article, no structure or tree shall hereafter be erected, altered, allowed to grow, or maintained (in any zone created by this Article) to a height in excess of the height limit herein established for such zone. Such height limitations are computed from imaginary surfaces referenced to the airport elevation. The imaginary surface established for each of the zones in question is as follows:

63.6.1 Instrument Approach-Departure Surface Runway 18R - This surface slopes one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at an elevation of 628 feet above mean sea level and a distance of 1,000 feet outward and 200 feet from the end of the runway. This surface slopes outward and upward from its beginning, symmetrically about the extended centerline of the runway until the width reaches 16,000 feet, continuing at this width to 133,200 feet beyond the end of the runway, which is the Alabama-Tennessee line.

63.6.2 Instrument Approach-Departure Surface Runway 36L - This surface slopes one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at an elevation of 614 feet above mean sea level and a distance of 1,000 feet outward and 200 feet from the end of the runway. This surface slopes outward and upward from its beginning, symmetrically about the extended centerline of the runway until the width reaches 16,000 feet, continuing at this width to 115,550 feet beyond the end of the runway, which is the Morgan-Cullman county line.

63.6.3 Instrument Approach-Departure Surface Runway 18L - This surface slopes one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at an elevation of 606 feet above mean sea level and a distance of 1,000 feet outward and 200 feet from the end of the runway. This surface slopes outward and upward from its beginning, symmetrically about the extended centerline of the runway until the width reaches 16,000 feet, continuing at this width to 133,550 feet beyond the end of the runway, which is the Alabama-Tennessee line.

63.6.4 Instrument Approach-Departure Surface Runway 36R - This surface slopes one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at an elevation of 591 feet

above mean sea level and a distance of 1,000 feet outward and 200 feet from the end of the runway. This surface slopes outward and upward from its beginning, symmetrically about the extended centerline of the runway until the width reaches 16,000 feet, continuing at this width to 117,200 feet beyond the end of the runway, which is the Morgan-Cullman County line.

63.6.5 Transitional Surface - These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of one (1) foot in height for each seven (7) feet in horizontal distance from the sides of the primary surfaces and from the sides of the instrument approach-departure surfaces. The maximum elevation for structures or trees located thereunder shall be the elevation of the adjacent point on the primary surface or the instrument approach-departure surface plus one seventh (1/7) of the distance which separates the structure or tree from the slope of the primary or instrument approach-departure surface. The distance shall be measured in feet along the perpendicular to the landing strip or its extended centerline. Transitional surfaces for those portions of the instrument approach-departure zone surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach-departure surface and at right angles to the runway centerline.

63.6.6 Inner Horizontal Surface - This surface is at a height of 150 feet above the established airport elevation. The maximum elevation of structures or trees located thereunder shall be 778 feet above mean sea level.

63.6.7 Conical Surface - This surface extends outward and upward at a slope of one (1) foot in height for each twenty (20) feet in horizontal distance. The maximum elevation of structures or trees located thereunder shall be 778 feet plus one-twentieth (1/20) of the distance which separates the structure or tree from the periphery of the inner horizontal surface. The distance shall be measured in feet along a radial from the nearest point on the periphery of the inner horizontal zone.

63.6.8 Outer Horizontal Surface - This surface is at a height of 500 feet above the established airport elevation. The maximum elevation of structures or trees located thereunder shall be 978 feet above mean sea level. (87-364)

63.7 - Criteria to Govern Compatible Land Use in Airport Noise Exposure Zone

The Airport Noise Compatibility Program, as reflected by the Airport Noise Exposure Map previously made part of this regulation, establishes the "Yearly Day-Night Average Sound Level (Ldn)" in decibels, in contours around the airport.

Land uses around the airport must be compatible with the standards and procedures as set forth in Appendix A, Part 150, Federal Aviation Regulations, published January, 1981, as amended. No use shall hereafter be permitted within the boundaries of the Airport Noise Exposure Zone unless the said use shall be otherwise permitted in the applicable area under this ordinance and shall be compatible with the Ldn in the applicable area. Compatibility of the use with the Ldn shall be determined by the standards set forth in Table 2, Appendix A, Part 150, Federal Aviation Regulations, as amended. Said Part 150, Federal Aviation Regulations, as amended, and specifically Table 2 of Appendix A thereto is incorporated herein and made a part hereof by reference. A copy of Part 150 is on public record in the Office of the City Clerk-Treasurer for the City of Huntsville, Alabama.

If varying uses of a site with different sensitivity to noise are applied for, compatibility of the uses with the Ldn shall be determined based on the use most adversely affected by noise, without regard to which of the proposed uses is the major use of the site. When appropriate, noise level reduction through incorporation of sound attenuation into the design and construction of a structure may be permitted to achieve a level of compatibility as provided in Part 150, supra, and incorporated herein by reference.

All applications for compatible land uses within the Airport Noise Exposure Zone shall be accompanied by an aviagation easement, in substantially the form and letter as set forth in Exhibit A to this regulation, which said Exhibit A is incorporated herein by reference, duly executed by all the owners of the land for which application is being made. (87-364)

63.8 - Use Restrictions

Notwithstanding any other provision of this Ordinance, no use may be made of land within any zone established by this Article in such a manner as to create electrical interference with a radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, maneuvering of aircraft, or impair approach and departure procedures. (87-364)

63.9 - Non-Conforming Uses

The regulations prescribed by this Article shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the structure, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article and is diligently executed. (87-364)

63.10 - Permits

63.10.1 Future Uses - No material change shall be made in the use of land and no structure shall be erected, altered or otherwise established in any zone hereby created unless a permit therefor shall have been obtained from the Director of the Inspection Department of the City of Huntsville, Alabama (Building Inspector). Each application for a permit shall be submitted to the Zoning Administrator and shall state clearly the purpose for which the permit is requested, with sufficient particularity to permit the determination of whether the resulting use or structure would conform to the following:

(1) All regulations herein prescribed and all other applicable provisions of the Zoning Ordinance of the City of Huntsville, Alabama;

(2) Subpart B - Notice of Construction or Alteration, Part 77, Objects Affecting Navigable Airspace, Federal Aviation Regulations, as or may be amended, copy of which is maintained on file and available to the public for examination at the Office of the City Clerk-Treasurer for the City of Huntsville, Alabama; and

(3) Part 150, Airport Noise Compatibility, Federal Aviation Regulations, as or may be amended, copy of which is maintained on file and available to the public for examination at the Office of the City Clerk-Treasurer for the City of Huntsville, Alabama. Specifically, the application must contain certification from a duly qualified professional registered engineer or architect that the proposed use is compatible with the "Yearly Day-Night Average Sound Level" (Ldn) as prescribed in Table 2, Appendix A, Part 150, Federal Aviation Regulations.

If the Zoning Administrator determines the proposed use or structure or object is in conformance with each of the foregoing provisions (except as any provisions thereof may be mutually exclusive), then the application will be forwarded to the Building Inspector for issuance of the permit.

63.10.2 Existing Uses - No permit shall be granted that would allow the establishment or creation of an aircraft hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Article or any amendment thereto or than it is when the application for a permit is made.

63.10.3 Abandonment or Destruction of Non-Conforming Uses, Structures or Objects - Whenever the Zoning Administrator shall determine

that a non-conforming use has been abandoned or discontinued for a period of six (6) months or more; or that more than fifty percent (50%) of a non-conforming structure or tree has been destroyed, torn down, physically deteriorated or decayed; then the application with the written determination of the Zoning Administrator is forwarded to the Building Inspector and no permit shall be granted to allow such use to be continued, and no permit shall be granted to allow the continuation of the non-conforming structure or tree in non-compliance with this regulation or ordinance.

63.10.4 Variances - Any person desiring to use property within any zone created hereunder in violation of the regulations herein adopted or otherwise contained in this ordinance, or to erect or maintain a structure or to permit the growth of any tree in violation thereof, may, upon denial of a permit of the Building Inspector, apply to the Board of Zoning Adjustment of the City of Huntsville, Alabama, for a variance from the zoning regulation or regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this chapter; provided, that any variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this chapter.

The Board of Adjustment shall have all the powers and duties under this Article as conferred upon it by Article 92 of this ordinance, to the extent authorized, required or permitted by Code of Alabama 1975, Section 4-6-10.

63.10.5 Hazard Marking and Lighting - In granting any permit or variance under this section, the Building Inspector or the Board of Zoning Adjustment, as the case may be, may, if such action is deemed advisable to effectuate the purposes of this Article and be reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard, upon payment to the owner for all damage resulting to his property by such maintenance. (87-364, 07-460)

63.11 - Enforcement

The regulations adopted under this Article shall be administered and enforced by the Zoning Administrator for the City of Huntsville, Alabama. Applications for permits under this Article shall be made to the Zoning Administrator, who shall

forward the application to the Building Inspector. Applications for variances under this Article shall be filed with the Zoning Administrator who shall set the same down for hearing before the Board of Zoning Adjustment.

Any person aggrieved by any decision of the Board of Zoning Adjustment made in its administration of regulations adopted under this Article or any governing body of a political subdivision which is of the opinion that a decision of such board is an improper application of airport zoning regulations of concern to such governing body or board may appeal to the Circuit Court of the county where such airport is located for a trial de novo.

All appeals taken under this section must be taken within ten (10) days by filing with the board from which the appeal is taken a notice of appeal specifying the grounds thereof. The board from which the appeal is taken shall forthwith transmit to the court all the papers constituting the record upon which the action appealed was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the board from which the appeal is taken certifies to the court, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property and file bond to indemnify the owner for damages as may be fixed by the court. In such cases proceedings may be stayed upon the filing by the appellant of a supersedeas bond in an amount to be set by the circuit court of the county in which the subject matter of such decision lies on application by the appellant or the board from which the appeal is taken.

The court may, in conformity with the provisions of this Article, reverse, affirm wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the board from which the appeal is taken. (87-364, 07-460)

63.12 – *Section vacant* (99-206)

63.13 - <u>Remedies</u>

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this article or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Any person creating an airport hazard may be compelled, at his own expense, to discontinue, lower, remove, reconstruct, or equip such an object as may be necessary to conform to this Article, or if the owner shall neglect or refuse to comply with such

order for ten (10) days after notice thereof, the City of Huntsville, Alabama, may proceed to have the airport hazard conformed to the requirements of the Article, and recover the cost and expense thereof from the owner. (87-364)

63.14 - Conflict

In the event of conflict between this Article and any other regulation, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such regulations were adopted before or after this Article, or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail. (87-364)

63.15 - Severability

If any section, clause, provision, or portion of this Article shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, cause, provision or portion of this Article which is not and of itself invalid or unconstitutional. (87-364)

63.16 - Effective Date

This Article shall take effect and be in force from and after the date of this adoption. (87-364)

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*66-81, *87-364, 89-181, 99-206, 07-460

ARTICLE 64 AIRPORT COMMERCIAL DISTRICT REGULATIONS

Purpose

The purpose of the Airport Commercial District is to provide for the retailing of goods and services, the light manufacture and assembly of products, and the warehousing and distribution of such products in an area affected by the Huntsville-Madison County Airport. Minimum lot sizes are defined, front, side and rear yards are required, signage is restricted, and landscaping is specified.

These regulations shall apply to those commercial areas so designated which are within the confines of the Airport Obstruction Zoning Ordinance for the Huntsville-Madison County Airport. Within an Airport Commercial District as shown on the official Zoning Maps for the City of Huntsville, Alabama, the following regulations shall apply:

64.1 - Uses Permitted

Land and buildings shall be used only for the following:

Agricultural uses.

Ambulance services.

Animal hospital or veterinary clinic, pet shops.

Apparel stores.

Auction gallery, including auto auction.

Automobile repair garage--mechanical and body, provided all operations are conducted entirely within an enclosed structure.

Automobile sales -- new and used, retail and wholesale with attendant facilities, except that any mechanical or body repair must be conducted entirely within an enclosed structure and provided further that all vehicles on a used car sales lot must be in operating condition at all times.

Bakery -- where not more than five (5) persons are employed on the premises and where the products made are sold exclusively at retail on the premises.

Banks, savings and loan associations.

Barber shops, beauty parlors, reducing salons.

Building and lumber supply establishments -- provided the entire storage area is enclosed within a solid fence at least seven (7) feet in height, or greater, if required to adequately screen such area, and that any machine operations must be conducted entirely within an enclosed structure.

Bus depots.

Cafes, delicatessens, coffee shops and restaurants without alcohol.

Car wash establishments.

Commercial parking garages or lots.

Confectionery stores.

Drug stores and apothecaries.

Dry cleaning establishments utilizing only non-flammable dry cleaning fluids.

Farmers Markets.

Florist shops and greenhouses.

Furniture stores.

Gasoline service stations.

Grocery stores.

Gymnasiums, fitness and exercise centers, health clubs and spas.

Hardware stores, gift shops and variety stores.

Hotels and motels are permitted as special exceptions when they are located in areas of 65 Ldn or less as defined on the Airport Noise Exposure Map, dated 1990, as adopted by and as the same may be amended by the City of Huntsville.

Jewelry stores, watch repair shops.

Laundry operations, launderette, coin operated dry cleaning establishments.

Light manufacturing and assembly--provided all such uses are in accordance with the performance standards referenced in Section 64.10 hereof.

Mortuaries and crematoriums.

Municipal, county, state or federal uses.

Music or record shops.

Newsstands, hobby shops.

Notions and dry goods stores.

Offices, professional buildings.

Photographic studios, photo retail sales.

Places of amusement, golf driving ranges, miniature golf, baseball batting, and similar non-offensive establishments, but not including theatres or drive-in theatres.

Print shops, newspaper publishing houses.

Radio and television appliance stores and repair shops.

Self-propelled camping and recreational vehicle sales; trailer and mobile home sales; boat sales.

Shoe stores, shoe repair shops.

Tailor shops.

Upholstering shop--where not more than five (5) persons are employed.

Warehousing, wholesaling, interior storage, and distribution in conjunction with manufacturing, assembly and office use.

Accessory structures and uses to those permitted herein.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(87-316, 89-121, 97-707, 03-593, 09-1053, 11-11, 11-899, 15-406)

64.2 - Density Controls

64.2.1 All structures shall be set back not less than forty (40) feet from all existing or proposed public streets.

64.2.2 Minimum lot size shall not be less than one (1) acre for each tract.

64.2.3 Minimum lot width of each tract shall be not less than one hundred (100) feet as measured at the minimum building line. (87-316)

64.3 - Required Yards

64.3.1 All required yards shall be kept clear of driveways, vehicular access ways, parking areas, loading areas, accessory uses and buildings, provided however, that a gate or security station or a detached ground identification sign meeting the requirements of Section 72.4.5(3) may be located in a required yard.

64.3.2 Yards facing an existing or proposed public street shall be considered front yards. Such yards shall have a minimum depth of forty (40) feet. On corner lots having two front yards, a forty (40) foot required front yard shall be maintained on the street that the building front faces; the required front yard on the remaining street may be reduced to a minimum depth of thirty (30) feet.

64.3.3 Minimum required depth of rear yard shall be fifteen (15) feet.

64.3.4 Minimum required width of each side yard shall be ten (10) feet. (87-316, 09-430)

64.4 - Street Access and Frontage

Each lot shall have a minimum frontage of one hundred (100) feet on a public road, provided however, the Planning Director may approve a lesser frontage to a minimum of fifty (50) feet for lots located on cul-de-sacs or street curves. (87-316)

64.5 - Off-Street Parking and Loading Requirements

Except as provided for herein, all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

64.5.1 Driveways and vehicular access ways, except as necessary to cross a required yard, are not permitted in any required yard. Driveways and vehicular access ways shall be paved and properly drained.

64.5.2 Parking areas shall not be placed in any required yard. All parking areas shall be paved and properly drained. No parking shall be permitted any place other than in paved parking areas.

64.5.3 Loading areas shall not be placed within any front yard nor in any required yard and shall be located and properly screened, as well as practicable, so as to not be visible from any existing or proposed street.

64.5.4 Parking and loading areas shall be landscaped in accordance with Section 64.8 - Landscaping Requirements.

64.5.5 Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements. (87-316, 99-1020, 09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

64.6 - Signs

Signs shall be permitted in accordance with Section 72.4.5 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations. (87-316)

64.7 - Height Requirements

Maximum number of stories: three (3)

Maximum height of building: forty-five (45) feet. (87-316)

64.8 - Landscaping Requirements

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

64.8.1 All yards required under this ordinance shall be landscaped and maintained. A minimum of one tree per twenty (20) linear feet of distance for each boundary line shall be planted in the required yards.

64.8.2 All off-street parking areas, to include drives within the parking areas, greater than either 15 automobile spaces or 5,000 square feet shall have at least five percent (5%) of the interior of the parking area landscaped in planting islands or peninsulas. Width of islands or peninsulas shall be a minimum width of at least 5 feet between backs of curbs and at least one tree per 20 parking spaces shall be planted within the planting islands or peninsulas in addition to other landscaping materials and plants.

64.8.3 All mechanical and utility equipment, incinerators and trash containers, and accessory structures necessary for the conduct of a permitted use shall be adequately screened, as well as is practicable, by fencing or landscaping so as to not be visible from any existing or proposed street or from the ground floor of adjacent buildings. (87-316, 92-4, 02-43)

64.9 - Underground Wiring Requirements

All power, communication, and other wiring hereafter installed in an Airport Commercial District shall be placed underground. (87-316)

64.10 - Performance Standards

The performance standards listed in Article 50, Section 50.2 (Research Park District) hereof shall be required for all uses located in an Airport Commercial District. (87-316)

64.11 - Development Procedure

64.11.1 Any land owner of property lying within an Airport Commercial District desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission for approval a plan of the proposed street, road, or right-of-way.

64.11.2 Anyone desiring to secure a building permit for the use of land lying within an Airport Commercial District must submit to the Director of the City Planning Department the following information, as appropriate for approval of plans:

(1) A site plan for traffic engineering analysis, showing location and design of buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas and sidewalks;

(2) A planting plan, including screen walls and fences, for analysis of adequacy of visual screening and landscape architectural design;

(3) Plans for all signs to be erected, including location and lighting of each sign.

The Director of the City Planning Department shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations. If the proposed plot plan is not approved, the Director of the City Planning Department shall state in writing on the proposed plot plan the cause for such disapproval. (87-316)

64.12 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.5, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations. (11-11)

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*87-316, 89-121, 92-4, 97-707, 99-1020, 02-43, 03-593, 09-430, 09-1053, 10-507, 11-11, 11-899, 15-406

ARTICLE 65 SLOPE DEVELOPMENT DISTRICT REGULATIONS

Purpose

The purpose and intent of this ordinance is to protect the health, safety and general welfare of the public by creating the Slope Development Zoning District and establishing the boundaries of such district; by providing for the kind, character and use of structures and improvements that may be made or erected within the Slope Development District herein created; by providing for regulation and restriction of the erection, construction, reconstruction, alteration, repair or use of buildings, structures, improvements or land within such district; by providing for safety standards in the construction of improvements, both public and private, within the said district, based on the character of the district and its peculiar suitability for development; by providing standards to minimize the degradation of the district's special ecological character by adapting development to the natural terrain; by providing for the concentration of allowable density within the district in less hazardous construction zones, and to allocate areas not suited for development, due to geotechnical factors, to the use of open space; by providing protection for existing natural and man-made environmentally sensitive areas within the district and by providing protection from existing natural and man-made hazards therein; by requiring buildings and improvements to be designed and constructed in a manner as to be inconspicuous from viewpoints on the valley floor and adjacent slopes, and preventing indiscriminate, unnecessary grading or stripping of vegetation, for aesthetic protection and for stormwater runoff and erosion protection; by providing limits to impervious ground cover; and by generally regulating density, use and construction standards within the district to minimize the risks associated with development on slopes and unstable geological conditions. (96-159)

65.1 - Establishment of the Slope Development District

The boundaries and designations of the Slope Development District are hereby established and approved as defined herein and as shown and designated on the official Zoning Maps of the City of Huntsville, Alabama.

65.1.1 The Slope Development District boundary has been established at the elevation contour immediately above or below which a twenty-five-foot (25') vertical span of mountainside has a slope of fifteen percent (15%) or greater and the district is to include those contiguous parts of mountains or hills that exhibit at least one hundred feet (100') of relief as measured from the lowest elevation contour that bounds the fifteen percent (15%) or greater slope to the highest contour of the district as defined herein. In addition, the upper boundary shall be extended fifty feet (50') (horizontal distance) beyond the elevation contour immediately below which a twenty-five foot (25') vertical span exhibits a slope of fifteen percent (15%) or greater.

65.1.2 When a lot is divided by the Slope Development District boundary line, the lot shall be considered as lying wholly within the district

unless it satisfies the following conditions:

(1) That portion of the lot lying within the Slope Development District shall remain undisturbed and shall have a restriction placed on the final plat requiring that it be retained in its natural state except for hiking trails, and

(2) That portion of the lot lying outside the Slope Development District shall be of sufficient size and shape to meet all the minimum yard setback, lot area, and lot width requirements of the underlying zoning district.

If the option is taken to remove a divided lot from the authority of the Slope Development District regulations, then no part of the divided lot shall be included in the impervious cover calculations for the subdivision of which it is a part.

65.1.3 The Slope Development District boundary is shown and designated on a 1:4800 scale map (one inch equals 400 feet) having contour intervals of five feet. Slope percentage is calculated perpendicular to contours over a twenty-five-foot (25') vertical span. The boundary is delineated perpendicular to slope on the five-foot (5') contour lines and parallel to slope between contour lines. Local variations in slope that continue for horizontal distances of less than two hundred feet (200') parallel to contour lines are not shown by adjustments in the district boundary.

65.1.4 In the event of a discrepancy between the mapped district boundary and the surveyed district boundary, the surveyed boundary line shall prevail, provided the following certification is made part of the slope map submitted for development approval:

I, _____, do hereby certify that I am a licensed land surveyor in Huntsville, Alabama, that I have surveyed the lands embraced within (development name), that the contours shown hereon accurately describe the natural, undisturbed topography of the site existing prior to the development, and that the boundaries of the Slope Development District as shown hereon have been established in conformance with the provisions of Section 65.1.1 of the Huntsville Zoning Ordinance.

_____ _____

Date Land Surveyor

(96-159)

65.2 - Application

The Slope Development District is created as a special zoning classification to

be superimposed on other existing zoning districts contained in the Zoning Ordinance of the City of Huntsville. Except where in conflict with the specific requirements of the Slope Development District, the permitted and accessory uses and all other requirements shall be as determined by the regulations of the basic underlying district contained elsewhere. All requirements for the Slope Development District, where superimposed on other existing zoning districts otherwise contained in the Zoning Ordinance of the City of Huntsville, shall be uniform for each class or kind of building, structure or improvement throughout the Slope Development District. (96-159)

65.3 - Zones of the Slope Development District

The Slope Development District is hereby divided into two slope zones based on the increasing risk of instability and the decreasing safety factor associated with increasing slope as established by the *Slope Development Study, Huntsville, Alabama*, prepared by Ground Engineering and Testing Service, Inc., 1989. The zones are defined as follows:

65.3.1 Lower Slope Zone. This zone shall include all areas of land within the boundaries of the Slope Development District that are not part of the Upper Slope Zone.

65.3.2 Upper Slope Zone. This zone shall include all areas of land within the boundaries of the Slope Development District beginning at the elevation contour defining the start of the 20% slope and encompassing all contiguous slopes of 20% or greater. The Upper Slope Zone boundary shall be computed according to the procedure described in Section 65.1.3 herein, where a 25-foot vertical span of mountainside has a slope of 20% or greater. The Upper Slope Zone may begin at the lower district boundary, may extend to the upper district boundary if present, or may create one or more enclosed areas delineated by a continuous extension of the Upper Slope Zone boundary.

65.3.3 If a lot is cut by the boundary contour separating the Lower and Upper Slope zones, then the lot shall be considered to be a part of that slope zone in which the majority of its area is located.

65.3.4 Hazard Zone. This zone shall include all areas of land within the boundaries of the Slope Development District that exhibit any or all of the following geologic or man-made hazards:

(1) Pennington, shaley Upper Bangor, or Pride Mountain geologic formations;

(2) Colluvial deposits having a depth of five feet or greater or being contiguous to an off-site colluvial deposit that exceeds five feet in depth; and

(3) Evidence of mining operations (mine or quarry tailings, or

similar geologic conditions).

65.3.5 For colluvial deposits present on a site to be removed from the Hazard Zone provisions, the following certification must be made a part of the site assessment map:

I, _____, the geotechnical engineer of record, having caused investigations to be performed and based on the findings of said investigations, do hereby certify that the colluvial deposits identified by location and extent on this map are less than five feet in depth and are not contiguous to any off-site colluvial deposit that exceeds five feet in depth.

_____ _____

Date Geotechnical Engineer of Record

65.3.6 No buildings, structures or improvements shall be constructed, erected or placed on any land having a Hazard Zone designation, except where:

(1) Such site has undergone additional geotechnical analysis and testing both upslope to where a potential landslide would begin and downslope to where a potential landslide would end, and

(2) The engineer of record places the following signed certification on the final subdivision plat or, in the case of a multi-family development, on the site plan:

I, _____ the engineer of record, certify that the proposed development shown hereon is designed in accordance with sound engineering standards and practices, and in accordance with all applicable development regulations. I further certify that I have caused prudent investigation, testing and inspections to be performed on all lands within the proposed development identified as Hazard Zone, as defined by the Zoning Ordinance of the City of Huntsville, Alabama, including geotechnical analysis and testing on all Hazard Zone lands and on lands upslope and downslope of the proposed development, and I have instructed the land surveyor as to those areas within the proposed development that fall within the Hazard Zone for inclusion in the development plats. Based upon the investigation, testing and inspections performed, as defined and discussed in the geotechnical analysis and report dated _____ and submitted in connection herewith, and further based upon any remedial measures taken in connection with the hazards defined therein, I certify that, within acceptable

geotechnical standards, development of the property as shown on the plat will not diminish the stability of the slope or otherwise increase the likelihood of landslide or other slope failure and that the buildable areas designated hereon can meet a minimum safety factor of 1.5 for stability.

_____ _____

Date Engineer of Record

(3) The owner of the property places the following signed certification on the final subdivision plat or, in the case of a multi-family development, on the site plan:

I, _____, owner/owners of the lands embraced hereon, hereby certify that I have caused investigation in accordance with sound engineering standards and practice to be made of Hazard Zone lands, as defined by the Zoning Ordinance of the City of Huntsville, Alabama, within the development as shown hereon. I further understand the potential and inherent danger of said lands and that landslides have originated in conditions that regularly exist on said Hazard Zone lands.

With this knowledge, I hereby certify that I have caused all prudent measures to be taken in the design of the development as shown hereon, including an analysis of all lands upslope and downslope of the Hazard Zone lands, to assure that the site is safe for the proposed development, and within acceptable geotechnical standards the proposed development will not diminish the stability of the slope or otherwise increase the likelihood of landslide or other slope failure.

_____ _____

Date Owner

65.3.7 Where a subdivision or multi-family site contains unbuildable Hazard Zone land, then such land may be included in lots if:

(1) The specific Hazard Zone condition is identified and its extent is designated on the final plat or site plan;

(2) The area of the Hazard Zone land is restricted to remain undisturbed and be retained in its natural state;

(3) The area of the Hazard Zone land is so located that the lot or site can be developed without disruption to it; and

(4) A restricted use buffer extends a minimum of twenty-five

feet (25') beyond the edge of the Hazard Zone land. (96-159)

65.4 - Density Controls

Within the boundaries of the Slope Development District, the following density requirements shall apply:

65.4.1

DENSITY CONTROLS	LOWER SLOPE ZONE	UPPER SLOPE ZONE
Minimum Required Lot Size	25,000 square feet	40,000 square feet
Maximum Impervious Cover per Lot	15% of lot area	10% of lot area
Maximum Impervious Cover per Subdivision	25% of subdivision area	25% of subdivision area
Maximum Total Building Area	10% of lot area	8% of lot area
Maximum Disturbed Area per Lot*	30% of lot area	20% of lot area
Minimum Lot Frontage	20 feet	
Minimum Lot Width	60 feet	
Minimum Depth of Front & Rear Yards	50 feet from major arterials 15 feet from other streets or lots	
Minimum Width of Each Side Yard	10 feet	

* See Section 65.5.3

65.4.2 Application of Impervious Cover

Impervious cover is the sum of the areas within the boundary of a site that is covered with a surface material or treatment that substantially prohibits or impedes the infiltration of water into the ground. Maximum impervious cover for a lot or subdivision shall not exceed the number of square feet derived by multiplying the land area of such lot or subdivision by the appropriate impervious cover percentage. In addition to other impervious cover, all driveways and prepared parking areas shall be counted as impervious cover as shall all area lying below the roof of any structure. Impervious cover is not transferable from one lot to

another.

65.4.3 Non-residential Uses

Where a non-residential use adjoins a residential use, a buffer at least thirty feet (30') wide must be maintained in a natural state along such residential boundary.

65.4.4 Height Limitations

The maximum number of stories for single family residential buildings is two and one-half and building height shall not exceed forty-five feet (45') at any point as measured vertically from the natural grade prior to development to the highest point of the roof.

Building height for multi-family and non-residential buildings shall not exceed thirty-five feet (35') as measured vertically from the natural grade prior to development to the highest point of the roof. If roof-mounted mechanical or other equipment is present, such equipment shall be located or screened so as to not be visible from adjacent streets and properties; any such screening shall meet the applicable height limitation.

Chimneys and antennae shall be excluded from the above height limitations.

65.4.5 Buildable Area

Where there is any proposed multi-family construction or any subdivision of land within the Slope Development District, a building site plan or final plat is required. The final plat or building site plan shall include:

(1) A clear delineation of the buildable area for each lot or building site. The buildable area shall satisfy all density requirements of the Zoning Ordinance as well as those regulations requiring setbacks from cultural and environmental features and from identified hazards.

(2) The buildable area shall be large enough to permit the use of the allotted amount of building area for the lot and be free of slopes in excess of 35% and of all Hazard Zone conditions unless accompanied by certifications as specified in Section 65.3.6. If the buildable area contains slopes between 25% and 35%, the plat must state that foundation restrictions apply.

(3) A clear designation of the maximum amount of impervious cover in square feet allotted to each lot.

(4) A clear designation of the maximum amount of building area in square feet allotted to each buildable area.

(5) A clear designation of the minimum area of each lot, expressed in square feet, that must be retained in its natural state.

65.4.6 Off-Street Parking Requirements

Two off-street parking spaces shall be provided for each residential unit.

Non-residential parking spaces shall be as required by Section 70.1 - Off-Street Parking.

65.4.7 Permanent Reservation of Land

Development within the Slope Development District is eligible for modified density controls when the following conditions are satisfied:

(1) At least fifteen percent (15%) of the total area of the subdivision tract lying within the Slope Development District is permanently set aside prior to development to be held in its natural, undisturbed state except for hiking trails; and

(2) The land so restricted is the steepest, or the most hazardous, or the most environmentally sensitive portion of the tract, so that the land remaining for development is that most suitable and safest for development.

The unreserved portion of the tract lying within the Lower Slope Zone may be developed according to the following density controls:

(See table on next page)

OPTIONAL DENSITY CONTROLS	15% to 29.9% OF LAND RESERVED	30% and GREATER OF LAND RESERVED
Minimum Required Lot Size	21,000 square feet	17,250 square feet
Maximum Impervious Cover per Lot	18% of lot area	22% of lot area
Maximum Impervious Cover per Subdivision	25% of subdivision area	25% of subdivision area
Maximum Total Building Area	13% of lot area	16% of lot area
Maximum Disturbed Area per Lot	34% of lot area	39% of lot area
Minimum Lot Frontage	20 feet	
Minimum Lot Width	50 feet	
Minimum Depth of Front & Rear Yards	50 feet from major arterials 15 feet from other streets or lots	
Minimum Width of Each Side Yard	9 feet	8 feet

(96-159)

65.5 - Development Standards

65.5.1 Grading

(1) Natural slopes in excess of thirty-five percent (35%) shall not be graded except as needed to provide for utility service to developable areas of less than thirty-five percent (35%) slope and/or other officially adopted public facilities except that in no case shall any building or structure be allowed.

(2) Grading on natural slopes of twenty-five percent (25%) or greater shall only be permitted for the construction and installation of roads, utilities, and other limited foundation grading, which can be shown to be sensitive to the existing terrain. Proposed structures on slopes of twenty-five percent (25%) to thirty-five percent (35%) shall be designed to conform to the terrain and shall utilize pier and beam, step, or other such foundations that require only limited excavation and filling. Areas of cut visible from any public right-of-way shall be screened by landscaping except in those cases where visible cuts in stable rock are impractical

to screen.

(3) No cut and no fill shall be allowed on any lot except for:

(a) The construction of a primary use structure when the cut or fill is required for the construction of the building foundation, in which case the total area of such cut or fill, as measured from the exterior faces of the walls of the structure to the outer limits of the cut or fill, must be subtracted from the allotted amount of landscaped yard area as defined in Section 65.5.3;

(b) The construction of a driveway or parking area to access the primary use structure, in which case the total area of such cut or fill, as measured from the outer edges of the driveway or parking area to the outer limits of the cut or fill, must be subtracted from the allotted amount of landscaped yard area as defined in Section 65.5.3;

(c) The construction of utilities, provided all said areas of cut are restored to natural grade and revegetated to conform to the character of the surrounding natural terrain. In order to reduce grading disturbance during utility installation, all utilities shall be incorporated in common trenches, where practical, utilizing duct banks designed and constructed to current standards of Huntsville Utilities as the same may from time to time be amended; or

(d) The testing of land, as required by the regulations of the City of Huntsville, or other bona fide geotechnical or geological testing provided that a testing plan consistent with the provisions of the Subdivision Regulations of the City of Huntsville is submitted to and approved by the Zoning Administrator prior to any cut or fill operation. (07-460)

(4) Mass grading of hilltops, ridges, and ravines shall be prohibited.

(5) All slopes to be stabilized shall conform to the surrounding natural terrain and shall be revegetated so as to conform to the natural character of the surrounding area.

65.5.2 Environmental Features

(1) Road alignment shall follow natural terrain wherever possible and no unnecessary cuts or fills shall be allowed for the sole purpose of creating additional lots or building sites.

(2) A restricted use area shall extend a minimum of fifty feet (50') from the following features:

(a) Landslides. Setback measured from mapped boundary of landslide.

(b) Perennial streams and major drainageways including, but not limited to, all streams and drainageways delineated by the U.S. Geological Survey and Tennessee Valley Authority on the 7.5 minute (7.5') quadrangle Topographic Map Series. Drainageways that have been modified by man or by natural processes so that they are different from those delineated on the 7.5 minute (7.5') quadrangle maps shall be set back from as defined herein. In addition, some man-made drainageways as designated by the City Engineer shall be set back from as defined herein.

The fifty foot (50') setbacks shall extend landward from the banks or normal high water points of the drainageways.

(c) Bluffs of greater than twenty feet (20') of relief. Setbacks shall extend from a line defining the top and bottom of said bluff.

(3) A restricted use area shall extend a minimum of twenty-five feet (25') from the following features:

(a) Cave entrances. Setback measured from edge of cave entrance.

(b) Sinkholes. Setback measured from edge of those sinkholes that exhibit three feet (3') or greater depth of closed depression.

(c) Perennial springs. Setback measured from perimeter of spring.

(d) Abandoned quarries. Setbacks shall extend from the top and bottom of quarry face.

(e) Historical and archeological sites. Setbacks shall extend from the boundaries of significant historical or archeological sites as determined by the Alabama Historical Commission.

(f) Wetlands. Setbacks shall extend from the boundary of the wetland.

(4) Areas within the above minimum setbacks shall be retained in their existing state and be restricted from all development except for hiking trails, provided such trails neither create nor increase a public hazard, and except for certain minimal grading within said setback, provided the following conditions are met:

(a) Minimal grading is required to construct public utility service and/or roadways to adjacent properties; and

(b) No technically feasible alternative route or construction method exists.

(5) The site shall be suitable for development in the manner proposed, without hazards to persons or property on or off the tract, from probability of flooding, erosions, subsidence or slipping of the soil, or other geologic dangers. Condition of soil, ground water level, drainage, and topography shall be appropriate to both kind and pattern of such intended development.

(6) The natural terrain shall not be disturbed, cut, filled, graded or rearranged by either the developer or subsequent property owners beyond that necessary for the construction of buildings and infrastructure to the extent herein permitted.

65.5.3 Landscaping

It is desirable that yards be maintained in a condition close to their natural state in order to reduce the potential negative impacts of stormwater runoff, erosion and sedimentation, chemical fertilizer pollution, and irrigation that are commonly associated with the establishment of lawns and other plantings not native to the mountain slopes; however, a landscaped yard may be created provided the following conditions are met:

(1) In the Lower Slope Zone, seventy percent (70%) of the lot shall be retained in its natural state.

(2) In the Upper Slope Zone, eighty percent (80%) of the lot shall be retained in its natural state unless the lot lies on a slope of twenty-five percent (25%) or greater, in which case the entire lot beyond the allotment for impervious cover shall be retained in its natural state.

(3) Land lying within utility and drainage easements that is disrupted by installation or maintenance of public improvements shall not be counted as disturbed lot area for the purpose of Section 65.5.3.

(4) Natural state shall mean the original condition of the land prior to any development or other human disturbance. No grading, excavating, or filling and no construction of roads, driveways, parking areas or structures shall be allowed. No tree cutting shall be allowed except for sick or damaged trees or trees that create a health or safety hazard. Unpaved hiking trails may be permitted as may additional plantings of native trees, shrubs and wildflowers that would be compatible with and enhance the natural environment.

(5) The allotted area of landscaped yard must be decreased by the amount of any areas of cut or fill utilized in construction of the primary use structure and/or driveway/parking areas that have not been finished with impervious cover or returned to their natural state through revegetation that conforms to the character of the surrounding natural terrain.

(6) The majority of the landscaped area should be located on that portion of the lot which is upslope from the primary use structure in order to minimize the harmful effects of increased pollution, runoff and erosion on downslope properties.

(7) Fill material that is imported to provide a base for landscape plantings shall be limited to the minimum amount necessary and no colluvial soil shall be used for fill.

(8) Turf grass and other imported ground covers shall not be planted on colluvial soil.

(9) Trees may be removed:

(a) Within rights-of-way to allow road construction;

(b) Along easements if necessary for construction of said utility;

(c) As necessary to conduct geotechnical testing after approval of the testing plan by the Zoning Administrator;

(d) Within the areas of cut or fill required for construction of primary use structures, driveways and parking areas;

(e) On that portion of a lot not required to be maintained in its natural state; and

(f) To eliminate sick or damaged trees or trees that create a health or safety hazard.

(10) Tree topping and clear cutting are prohibited within the Slope Development District. (96-159, 07-460)

65.6 - Lots of Record and Existing Structures

65.6.1 Lots of Record

Where a lot, as defined in Section 3.1, exists wholly within the Slope Development District or its buildable area is cut by the Slope Development District boundary and it was recorded in the office of the probate judge in the county where said lot is situated prior to the time of adoption of this Article, then such lot is excluded from the regulations of this Article, except for:

(1) Building heights for all single family residential lots of record shall not exceed more than forty-five feet (45') at any point as measured vertically from the natural grade prior to development to the highest point of the roof. The number of stories permitted shall not exceed two and one-half (2 1/2) stories.

Building heights for all multi-family and non-residential lots of record shall not exceed 35 feet (35') at any point as measured vertically from the natural grade prior to development to the highest point of the roof.

(2) Certification to the Building Inspector prior to the issuance of a building permit that the proposed building site and structure can meet a minimum safety factor of 1.5 for stability;

(3) Certification to the Building Inspector prior to the issuance of a building permit that the proposed site can meet a minimum safety factor of 3.0 for bearing capacity of the underlying soil; and

(4) Certification to the Building Inspector prior to the issuance of a certificate of occupancy that the completed building or structure meets a minimum safety factor of 1.5.

65.6.2 Existing Structures

Where a lawful structure exists within the Slope Development District or has been issued a building permit by the Building Inspector prior to the date of adoption of this Article, then such structure is excluded from the regulations of this Article except when an addition is undertaken that would enlarge the footprint of the existing structure. In such case, the Building Inspector may require certifications as defined in Section 65.6.1 above. (96-159)

65.7 - Variances and Special Exceptions

Applications for variances and special exceptions from the requirements of this Article shall be submitted to the Zoning Administrator of the City of Huntsville, who shall forward such application to the City Engineer of the City of Huntsville, who shall review the application and report his findings to the Zoning Administrator for a decision. An appeal of the Zoning Administrator's decision may be filed with the Board of Zoning Adjustment as provided in Article 92 of the Zoning Ordinance of the City of Huntsville. Variances shall only be issued upon a determination that an unnecessary hardship exists on the subject property, unique or different from that shared or suffered by adjacent or similarly situated property within the Slope Development District, or as otherwise permitted by Section 92.5.4 of this Ordinance and by Code of Ala. 1975, Section 11-52-80. Special Exceptions shall be granted only as provided by Section 92.5.2 and Section 92.5.3 of this Ordinance. (96-159, 07-460)

65.8 - Severability

If any section, clause, provision, or portion of this Article shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, cause, provision or portion of this Article which remains.

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*91-103, 91-373, 92-74, 92-302
*96-159, 07-460

ARTICLE 66 MEDICAL 2 DISTRICT REGULATIONS

Purpose

The purpose of this Medical 2 District is to provide a protective district for the harmonious development of medical facilities. The Medical 2 District is intended to be protected from encroachment by land uses adverse to the location, operation, and expansion of medical use development and surrounding residential development.

These Medical 2 District Regulations are intended to promote the health, safety, morals, welfare, comfort, and convenience of the inhabitants of this district and its environs.

Within the Medical 2 District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

66.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, or enlarged except for one or more of the uses herein cited and subject to the conditions stated herein:

Farming and other agricultural uses.

Federal, state, county, or city owned or operated buildings and uses.

General and private hospitals.

Nursing homes, rest homes, and convalescent homes. skilled nursing care facilities, assisted living centers and acute long-term care facilities.

Surgery centers.

Medical, dental, optical and audiology clinics.

Medical, surgical and dental supply houses.

Rehabilitation services.

Medical research, experimental and testing laboratories.

General office uses and office buildings.

Artificial limb and brace, therapeutic establishments.

Retail sales and consumer service establishments accessory to any permitted use--provided that such commercial use shall not occupy more than fifteen percent (15%) of the total floor area of the building in which such use is located.

Farmers Markets.

Accessory structures and uses to those permitted herein.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(09-1053, 15-406)

66.2 - Density Controls

The following yard and density requirements shall be observed:

66.2.1	Minimum lot area:	25,000 sq. ft.
66.2.2	Minimum required depth of front yard:	
	From major arterials (*see Section 73.15*):	50 feet
	From other streets:	30 feet
66.2.3	Minimum side yard:	All buildings shall have a side yard of not less than ten (10) feet on any side. When the side lot line abuts a residential district, a side yard of one hundred (100) feet is required. Off-street parking spaces are not permitted in the first fifty (50) feet of the required side yard as measured from a residential district.
66.2.4	Minimum rear yard:	None, except that when the rear of the lot abuts a residential district, a rear yard of one hundred (100) feet is required. Off-street parking spaces are not permitted in the first fifty (50) feet of the required rear yard as measured from a residential district.
66.2.5	Buildings shall not cover an area greater than sixty percent (60%) of the total area of the tract upon which the buildings are located.	
66.2.6	Maximum height:	Maximum number of stories is five (5) and maximum height is seventy-five (75) feet.
66.2.7	Street access and frontage:	Each lot shall have a minimum frontage of fifty (50) feet on a public road; provided however, the Planning Commission may approve a lesser

frontage to a minimum of twenty (20) feet for lots located on cul-de-sacs or on street curves or having other extraordinary characteristics if the lot width at the building line measures at least fifty (50) feet.

66.3 - Required Yards and Landscaped Areas

66.3.1 The required front yards of all developed parcels shall be landscaped with trees, shrubs and vegetative ground covers and shall be maintained in a manner as to be neat in appearance when viewed from any street or adjacent property. A minimum of one (1) tree per thirty-five (35) feet of boundary, or part thereof, shall be planted and be well distributed throughout the required front yard. Required trees shall be of locally adapted species, fifty percent (50%) of which shall be of a type expected to reach thirty-five (35) feet in height under normal growing conditions.

66.3.2 All off-street parking areas shall be screened to a minimum height of thirty-six (36) inches, where practically feasible, from view from streets and adjacent properties by the use of earth berms and/or landscape materials. Landscape materials used for screening shall be of locally adapted species and shall be a minimum of twenty-four (24) inches in height and spread at the time of installation.

66.3.3 Where required side or rear yards are adjacent to a residential district, the first fifteen (15) feet as measured from the residential district shall be landscaped with a Buffer of Screen Planting as defined herein.

66.3.4 Exterior storage of materials shall be contained by solid or opaque fencing of a height sufficient to conceal items being stored. Fencing shall be of a material similar to and compatible with the exterior materials of the primary buildings. All exterior storage and fencing shall be maintained in such a manner as to be neat in appearance when viewed from any street. No exterior storage or display of materials is permitted in the required front yard. Exterior storage is not permitted within fifty (50) feet of a residential district. Exterior storage of materials is not permitted within two hundred (200) feet of a residential district unless enclosed in a solid or opaque fence of at least eight (8) feet in height.

66.4 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.6 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

66.5 - Off-Street Parking and Loading Requirements

Except as provided for herein all off-street parking and loading requirements shall be provided as set forth in Article 70 hereof.

66.5.1 Driveways and vehicular access ways, except as necessary to cross a required front yard, are not permitted in a required front yard.

66.5.2 Parking areas are not permitted in a required front yard.

66.5.3 Required parking for a complex of buildings under common ownership on a common lot shall be calculated based upon designated parking for each building shown on the plans and permit application.

66.5.4 Lighting of off-street parking and vehicular use areas is required in accordance with Section 71.6 - PVA Lighting Requirements. (09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

66.6 - Sidewalk Requirement

Six (6) foot-wide sidewalks shall be required along the streets of parcels to be developed. Sidewalks shall be so designed as to tie to existing sidewalks within the area.

66.7 - Underground Wiring Requirement

All power, communication, and other wiring hereafter installed in a Medical 2 District shall be placed underground.

66.8 - Medical 2 District Plan

66.8.1 Prior to the issuance of any building permit, any property owner desiring to subdivide or develop land within a Medical 2 District, as shown on the official Zoning Maps of the City of Huntsville, Alabama, must submit to the City Planner for approval a development plan for each parcel or tract of land proposed to be developed. Such development plan shall have shown thereon the following information:

(1) The specific location of the tract to be developed or subdivided within said district and all land and development lying within five hundred (500) feet of the tract or parcel of land to be developed.

(2) Names and addresses of all land owners whose property adjoins said parcel or tract, as shown in the tax assessor's records of Madison County and/or Limestone County, Alabama.

(3) The location of all buildings proposed to be constructed within the tract.

(4) Existing and proposed accessways and roads, public and private.

(5) A generalized drainage plan showing existing and proposed drainage.

(6) Location of all existing and proposed public utilities as the same relates to the development of the property.

(7) Location of all off-street parking spaces and loading facilities.

(8) Location of proposed screen planting, walls, and garbage storage facilities.

(9) Location of all existing and proposed easements.

(10) Location of all sidewalks.

66.8.2 The Planning Director shall approve said development plan for a specified Medical 2 District improvement, upon finding that the same complies with these regulations. Notwithstanding other provisions of this ordinance, all subsequent development on said tract or parcel shall be approved without resubmission in all cases where the proposed improvements substantially conform to the approved development plan.

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*05-860, 09-430, 09-1053, 10-507, 15-406

ARTICLE 70 OFF-STREET PARKING AND LOADING REQUIREMENTS

Required parking and loading spaces as set forth below shall be located entirely off of street rights-of-way; shall be properly drained and shall be surfaced for all-weather use equivalent to at least 4 (four) inches of crushed limestone unless the zoning district contains paving requirements specific to that district; and shall have an unobstructed maneuvering space and access lanes of adequate width leading to a street or alley. No parking shall be permitted other than in prepared parking areas. Parking spaces shall contain not less than 180 (one hundred and eighty) square feet. (63-93, 93-604, 09-430)

70.1 - Off-Street Parking

70.1.1 The following off-street parking spaces shall be provided and maintained on land owned by the owner or owners of the property for each building or use they are intended to serve. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. (09-430)

70.1.2 Where the required number of parking spaces equals 15 or more spaces or contains at least 5,000 square feet, then Article 71 - Off-street Parking and Vehicular Use Area Landscaping Requirements shall apply unless the zoning district contains specific landscaping requirements for parking areas; in that case, only Section 71.6 - PVA Lighting Requirements shall apply. Apartment developments having 15 or more spaces or at least 5,000 square feet of PVA shall be subject to the provisions of Section 71.6.

70.1.3 Minimum Parking Space Requirements:

Single-Family Residence:	
In Residence 1 and Residence 1-A districts:	Two (2) spaces for each dwelling unit
In other districts:	One (1) space for each dwelling unit
Two-Family Residence:	One (1) space for each dwelling unit
Apartments and Independent Living Facilities:	One and one half (1 ½) spaces for each dwelling unit
Assisted Living Facilities:	One (1) space for each two (2) dwelling units

Residential Dwelling Units above commercial and office uses:	One and one half (1 ½) spaces for each dwelling unit
Ambulance services:	At least two (2) spaces for each ambulance vehicle controlled
Animal boarding facility:	At least one (1) space for each six hundred (600) square feet of building floor area
Animal grooming salon:	At least one (1) space for each four hundred (400) square feet of building floor area
Animal hospital:	At least one (1) space for each four hundred (400) square feet of building floor area
Animal shelter:	At least one (1) space for each six hundred (600) square feet of building floor area
Animal training facility:	At least one (1) space for each one thousand and five hundred (1500) square feet
Automobile, boat, motorcycle and machinery sales and rentals:	At least one (1) space for each four hundred (400) square feet of enclosed floor area for the first 25,000 square feet and one (1) space for each six hundred (600) square feet of enclosed floor area in excess of 25,000 square feet
Automobile service and repair:	At least one (1) space for each employee, plus three (3) spaces for each auto service bay
Banks, credit unions and financial institutions:	At least one (1) space for each four hundred (400) square feet of floor area
Barber/Beauty Salons & Spas:	At least three (3) spaces per station
Bowling alley:	At least five (5) spaces for each alley

Business, industrial or trade school:	At least one (1) space for each fifty (50) square feet of classroom area
Churches or other similar places of worship:	At least one (1) space for each four (4) seats based on design capacity
Commercial heliports and/or helipads:	At least three (3) spaces for each helicopter owned, rented, or under control
Convenience store:	At least one (1) space for each three hundred (300) square feet of floor area
Dance academy or music studio:	At least one (1) space for each one hundred (100) square feet of floor area
Daycare, kindergarten or nursery school:	At least one (1) space for each five (5) children plus one (1) space for each five hundred (500) square feet of floor area plus a passenger loading space situated so that children will not have to cross a parking area or lanes of traffic
Fraternities, Sororities:	At least one (1) space for each five beds
Funeral Home:	At least one (1) space for each fifty (50) square feet of public area, plus one (1) space for each funeral vehicle, plus one (1) space for each employee
Golf course:	At least five (5) spaces per golf hole
Golf driving range:	At least one (1) space per golf tee
Health and athletic clubs:	At least one (1) space for each three hundred and fifty (350) square feet of floor area

Hospital:	At least one (1) space for each bed and at least one (1) space for each unit of doctor's and nurse's quarters
Hotel:	At least one (1) space for each room
Hotel with restaurant, bar or meeting rooms:	Same as hotel without these facilities plus one (1) space for each one hundred and twenty five (125) square feet of customer service area in restaurant, bar, and meeting rooms
Laundromat:	At least one (1) space for each two (2) machines
Libraries, Art Galleries and Museums:	At least one (1) space for each five hundred (500) square feet of floor area
Managed care facilities, nursing homes, rest homes, convalescent homes, skilled nursing care facilities and acute and long-term care facilities:	At least one (1) space for each four (4) beds
Manufacturing or other industrial use	At least one (1) space for each one (1) employee on the largest shift or, where the number of employees is not known, at least one (1) space for each five hundred (500) square feet of the first twenty thousand (20,000) square feet of gross floor area; and at least one (1) space for each one thousand (1,000) square feet for over twenty thousand (20,000) square feet of gross floor area but less than one hundred and twenty thousand (120,000) square feet of gross floor area; and at least one (1) space for each two thousand (2,000) square feet for over one hundred and twenty thousand

	(120,000) square feet of gross floor area.
Medical or dental clinic; doctor or dentist's office:	At least one (1) space for each two hundred (200) square feet of floor area
Medical laboratories and medical, surgical and dental supply houses:	At least one (1) space for each three hundred (300) square feet of floor area
Miniature golf course:	At least two (2) spaces per hole
Motel, tourist court or home, boarding house, rooming house:	At least one (1) space for each room or unit offered for rent
Motel with restaurant, bar or meeting rooms:	Same as motel without these facilities plus one (1) space for each one hundred and twenty five (125) square feet of customer service area in restaurant, bar, and meeting rooms
Neighborhood clubhouse:	At least one (1) space for each five hundred (500) square feet of floor area plus additional parking as required
Nursery or greenhouse:	At least one (1) space for each one thousand (1000) square feet of total sales area
Offices and office buildings:	At least one (1) space for each four hundred (400) square feet of floor area
Planned Shopping Center:	Area devoted to parking and access shall be not less than three (3) times the sales area proposed for each building
Post Office:	At least one (1) space for each four hundred (400) square feet of floor area
Private club, bar, tavern, lounge, pub, brewpub or nightclub:	Parking spaces equal in number to at least sixty percent (60%) of the maximum occupancy rating

Rehabilitation services and surgery centers:	At least one (1) space for each three hundred (300) square feet of floor area
Restaurants, delicatessens, coffee shops and cafes:	Parking spaces equal in number to at least fifty percent (50%) of the seating capacity
Retail sales and services (unless otherwise specified):	At least one (1) space for each three hundred (300) square feet of floor area
Self-service storage facility:	At least three (3) spaces, plus one (1) space for each seventy-five (75) storage units
School, Elementary through Middle School:	At least one (1) space for each fifty (50) students based on design capacity plus (1) space for each three (3) classrooms
School, High School through College:	At least one (1) space for each three (3) students based on design capacity plus one (1) space for each three (3) classrooms
Skating Rink:	At least one (1) space for each two hundred (200) square feet of floor area
Swim and tennis clubs:	At least one (1) space for each seventy-five (75) square feet of swimming pool water surface area and two (2) spaces for each tennis court
Theatre, auditorium, stadium, arena, concert hall, performing arts center, coliseum, cinema or other place designed to draw an assembly of persons at a scheduled time:	At least one (1) space for each four (4) seats or one (1) space for each fifty (50) square feet of gross floor area of performance and seating area when there is no fixed seating
Trailer parks, mobile home parks, camping trailer courts:	At least one (1) parking space for each trailer or mobile home space

Warehousing, Storage or Handling of Bulk Goods:	At least one (1) space for each one thousand (1,000) square feet of the first twenty thousand (20,000) square feet of gross floor area; and at least one (1) space for each two thousand (2,000) square feet of over twenty thousand (20,000) square feet of gross floor area but less than one hundred and twenty thousand (120,000) square feet of gross floor area; and at least one (1) space for each four thousand (4,000) square feet of over one hundred and twenty thousand (120,000) square feet of gross floor area.

(63-93, 66-88, 77-523, 84-650, 99-1020, 02-43, 09-430)

70.2 - Off-Street Loading Requirements

All commercial and industrial buildings and uses are required to have adequate off-street loading facilities, as needed, and to have sufficient off-street parking spaces for all vehicles owned, leased, rented and controlled by such establishment and to have sufficient off-street parking spaces for all employees, visitors and customers of such establishment. (63-93)

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*63-93, 66-88, 77-523, 84-650, 93-604, 99-1020, 02-43, 09-430

ARTICLE 71 OFF-STREET PARKING AND VEHICULAR USE AREA (PVA) LANDSCAPING REQUIREMENTS

71.1 - Purpose

The purpose of this chapter is to:

(1) Require planting and preservation of trees and other landscape elements to improve the appearance of paved and unpaved off-street parking and vehicular use areas (PVAs);

(2) Establish criteria for off-street parking areas in order to protect and preserve the appearance, character, and value of surrounding properties, and thereby promote the general welfare, safety, and aesthetic quality of the City of Huntsville;

(3) Partition large PVAs with planting islands and peninsulas;

(4) Insulate public rights-of-way and adjoining properties from noise, glare, and other distractions originating from off-street PVAs;

(5) Provide safer vehicle and pedestrian circulation within off-street PVAs and along public rights-of-way;

(6) Protect streams and watercourses from excessive runoff and erosion, and to replenish underground water reservoirs by using natural drainage and infiltration systems.

(7) Establish lighting levels designed to promote visual surveillance, reduce the potential for criminal activity, and increase security. (85-643, 99-1020)

71.2 - Scope of Application

71.2.1 General Requirements and Landscape Plans – Any off street PVA (or system of PVAs), totaling 15 or more parking spaces or containing 5,000 square feet or more, on a single parcel of land, must be constructed in accordance with landscape and lighting plans complying with this article. Perimeter landscaping and lighting are required for all such PVAs; in addition, interior landscaping is required for PVAs having 40 or more parking spaces, or 12,000 or more square feet in area. (85-643, 99-1020, 01-746)

71.2.2 Existing Paved or Unpaved PVAs – When a lawful paved or unpaved off-street PVA already exists at the effective date of this article, such area may continue until it is expanded by more than 5% of its existing parking capacity as calculated pursuant to this article; or until the structure on the property is enlarged, relocated, or demolished for a new structure; or until a new or

additional structure is constructed on the property; or until redevelopment begins on property that has been vacant for at least 6 months; at which time the entire PVA must be brought into conformity with requirements for new construction. (85-643, 01-746)

71.2.3 Parking Garages and Underground PVAs – Only perimeter landscaping is required for parking garages; landscaping requirements for adjoining PVAs at or near the grade of surrounding land will be calculated separately. Wholly underground PVAs are exempt from the landscaping requirements of this article but subject to the lighting requirements of Section 71.6. (85-643, 99-1020)

71.2.4 Minimum Compliance – The requirements of this article are minimum standards. (85-643)

71.3 - Definitions

Access Way - One or more driving lanes intended for use by vehicles entering or leaving a PVA.

Approving Authority (for Landscape Plans) - The Building Inspector of the City of Huntsville.

Berm - A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitates moving shall have a slope not greater than one foot of rise per three feet of run.

Caliper - Trunk diameter of a tree used in landscaping, measured six inches above ground for trees up to four-inch (4") caliper, and twelve inches above ground for larger trees.

Crown - The branches and leaves of a tree or shrub with the associated upper trunk.

Deciduous Plants - Those that shed their leaves during their dormant season and produce new leaves the following growing season.

Evergreen Plants - Those that retain their leaves during their dormant season.

Foot Candle - A measure of light striking a surface one square foot in area on which one unit of light (lumen) is uniformly distributed. (99-1020)

Ground Cover - Plants, mulch, gravel, and other landscape elements used to prevent soil erosion, compaction, etc.

Interior Landscaping – Treatment of grade, ground cover, vegetation, and ornamentation within a PVA.

Island – An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

Landscape Element – A plant material (living or non-living) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding PVA surfacing materials.

Luminaire - A complete lighting unit that consists of one or more lamps and ballast, if needed, together with other parts designed to distribute light, position and protect lamps, and connect lamps to the power source. (99-1020)

Mulch – A material (pine straw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth, and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

Mulch Bed – An area, generally bordered by a retaining device, with a covering of mulch over the soil.

Off-Street Parking and Vehicular Use Area (PVA) – An area, other than on public right-of-way, designated for the parking and movement of vehicles.

Parking Garage –A structure used for parking of vehicles and having one or more parking levels above the grade of surrounding land.

Parking Space – An area marked for the parking of one vehicle.

Peninsula – An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by PVA.

Perimeter Landscaping – Treatment of grade, ground cover, vegetation, and ornamentation between a PVA and adjoining properties and/or rights-of-way, but excluding landscaping between a PVA and buildings on the same property.

PVA – See Off-Street Parking and Vehicular Use Area.

Shrub – A woody plant, generally multi-stemmed, of smaller stature than a tree.

Stem – See Trunk.

Tree – A woody plant, generally with no more than one or two principal stems.

Trunk – A principal upright supporting structure of a tree or shrub.

Underground PVA – A parking area completely covered by a structure or by grass or other landscaping elements.

Visibility Triangle – An area of critical visibility defined in Section 73.10 – Corner Visibility in which landscaping is restricted in the interest of vehicular traffic safety. (85-643)

71.4 – General PVA Landscaping Requirements

Landscaping of PVAs when required shall be of two types as described below: Perimeter Landscaping and Interior Landscaping, and shall conform to landscape plans submitted and approved in accordance with the requirements of this article.

71.4.1 Landscape Plan Requirements – A detailed landscape plan indicating the number of parking spaces, the overall amount of PVA area, the amount of interior landscaping area, and the extent of perimeter landscaping shall be submitted and approved prior to issuance of a building permit. Landscape plans submitted under this article shall include information as listed below:

(1) General information, including date, north arrow, and scale of one inch to no more than fifty (50) feet; all property lines, locations of all existing and proposed easements and rights-of-way; existing and proposed topography, drawn at a maximum contour interval of five (5) feet and indicating drainage channels; the zoning designations of the site itself and all adjacent properties; the names, addresses, and telephone numbers of developers, architects, and owners of the property for which the plan is designed; and the name and business affiliation of the person preparing the landscape plans.

(2) Construction information, including the locations of buildings, parking spaces, and vehicular use areas; utility fixtures, including light poles, power and service poles, above-ground pedestals (low-voltage) and pad-mounted (high-voltage) fixtures, underground electrical, communications, and television cables and conduits; hose bibs, sprinkler systems, meters, control boxes, etc; and the amount (square feet) of PVA and intended surface treatments; and the total amount (square feet) of interior landscaping in peninsulas and islands.

(3) Landscaping details, including the locations, caliper, species (common name), and intended treatment (move, remove, or save) of existing trees eight inches (8”) or larger in caliper; locations, dimensions and treatments of all perimeter and interior landscaping areas (islands and peninsulas).

(4) A schedule of all new and existing plants proposed for landscaping, including size (caliper and height, container size, etc.), condition (bare-root, balled-and-burlapped, container-grown, or pre-existing) common names and botanical names (genus, species, and variety) of trees, shrubs, and ground cover, and the type and amount of turf grasses. (85-643, 99-1020)

71.4.2 Perimeter Landscaping Requirements – For any PVA of 15 or more parking spaces or totaling 5,000 square feet or more, perimeter landscaping according to these standards must be provided within the property lines between the PVA and adjoining properties and public rights-of-way. Planting areas existing in the public right-of-way or on adjoining property shall not count toward the required perimeter landscaping area.

(1) Perimeter landscaping areas shall be at least five (5) continuous feet in depth, excluding walkways, measured perpendicularly from the adjacent property line or right-of-way to the back of curb or pavement edge.

(2) Access ways through perimeter landscaped areas, between PVAs and public rights-of-way and between adjacent PVAs, shall conform to the following standards:

	Type of Access Way	
	One-Way	Two-Way
Maximum width*	30 feet	40 feet
Maximum number of access ways** per full 100 feet of right-of-way frontage or common PVA boundary	2	1

* The width of access ways may be subtracted from the perimeter dimension used in determining the number of trees required.

** Access ways for sites must have specific approval from the City Public Works Department, City Transportation Department, and (if fronted on a state highway) the State of Alabama Highway Department.

(3) Perimeter landscaping shall include at least an average of one (1) tree and six (6) shrubs per full fifty (50) linear feet of perimeter requiring perimeter plantings (less access ways); shrubs are optional in areas where a berm at least three (3) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.

(4) Landscaping at driveways and street intersections shall conform to Chapter 25, Article IX, Huntsville Code of Ordinances and Section 73.10 – Corner Visibility, hereof.

71.4.3 Interior Landscaping Requirements – Planting islands and/or peninsulas shall be provided for any PVA of forty (40) or more parking spaces or twelve thousand (12,000) or more square feet (not including the area of perimeter landscaping and not including the area of any plantings between the parking lot and buildings), with dimensions and arrangements as given below:

(1) The minimum area of required interior landscaping shall be determined by the following formula:

$$\text{MIN INTERIOR LANDSCAPE AREA} = \text{TOTAL PVA AREA (sq. ft.)} \times \frac{[1.826 + (0.00435 \times \text{total number of parking spaces planned})]}{100}$$

... up to a maximum requirement of four percent (4%) of PVA area for PVAs containing five hundred (500) or more parking spaces. No interior landscaping is required for PVAs containing fewer than forty (40) parking spaces or less than twelve thousand (12,000) square feet.

(2) Each island or peninsula, to count toward the total interior landscape requirement, shall be at least one hundred (100) square feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be one thousand (1000) square feet.

(3) Islands and peninsulas must be at least five (5) feet in their least dimension, measured from back of curb to back of curb.

(4) Islands and peninsulas in PVAs shall be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and/or peninsulas shall be placed at the ends of rows of parking spaces or between the circulation drives and parking rows, to channel traffic safely around the parking areas and to demarcate parking rows.

In the case where the loading, storage or vehicular access requirements of a particular use make the interior landscaping impracticable, then the requirements for interior islands and peninsulas may be waived provided that an equivalent area is added to the landscaping elsewhere and is in addition to the landscaping otherwise required on the site. (09-430)

(5) The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per two hundred

(200) square feet of landscaped area. Each island or peninsula shall contain at least one tree.

71.4.4 Credit for Existing Plant Materials – Each existing tree meeting the following criteria may count, at the option of the owner, for two (2) of the trees in its class (interior or perimeter) required in this section if other landscaping requirements are met, and if it:

(1) Has a minimum caliper of three inches (3”);

(2) Is not one of the following species hereby determined to be unacceptable for parking lot landscaping:

LARGE TREES

Boxelder
Silver maple
Tree-of Heaven
Catalpa
Sycamore
Cottonwood (true poplars)
Native elms (American, winged, cedar, slippery, and September)
Colorado blue sruce
Red spruce
Live oak
Laurel oak

MEDIUM TREES

Camphor
Cutleaf European Birch
Silktree (mimosa)
Chinaberry
Yellowwood
Mulberry
Princesstree (Paulownia)
Slash Pine
Eastern white pine
Willows
Sassafras
Siberian elm

SMALL TREES

Sumacs

(3) Is at least two (2) feet from the nearest planned curb or standard protective wheel stop and is within a planned planting of at least one hundred (100) square feet;

(4) Has a live crown at least thirty percent (30%) of the total tree height and is free from serious root, trunk, and crown injury;

(5) Is indicated on the landscaping plan as a tree “to be saved;” and

(6) Is situated so that it can be incorporated into a planned perimeter landscaping area, island, or peninsula with

minimal grade cut or fill; and is protected during all pre-landscaping phases of construction by a durable physical barrier excluding all vehicles, equipment, materials, and activities from the area that is to become a part of this landscaped area.

71.4.5 Inspection Checklist – A checklist generally reflecting the requirements of this article shall be devised by the Planning Department and shall be kept up to date, used in reviewing landscape plans, and made available to interested parties as a supplement to administration of this article.
(85-643, 99-1020, 07-460)

71.5 - Plant Materials and Installation Requirements

71.5.1 Trees and Shrubs – All trees and shrubs planted (in addition to any existing trees allowed under "Existing Plant Materials") in required perimeter and interior landscaped areas shall:

(1) (For trees) Be of species other than those determined by this section as unacceptable for parking lot landscaping.

(2) (For trees and shrubs) Conform to the minimum size standards in Table 1, based on the American Standard for Nursery Stock, ANSI Z60.1-1980, published by the American Association of Nurserymen and approved by the American National Standards Institute on October 27, 1980, as follows:

TABLE 1 – MINIMUM SIZE STANDARDS FOR PLANTING STOCK

Shade and Flowering Trees	Min. Size Requirements
Type 1, Shade trees (e.g. Red maple, tulip poplar)	2.5" caliper, 12ft. height range, with 16 ft. max. height
Type 2, Shade trees (e.g. Goldenrain tree, Southern Magnolia).	1.5" caliper, 6'8" to 8'0" height range, with 9' 4" max. height
Type 3, Small upright trees (e.g. Redbud, Crabapple)	1" caliper, 6 to 7 ft. height range
Type 4, Small spreading trees (e.g. Flowering Dogwood, Star Magnolia)	5 to 6 ft height range

<u>Coniferous Evergreens</u>	
Type 4, Pyramidal (e.g. Deodar Cedar, Pine species)	5 to 6 ft. height range
<u>Shrubs</u>	
All classes	Perimeter landscaping: 24" min. height Interior landscaping: 15" min. height or 15" min. spread

(3) (For trees and shrubs) Be planted within a bed of mulch or ground cover other than turfgrass, or be protected by some barrier to damage from vehicles and maintenance equipment.

(4) (For trees) Be spaced no closer than ten (10) feet to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirement may be closer than ten (10) feet apart.

71.5.2 <u>Grass or Other Permanent Ground Cover</u> shall be installed and maintained on all parts of each landscaped area.

Effective measures shall be taken to control erosion and storm water runoff through the use of mulches, ground cover plants, erosion-control netting, etc.

Ground cover may include shrubs and low-growing plants such as Liriope, English ivy (Hedera helix), periwinkle (Vinca minor), and similar materials. Ground cover may also include non-living organic materials such as bark or pinestraw, and inorganic materials such as pebbles, crushed rock, brick, tile, and decorative blocks; however, inorganic materials shall not make up more than ten percent (10%) of the landscaped area.

71.5.3 <u>Installation Requirements</u>

(1) Required landscaped areas adjacent to parking areas shall be protected by fixed curbing or other permanent wheel stops along all sides exposed to parked or moving vehicles.

(2) When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust, and engine heat damage to trees.

(3) The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be one hundred fifty (150) feet, except where built-in irrigation systems are provided.

(4) Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines, or other plants shall not be used in lieu of plant requirements in this ordinance.

(5) Hedges, walls, and berms, though not required, are encouraged to help minimize the visual impact of PVAs. Berms with ground cover that necessitates mowing shall have a slope not greater than one (1) foot of rise per three (3) feet of run.

(6) The use of permanent broad-area mulch beds is encouraged to increase absorption of surface water, retard erosion, runoff, and stream siltation, protect tree roots and stems, and foster tree health.

(7) Planting dates recommended by the City of Huntsville are shown in Table 2.

TABLE 2 – RECOMMENDED PLANTING DATES

Type of Plant Materials	Normal Planting Dates
Non-container-grown, deciduous	October 1 to April 1
Non-container-grown, other	October 1 to May 1
Container-grown, all	Year-round, if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is a doubt, obtain a variance or a performance bond.

(8) Landscaping must be designed to be compatible with existing and planned overhead and underground electrical, communications, and television cables and conduits, public water supply lines, and storm and sanitary sewer lines.

71.5.4 Maintenance – The owner, lessee, or his agents shall be responsible for providing, maintaining, and protecting all

landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced within one year after notification, or during the next appropriate planting period, whichever comes first. (85-643)

71.6 - PVA Lighting Requirements

A detailed lighting plan for all PVAs having 15 or more parking spaces or containing at least 5,000 square feet of PVA must be submitted with the construction and landscape plans.

71.6.1 The lighting plan shall be drawn on the border of the submitting professional and shall clearly define the property lines and the zoning classifications for all adjacent properties. The lighting plan shall provide the following information**:**

(1) the type of lamp to be used in each fixture, including the manufacturer's name and part number, lamp wattage, lumen output, and a copy of the manufacturer's lamp specifications;

(2) pole heights and locations;

(3) the type of fixtures, including the manufacturer's name and model number, wattage and light loss factor meeting the standards in Section 71.6.3(2), a picture of the fixture, and the IES file name;

(4) point-to-point photometric calculations at intervals of not more than ten feet at ground level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces in conformance with the requirements of Section 71.6.3 below;

(5) the area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation; and

(6) the stamp of the qualified registered Alabama professional.

71.6.2 All exterior lighting fixtures shall be

(1) protected by a weather and vandal resistant covering;

(2) located and fitted with appropriate cutoffs, if necessary, to prevent the light level on any adjoining roadway or residential property line from exceeding 1 foot candle;

(3) aimed so that they do not exceed an angle of 45 degrees out from the base of the pole when using flood lights;

(4) installed on poles 30 feet or less in height unless the PVA exceeds 25,000 square feet; in such cases, poles exceeding 30 feet, as measured from the finished grade to the bottom of the fixture, may be used if it is demonstrated that all the requirements of this section can be met; and

(5) shielded so as to prevent glare on adjacent properties and rights of way.

71.6.3 PVA lighting shall be designed and installed in compliance with the following standards:

(1) Illumination Requirements for PVAs as Measured at Ground Level:

TYPE OF PVA	REQUIRED MINIMUM LIGHT LEVEL	MAXIMUM/MINIMUM UNIFORMITY RATIO*
Nonresidential & Residential Surface PVAs	1 foot candle	10:1
Parking Garages & Underground Parking	5 foot candles	4:1
Parking Garages & Underground Parking using LED source	3 foot candles	4:1
Garage Stairwells	10 foot candles	NA
Garage Rooftop Surfaces	1 foot candle	10:1
Nonresidential & Residential Surface PVAs using LED source	0.4 foot candles	8:1

* The highest horizontal illuminance area, divided by the lowest horizontal illuminance point or area should not be greater than the ratio shown. The maximum/minimum ratio must be calculated only for the area within the PVA; maximum light level at the right of way and at property lines shall also be shown.

(2) Standards for Light Loss Factors

	METAL HALIDE	HIGH PRESSURE SODIUM	MERCURY VAPOR	LED*
Light Loss Factor	0.6 to 0.8	0.8 to 0.9	0.7 to 0.8	1.00 to 0.96

* Light loss factor of 1.00 can only be substantiated when luminaires are designed with "fail-up" technology when a single lighting element fails the luminaire responds by auto increasing the output of the remaining LEDs or when luminaires have inter-changeable light engines making circuit boards replaceable or interchangeable upon group failure.

71.6.4 All required lighting shall be installed and approved prior to issuance of a certificate of occupancy. The registered professional who stamped the plans shall certify by letter that the installation complies with the approved plans. The letter shall specify fixtures, wattages, pole heights, and any special requirements such as rotation, angle, shielding or positioning of critical poles at property lines. For PVAs smaller than 6,000 square feet, a certification letter must be submitted only if requested by the city.

71.6.5 PVA lighting meeting the standards of Section 71.6. shall be utilized during all hours of operation between dusk and dawn. (99-1020, 01-746, 11-897)

71.7 - Notice of Installation

Upon the beginning of installation of plant materials required by this article, the property owner or developer shall notify the Zoning Administrator. The Zoning Administrator will require correction of conditions contrary to the requirements of this article and replacement of plant materials that are dead, diseased, damaged, or planted so as to kill or injure the plants. (85-643, 07-460)

71.8 - Bonding for Landscaping

No certificate of occupancy shall be issued until the provisions of this article concerning landscaping have been met or a performance bond, letter of credit or certified check has been posted. When circumstances preclude immediate planting, a certificate of occupancy may be granted after (1) the owner or developer has completed all curbing, irrigation systems, and other construction preliminary to planting, and (2) the property owner or developer posts a corporate surety bond, letter of credit, or cashier's check with the City Clerk in an amount equal to one hundred percent (100%) of the cost of the total required planting, including labor. Such bond shall be made payable to the City of Huntsville. Landscaping must be completed and approved within six months (180 calendar days) after a certificate of occupancy is issued in order to redeem the bond. (85-643, 99-1020)

71.9 - Inspection

The Zoning Administrator shall make inspections as necessary pursuant to this article and shall initiate appropriate action to bring about compliance with it. Upon becoming aware of any violation of the provisions of this article, the Zoning Administrator shall serve written notice of such violation upon the person (s) responsible for compliance. No penalty shall be assessed until the expiration of the bond, if one has been posted, or otherwise until sixty (60) days after notification of violation(s). (85-643, 07-460)

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*79-59 and *85-643, 99-206, 99-1020, 01-746, 07-460, 09-430, 11-897, 15-758

ARTICLE 72 SIGN CONTROL REGULATIONS

The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations.

No sign shall hereafter be constructed, erected or maintained within the corporate limits of the City of Huntsville, contrary to the requirements hereinafter set out, and it shall be unlawful for any person to construct, erect, or maintain any sign within the city limits of the City of Huntsville except in conformity herewith.

72.1 - Definitions

For the purpose of this article the following definitions, terms, and their application shall be used and applied.

Accessory Sign - A sign related to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located, provided that an accessory sign may also display a non-commercial message. (87-177, 87-312)

Alteration - Any change in a structure or sign that does not increase its exterior dimensions or change its shape, size, or illumination.

Artistic Mural - A picture painted directly onto an exterior wall of a building which is intended to enhance the aesthetic elements of the building and which is not designed or intended to convey information to the public, such as information concerning a product or a business in the form of text, numerals, symbols or logos. (07-1194)

Attached Sign - A sign attached to a building.

Awning Sign - A sign that is painted on, applied to, or otherwise is a part of a fabric or other non-structural awning. (06-826)

Banner Sign - A sign produced on cloth, paper or fabric of any kind, either with or without frame.

Business Center Sign - A sign that identifies a complex of two or more occupants or tenants on the same property.

Electric Sign - A sign with electric wiring and lighting therein or thereon or used in conjunction with the sign, including use of neon tubing.

Embellishment - Any area of an advertising design that extends beyond the rectangular face of a non-accessory ground sign. Two-dimensional embellishments shall be contained within the same plane as the face of the sign; the area of a flat embellishment shall be computed as the area of the smallest rectangle that completely encloses the embellishment. Three-dimensional embellishments shall be wholly contained within the boundaries of the sign face but may extend outward perpendicular to the face of the sign; the volume of a three-dimensional embellishment shall be computed as the volume of the smallest rectangular prism that completely encloses the embellishment. (96-336)

Establishment - A structure or portion thereof occupied and utilized and operated as a single residence, business, or commercial enterprise.

Garage Sale Sign - A temporary sign used to advertise a garage or yard sale held at a residence. Such signs must not be placed in any street right-of-way or attached to any utility poles, must be located on private property with the consent of the property owners, and must comply with all other regulations of this ordinance.

Ground Sign - Any sign permanently affixed to the ground by no more than two poles, columns, or uprights permanently imbedded in the ground, which is not a direct part of a building, whether illuminated or not. (87-177, 92-6)

Illuminated Sign - A sign which is produced and displayed by means of artificial projected lights.

Ingress and Egress Signs - Signs that provide information necessary to safely identify vehicular entrances and exits of businesses. Such signs may display a business name or logo and directional information or symbols. Such signs may not exceed three (3) square feet in size and thirty (30) inches in height and must be located out of the street right-of-way and on the premises of the business. Only one ingress and one egress sign may be installed per driveway.

Marquee - A permanent roofed structure attached to and supported by a building and projected over public property.

Marquee Sign - A sign attached to or painted on or inscribed on and partly or fully supported by or made an integral part of a marquee.

Mechanic's or Artisan's Sign - A temporary sign of a mechanic or artisan maintained only while work is being performed on the premises. Only one sign board shall be erected per construction site per street frontage and each mechanic or artisan must mount his individual sign on that board. The size of the sign board shall not exceed one hundred and sixty (160) square feet. However, in any residence district when no more than three mechanics or artisans are employed on a construction site, the maximum size of the sign board shall be eighteen (18) square feet or each mechanic or artisan may erect one individual sign not to exceed six (6) square feet in size.

Non-Accessory Sign - A sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

Person - Shall include corporations, partnerships, associations or individuals.

Portable Sign, Mobile Sign, or Trailer-Mounted Sign - Signs designed to be portable, whether or not they are permanently affixed to the ground, a building, or other permanent fixture, having either internal or external lighting and changeable copy. For the purpose of this ordinance such signs shall be considered as accessory ground signs and as such must meet all the requirements specified for accessory ground signs. Such signs also shall be required to meet the wind load standards of the Standard Building Code.

Projecting Sign - A sign erected on the face or outside wall of any building and projecting out at an angle therefrom. A projecting sign, inclusive of any supporting structures or brackets, shall not extend beyond the surface of that portion of the façade to which it is attached more than three (3) feet horizontally; provided however, a projecting sign shall not be placed closer than two (2) feet horizontal from the curb line of any street and shall maintain a minimum overhead clearance of eight (8) feet from the sidewalk. (06-826)

Real Estate Sign - A temporary sign advertising the sale or rental of a property in a single or separate ownership or operated as a separate business or establishment.

Repair - The replacement of any part of a sign with equivalent material for the purpose of maintenance that does not affect its design, size, structural framework, exterior dimensions, or its structural members and uprights.

Roof Sign - A sign which is affixed to and which extends above the roof of any building.

Sandwich Board Sign - A sturdy, A-frame double sign board placed upon the ground. (06-967)

Sculptural Element Sign - A sculptural element, such as a sculpture of a chef, that has an attached sign board, such as a restaurant menu. (06-967)

Sign - A structure or device, excluding artistic murals, designed or intended to convey information to the public in written or pictorial form including without limitation any decorative or structural framework, supports or attachments necessary for or incidental to such sign. (87-177, 92-6, 07-1194)

Sign Area - The entire area within a continuous perimeter enclosing the extreme limits of sign display and encompassing the lowest point on the structure other than the pole(s) (if applicable) as well as the highest point of the structure and shall include the structural framework, supports, or attachments and all the display area between these two elevations. In the case of individual characters or of unframed or three-dimensional displays, the continuous perimeter shall form the smallest square, circle, rectangle or triangle, as appropriate, enclosing the extreme limits of the individual characters or display. (87-177, 92-6)

Subdivision or Apartment Identification Sign - A sign that identifies the name of a residential subdivision or apartment complex. One such sign may be located at the main entrance to a subdivision or complex, provided that the characters and graphics do not exceed forty (40) square feet.

Temporary Sign - Any display, informational sign, or other advertising device that is of a non-permanent nature and is intended to convey information about a specific, timed event rather than an ongoing occurrence. A temporary sign shall not be displayed for more than two months during any six-month period, shall not exceed thirty-two (32) square feet in size, and shall be located on premises. Temporary signs shall not be permitted for any premises in any district in conjunction with an electronic message center sign or an electronic display sign. In no event shall any temporary sign be permitted in violation of any provisions of the Zoning Ordinance. (07-1194)

V-Sign - A sign with two attached sides in which the faces of said sign are not parallel and the smallest angle of said sign is not greater than thirty (30) degrees. (87-177, 87-312, 92-6, 96-336)

Zoning Administrator - The chief enforcement officer of the Zoning Ordinance as designated by the director of Planning, or any of his authorized assistants or inspectors.

72.2 - License Required

No person or persons shall construct or erect any sign within the corporate limits of the City of Huntsville, Alabama, without first having obtained a license as required by the License Code of the City of Huntsville. This provision shall not apply to persons employed by licensed firms, or to the owner or employees of the owner doing the entire work of construction or erection. (87-177)

72.3 - Permits Required

72.3.1 It shall be unlawful for any person, either directly, indirectly, or by agent, to erect or re-erect any sign or to alter or repair in the City of Huntsville any sign exceeding fifty percent (50%) of value unless application for a permit shall have been made to the Zoning Administrator and a permit shall have been issued therefor. Every permit shall be considered cancelled if active work is not commenced within a period of ninety (90) days from the date of its issue. Each applicant is allowed one 90-day renewal for each sign permit.

An application for a permit shall be submitted to the Zoning Administrator on the form supplied by him and shall be accompanied by the written consent of the property owner or lessee desiring any sign to be erected, by plans and specifications setting forth the character of the sign in all its structural parts, and, except in the case of attached accessory signs, by an accurate engineering survey of the property designating the location of all existing signs on the property and the proposed location of the desired sign.

72.3.2 Fees - The Zoning Administrator shall collect a minimum of $25.00 for each permit issued at the time initial or renewal application is made, to include signs having an estimated total installed cost of $1,000.00, plus 1/2 percent of all over $1,000.00 in estimated total installed cost. A permit fee of $25.00 shall be collected for each pair of ingress and egress signs. Every firm using temporary real estate and mechanics' or artisans' signs and any candidate or political organization erecting temporary political signs shall pay an annual permit fee of $25.00 to the Zoning Administrator. Other businesses, organizations, and individuals using temporary signs of whatever type shall pay a permit fee of $25.00 to the Zoning Administrator for each such temporary sign at a specified location.

72.3.3 Exceptions - No permit shall be required for signs advertising garage sales or for signs erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

72.3.4 When the installed sign has received final inspection approval, a certification seal provided by the Zoning Administrator must be attached to the sign in a clearly visible place. (87-177, 07-460)

72.4 - Permitted Signs by Districts

The following signs and no other, shall be permitted in the districts hereinafter set forth:

72.4.1 Residence 1, 1-A, 1-B, 1-C, 2, 2-A and 2-C Districts

(1) Signs accessory to professional and home occupations conducted in a dwelling providing that the area on one side of the sign does not exceed two (2) square feet; and no more than one sign shall be erected for each permitted use conducted on the premises; and all signs, except temporary real estate signs advertising the property for sale or lease, shall be attached directly to the dwelling and not illuminated.

(2) Detached signs**,** upon premises occupied by schools, service clubs, churches, hospitals and permitted buildings, provided that the area on one side of any sign shall not exceed forty (40) square feet; and not more than one such sign shall be placed on any premises, unless such premises fronts on more than one street in which case one such sign may be erected along each frontage.

(3) Real estate signs, provided the area on one side of any such sign shall not exceed six (6) square feet; on unimproved property the area on one side of such signs shall not exceed twenty (20) square feet; and not more than one such sign shall be erected for each 250 feet of frontage or fraction thereof.

(4) Mechanics' or artisans' signs.

(5) Subdivision and apartment identification signs.

(6) Ingress and egress signs on premises occupied by schools, service clubs, churches, hospitals and permitted buildings.

(7) Detached signs in the form of electronic message center signs are permitted, along major and minor arterials only, by special exception provided that the requirements of subsections 72.4.1(2), 72.5.25 and 92.5.2 (25) are met in addition to any conditions set forth by the Board of Adjustment.

(8) Detached signs in the form of electronic display signs are permitted, along major and minor arterials only, by special exception provided that the requirements of subsections 72.4.1(2), 72.5.26 and 92.5.3 (26) are met in addition to any conditions set forth by the Board of Adjustment.

(9) One (1) temporary sign, upon premises occupied by schools, service clubs, churches, hospitals and permitted buildings, provided that the cumulative total of the maximum

permitted non-temporary signage for a premises totals forty (40) square feet or less.
(87-177, 91-109, 06-640, 07-1194)

72.4.2 Research Park, Research Park Applications, Office, Residence 2-B, Neighborhood Business C-1, Planned Industrial, and Disposal Storage Districts

(1) Real estate signs, providing the area on one side of any such sign shall not exceed twenty (20) square feet; on unimproved property the area on one side of such sign shall not exceed forty (40) square feet; and not more than one such sign shall be erected for each 250 feet of frontage or fraction thereof.

(2) Mechanics' or artisans' signs.

(3) Attached accessory signs, provided the total area of such signs for each establishment shall not exceed one hundred (100) square feet per frontage, and all such signs shall be attached to the building.

(4) Except in Research Park and Research Park Applications districts: On lots or tracts of land having two or more occupants, tenants, commercial or business enterprises, one business center sign is permitted, provided that the area on one side of said sign does not exceed one hundred (100) square feet for each 250 feet of frontage or fraction thereof, and further provided that where additional signs are authorized because of frontage in excess of 250 feet, such a sign shall not be closer than 150 feet to another such sign on the same property.

(5) In Neighborhood Business C-1 zones only: Lots or tracts of land having only one occupant, tenant, commercial or business enterprise are permitted either one accessory ground sign having a maximum of thirty-five (35) square feet to the side or one accessory ground mounted (monument) sign having a maximum of thirty-five (35) square feet to the side for each 250 feet of frontage or fraction thereof. Provided however, that where additional signs are authorized because of frontage in excess of 250 feet, such signs shall not be placed closer than one hundred (100) feet to other such signs on the same property. The accessory ground mounted (monument) sign shall have a maximum height of five (5) feet including a base of no more than one (1) foot in height. The accessory ground mounted (monument) sign must be located either fifteen (15) feet from the back of the curb, or from the edge of the pavement if there is no curb, and fifteen (15) feet from the curb of any entrance drive or accessway, or a minimum of ten (10) feet from the existing or proposed public street right-of-way, whichever distance is greater. (07-1194)

(6) In Office and Residence 2-B zones only: Lots or tracts having only one occupant, tenant, commercial or business enterprise are permitted one accessory ground mounted (monument) sign having a maximum of thirty-five (35) square feet to the side for each 250 feet of frontage or fraction thereof. Provided however, that where additional signs are authorized because of frontage in excess of 250 feet, such signs shall not be placed closer than one hundred (100) feet to another such sign on the same property. The accessory ground mounted (monument) sign shall have a maximum height of five (5) feet including a base of no more than one (1) foot in height. The accessory ground mounted (monument) sign must be located either fifteen (15) feet from the back of the curb, or from the edge of the pavement if there is no curb, and fifteen (15) feet from the curb of any entrance drive or accessway, or a minimum of ten (10) feet from the existing or proposed public street right-of-way, whichever distance is greater. (07-1194)

(7) Theatre signs shall not exceed three hundred (300) square feet, and shall be in addition to all other signs authorized by this section.

(8) In Research Park, Research Park Applications and Planned Industrial districts only: One detached ground identification sign not to exceed eighty (80) square feet per street frontage with a maximum height of eight (8) feet may be placed in the front yard a minimum of twenty-five (25) feet from an existing or proposed street right-of-way. Two entry pylons of a size not to exceed 144 square feet each are permitted at major entrances into the park or planned industrial district.

(9) Subdivision and apartment identification signs.

(10) Ingress and egress signs.
(87-177, 87-312, 06-732, 07-1194)

72.4.3 <u>General Business C-3 and Central Business C-B Districts</u>

(1) Single tenant buildings: Attached accessory signs, including awning signs, provided the total area of all such signs for each business or commercial enterprise, shall not exceed one square foot per linear foot of building frontage, but the maximum total area of all permitted signs for any establishment or place of business shall not exceed one hundred (100) square feet. No V-signs shall project more than twenty-four (24) inches from a basic line measured perpendicular to the face of the building. No flush mounted sign shall project more than eight (8) inches from the face of the building, and no vertically lettered, double-faced sign shall project more than sixteen (16) inches from the face of the building as aforesaid. No projecting sign or awning, inclusive of any supporting structures or brackets, may be

located on or over the public right-of-way unless attached to a structural element of the building. For the purpose of these regulations and restrictions applicable in General Business C-3 district, the definition of the word "sign" shall be altered and amended to include any lettering or logo positioned to be primarily read from the exterior, whether mounted on the building exterior or positioned inside the window.

(2) Multiple tenant buildings: No more than one sign shall be allowed per street frontage. Said sign may be attached to the face of the building as defined in Section 72.4.3(1) or a ground sign may be substituted for an attached sign provided that said ground sign shall be a minimum of ten (10) feet from any street right-of-way and that the building is at least fifty (50) feet from any street right-of-way, and that the area of said sign does not exceed one hundred (100) square feet per side and does not exceed eight (8) feet in height as measured from the ground level.

(3) Marquee signs on theatres not exceeding three hundred (300) square feet, which may be in addition to all other signs authorized by this section.

(4) Real estate signs, provided the area on one side of any such sign shall not exceed twenty (20) square feet; on unimproved property the area on one side of such sign shall not exceed forty (40) square feet; and not more than one such sign shall be erected for each 250 feet of frontage or fraction thereof.

(5) One sandwich board sign or one sculptural element sign is permitted per business and such sign shall not exceed twenty-four (24) inches in overall width or thirty-six (36) inches in overall height. Such sign shall be placed upon the sidewalk within the frontage of the business in such a manner that it shall not: (1) reduce any sidewalk width, as measured perpendicular to the curb, to less than five (5) feet to allow for continuous unobstructed pedestrian traffic; nor (2) be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the business or shopping center. Sandwich board signs and sculptural element signs shall be removed each day, before the close of the permit holder's business. Use of public sidewalks for sandwich board and sculptural element signs is subject to licensing for use of public property at the time of permitting. (06-967)

(6) In General Business C-3 zones only: non-accessory ground signs shall be permitted only along major arterials provided that such signs shall not exceed four hundred (400) square feet in size per face, excluding permitted embellishments; shall have only one face per side; shall not be located closer than one thousand (1000) feet to another non-accessory ground sign on or along the same side of a street or

highway, except along interstate highways where the distance between non-accessory ground signs shall be two thousand (2000) feet; shall not be located within a three hundred (300) foot radius of any other non-accessory ground sign; shall not be located less than two hundred (200) feet from any Residence 1, 1-A, 1-B, 1-C, 2, 2-A, 2-C, Research Park Applications, Research Park West, or Research Park district as designated by the official Zoning Maps for the City of Huntsville; and shall not be located closer than one hundred (100) feet to any existing or approved street intersection. Double-faced or V-type non-accessory ground signs shall be considered as one sign.

(7) Mechanics' or artisans' signs.

(8) Subdivision and apartment identification signs.

(9) Ingress and egress signs.
(87-177, 06-967, 06-1201, 07-1194)

72.4.4 Light Industry, Heavy Industry, Highway Business C-4, and Neighborhood Business C-2 Districts

(1) Attached accessory signs, provided that the total area of all such signs for each establishment or portion thereof utilized and operated as a separate business or commercial enterprise shall not exceed one hundred and fifty (150) square feet for each such establishment per frontage, plus three (3) square feet for each additional foot of building frontage in excess of fifty (50) feet with a maximum sign size for each establishment of three hundred and fifty (350) square feet. (07-1194)

(2) On lots or tracts of land having only one occupant, tenant, commercial, or business enterprise, one accessory ground sign for each 250 feet of frontage or fraction thereof, having a maximum of 150 square feet to the side; provided however, that where additional signs are authorized because of frontage in excess of 250 feet, then said additional signs shall not be placed closer to another such sign on the same property than one hundred (100) feet.

(3) Business center signs for lots or tracts of land having two or more occupants, tenants, commercial or business enterprises, provided that the area on one side of said sign does not exceed 150 square feet, and not more than one said sign is erected per 250 feet of street frontage or fraction thereof, and further provided that where additional signs are authorized because of frontage in excess of 250 feet, such a sign shall not be closer than 200 feet to another such sign on the same property.

(4) Non-accessory ground signs, provided that such signs shall not exceed four hundred (400) square feet in size per face,

excluding permitted embellishments; shall have only one face per side; shall not be located closer than one thousand (1000) feet to another non-accessory ground sign on or along the same side of a street or highway, except in a Highway Business C-4 district and along interstate highways where the distance between non-accessory ground signs shall be two thousand (2000) feet; shall not be located within a three hundred (300) foot radius of any other non-accessory ground sign; shall not be located less than two hundred (200) feet from any Residence 1, 1-A, 1-B, 1-C, 2, 2-A, 2-C, Research Park Applications, Research Park West, or Research Park district as designated by the official Zoning Maps for the City of Huntsville; and shall not be located closer than one hundred (100) feet to any existing or approved street intersection, except in Highway Business C-4 districts where the minimum distance from an existing or approved intersection shall be three hundred (300) feet. Double-faced or V-type non-accessory ground signs shall be considered as one sign.

(5) Real estate signs, provided the area on one side of any such sign shall not exceed forty (40) square feet; on unimproved property the area on one side of such sign shall not exceed sixty (60) square feet; and not more than one such sign shall be erected for each 250 feet of frontage or fraction thereof.

(6) Mechanics' or artisans' signs.

(7) Subdivision and apartment identification signs.

(8) Ingress and egress signs.

(9) Except in Neighborhood Business C-2 districts: Pennants, ribbons, streamers and spinners.
(87-177, 87-312, 89-324, 96-336, 07-1194)

72.4.5 <u>Industrial Park, Commercial Industrial Park, Airport Commercial, Heavy Manufacturing and Research Park Applications 2 Districts</u>

(1) Only those signs identifying the name, business and products of the firm shall be permitted.

(2) One attached accessory sign, not to exceed one hundred (100) square feet, may be erected per street frontage.

(3) One detached ground identification sign not to exceed one hundred (100) square feet per street frontage with a maximum height of ten (10) feet may be placed in the front yard a minimum of twenty-five (25) feet from an existing or proposed street right-of-way.

(4) Except in Research Park Applications 2 districts: One business center sign identifying the name of the

development or park may be erected provided that such sign shall not exceed one hundred (100) square feet per side and that not more than one such sign shall be allowed per street frontage providing access into the development. (09-813)

(5) Mechanics' or artisans' signs.

(6) Real estate signs, provided the area on one side of any such sign shall not exceed twenty (20) square feet; on unimproved property the area on one side of such sign shall not exceed forty (40) square feet; and not more than one such sign for each 250 feet of frontage or fraction thereof.

(7) Ingress and egress signs.

(8) In Research Park Applications 2 districts only: Two entry pylons of a size not to exceed one hundred and forty-four (144) square feet each are permitted at major entrances into the district.
(87-177, 87-316, 92-74, 95-413, 09-813)

72.4.6 Medical District and Medical 2 District Signs

(1) Medical District Entry Pylons

(a) Medical district entry pylons shall be ground mounted multipanel monument signs. One four-sided entry pylon, of a size not to exceed a total of two hundred and forty (240) square feet, having a maximum of sixty (60) square feet per side, may be installed within the required front yard setback upon approval by the City traffic engineer. There shall be a maximum of one entry pylon allowed per multiple building medical facility.

(b) Medical district entry pylons shall display only directional and/or identification information including only the name and/or logo of the tenant or facility.

(c) Where a Medical district entry pylon contains directional information in addition to identification information, there shall be no additional directional signage allowed at that location.

(2) Ground Mounted Building Identification Signs

(a) One ground mounted building identification sign per building, not to exceed thirty (30) square feet per side with a maximum height of six (6) feet, including a base of no more than one foot in height.

(b) Ground mounted building identification signs must be located a minimum of twenty-five (25) feet from the

curb of a public street and fifteen (15) feet from the curb of any entrance drive or access way.

(3) Building Mounted Signs

(a) Building mounted signs shall include only the name and/or logo of the tenant or the facility name.

(b) A building mounted sign shall be part of or mounted directly on the building wall and shall not project more than eight (8) inches from the building surface.

(c) Total area of all attached signs for any building shall not exceed one square foot per linear foot of building frontage with the maximum size of three hundred (300) square feet.

(d) No sign shall project above the roof line of the building on which it is mounted, notwithstanding any other provision of this ordinance.

(4) Directional Signage

Directional signage shall provide information needed to move about within the medical district. The signs can display directional and identification information.

(a) Directional signage shall display only directional and identification information including only the name and/or logo of the tenant or facility.

(b) Directional signage located on local streets and internal drives shall not exceed twenty-four (24) square feet per side.

(c) Directional signage located on collector and arterial streets shall not exceed forty (40) square feet per side.

(d) Directional signage shall not be located within ten (10) feet of any public right of way or within ten (10) feet of any existing or proposed curb of any entrance drive or access way.

(5) Real estate signs, provided the area on one side of any such sign shall not exceed twenty (20) square feet; on unimproved property the area on one side of such signs shall not exceed forty (40) square feet; and not more than one such sign shall be erected for each two hundred and fifty (250) feet of frontage or fraction thereof.

(6) Business center signs on lots or tracts of land having two or more occupants, tenants, commercial or business enterprises, provided that the area on one side of said sign does not exceed one hundred (100) square feet, and not more than one such sign is erected per two hundred and

fifty (250) feet of street frontage or fraction thereof, and further provided that where additional signs are authorized because of frontage in excess of two hundred and fifty (250) feet, such a sign shall not be closer than one hundred and fifty (150) feet to another such sign on the property.

(7) Mechanics' or artisans' signs.

(8) Ingress and egress signs. (87-177, 87-312, 05-860)

72.4.7 Commercial Recreation C-5 District

(1) One detached accessory ground sign not to exceed 250 square feet in size per face may be erected per street frontage of the total tract.

(2) Attached accessory signs, provided that the total area of all such signs for each establishment or portion thereof, utilized and operated as a separate business or commercial enterprise shall not exceed one hundred (100) square feet for each such establishment per public or private street frontage.

(3) Mechanics' or artisans' signs.

(4) Real estate signs, provided the area on one side of any such sign shall not exceed twenty (20) square feet; on unimproved property the area on one side of such signs shall not exceed forty (40) square feet; and not more than one such sign for each 250 feet of frontage or fraction thereof.

(5) Ingress and egress signs. (87-177)

72.4.8 Research Park West District

Within the Research Park West District, the following signs are permitted.

(1) Facility Yard Pylons

The facility yard pylon signals a site entrance, identifies the occupant(s) or facility name, gives the street address, and may contain site directional information.

(a) A facility yard pylon shall have the following dimensions: a height of eight (8) feet one (1) inch; a width of eight (8) feet; and a depth of twelve (12) to eighteen (18) inches. The pylon may be mounted on a base that does not exceed one (1) foot in height.

(b) A facility yard pylon shall have one face. The upper four (4) feet of that face shall display only the name(s)

and/or logo(s) of the resident firm(s) or of the complex. The address and directional information may be displayed on the bottom four (4) feet of the face. A one (1) inch reveal shall separate the two halves.

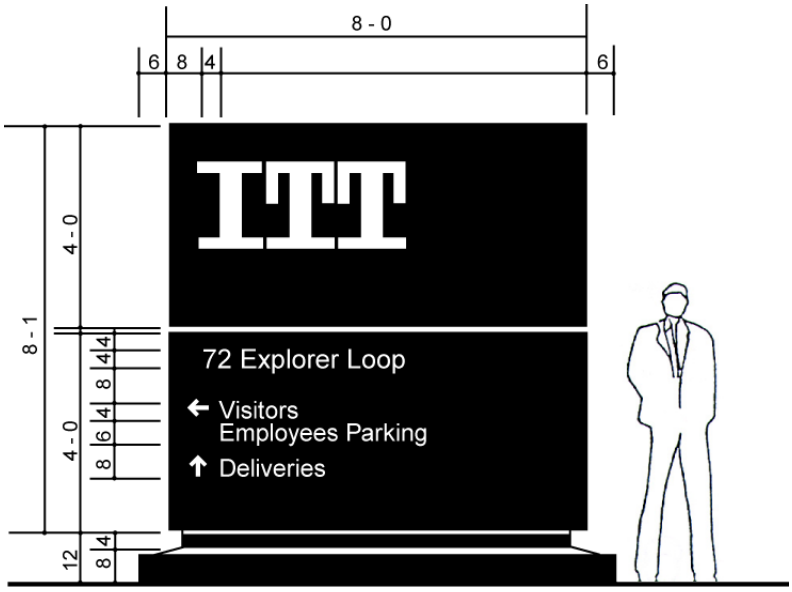
(c) The names on the upper half of the pylon should be so positioned as to leave a minimum clear margin of eight (8) inches along the top and each side and four (4) inches along the bottom.

(d) A facility yard pylon may contain one, two, or three company names and/or logos. If more than three companies occupy a single facility, only the facility name may be placed on the yard pylon.

(e) The color, typography and logo combination used on the upper half of the facility yard pylon may be selected by the tenant firm, but the background must be one continuous color.

(f) Only the upper half of the facility yard pylon may be internally illuminated.

(g) The lower half of the facility yard pylon shall have a dark bronze background and white typography in Helvetica regular. Address and directional information shall be positioned in the upper left corner with margins and spacing as shown in the following illustration.



(h) One facility yard pylon per access road to a site shall be permitted.

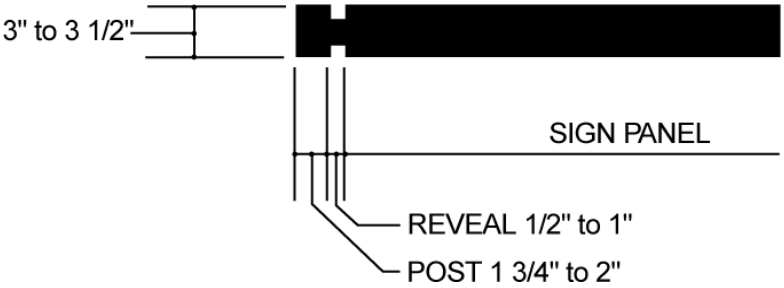
(i) The facility yard pylon shall be placed parallel to an existing public road, either within or outside the public street right-of-way and must be located a minimum of twenty (20) feet from the curb of said public road and fifteen (15) feet from the curb of the site access road.

(2) Facility Ground Signs

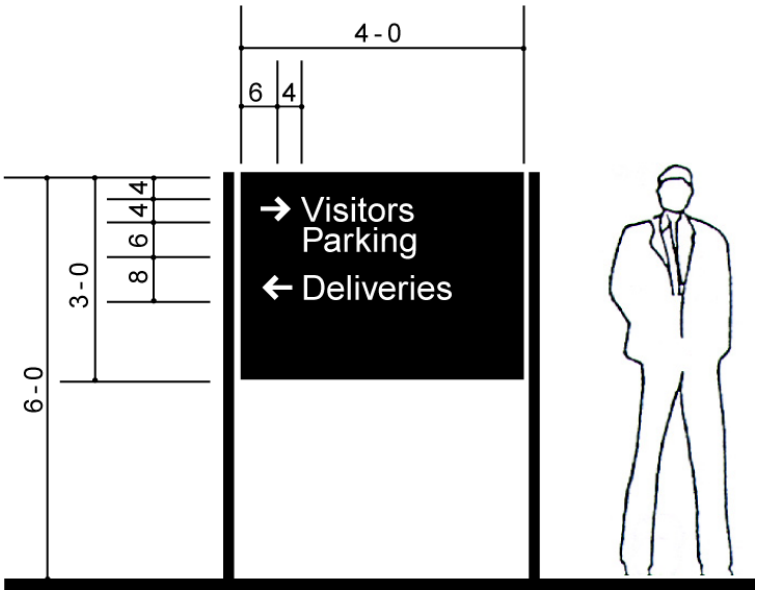
Facility ground signs provide information needed to move about within a site. The signs can display standard traffic control symbols, speed limits, and directional and identification information.

(a) Facility ground signs shall display only regulatory, directional, traffic control, and identification information and the firm(s) or complex name and/or logo.

(b) Facility ground signs shall be of post and panel construction and shall not exceed six (6) feet in height and four (4) feet in panel width. Dimension details are presented in the following illustration.



(c) The posts and panel background color shall be dark bronze; the typography shall be white in Helvetica regular and positioned in the upper left corner with margins and spacing as presented in the following illustration.



(d) Facility ground signs shall not be located closer than fifty (50) feet to an existing or proposed public street right-of-way and shall be a minimum of ten (10) feet from an existing or proposed curb of any entrance drive or access way.

(3) Building Mounted Signs

Building mounted signs allow the tenant(s) or facility to identify itself on the face of the building.

(a) Building mounted signs shall include only the name and/or logo of the resident firm(s) or complex.

(b) Only one building mounted sign per firm or complex may be erected per street frontage.

(c) A building mounted sign for a firm or complex shall not exceed ten percent (10%) of the gross area of the face of the main building fronting a street.

(d) A building mounted sign shall be part of or mounted directly on the building wall and shall not project more than twelve (12) inches from the building surface. Signs painted directly upon the building are not permitted.

(e) Roof mounted signs are prohibited.

(f) If a building has two or three tenants, each may have a building mounted sign. Where multiple tenant building mounted signs occur, their combined area shall not exceed twenty percent (20%) of the gross

area of the face of the main building fronting a street, and they shall be visually equal in size and positioned according to a consistent format.

(g) If a building has four or more tenants, no tenant names shall appear on the building, but the facility name may be placed on the building and said sign shall not exceed ten percent (10%) of the gross area of the face of the main building fronting a street.

(h) The building tenant(s) may select the material, color, typography and format for building mounted signs. Illumination of such signs is optional.

(4) Identity, Information and Traffic Control Signs

Entry pylons, directory pylons, loop pylons and traffic control, street name and directional signs installed and maintained by the City of Huntsville are permitted in street rights-of-way.

(5) Mechanics' or artisans' signs.

(6) Real estate signs, provided the area on one side of any such sign shall not exceed twenty (20) square feet; on unimproved property the area on one side of such signs shall not exceed forty (40) square feet; and not more than one such sign shall be erected for each 250 feet of frontage or fraction thereof.

(7) Ingress and egress signs. (87-177)

72.4.9 Airport Industrial Park District

Signs relating in subject matter to the premises on which they are located or to products, services, or activities on the premises, provided however, outdoor advertising posters and bulletins are not permitted. (87-177)

72.4.10 PD-Shopping Center District and PD-Highway Commercial District

(1) One business center sign, not exceeding thirty-five (35) feet in height, and having not more than two sign surface areas, each limited to five (5) square feet per surface for each ten thousand (10,000) square feet of land within the boundaries of the district, may be erected to identify the center along each principal street frontage from which there is a major entrance to the center. Such signs may identify the center as a whole, and the establishments, activities and facilities within the center, but shall not include other advertising.

(2) Signs directing traffic, but bearing no advertising matter.

(3) For individual establishments, not to exceed one sign for each wall exposed to adjoining streets other than minor

residential streets, mounted on the wall, and not extending above it. The surface area of such sign shall not exceed ten percent (10%) of the area of the wall and shall not be greater than one hundred (100) square feet, provided however that a minimum of thirty (30) square feet shall be permitted.

(4) Mechanics' or artisans' signs.

(5) Real estate signs, providing the area on one side of any such sign shall not exceed twenty (20) square feet; on unimproved property the area on one side of such sign shall not exceed forty (40) square feet; and not more than one such sign shall be erected for each 250 feet of frontage or fraction thereof.

(6) Ingress and egress signs.

(7) Insofar as reasonably practicable, no signs in these districts shall be oriented toward nearby residential districts. (88-192)

72.4.11 Research Park Commercial and Village Business C-6 District Signs

(1) Research Park Commercial District Landmark Sign

Each Research Park Commercial district project shall be allowed one landmark sign to serve as primary project identity sign, and shall not include any tenant signage. This sign may be a maximum of 60 feet in height and shall be located in a front yard facing an arterial street and be a minimum of 200 feet from the district boundary. The sign may be two sided and can be a maximum of 150 square feet in size.

(2) Commercial District Entry Pylons

Commercial district entry pylons shall be ground mounted monument signs. A maximum of two, two sided entry pylons, of a size not to exceed 130 square feet each, may be installed within the required front yard setback at each collector or arterial street entrance into a Research Park Commercial district, upon approval by the City traffic engineer.

(3) Accessory Ground Mounted Signs

One detached ground identification sign per building not to exceed thirty-two square feet with a maximum height of five feet, including a base of no more than one foot in height, may be placed within or outside the public street right-of-way and must be located a minimum of twenty feet from the curb of said public street and fifteen feet from the curb of the access drive into the site.

(4) Building Mounted Signs

(a) Building mounted signs shall include only the name and/or logo of the tenant or the facility name.

(b) Where a building contains a single tenant, the tenant may have one building mounted sign per exterior elevation of its premises not to exceed ten (10) percent of the gross area of the building face on which it is mounted up to a maximum of one hundred and fifty (150) square feet. The tenant may also have one projecting sign of up to six (6) square feet per side maximum with a cumulative total of all signs not to exceed one hundred and fifty (150) square feet per exterior elevation. (08-531)

(c) Where a building contains more than one tenant and each tenant has its own entrance, then each tenant may have one sign on each exterior elevation of its premises not to exceed ten (10) percent of the gross area of each exterior elevation of the individual unit on which it is mounted up to a maximum of one hundred (100) square feet. Each tenant may also have one projecting sign of up to six (6) square feet per side maximum with a cumulative total of all signs not to exceed one hundred (100) square feet per exterior elevation.

(d) In the case of a multiple tenant building having a common entrance for tenants, then each tenant may have one sign on each exterior elevation of its premises not to exceed ten (10) percent of the gross area of each exterior elevation of the individual unit on which it is mounted up to a maximum of one hundred (100) square feet. Each tenant may also have one projecting sign of up to six (6) square feet per side maximum with a cumulative total of all signs not to exceed one hundred (100) square feet per exterior elevation.

(e) Where a corner business has two entry faces, it may have one building mounted sign and one projecting sign on each street frontage provided each sign is in compliance with paragraph (b) above.

(f) Where a building has frontage on two or more streets, it may have one building mounted sign and one projecting sign on each street frontage provided each sign is in compliance with paragraph (b) above.

(g) Attached accessory signs on theatres may exceed the permitted size for building mounted signs as stated above by an amount no greater than the maximum sign size allowed in the district. (06-826)

(5) Directional Signage

Directional signage shall provide information needed to move about within the commercial district. The signs can display directional and identification information.

(a) Directional signage shall display only directional and identification information including only the name and/or logo of the tenant or facility.

(b) Directional signage shall not exceed six (6) feet in height and four (4) feet in width.

(c) Directional signage shall not be located within ten (10) feet of any public right of way or within ten (10) feet of any existing or proposed curb of any entrance drive or access way.

(6) Pedestrian Gateway Identification Signs

Each Research Park Commercial district project shall be allowed up to a total of four (4) freestanding pedestrian gateway identification signs to be located at the pedestrian entrances from the parking lots to the promenade when such entrance is at least two hundred and fifty (250) feet from any public street. Such signs shall include only the name of the district project and shall not include any tenant signage. Each pedestrian gateway identification sign is limited to a maximum of twenty (20) feet in height and to a maximum of one hundred (100) square feet, exclusive of the supporting posts or decorative bases. (06-826)

(7) Sandwich Board and Sculptural Element Signs

One sandwich board sign or one sculptural element sign is permitted per business and such sign shall not exceed twenty-four (24) inches in overall width or thirty-six (36) inches in overall height. Such sign shall be placed upon or adjacent to the sidewalk within the frontage of the business in such a manner that it shall not: (1) reduce any sidewalk width, as measured perpendicular to the curb, to less than five (5) feet to allow for continuous unobstructed pedestrian traffic; nor (2) be placed closer than two (2) feet to any public street as measured from the curb line; nor (3) be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the business or shopping center. Sandwich board signs and sculptural element signs shall be removed each day, before the close of the permit holder's business. Use of public sidewalks for sandwich board and sculptural element signs is subject to licensing for use of public property at the time of permitting. (06-967)

(8) Mechanics' or artisans' signs.

(9) Real estate signs, provided the area on one side of any such sign shall not exceed twenty (20) square feet; on unimproved property the area on one side of such signs shall not exceed forty (40) square feet; and not more than one such sign shall be erected for each 250 feet of frontage or fraction thereof.

(10) Ingress and egress signs.

72.4.12 Electrical lights or fixtures may be attached to a wooden sign which is attached to a building, provided they conform with all electrical codes for such electrical devices.

72.4.13 Graphics may be directly mounted on windows so long as they do not cover more than fifty percent (50%) of the total window area of the tenant premises on which the graphics are mounted. Any such graphics shall be counted as a portion of the building and/or tenant's allowable square footage for attached signage and shall not exceed the maximum allowable square footage of attached signage for any building or tenant. (05-013, 06-967, 08-531)

72.5 - General Sign Regulations

All signs maintained or hereafter erected in the City of Huntsville shall comply with the standards set forth in this section.

72.5.1 One sign denoting the name and address of the occupants of the premises is permitted in any zone, in addition to those allowed by this article, but said signs shall not exceed two (2) square feet in area.

72.5.2 Except as herein otherwise provided, attached flush mounted signs shall not extend more than eighteen (18) inches outside the wall surface. Such signs shall not extend beyond the ends of the wall surface on which they are placed and not more than eighteen (18) inches above the top of such wall.

72.5.3 Signs painted or pasted directly on the structures are expressly prohibited.

72.5.4 Signs incorporating any noisy mechanical device are expressly prohibited.

72.5.5 Illuminated signs and outside lighting devices including beacons and spotlights shall emit only light of constant intensity, and no sign shall be illuminated by or contain flashing, blinking, intermittent, rotating or moving light or lights, except time and temperature signs. In no event shall an illuminated sign or lighting device be so placed or directed as to permit focused light to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard or nuisance.

72.5.6 No projecting sign shall be erected or maintained more than thirty six (36) inches from the front or face of a marquee or building, unless otherwise provided.

72.5.7 Signs made of metal, glass, plastic with electric lights inside the sign or with letters composed of lamps or neon tubing on the outside of same, or similarly constructed, may be erected, provided:

(1) They conform with all electrical codes for such electrical devices, and

(2) No electrical lights or fixtures shall be attached in any manner to a wooden sign which is attached to a building, except as provided for in Section 72.4.12. (05-013)

72.5.8 No roof sign shall be erected or maintained which extends for a height greater than twelve (12) feet above the roof of the building on which it is affixed.

72.5.9 No part of any sign of any type shall be placed in any dedicated street or highway right-of-way, or in any utility and drainage easement, except as provided in Sections 72.4.3, 72.4.8 and 72.4.11, and no projecting sign or awning, inclusive of any supporting structure or bracket, may be located on or over the public right-of-way unless attached to a structural element of the building. For sandwich board signs and sculptural element signs, a non-exclusive revocable license must be obtained from the city each year for the use of the public space. This license is not to be considered a privilege license but a non-exclusive right to use the public sidewalk for the permitted purpose subject to applicable conditions set forth herein and the granted licensee.
(87-177, 92-6, 06-826, 06-967)

72.5.10 An awning sign identifying a business by name and/or logo on a lawfully erected awning at the front of a business shall be considered an attached accessory sign and shall be allowed so long as the total square footage of that property's signage, including the signage on the awning, does not exceed the allowance set forth by this ordinance for attached accessory signs. (06-826)

72.5.11 Awnings, inclusive of any supporting structures or brackets, shall project no further than eight (8) feet from the vertical face of the building to which they are attached; however, in no case shall an awning be permitted to extend into an area six (6) feet measured from the back of the curb abutting the building to which the awning is attached. Awnings shall have a minimum height of eight (8) feet above the sidewalk as measured from the bottom edge of the awning. (06-826)

72.5.12

(1) Ground signs shall not exceed thirty-five (35) feet in height above the adjacent ground, as measured from the highest point of the sign (excluding embellishments on non-accessory ground signs) to the existing elevation of the ground at the point of attachment prior to installation of the

sign, except that the height of non-accessory ground signs erected along elevated portions of interstate highways or expressways may be determined as follows: The bottom of the sign face shall be located at a maximum height of fifteen (15) feet above the main traveled surface area of an interstate highway or expressway (as determined from the point on the interstate highway or expressway which is perpendicular to the sign structure) and the sign face shall not exceed twelve (12) feet in height (excluding embellishments), provided that no sign shall be erected to a height of more than sixty (60) feet (excluding embellishments), as measured from the highest point of the sign to the existing elevation of the ground at the point of attachment prior to installation of the sign. Lighted reflectors may project six (6) feet beyond such signs, but no closer than five (5) feet to any property line. If such signs do not conform to the building setback line for the zone, then lattice work beneath the sign is not permitted and an open space at least eight (8) feet above ground shall be maintained between the bottom of the sign and the ground surface on which it is located.

(2) Non-accessory ground signs shall not exceed fifty (50) feet in length and no such sign shall be placed closer than one thousand (1000) feet to another such sign on or along the same side of a street or highway, except in a Highway Business C-4 district and along interstate highways where the minimum separation between such signs shall be two thousand (2000) feet. Non-accessory ground signs shall not be built within the required front, side, or rear yard areas as set forth in the Zoning Ordinance of the City of Huntsville.

(3) Non-accessory ground signs erected along an interstate highway must be located within one hundred (100) feet of the right-of-way for such interstate highway but no closer than fifty (50) feet to the right-of-way for such interstate highway. Where any other street or highway runs parallel to an interstate highway or is situated such that no land other than the public right-of-way is located between such interstate highway and such other street or highway, then the provisions of this paragraph and the provisions regarding spacing of signs along interstate highways, as set forth in Section 72.4.4(4), shall apply to such other street or highway.

(4) A non-accessory ground sign must face on-coming traffic, and no one side of the sign shall be visible to traffic traveling in opposite directions at the same time from any point on the street or highway to which the sign is permitted.

(5) In no case shall the embellishments on a non-accessory ground sign become a permanent part of a sign, nor shall embellishments be permitted on any non-accessory ground sign having a face larger than four hundred (400) square feet.

All embellishments shall be constructed so as to meet the standards of the then-currently adopted technical codes.

(a) Two-dimensional embellishments shall not exceed fifteen (15) percent of the permitted area of the sign face nor shall the enclosing rectangle used to measure the area of an embellishment extend more than three (3) feet beyond any edge of a sign face or be continuous for more than twenty (20) feet.

(b) Three-dimensional embellishments shall not exceed an area equal to fifteen (15) percent of the permitted area of the sign face nor shall the enclosing rectangular prism used to measure the volume have a depth perpendicular to the sign face in excess of eight (8) inches.

(6) Digital non-accessory ground signs are permitted, regardless of technology used, provided:

(a) Digital non-accessory ground signs shall include a light detector/photocell which causes the sign's brightness to dim to levels which the Zoning Official determines meets current ambient light conditions; provided, the Zoning Administrator may adopt such standards he deems necessary to administer this provision;

(b) No scrolling, flashing, blinking, rotating, pulsating, moving, intermittent or animated images are permitted;

(c) The sign shall have a static image or message lasting no less than ten (10) seconds;

(d) The sign shall achieve a transition to another static image or message within a one (1) second maximum change time;

(e) The sign shall not display any illumination that moves, appears to move, or changes in intensity during the static display period; and

(f) The sign shall contain a default design that will freeze the device in one position if a malfunction occurs.

(g) No variances shall be allowed for any of the foregoing conditions.

(87-177, 89-324, 96-336, 07-1194)

72.5.13 No part of any sign shall be so placed or constructed as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. (87-177, 92-6)

72.5.14 No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

72.5.15 Signs painted, fixed or mounted directly on or over the interior or exterior of windows are permitted provided that such signs do not cover more than twenty percent (20%) of the total window area, including framing and mullions, per building elevation, except in General Business C-3, Central Business C-B and Research Park Commercial districts. Any signs intended to be read from the exterior whether positioned on the inside of the window or the outside of the window are counted in the twenty percent (20%) window coverage. Signs located on or affixed to the outside of the window must have a sign permit and count toward the allowable signage for the zoning district where the sign is located. (07-1194)

72.5.16 Signs are prohibited that are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

72.5.17 Signs are prohibited that contain or are an imitation of an official traffic signal or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words, when used in such a manner that the same may be mistaken for or confused with an official sign. No variance from this provision shall be permitted which would allow a sign in violation of Alabama Code Section 32-5A-36.

72.5.18 Signs of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as traffic control devices, or which hide from view of street traffic any traffic or street signal or sign are prohibited.

72.5.19 All signs shall be maintained in compliance with the sign standards of the then-currently adopted technical codes as adopted by the City of Huntsville. (07-1194)

72.5.20 Signs attached to and projecting from the exterior wall of a permanent structure shall not extend more than ten (10) feet above said structure.

72.5.21 Except in Neighborhood Business C-1, General Business C-3 and Central Business C-B districts, attached accessory signs on theatres may exceed the permitted size in the district by the maximum sign size allowed in said district, and provided no accessory ground sign is maintained on the premises, except as provided for in Section 72.4.11.
(05-013)

72.5.22 Accessory signs that advertise a terminated activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located are prohibited; provided however, that where premises are temporarily vacant, such signs may remain in place for not more than 120 days from the date of said vacancy.

72.5.23 Pennants, ribbons, streamers, spinners, or other similar moving, fluttering or revolving devices shall be maintained in a good state of repair and a safe condition.

72.5.24 Permanent off-site signs of any type shall be regulated as non-accessory ground signs.

72.5.25 Electronic message center signs shall be considered accessory ground signs and shall be allowed so long as the total square footage of that property's signage, including the electronic message center, does not exceed the allowance set forth by this ordinance for accessory ground signs and provided:

(a) Electronic message center signs shall include a light detector/photocell which causes the sign's brightness to dim to levels which the Zoning Official determines meets current ambient light conditions; provided, the Zoning Administrator may adopt such standards he deems necessary to administer this provision.

(b) No scrolling, flashing, blinking, rotating, pulsating, moving, intermittent, or animated messages are permitted.

(c) The sign shall not display any illumination that moves, appears to move, or changes in intensity during the static display period.

(d) Messages on electronic message center signs are limited to letters, numerals and standard punctuation only.

(e) Lines of electronic text shall not exceed three (3) lines of text per each sign face.

(f) Text messages shall be limited to either white or amber in color on a black background and entire text message must be monochrome.

(g) Text messages shall be static and shall not change more than once in any one (1) hour period. The transition time between the changing of the static text messages shall be achieved within a one (1) second period.

(h) Electronic message center signs shall contain a default design that will freeze the device in one position if a malfunction occurs.

(i) Electronic message center signs shall be turned on no earlier than 7:00 a.m. and turned off no later than 10:00 p.m. in all residentially zoned districts.

(j) An electronic message center sign shall not exceed seventy-five percent (75%) of the total permitted sign face area. In the case of a single use, the establishment or facility name street number shall be provided in non-electronic format. In

the case of a business center sign or multiple tenant center sign, the name of the center, if any, and street number shall be provided in non-electronic format.

(k) Electronic message center signs shall be constructed as an integral part of a permanent sign constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

72.5.26 Electronic display signs shall be considered accessory ground signs and shall be allowed so long as the total square footage of that property's signage, including the electronic display sign, does not exceed the allowance set forth by this ordinance for accessory ground signs and provided:

(a) Electronic display signs shall include a light detector/photocell which causes the sign's brightness to dim to levels which the Zoning Official determines meets current ambient light conditions; provided, the Zoning Administrator may adopt such standards he deems necessary to administer this provision.

(b) No scrolling, flashing, blinking, rotating, pulsating, moving, intermittent, or animated displays are permitted.

(c) The sign shall not display any illumination that moves, appears to move, or changes in intensity during the static display period.

(d) Electronic display signs shall be static and shall not change more than once in any one (1) hour period. The transition time between the changing of the static image shall be achieved within a one (1) second period.

(e) Electronic display signs shall contain a default design that will freeze the device in one position if a malfunction occurs.

(f) Electronic display signs shall be turned on no earlier than 7:00 a.m. and turned off no later than 10:00 p.m. in all residentially zoned districts.

(g) An electronic message center sign shall not exceed seventy-five percent (75%) of the total permitted sign face area. In the case of a single use, the establishment or facility name and street number shall be provided in non-electronic format. In the case of a business center sign or multiple tenant center sign, the name of the center, if any, and street number shall be provided in non-electronic format.

(h) Electronic display signs shall be constructed as an integral part of a permanent sign constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

(87-177, 87-312, 89-324, 92-6, 96-336, 99-206, 07-1194)

72.6 - Non-Commercial Signs

In addition to all other signs herein authorized, non-commercial, attached and ground signs in residential districts only: (1) advertising political parties, issues, or candidates; (2) announcing an upcoming non-commercial event such as a school function, church bazaar, or fund raiser for a bona fide non-profit entity; or (3) that are otherwise an exercise of the constitutional right of free speech may be erected under the following terms and conditions:

72.6.1 When the same are related to or concerning a pending election to be held within the city or county, such signs may be erected and maintained temporarily prior to said election and shall be removed no later than ten (10) days after the election or any runoff election.

72.6.2 When the signs are for an upcoming non-commercial event, such signs may be erected and maintained temporarily no earlier than six (6) weeks prior to the event and shall be removed no later than ten (10) days after the conclusion of the event.

72.6.3 No more than two (2) such signs shall be maintained on any lot at any one time.

72.6.4 The signs may not contain any commercial advertisements or otherwise relate to a commercial use, service or product including without limitation the use, service or product of the owner or tenant on the lot on which the sign is located.

72.6.5 In Residence 1, 1-A, 1-B, 1-C, 2, 2-A, 2-C and Planned Development-Housing districts the size of such signs shall not exceed six (6) square feet.

72.6.6 No height or setback shall be required, except as provided in Section 72.6.8, and except that no such sign shall be erected so as to violate the corner visibility provisions of this ordinance.

72.6.7 A $25.00 annual permit fee shall be paid to the Zoning Administrator by each candidate or campaign organization or non-profit entity erecting non-commercial signs within the City of Huntsville. The application form for non-commercial signs shall be signed by the person responsible for removing or having removed said signs within the authorized time period. The name and address of the candidate or the campaign organization or non-profit entity shall be clearly printed on the face of said signs.

72.6.8 No such signs shall be erected in or on any public right-of-way, public park, public building, public grounds, or other public place, except that in residentially zoned districts such signs shall be erected a minimum of ten feet from the back of the curb or from the edge of the pavement if there is no curb regardless of the actual location of said right of way. No such signs shall be affixed to any tree, fence post or telephone or utility pole, and it shall be unlawful

for any person to erect or maintain any such signs upon the property of another without first having secured authorization or permission of the owner or person in possession of the property. (87-177, 87-312, 95-91, 95-413, 06-640, 06-732, 07-460, 07-1194)

72.7 - Non-Conforming Signs

The following signs being maintained are on the effective date of this ordinance hereby declared to be a public nuisance and shall be brought into compliance according to the following schedule:

72.7.1 All signs constructed upon or overhanging any public street or highway, sidewalk excluded, and any sign that fails to meet the then-currently adopted technical code wind load requirements, shall be removed by the owner or persons responsible for same within ninety (90) days after the effective date of this ordinance, and thereafter it shall be unlawful for any such person to keep or maintain such sign except in conformity with this ordinance. (07-1194)

72.7.2 All signs that do not conform to the size limitations of this article must be removed or brought into conformance herewith within three (3) years from the effective date of this article, except as hereinafter provided:

(1) The Zoning Administrator of the City of Huntsville, Alabama or his authorized representative shall notify, in writing, the owner, or his agent, of any sign which does not conform to the requirements and limitations of this article, stating that the sign in question does not conform herewith, the reasons and specifications which make the sign non-conforming, and the date by which the sign must be removed or made to conform under the terms of this article, which said date shall be three (3) years from the effective date of this article.

(2) The owner of such non-conforming sign, or his agent, may within ninety (90) days of the date of the receipt of the written notice from the Zoning Administrator, as set forth in paragraph (1), above, file a written objection to the literal enforcement of the three (3) year limitation as set out in the written notice from the Zoning Administrator. Said written objection shall be filed in the Office of the Director of the Planning Department of the City of Huntsville, Alabama, and shall be substantially in the form designated by the Zoning Administrator for such objections, and shall specifically include the following information:

(a) Photograph of each face and the supporting structure of the sign.

(b) Spot survey, or other drawing acceptable to the Zoning Administrator, showing the correct address

of the said sign and its location on the said property.

(c) The name and address of the owner of the said sign, and of the owner of the property on which the sign is situated.

(d) A copy of the ground lease, if any, permitting the location of the sign on the subject property.

(e) A certified statement from the owner or his agent stating the age of said sign, its original cost (to the owner making the application), the date the present owner acquired ownership, any repair or alteration done by the present owner to enhance the value of the sign (not including ordinary maintenance), the current market value of the said sign, the amount of depreciation claimed by the owner for tax purposes against the said sign, the annual gross revenue from the sign reported for tax purposes, the operating and maintenance expenses of the said sign directly chargeable to the said sign, and a statement detailing what portion or percentage of signs owned by applicant are non-conforming and subject to this section.

(f) If the ordinance requires the sign to be reduced in size, the projected cost to the owner for such reduction, and the projected fair market value of said sign after reduction.

(g) The period of time which the owner claims is necessary to amortize the cost of reduction of the sign, or the removal of the said sign, as the case may be, to justly compensate the owner therefor. The owner or agent should give a full explanation of how this figure is derived.

(h) The salvage value of any portion of the non-conforming sign not utilized in the conforming sign (including sign structure).

(i) Any other reasonable costs owner may sustain.

(j) Any other pertinent information owner or agent may choose to submit.

(k) Any other information that the Zoning Administrator may require.

(3) Any owner, or his agent, who fails to file a written objection to the three (3) year amortization period established by this article within the ninety (90) day period following receipt of the notice as set forth in paragraph (1), above, shall be conclusively presumed to have waived further right of appeal

or protest of the three (3) year amortization period allowed by this article.

(4) After receipt of a written objection to the application of the three (3) year amortization period to a particular sign, the Zoning Administrator shall establish a reasonable plan for termination of the non-conforming use, but the plan shall not amortize the non-conforming use for a period of less than three (3) years. In determining a reasonable plan for termination, the Zoning Administrator may consider the information submitted in the written objection pursuant to this article, together with such other information as may be available to him and pertinent to such issue. Within ninety (90) days of the date of the filing of the objection, the Building Inspector shall make a factual determination of the reasonable fair market value and economic life of the said non-conforming sign, and he shall establish, according to his findings, the time during which said non-conforming sign shall be allowed to remain under the provisions of this ordinance. In no event shall any non-conforming sign under this article be amortized for a period of longer than seven (7) years.

(5) On or before the end of the amortization period as determined by the Zoning Administrator, the owner or person responsible for the said sign shall cause the same to be removed, or to comply with the provisions of this article. Except for maintenance, there shall be no alteration of the sign during the established amortization period, and at any time said sign requires repairs or alterations of more than fifty (50) percent of its then remaining economic value, then said sign shall immediately become unlawful and shall thereupon be made to conform to the requirements of this article, or be removed by the owner or person responsible for said sign.

(6) An appeal of the decision of the Zoning Administrator concerning the period of amortization for a non-conforming sign may be taken by any person aggrieved thereby to the Board of Adjustment. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Board shall hear the appeal as provided in Code of Alabama 1975, Section 11-52-80, and as specifically empowered under Code of Alabama 1975, Section 11-52-80 (d) (1) and Article 92 of this ordinance (Ordinance No. 63-93, as amended). Upon such appeal, the Board shall consider any relevant factors, including those presented to the Zoning Administrator, and establish, according to its findings, the time during which said non-conforming sign shall be allowed to remain under the provisions of this ordinance. It shall not be necessary for the applicant to show any hardship or to qualify for a special exception under this ordinance to secure relief under this article.

(7) Any person or persons aggrieved by a decision of the Board of Adjustment may appeal the decision to the Circuit Court of Madison County, Alabama, as provided in Code of Alabama 1975, Section 11-52-81, and by Section 92.7 of this ordinance, as amended.

72.7.3 A non-accessory ground sign which is located between five hundred (500) and one thousand (1000) feet from the nearest other such sign on or along the same side of the street or highway, or between one thousand (1000) and two thousand (2000) feet from the nearest other such sign on or along the same side of the street or highway in a Highway Business C-4 district and along interstate highways, which was prior to the adoption of this article a conforming sign in all other respects, is a permitted sign until it is removed or until said sign requires repairs or alterations of more than fifty (50) percent of its then remaining economic value.

72.7.4 A non-accessory ground sign which is located nearer than one hundred (100) feet from any street intersection with another street, which sign was, prior to the adoption of this article, a conforming sign in all other respects, is a permitted sign until it is removed or until said sign requires repairs or alterations of more than fifty percent (50%) of its then remaining economic value.

72.7.5 A ground sign which is mounted at least eight (8) feet from ground level at the base of said sign and which does not exceed thirty-five (35) feet in height above the adjacent ground and which was at the time of its construction in conformance with all the setback provisions of the Zoning Ordinance, is a permitted sign until it is removed or until said sign requires repairs or alterations of more than fifty percent (50%) of its then remaining economic value.

72.7.6 A non-accessory ground sign which is located within a three hundred (300) foot radius of any other non-accessory ground sign, which sign was, prior to the adoption of this article, a conforming sign in all other respects, is a permitted sign until it is removed or until said sign requires repairs or alterations of more than fifty percent (50%) of its then remaining economic value.

72.7.7 Signs permitted in Sections 72.7.2, 72.7.3, 72.7.4, 72.7.5, and 72.7.6 are declared to be incompatible with permitted uses in the districts affected thereby. The intent of this article is that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for other uses prohibited in the same districts.

72.7.8 If application of this ordinance requires compensation under the Federal Highway Beautification Act, now codified as 23 USCS Section 131, as amended, with respect to the removal or downsizing of any sign, then such compensation, if required, shall be paid by the appropriate federal and state authorities as specified in the act. If, at the time conformity or removal is required under this section, federal and state funds are not available as provided under the Federal Highway Beautification Act, such non-

conforming signs will be permitted to remain until compensation becomes available.

If application of this ordinance does not require compensation under the Federal Highway Beautification Act, then at the time any sign is required to conform or be removed pursuant to this section, such sign must be brought into conformity or removed without compensation. (87-177, 87-312, 89-324, 07-460)

72.8 - Setbacks

No sign shall be erected within the front, side or rear yard setback unless otherwise provided herein except for ingress and egress signs, as required by this ordinance for structures unless the lowest point of the sign display is mounted at a height of at least eight (8) feet above the ground and no more than two poles or columns are used, neither of which shall exceed twenty-four (24) inches in diameter. No part of any sign shall be erected closer than ten (10) feet to any overhead electric, cable, telephone or other transmission line nor closer than five (5) feet to any property line unless otherwise provided herein. No part of any sign shall be erected within nor protrude into any public right-of-way or utility easement except as provided for in Sections 72.4.3, 72.4.8 and 72.4.11. (87-177, 92-6, 07-1194)

72.9 – *Section vacant* (99-206)

72.10 - Inspection

All signs in the City of Huntsville for which permits are required under this ordinance shall be subject to an annual inspection by the Zoning Administrator. Such inspection shall take place beginning immediately after the adoption of this ordinance and thereafter shall be conducted annually. (87-177, 07-460)

72.11 - Maintenance

All signs shall be maintained in safe condition, free from damage or the results of excessive weathering. At any time the Zoning Administrator shall find that any permitted sign is in a bad state of repair, or is in danger of falling, or presents a hazard from electrical shock or fire, or at any time a permitted sign is found to be in such bad state of repair or maintenance as to adversely affect the property values in the surrounding neighborhood, then said Zoning Administrator shall make and enter an order directed to the owner or person in charge of said sign commanding its removal or its repair or maintenance as therein stated. Any orders issued under this section shall be subject to an appeal to the Board of Zoning Adjustment in the same manner as other appeals are taken to said Board. The Board of Adjustment is hereby empowered to hear said appeal and to make and enter an order directing the repair or maintenance of said sign upon a finding by said Board that the condition of the sign, due to lack of maintenance, or disrepair, is a nuisance and adversely affects the property values in the surrounding neighborhood. Appeals from the Board of Zoning Adjustment shall lie to the Circuit Court in the same manner as all other appeals. It shall be unlawful for any person to continue to maintain any sign contrary to the orders of the Zoning Administrator under this section, except during the time that such order is under appeal to the Board of Adjustment or to the Circuit Court as provided herein. (87-177, 07-460)

72.12 - Exceptions and Exemptions

This ordinance shall not apply to any signs erected and maintained pursuant to and in discharge of any government function, or required by any law of governmental function. (87-177)

72.13 - Severability

Should any section or provision of this ordinance be held void or invalid, it shall not affect the validity of any other section or provision thereof which is not of itself void or invalid, it being the purpose and intention of the City Council to enact each separate section and/or sub-section separately. (87-177)

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*72-24, 85-94, 85-595
*87-177, 87-312, 87-316, 88-192, 89-324, 91-109, 92-6, 92-74, 95-91, 95-413, 96-336, 98-52, 99-206, 05-013, 05-860, 06-640, 06-732, 06-826, 06-697, 06-1201, 07-460, 07-1194, 08-531, 09-831

ARTICLE 73 SUPPLEMENTARY REGULATIONS AND MODIFICATIONS

The provisions of this Zoning Ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations:

73.1 - Uses: Accessory and Temporary

73.1.1 Accessory Uses

(1) An accessory use is defined as a use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use permitted on such lot. This definition includes but shall not be limited to such customary home occupations as the offices of a doctor, lawyer, architect, notary, artist, dressmaker, the taking of not more than three boarders and the leasing of not more than three rooms.

(2) Accessory uses permitted in residential districts must adhere to the following requirements:

(a) Accessory uses shall be engaged in the main building only and shall be conducted only by one person resident in said building.

(b) The floor area designed or used for such accessory use shall not exceed the following percentages of total floor area of the dwelling unit:

20% for Residence 1 and 1-A Districts
25% for Residence 1-B and 1-C Districts
30% for Residence 2, 2-A and 2-C Districts
35% for Residence 2-B District

(c) There shall be no external evidence of such accessory use or customary home occupation except one sign, not larger than two square feet in area, may be displayed provided such sign must be directly attached to the residence and must not be illuminated.

(3) Private swimming pools constructed in a residential district shall be located in the rear yard and shall be at least five (5) feet from any other structure and a minimum of five (5) feet from all property lines.

(4) Child Care and Group Child Care Homes

A child care home shall be permitted in all zoning districts permitting residences, and a group child care home shall be

permitted in Residence 2-B districts, provided that:

(a) The dwelling and lot conform to all applicable regulations for the zoning district;

(b) The child care activity does not utilize an accessory structure;

(c) An off-street drop-off/pick-up area is provided if the facility is located on a major street;

(d) The facility displays only one sign, not larger than two square feet in area, attached directly to the residence and not illuminated; and

(e) A copy of the license issued by the Department of Human Resources is filed with the Zoning Administrator.
(63-93, 66-88, 84-254, 91-18, 07-460)

(5) Photovoltaic Solar Energy System, On-Site

A photovoltaic solar energy system ("solar energy system") is permitted in all zoning districts as an accessory use to a principal use except in the case of a non-residential use in a residential zoning district. A solar energy system as an accessory use to a non-residential use in a residential zoning district requires a Special Exception. A solar energy system is considered an accessory use when the power generated from the solar energy system is equal to or less than the expected power usage of the principal use and any other accessory use on the property based on Huntsville Utilities Electric Department estimates. The installation and construction of a solar energy system shall be subject to the following development and design standards:

(a) A solar energy system shall provide no more electricity than is needed for the principal use and/or accessory use of the lot on which the solar energy system is located and shall not be used for the generation of energy for the sale of energy to users other than the homeowner's primary supplier of electricity.

(b) The owner of a solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

(c) A solar energy system may be roof mounted, pole mounted or ground mounted.

(d) A roof mounted system may be mounted on a principal building or accessory building. A roof

mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height, as the case may be, that is specified for the building type in the applicable zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof. For purposes of the height measurement, solar energy systems other than building integrated systems shall be considered to be mechanical devices and are restricted consistent with other building mounted mechanical devices.

(e) A ground mounted or pole mounted system, measured when oriented at maximum design tilt, shall not exceed the maximum building height for accessory buildings in the applicable zoning district.

(f) Ground mounted and pole mounted solar energy systems shall be located so that any glare is directed away from an adjoining property.

(g) In residential zoning districts, no portion of a solar energy system shall be located within or above any front yard.

(h) In a non-residential zoning district, no portion of a solar energy system shall be located within or above any required front yard.

(i) In all zoning districts, the minimum solar energy system setback distance from the side and rear property lines, measured when the system is oriented at minimum design tilt, shall be equivalent to the building setback or accessory building setback requirement of the applicable zoning district.

(j) All electrical lines/utility lines shall be buried underground.

(k) For ground mounted and pole mounted solar energy systems, screening, capable of providing year round screening, shall be provided along the non-reflective sides of the solar collection device or collection of systems.

(l) The installation of a solar energy system shall not cause to apply the requirements of Article 70 -- Off-Street Parking and Loading Requirements or of Article 71 -- Off-Street Parking and Vehicular Use Area (PVA) Landscaping Requirements.

(m) Any solar energy system that has not been in use for its original purpose for a period of one hundred and

eighty (180) days shall be deemed to be abandoned. The solar energy system owner and/or the property owner shall have an additional ninety (90) days to remove the abandoned solar energy system and any appurtenant structures or to reactivate the solar energy system.
(12-466A)

73.1.2 Temporary Uses

(1) Temporary structures, including portable storage structures, incidental to construction of buildings or structures with an active building permit are allowed provided such structures shall be removed following completion or abandonment of such construction.

(2) A temporary real estate sales office is permitted in a subdivision during the development of such subdivision provided its use relates only to the subdivision in which it is located and provided it shall be removed after the subdivision is developed. (63-93)

(3) One portable storage structure may be placed on a residential lot without an active building permit subject to the following conditions and limitations:

(a) Prior to placement of the portable storage structure on the lot, the property owner shall apply for and obtain a Portable Storage Structure Permit from Zoning Administration; and

(b) Multi-family dwellings are allowed one portable storage structure per dwelling unit and the portable storage structures shall not be placed in required parking spaces or in required landscaped areas; and

(c) The permits for the portable storage structures shall be conditional permits and each residential lot is limited to a maximum of three (3) thirty (30) day permits within any twelve (12) month period; and

(d) The portable storage structure shall not exceed one hundred and sixty (160) square feet in area and ten (10) feet in height; and

(e) The portable storage structure shall be set back a minimum of ten (10) feet from the front property line and a minimum of five (5) feet from the side and rear property lines and a minimum of five (5) feet from all other structures on the property and if placed in a front yard shall comply with the safe sight distance triangle regulations which are defined by the adopted

standards of the American Association of State Highway and Transportation Officials (AASHTO); and

(f) The portable storage structure shall not encroach on public property or public rights-of-way; and

(g) No mechanical, plumbing or electrical installations or connections are to be made to the portable storage structure; and

(h) The portable storage structure shall have clearly posted on the exterior of the unit a copy of the current permit issued for the portable storage structure, and the date the portable storage structure was placed at the site; and

(i) The conditional permit approval for the portable storage structure may be revoked by the Zoning Administrator at any time should the property owner's utilization of such portable storage structure result in unsafe or unsanitary conditions on the site or upon violation of any of the conditions or limitations stated herein. (08-529A)

73.2 - Fallout Shelters

73.2.1 Fallout shelters for unlimited occupancy are permitted as a principal or accessory structure in any business or industrial district.

73.2.2 Fallout shelters operated by a local, state or federal governmental agency may be located in any district.

73.2.3 Above ground shelters intended for occupancy by not more than two families are permitted in any district as an "accessory structure" subject to the requirements of Section 73.7 hereof.

73.2.4 Underground shelters intended for occupancy by not more than two families are permitted at any location in any yard notwithstanding other provisions of this ordinance, provided the structure or its overburden does not exceed thirty (30) inches above the natural grade of the yard.

73.2.5 Fallout shelters intended for occupancy by more than two families may be permitted as Special Exceptions in accordance with Section 92.5.2 hereof, in cases where such use would not be damaging or injurious to surrounding land uses.

73.2.6 Nothing in this ordinance shall be construed to prohibit the multiple use of a fallout shelter with other permitted uses of the district in which it is located. (63-93)

73.3 - Trailers

73.3.1 All trailers except as hereinafter provided shall be located in approved trailer parks regardless of whether or not such trailer is occupied.

73.3.2 *Section vacant* (92-2)

73.3.3 Trailers may be temporarily parked and used as a bona fide construction office and the quarters of a lone night watchman at the construction site provided a Construction Office Trailer Permit is secured from the Zoning Administrator.

73.3.4 Office trailers are permitted in industrial districts only as bona fide sales or rental offices for only the following uses: trailer sales, new and used car sales and trailer park rental. (63-93, 66-88, 92-2)

73.4 - Future Street Lines

Any lot intercepted by a future street line as indicated on the duly adopted Major Street Plan, or as the same may be hereafter amended, shall protect and preserve such future street line by considering the same to be the lot line for the purposes of establishing minimum required yards, minimum required lot area, minimum required lot width, and maximum building area of such lot. If such Major Street Plan established a greater front yard requirement than contained in this ordinance, then such greater front yard requirement shall be required. (63-93)

73.5 - Rear Dwelling Prohibited

No dwelling shall be erected on a lot which does not abut on at least one street for at least twenty (20) feet.

No building in the rear of a main building on the same lot may be used for residential purposes. (63-93)

73.6 - Dual Occupancy or Uses

No building or structure may be used for residential purposes when said building or structure's primary purpose is used for office or other non-residential uses, except in an in a Neighborhood Business C-1 District when in compliance with Section 20.1.1 (Residential dwelling units); an Office District; a Planned Development-Housing District; a Central Business C-B District; or a General Business C-3 District. (66-88, 79-390, 02-196, 06-732, 06-1201, 11-899)

73.7 - Yards

73.7.1 Projecting architectural features. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves, chimneys and other architectural features provided that such features shall not project more than two feet into any required yard. (09-1053)

73.7.2 Porches. Any porch or carport having a roof shall be considered a part of the building for the determination of the size of yard or lot coverage.

73.7.3 Terraces. A paved terrace shall not be considered in the determination of yard sizes or lot coverage provided that such terrace is unroofed and without walls or parapets or other forms of enclosure. Such terrace, however, may have an open guard railing not over three feet high and shall not project into any yard to a point closer than two feet from any lot line.

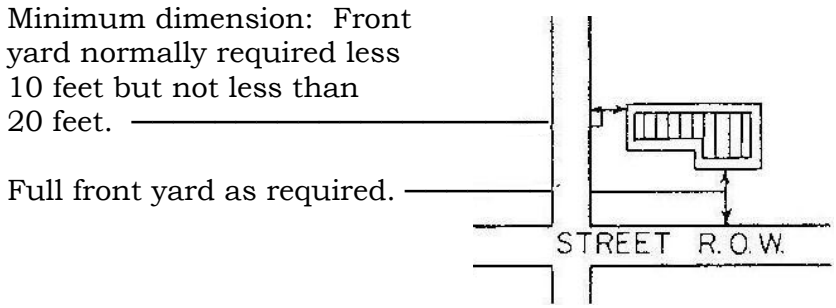
73.7.4 Front yards. Where the developed lots within one hundred (100) feet on the same side of the street of any undeveloped lot have a greater or lesser front yard than required herein, the front yard of such undeveloped lot shall be within five (5) feet of the average front yard; provided no front yard shall be less than twenty (20) feet except in a Residence 1-C district, and further provided this section shall not apply to lots fronting on major streets as established by the Major Street Plan. (01-644)

73.7.5 Front yards required in business districts may contain pump islands of service stations provided such pump islands are a minimum of fifteen (15) feet from all front property lines, except that covers for such pump islands, whether attached or unattached to the main building, may extend five (5) feet from the center of the said pump island.

73.7.6 Rear yards may contain accessory buildings provided such buildings must comply with Section 73.8 hereof.

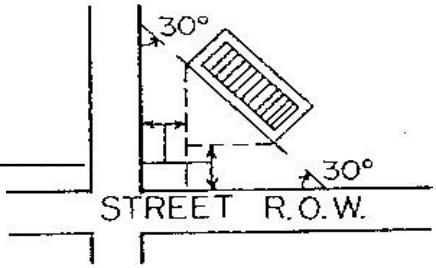
73.7.7 Corner lots in residential districts have two front yards.

(1) Houses whose fronts are oriented parallel to a street shall maintain required front yard on such street. The front yard on the remaining street may be ten (10) feet less than the normal front yard required provided it is not less than twenty (20) feet to the nearest point on the street line.



(2) Corner lots having houses oriented at an angle of 30 degrees or more to abutting streets may have five (5) feet less than the normally required front yard on each street provided the house shall not be situated closer than twenty (20) feet to the nearest point of any street line.

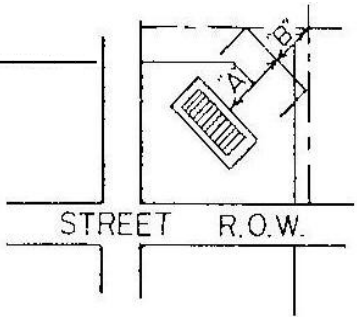
Minimum dimensions: Front yard normally required less 5 feet but not less than 20 feet.



(3) Triangular portions of rear yards may count as one-half foot for each foot of its altitude; the base of such triangle being parallel to the house and intercepting a lot line.

Dimension "A" counts as full value toward required rear yard.

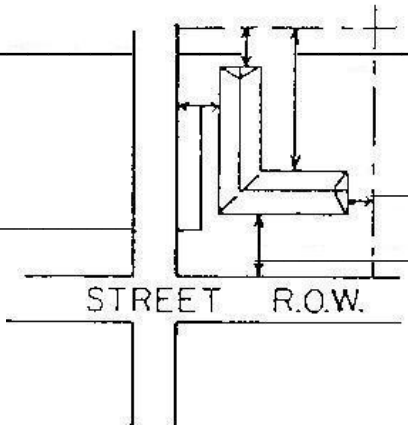
Dimension "B" counts as half value toward required rear yard.



(4) "L" shaped houses oriented on corner lots as shown in the following diagram shall have the minimum required yards as illustrated.

Full required side yard

Full yard normally required less 10 ft. but not less than 20 ft.



Full required rear yard

Full required side yard

Full required front yard

73.7.8 <u>Office buildings</u> of not more than two (2) stories located on corner lots in Residence 2-B districts, Neighborhood Business C-1 and C-2 districts, and Light and Heavy Industry districts shall be required to have the following yards:

(1) One front yard of required depth;
(2) One front yard ten (10) feet less than the required front yard but not less than fifteen (15) feet;
(3) One rear yard of required depth; and
(4) One side yard of required depth.

Placement of the required front yard does not necessarily determine the placement of the front door. This regulation shall not be construed as voiding corner restrictions for other districts or corner visibility requirements. (63-93, 66-88, 01-644)

73.8 - Location of Accessory Structures on Residential Lots

Accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following regulations:

73.8.1 No accessory structure shall be erected in any front yard or any required side yard except underground fallout shelters provided for under Section 73.2 hereof. Accessory structures shall not exceed two (2) stories in height and shall not cover more than thirty percent (30%) of any required rear yard and shall be at least five (5) feet from all lot lines and ten (10) feet from any other structure on the same lot. (09-1053, 11-899)

73.8.2 On corner lots, detached residence accessory structures (except underground fallout shelters) shall not be located closer to a street than the minimum building line. (63-93)

73.9 - Height Modifications

73.9.1 Except as provided in Sections 73.9.2 and 73.20 hereof, the height limitations of this ordinance shall not apply to church spires, barns, silos, monuments, missiles, flag poles, antennas, penthouses and domes not used for human occupancy, nor to chimneys, water tanks, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area twenty percent (20%) of the ground floor area of the building.

73.9.2 Airport Obstruction Zoning. Where the height provisions of this ordinance are less restrictive than the height provisions of the Airport Obstruction Zoning Ordinance, as herein defined, the provisions of the Airport Obstruction Zoning Ordinance shall apply.

73.9.3 Obstruction Marking and Lighting. All obstructions as defined by the Civil Aeronautics Board publication "Obstruction Marking and Lighting" shall be marked and lighted as specified by said publication at the owner's expense. (63-93, 96-1008)

73.10 - Corner Visibility

On a corner lot in any district except the General Business C-3 District and Central Business C-B District, no fence, wall, hedge, structure, or planting, or other obstruction to vision between the heights of two and one-half (2 1/2) feet and fifteen (15) feet above street level shall be erected, placed, or maintained within the triangular area formed by the intersection of street lines with a straight line joining said street

lines at points which are defined by the adopted standards of the American Association of State Highway and Transportation Officials (AASHTO). (63-93, 66-88)

73.11 - Curb Cuts; Driveways

All curb cuts or driveway entrances to major streets shall be constructed only after the City Traffic Engineer and the Engineer of Public Works have ascertained that the proposed construction would not create a traffic hazard, would not create a drainage problem, and would not be detrimental to proposed improvements to said major street. Notwithstanding, any curb cut or driveway entrance shall meet all city engineering specifications. (63-93, 66-88)

73.12 - Access

No structure shall be erected on a lot that does not abut on and have legal access to at least one street for the minimum frontage distance required by the zoning district; if no street frontage is specified, then the minimum street frontage shall be twenty (20) feet.

Notwithstanding other provisions of this ordinance, the Planning Commission shall have the discretion and authority to require that each use to which land is put in the City of Huntsville have sufficient means of access to serve the particular needs of the land affected prior to the approval by the Planning Commission or prior to the issuance of a building permit. (66-88, 96-259)

73.13 - Multiple Family Dwellings (Apartment Buildings)

Plans for proposed multiple family dwellings containing two or more buildings which are located on a parcel of land not subdivided into the customary streets and lots, or which contain a building not oriented so the main entrance(s) directly faces a street, shall be presented to the Planning Commission for review. The Commission shall make certain the proposed development meets the following requirements:

73.13.1 The proposed development shall be compatible with requirements and intent of the Subdivision Regulations relative to access, drainage, utilities, and major streets.

73.13.2 Sidewalks not less than four (4) feet wide are required in the project area leading from all front and rear doors to streets. Sidewalks are also required along all property of the project abutting streets.

73.13.3 Off-street parking spaces shall be provided as follows:

One and one-half spaces for each dwelling unit.

73.13.4 The following density controls are required:

(1) Residence 2-A District:

(a) 8,000 square feet of land area for the first two dwelling units; 3,000 square feet for each additional dwelling unit; provided however, such required land

area must be exclusive of public or private vehicular access ways but may include parking space.

(b) Closest permitted distance between any two buildings shall be fourteen (14) feet for one-story buildings; sixteen (16) feet for two-story buildings.

(c) Minimum distance from an apartment building to a parking space shall be ten (10) feet.

(d) Minimum distance from the front of an apartment building shall be fifty (50) feet to a major arterial and thirty (30) feet to other public streets.

(e) On corner lots, the minimum distance from the side of an apartment building shall be fifty (50) feet to a major arterial and twenty-five (25) feet to other public streets.

(f) Minimum distance from side of apartment building to side property line shall be eight (8) feet for one story buildings; ten (10) feet for two-story buildings.

(g) Minimum distance from rear of apartment building to side property line shall be thirty-two (32) feet without a buffer; twenty-seven (27) feet if a buffer is provided.

(h) Minimum distance from either rear or side of apartment building to rear lot line shall be thirty-five (35) feet.

(i) Minimum distance from front of apartment building to front of another apartment building shall be forty (40) feet.

(j) Windows in all apartment buildings shall have not less than a thirty (30) foot view (measured perpendicularly from the window) unobstructed by other buildings located on the same parcel of land.

(2) <u>Other districts permitting multiple family dwellings</u>:

(a) 6,000 square feet of land area for the first two dwelling units; 2,000 square feet for each additional dwelling unit; provided however, such required land area must be exclusive of vehicular access ways but may include parking space.

(b) Closest permitted distance between any two apartment buildings shall be ten (10) feet for one-story buildings; fourteen (14) feet for two-story buildings.

(c) Minimum distance from an apartment building to a parking space shall be eight (8) feet.

(d) Minimum distance from the front or side of an apartment building shall be fifty (50) feet to a major arterial and twenty (20) feet to other public streets.

(e) Minimum distance from side of apartment building to side property line shall be seven (7) feet for one-story buildings; eight (8) feet for two-story buildings.

(f) Minimum distance from rear of apartment building to side property line shall be thirty (30) feet without a buffer; twenty-five (25) feet with a buffer.

(g) Minimum distance from either rear or side of apartment building to rear lot line shall be twenty-five (25) feet.

(h) Minimum distance from front of one apartment building to front of another apartment building shall be thirty (30) feet.

(i) Windows in all apartment buildings shall have not less than a twenty-foot view (measured perpendicularly from the window) unobstructed by other buildings located on the same parcel of land. (63-93, 86-522, 93-536)

73.14 - Residential Parking Modifications

For the purpose of this section, parking means the keeping, on a residential lot, of a vehicle regularly used or owned by a member of the residential household. A motorized vehicle that does not have a current license registration or tag is deemed to be stored only and shall not be parked in a residential yard. The following provisions of this section shall not apply to passenger automobiles or passenger vans or pickup trucks.

73.14.1 The parking of a truck, bus, or commercial vehicle greater than three-quarter ton or 9,000 pounds gross vehicle weight rating (GVWR) shall not be permitted on any residential lot, except that a truck, bus, or commercial vehicle not greater than one and one-half tons or 16,000 pounds GVWR may be parked in a fully enclosed accessory structure on a residential lot. This provision includes bus conversions.

73.14.2 Refrigeration units and generators attached to vehicles shall not be operated while such vehicles are parked on a residential lot.

73.14.3 All motorized vehicles shall be parked off-street, not within nor overhanging any right-of-way, and shall not obstruct vision with respect to traffic entering or exiting any adjoining or nearby driveway or street, nor obstruct any pedestrian walkway.

73.14.4 The occupancy of any motor home, camping trailer, or similar vehicle designed or intended for occupancy is prohibited while such vehicle is parked on a residential lot.

73.14.5 All vehicles that fail to comply with Section 73.14.1 shall be removed by the owner or person responsible for same within 90 days after the

effective date of this ordinance, and thereafter it shall be unlawful to maintain such vehicles on a residential lot except in conformity with this ordinance.

73.14.6 No variances from Section 73.14 shall be permitted. (63-93, 92-2, 02-1005)

73.15 - Front Yards along Major Arterials

A minimum setback of fifty feet, of which the first ten feet for all non-residential uses shall be landscaped and maintained shall be required along all major arterials, as defined in the Major Street Plan, unless the applicable zoning regulations require a greater setback; provided however, that residential uses that do not derive their access from the major arterial shall be excluded from this provision. In addition:

73.15.1 Exterior storage of materials shall be in the side and rear yards only and shall be contained and screened by fencing or landscaping in such a manner as to be neat in appearance when viewed from any street. No exterior display of products or merchandise is permitted in the required front yard except for sales of farm equipment, new and used cars, trailers, recreational vehicles, and mobile homes, and these uses shall not be permitted in the first ten feet of the required front yard.

73.15.2 Off-street parking spaces are not permitted in the first ten feet of the required front yard as measured from the arterial right-of-way. Areas used for parking of motor vehicles shall be paved or surfaced with at least four inches of limestone.

73.15.3 All businesses offering merchandise of any description for sale or rent shall have a permanent sales building on the lot except as provided in Section 73.15.4.

73.15.4 The temporary, seasonal sale of perishable farm products is permitted so long as all evidence of such operations is removed from the premises each night and such operations are not conducted in any part of the required front yard.

73.15.5 The first ten feet of the required front yard shall be landscaped with at least an average of one tree and five shrubs per each fifty linear feet of frontage or portion thereof and the area shall be planted with a permanent evergreen ground cover. Shrubs are optional in areas where a berm at least three feet in height is used and the berm is planted with a permanent evergreen ground cover. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.

(1) All landscaping shall be installed in accordance with Section 73.19 - Installation of Landscaping.

(2) All required landscaping shall be maintained in a neat, healthy and growing condition; all unhealthy or dead plants shall be replaced by the next growing season with plants that conform to these regulations.

73.15.6 Where these regulations conflict with other applicable zoning provisions, the more stringent shall apply. (86-522, 98-104)

73.16 - The Land Use Intensity (LUI) System - Standards, Definitions, Methods of Measurement, General Requirements and Limitations

In certain districts, and for specified uses in other districts, special forms of regulation based on the land use intensity (LUI) system and related controls apply. Standards relating to this system, definitions, methods of measurement, and general requirements and limitations are as follows:

73.16.1 Definitions and Methods of Measurement Relating to Standard LUI Ratios - Requirements and Limitations: The following definitions and methods of measurement shall be used in the districts and for the uses regulated under the LUI system. Except where application to other uses is specifically indicated, floor area, open space, livability space, and recreation space ratios shall be applied only to such land area, floor area, open space, and related elements as are allocated for residential uses and accessory uses incidental to and compatible with residential uses.

(1) Gross Land Area for PD Districts: Gross land area of PD districts shall be computed as all land (except that to be devoted to non-residential purposes) within district boundaries, plus one-half of adjoining permanent open space such as streets, parks, lakes, cemeteries, streams, and the like; provided width of adjoining open space credited shall not exceed in number of feet the numerical LUI rating for the district unless otherwise specified. Computations involving such open space shall be as provided for in Section 3.1 - Lot, Area for gross area of lots.

Gross land area of PD districts shall not be construed to include lands not beneficial to residential use due to location or character, or areas used predominantly for commercial or other non-residential purposes.

As a further guide, where floor area of a building is predominantly in residential use, the building site shall be included in residential land area (as, for example, in the case of a multi-family structure with ten percent (10%) of its floor area in accessory commercial and service uses). (82-122, 84-619)

(2) Residential Floor Area, Defined; Inclusions and Exclusions; Maximum Limitation: Residential floor area is the sum of areas for residential use on all floors of buildings, measured from the outside faces of the exterior walls, including interior halls, lobbies, stairways, elevator shafts, enclosed porches and private balconies, and below-grade floor areas used for habitation and residential access.

Not countable as residential floor area are:

Open terraces, patios, atriums, or balconies; carports, garages, breezeways, tool sheds; exterior access ways serving more than one unit; special purpose areas for common use of occupants, such as recreation rooms or social halls; staff space for therapy or examination in care housing; basement space not used for living accommodations; or any commercial or other non-residential space.

Maximum residential floor area shall not exceed the number of square feet derived by multiplying gross land area by the floor area ratio (FAR) applying. (82-122)

(3) Open Space Defined; Inclusions and Exclusions; Minimum Requirements: Open space is the total horizontal area of uncovered open space plus half the total horizontal area of covered open space subject to limitations set forth below.

Uncovered open space is total gross land area not covered by buildings, plus open exterior balconies and roof area improved as recreation space.

Covered open space is open space closed to the sky, suitable and designed for use as open space and/or livability or recreation space. Such space shall have not less than twenty percent (20%) of its perimeter open or partially open. "Partially open" is to be construed as having at least fifty percent (50%) open and unimpeded by visually opaque material. Examples of covered open space are covered balconies, covered portions of roof area, or spaces under buildings supported by posts, columns, or cantilevers. The square feet countable as covered open space shall not exceed the square footage of the open or partially open sides.

Minimum open space required shall be not less than the number of square feet derived by multiplying gross land area by the open space ratio (OSR) applying. (82-122)

(4) Livability Space Defined; Inclusions and Exclusions; Minimum Requirements: Livability space is space including lawns and other landscaped areas, walkways, paved terraces and sitting areas, outdoor recreation areas, and landscaped or sidewalk portions of street rights-of-way, appropriately improved and located for outdoor use by occupants and visitors, for safety and convenience, and for aesthetic appeal. Such space shall not be used by vehicles except for emergency actions.

Minimum livability space required shall not be less than the number of square feet derived by multiplying gross land area by the livability space ratio (LSR) applying to the land use intensity. (82-122, 84-619)

(5) Recreation Space Defined; Inclusions and Exclusions; Minimum Requirements: Recreation space, part of total and livability open space, is exterior area appropriately improved for common recreational use.

Active recreation space (swimming pools, shuffleboard courts, tennis courts, tot lots, and the like) for common use shall be a minimum of forty (40) feet from any residential window at the same level, and this distance may be increased as required in particular circumstances. Both active and passive recreation space (with the latter consisting of walkways, sitting areas, and the like) for common use shall be so located, designed, screened, and buffered as to minimize potential adverse effects on privacy or tranquility of nearby residential units. In the case of active recreation space, character, hours of use, and lighting shall be considered in establishing any special conditions and safeguards.

Recreation space may be located at ground level, or on suitably improved roof, terrace or balcony levels.

Minimum recreation space required shall be not less than the number of square feet derived by multiplying gross land area by the recreation space ratio (RSR) applying. (82-122, 82-295, 84-619)

(6) Car Space Defined; Requirements: Occupant car space is garage, carport, or other off-street parking space, together with appropriate access and maneuvering ways, available to residents without time limits.

Total car space is occupant car space plus other parking space available for unlimited or seldom limited time periods, primarily for guests. Where curb parking on streets is permissible, and likely to remain so, part or all of such other parking space requirements may be met by such curb parking.

The occupant car ratio (OCR) and total car ratio (TCR) for the applicable land use intensity times the number of dwelling or lodging units equals the number of occupant and total parking spaces required, except in districts where lodging unit requirements are otherwise specified. (82-122)

73.16.2 Open Space and Building Spacing: Yards, courts and other open spaces required herein in relation to structures or portions of structures are intended to perform a variety of functions. Among these (as appropriate to and required by the uses involved and their location) are assuring adequate privacy; desirable outlook; natural light and ventilation; access to and around buildings; off-street parking and loading spaces and services areas; space for

landscaping; spacing between buildings and portions of buildings for reducing potential adverse effects of noise, odor, glare, or hazards from fire; and recreational space near buildings.

These regulations, supplementing others set forth elsewhere in this ordinance, shall apply to yards, courts, other open spaces and building spacing in particular districts, or in relation to particular uses, as specified in regulations relating to such districts or uses. (82-122)

73.16.3 Rules Concerning Location and Use of Open Space

(1) Except in the case of fixed yards required adjacent to streets or lot lines, or as otherwise specified in regulations for particular districts, required yards and courts relating to residential uses controlled by these regulations need not be at ground level if, and to the extent that, in other locations their functions, nature, orientation, areas, access, and improvements are appropriate to uses within the buildings and adjoining buildings, and particularly to adjacent uses at the same level of the building and overviewing uses in the same or nearby buildings. (82-122)

(2) Where lots or building sites adjoin permanent open space in parks, common open space, or other open space, excluding streets or drives, intended to remain so for perpetuity, half of the width of such open space shall be included in meeting building spacing requirements subject to the following limitations and exceptions:

(a) Where walls containing primary or secondary windows at or below the third story level face parking areas for ten (10) or more cars, the full dimension of the required yard shall be provided and no such dimension shall include any portion of the parking area. Where such walls rise from decks of buildings, the third story level shall be construed to be the third story level above such decks.

(b) Where walls containing primary or secondary windows at or below the third story level face other permanent off-site open space which is likely to be of a nature adversely affecting privacy or tranquility of residential occupancy, then the full dimension of the required yard or open space shall be provided and no such dimension shall include any portion of such off-site open space. Where such walls rise from decks of buildings, the third story level shall be construed to be the third story above such decks. (82-122, 84-619, 85-97)

(3) Where lots or building sites are located adjacent to public or private streets or private drives, then the full dimension of the required yard shall be provided from the back of the

curb or pavement edge of a street, except for lots or buildings adjacent to a designated collector or major street in which case a minimum of thirty (30) feet shall be required. (84-619)

(4) Where two or more buildings containing living quarters are to be located on a single lot or tract, building sites pertaining to each shall be identified for determinations concerning compliance with spacing requirements. Open space shall be provided adjacent to lines of the building site as though they were lot lines. (82-122)

(5) Spacing requirements for buildings or portions of buildings containing living quarters shall be based on horizontal length, number of stories, type of windows in walls involved, and orientation of main entrances to living quarters. Distance between walls shall be at least the sum of the depths of the open spaces required for each.

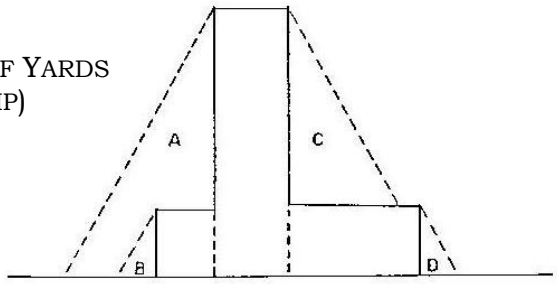
(a) Where portions of buildings contain different numbers of stories, required clearance from lot or building site lines shall be as established for the portion nearest to the lot line, except where spacing required for portions farther from the line is of greater depth, in which case the depth so established is the required clearance from the lot or site line (as projected vertically when space is provided other than at ground level).

Lower portions of buildings may extend into clearance distances required for upper portions if roof areas are appropriately improved in relation to views from the same or higher levels by visual amenities such as landscaping, but such lower portions shall provide clearance to meet their own requirements.

The drawing which follows illustrates these relationships. At the left of the building, the lot or building site line would be required to be at or beyond the point at which the diagonal at A reaches the ground, since the portion of the building to which it relates requires greater spacing than does B. To the right of the building, D requires greater spacing than does C, and would therefore determine the requirement.

PERMITTED OVERLAP OF YARDS
(VERTICAL RELATIONSHIP)

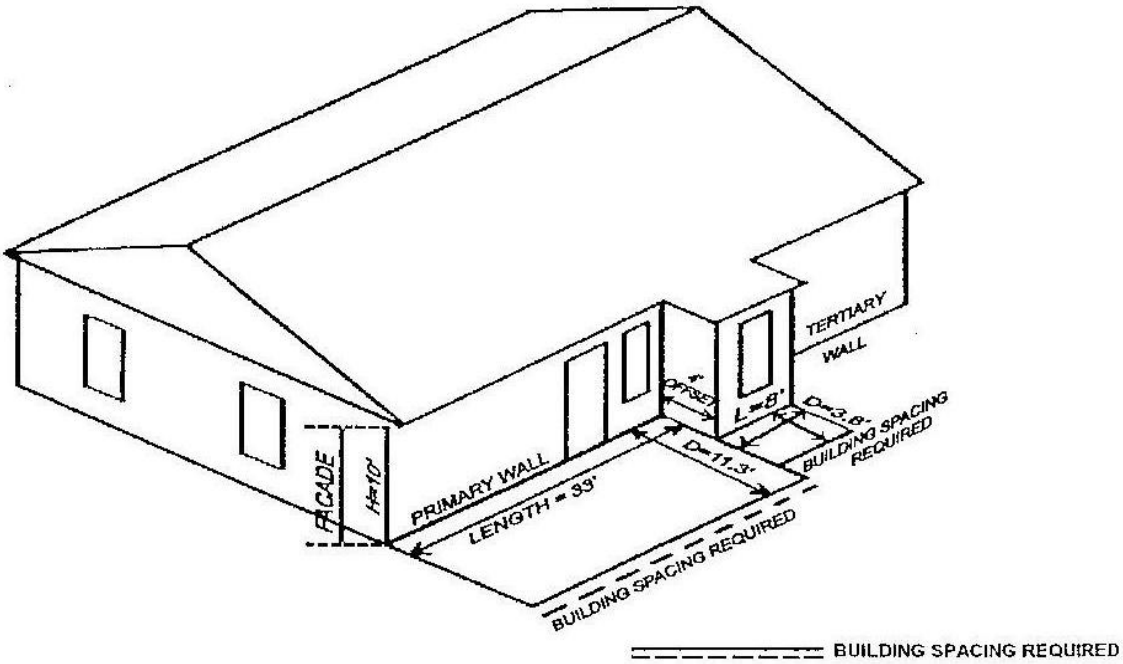
(82-122)



(b) Length of walls shall be measured as the horizontal distance from corner to corner. Where walls in continuous general frontage area offset by setbacks equaling thirty percent (30%) or more of the height of the facade, the length of each segment so set off shall be measured separately in establishing pertinent yard or open space depth, provided that where open, partially open, or enclosed structures devoted to entrances, stair wells, and/or elevator shafts project from the general alignment of a wall, such structures shall not be construed as constituting a break-point in lengths involving building spacing determinations.

Where walls in continuous general frontage enclose portions of buildings varying one story or more in height (as in the illustration above) length of each segment so varying shall be measured separately in computing pertinent yard depth. Length of a curved or irregularly shaped wall shall be construed as the shortest distance between the wall's end corners. Length of the wall of a circular building shall be construed as the diameter of the building.

The drawing which follows illustrates the setbacks required when there is an offset in a wall equaling thirty percent (30%) or more of the height of the facade.



(82-122, 84-619, 85-97)

(c) Height in stories shall be computed as actual number of stories in the wall above ground level, with the following exceptions. Where the wall is along a slope, number of stories shall be construed as the arithmetic mean number, with half a story or more considered as a full story, and less than half a story ignored in computations. When height per story exceeds an average of eleven (11) feet, calculations involved in yard or spacing determinations shall be based on an assumed number of stories derived by dividing building height by ten (10) feet.

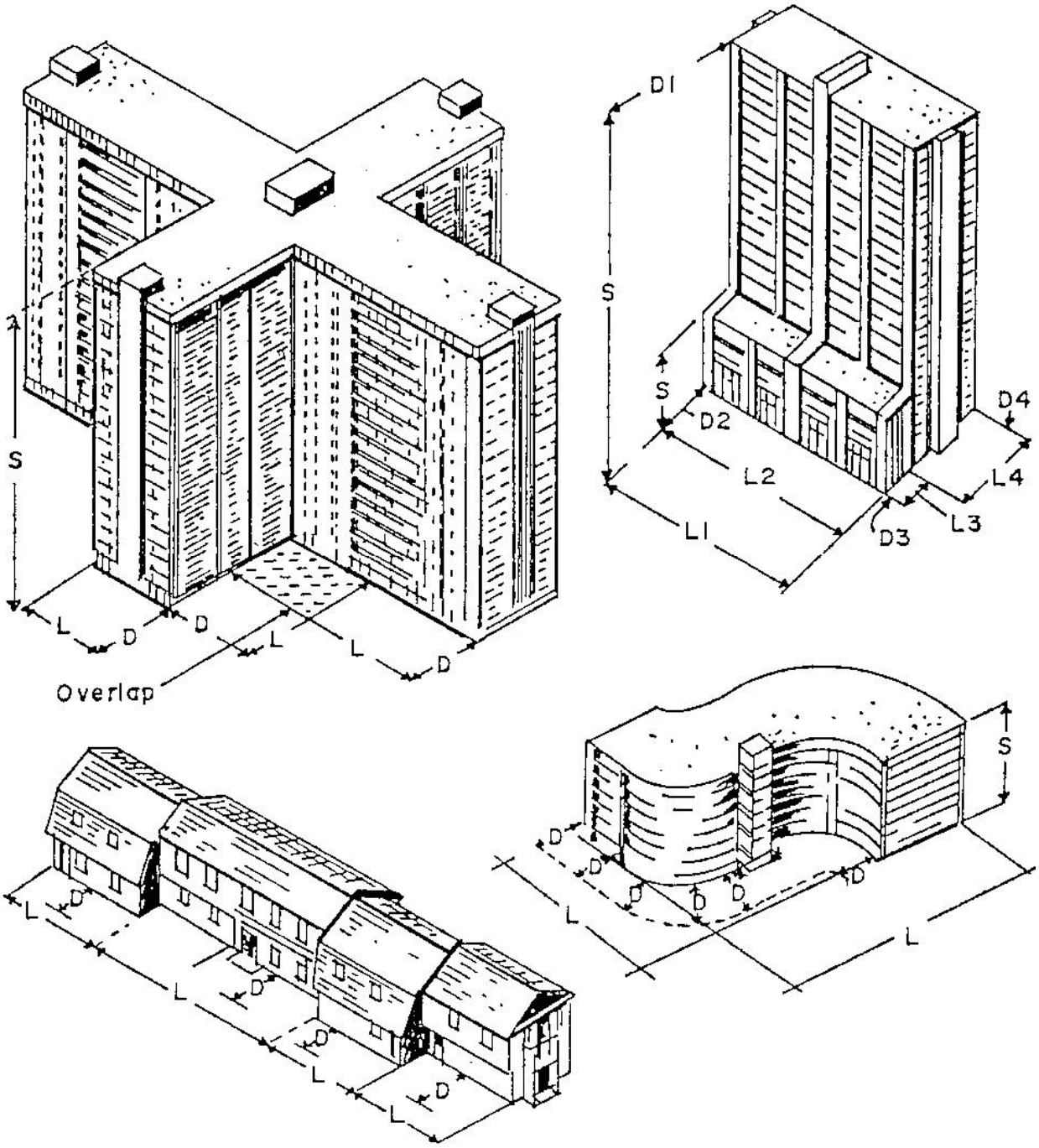
Penthouses, roof shelters, and housing for mechanical equipment shall be ignored in computations involving number of stories except where they are visible from the ground level within two hundred (200) feet of the lot, are ten (10) feet or more in height, and occupy fifty percent (50%) or more of the length of the wall at their bases, in which case an additional story shall be included in computations. On sloped sites, visibility shall be determined from the downhill side or from the sides at the same elevation only. (82-122)

(d) Yard or other open space depth, between exterior building walls and adjacent lot or building site lines (projected vertically where appropriate), shall be measured horizontally in relation to the ground, and perpendicularly to straight walls or radially to curved walls. Distance at all points shall be at least equal to minimum requirements set forth herein, except as provided in Section 3.1 - Court and 3.1 - Yard with regard to architectural and other projections.

Yard space for two walls may overlap where it does not affect the distance between two buildings.

The drawings which follow provide graphic explanation of permissible overlap and methods for measuring length of walls and depth of yards for a variety of building forms.

[ILLUSTRATION ON NEXT PAGE]



YARD DEPTH, BUILDING LENGTH ILLUSTRATIONS
(82-122, 84-619)

(e) For purposes of establishing open space requirements adjacent to walls enclosing living quarters, the following definitions and classifications shall govern.

Habitable rooms are rooms designed and used for living, sleeping, eating, or cooking or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered habitable rooms.

Primary windows are principal windows in habitable rooms except bedrooms and kitchens.

Primary walls are walls containing primary windows and/or main exterior entrances to individual living quarters when directly facing the primary wall of other living quarters.

Secondary windows are windows of habitable rooms other than primary windows, as defined above.

Secondary walls are walls containing only secondary or secondary and tertiary windows.

Tertiary windows are windows other than for habitable rooms.

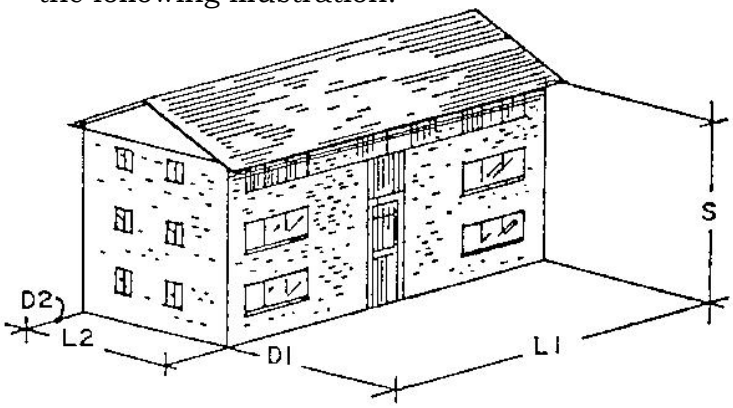
Tertiary walls are windowless walls, or walls containing only tertiary windows.

Minimum distance from walls to lot lines or building site lines for buildings or portions of buildings containing living quarters shall be computed as follows, where D = depth in feet, L = length in feet, and S = height in stories:

(i) Primary walls: $D = 6 + 2S + L/10$

(ii) Secondary walls: $D = 2 + S + L/10$

An example of building spacing requirements is shown in the following illustration.



D1 equals 18 feet for a primary window wall:

- 6 feet + 2 feet for each floor of a 3-story building, plus
- 1 foot for each 10 feet of length (60 feet)
- 6 + 6 + 6 = 18 feet

D2 equals 7.6 feet for a secondary window wall:

- 2 feet + 1 foot for each floor of a 3-story building, plus
- 1 foot for each 10 feet of length (26 feet)
- 2 + 3 + 2.6 = 7.6 feet

An illustration of building spacing requirements is shown in the following example, where

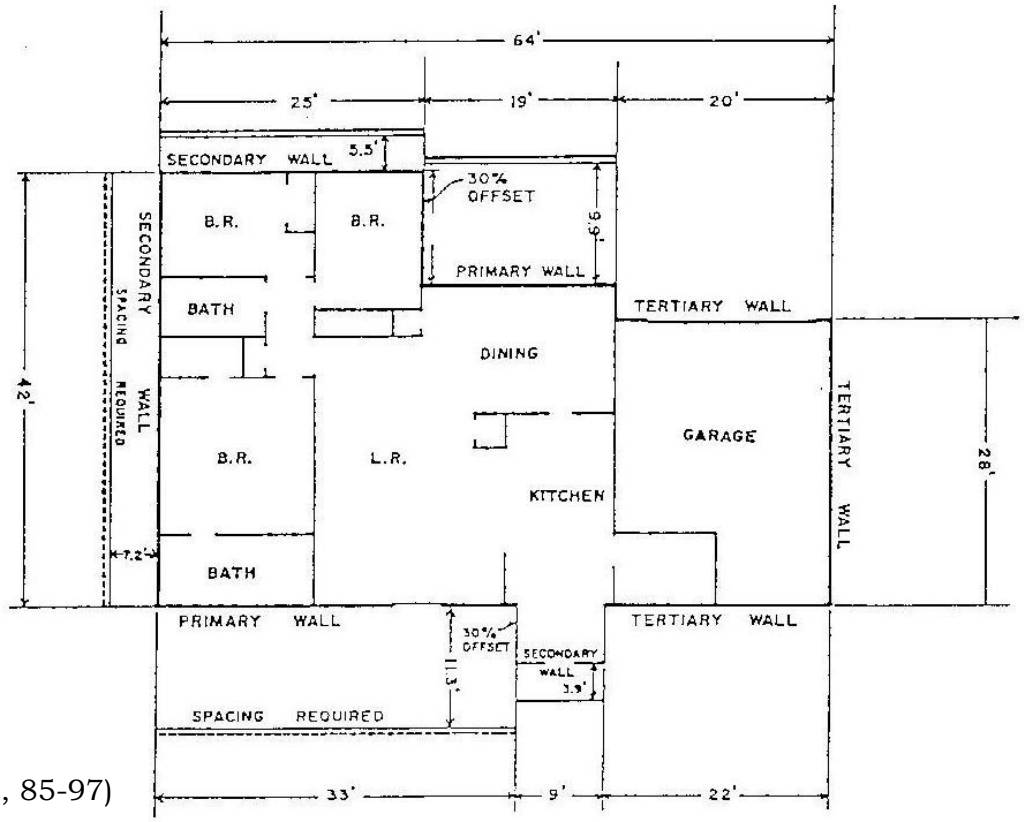
Primary walls: D = 6 + 2S + L/10

Secondary walls: D = 2 + S + L/10

Tertiary walls: No setback required

S = Number of Stories L = Length of Wall

Building spacing required _____



(82-122, 84-619, 85-97)

(f) Special Requirements and Modifications Concerning Courts

(i) Inner Courts

1. Inner courts are open outdoor spaces enclosed on all sides by building walls or potential building walls, shall have a minimum dimension equal to the sum of the required yards but not less than ten (10) feet. Their areas shall not be less than one hundred (100) square feet for one story or one hundred and fifty (150) square feet for two stories or more.

2. Unobstructed passageway. Except in the case of an inner court, atrium, or enclosed patio for a single dwelling unit, a passageway shall be provided at the lowest level of each inner court, as provided by the building code. Such passageway shall be continuous from the inner court to unobstructed open space adjacent to the building, and shall be so aligned as to facilitate passage of non-vehicular fire fighting and emergency equipment, including ladders.

3. Inner court design shall be such as to permit use of fire fighting equipment.

(ii) Outer courts

1. Outer courts are open outdoor spaces enclosed on at least three sides by building walls or potential walls, with one side open to a street, driveway, alley, yard or other open space.

2. Width of outer courts bounded on three sides by building walls or potential building walls shall be not less than the sum of the required open space distances measured from opposing building walls.

3. Width reduction for shallow courts. Where outer court depth is less than half of width, maximum required width may be reduced by up to twenty-five percent (25%).

4. Depth of outer courts shall not be greater than one and one-half times width.

5. Where walls are not parallel to property or site lines, the nearest portion of a building to such

lines shall be at least the required distance therefrom. (82-122, 84-619)

(g) For structures or portions of structures not containing dwelling units and not otherwise controlled by these regulations, yards, courts, open space and building spacing shall be appropriate to the use of such structures or portions, as related to anticipated amounts and timing of vehicular and pedestrian traffic and exposure of nearby living quarters to such use, and with due regard for location of primary or secondary window walls, separation of residential open space from other open space on the site by walls, fences, or vegetative screening where desirable, location of proposed parking areas, drives and service areas, and similar considerations. (84-619)

73.17 - Extraction Permits

No new extraction operation shall begin and no existing extraction operation shall expand until an extraction permit has been issued by the Department of Natural Resources and Environmental Management. The following information shall be submitted to the Director of the Department of Natural Resources and Environmental Management when making application for an extraction permit. The Director may require other pertinent data if necessary to determine that the proposed extraction operation will satisfy the provisions of all applicable local laws and regulations. After all data has been submitted to the Director as required herein, the Director shall have sixty (60) days within which to approve or deny the application. If the Director has taken no action on the completed application within the stated time period, the application shall be deemed denied.

73.17.1 Legal Description of the extraction site, including the total acreage.

73.17.2 Copies of all instruments (deeds, leases, etc.) conveying to the applicant mineral rights in and to the real property within the boundaries of the site. Provided, however, that the applicant has the option of attaching, in lieu of a copy of any lease, a memorandum of lease satisfying the execution, acknowledgment, and content requirements of Sections 35-4-6 and 35-4-51.1 of the Code of Alabama (1975).

73.17.3 Vicinity Map drawn on an official Huntsville Zoning Map at a scale of one inch (1") to four hundred feet (400'), on which is identified the following data for both the proposed extraction site and the area one-half (1/2) mile beyond the site:

(1) Boundaries of the extraction site;

(2) Public routes to be used by vehicles and equipment entering and leaving the site;

(3) Locations of streams and bodies of water, public roads, railroads, utilities, residences, and structures or areas of cultural or historic significance; and

(4) Locations and descriptions of any environmentally sensitive areas including, but not limited to, wetlands and lands harboring endangered plant and animal species.

73.17.4 Site Plan drawn on a topographic map at a scale of one inch (1") to two hundred feet (200'), on which is identified the following data:

(1) Boundaries of the extraction site;

(2) Locations and descriptions of all proposed buffers, setbacks and visual screens;

(3) Topography of the site and the lands within one-half (1/2) mile thereof at five-foot (5') intervals; and

(4) Locations and acreage of areas planned for extraction; for storage of overburden, by-products and excavated materials; for processing facilities; and for those lands to be left undisturbed.

73.17.5 Operational Plan, with maps drawn at a scale of one inch (1") to two hundred feet (200') or less, to include the following:

(1) A description of the method of operation, including the disposition of topsoil, overburden and by-products.

(2) A general description of the equipment to be used in the extraction process.

(3) Measures to be taken to control noise, dust, litter, and vibrations from the operation.

(4) Measures to be taken to screen visibility of the operation, including section drawings of the site clearly indicating the effectiveness of all existing and proposed measures to be used to screen the operation from view of surrounding lands.

(5) Measures to be taken to prevent the tracking of material onto public roadways.

(6) Plan view drawing showing how the applicant plans to proceed with the extraction operation including, but not limited to, the extent of the mining area, sediment and/or wash ponds, sediment basins, stockpiles, structures, roads, railroads, utilities and other permanent or temporary structures.

(7) Measures to be taken to control surface water runoff and soil erosion.

(8) General description of the geologic character of the site.

(9) General description of the products to be produced at the site, their end use, and general market area.

(10) Copies of applications to federal, state and local regulatory agencies for environmental permits including, but not limited to, control of air and water quality.

73.17.6 Reclamation Plan, with maps drawn at a scale of one inch (1") to two hundred feet (200') or less, to include the following:

(1) Approximate expected topography of site when extraction activity has been completed, at intervals no greater than five feet (5').

(2) Approximate expected topography of site when reclamation activity has been completed, at intervals no greater than five feet (5'), to include methods to be employed for backfilling and grading.

(3) The location and identification of all lakes, ponds, streams, rivers, or other waterways planned to exist when reclamation activity has been completed.

(4) A description of the methods and procedures to be used and a proposed timetable for the various reclamation phases.

(5) An estimate of the cost per acre of reclamation with supporting calculations for the estimate.

(6) A plan for revegetation of the site.

(7) A description of the expected future use following reclamation of the site and the relationship of the expected future use to existing surrounding land uses.

An extraction permit shall be valid for a maximum period of five (5) years unless renewed by the Director of Natural Resources and Environmental Management as follows: If the permitted extraction operation and reclamation program are not completed within five (5) years, then a review of the extraction permit shall be conducted by the Director of the Department of Natural Resources and Environmental Management based on the submittal of an updated extraction application. The updated extraction application shall reflect any additions, changes, or other modifications to the information provided in the original application. At each review, the Director shall establish a new bond or adjusted cash escrow amount, which bond or cash escrow shall be posted before the extraction permit is renewed. The renewal process shall occur at five-(5) year intervals until such time as the reclamation plan has been completed. (91-78)

73.18 - Performance Bond for Extractive Operations

73.18.1 The applicant shall post a bond in an amount equal to the estimated costs of reclamation as indicated by the approved reclamation plan; however, in no case shall said amount be less than three thousand dollars ($3,000) per acre (rounded to the nearest full acre of land) to secure to the City of Huntsville satisfactory compliance with all regulations contained or

referenced herein. Such bond shall be approved as to form by the Legal Department and shall be secured by an insurance company licensed by the State of Alabama, or be a cash escrow, or be an irrevocable letter of credit from an approved lending institution.

73.18.2 Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City of Huntsville as to form, sufficiency, and manner of execution. A signature bond will not be accepted by the City of Huntsville.

73.18.3 The performance bond shall contain a legal description of the extraction site. The bond shall remain in force and effect until it has been released in writing by the Director of Natural Resources and Environmental Management and shall bear a termination date of one-full year beyond the expiration date of the extraction permit.

73.18.4 Before abandoning a permit area or seeking bond release, the operator shall ensure that all temporary structures are removed and that all permanent sedimentation ponds, diversions, impoundments, and treatment facilities meet the requirements of the approved reclamation plan.

73.18.5 Upon request by the permit holder for bond release, the Director of the Department of Natural Resources and Environmental Management shall promptly inspect the site. When the Director has determined that all applicable requirements have been satisfied, he shall notify the City Clerk in writing to release the bond or escrow to the applicant.

73.18.6 If a renewal of an extraction permit is approved by the Director of the Department of Natural Resources and Environmental Management, the applicant shall be required to post a new bond. If the existing bond is a cash escrow, then the applicant shall be required to post the difference between the existing escrow and the new escrow.

73.18.7 If the extraction permit expires and the provisions of the approved reclamation plan have not been completely satisfied, the Director of the Department of Natural Resources and Environmental Management shall be authorized to invoke the bond (by notifying the City Clerk in writing of the details of the default) to have the reclamation plan completed.

73.18.8 If an extraction activity ceases or remains dormant for a period of twelve (12) consecutive months, the permit holder must begin reclamation of the site in accordance with the reclamation plan.

If the permit holder does not commence reclamation in accordance with the reclamation plan, then the Director of the Department of Natural Resources and Environmental Management shall invoke the bond and begin reclamation of the site as provided in Section 73.18.7.

73.18.9 At such time as the reclamation plan is completed, the permit holder may post with the City of Huntsville a maintenance bond in order to secure the two-year maintenance period required by the Reclamation Standards. The Director of Natural Resources and Environmental Management shall set the amount of the maintenance bond and shall direct the City Clerk to release the performance bond when the maintenance bond has been posted.

73.18.10 It shall be the duty of the Director of Natural Resources and Environmental Management to enforce the regulations pertaining to the extraction permit and the extraction bond procedure.

The Director of Natural Resources and Environmental Management shall notify the permit holder in writing whenever he is made aware of or determines that any existing land condition or exposed surface created or caused by means of extraction or reclamation activity has (1) become a hazard to life and limb; (2) endangered property; (3) adversely affected the safety, use or stability of a public way or drainage channel; (4) caused erosion; or (5) otherwise failed to comply with any applicable requirements. The permit holder shall rectify or eliminate the stated condition within sixty (60) days of notification by the Director of Natural Resources and Environmental Management. Failure to do so within the stated time period shall be grounds for revocation of the extraction permit.

73.18.11 The requirements of the extraction permit and bonding procedure are intended to be minimum and shall not abrogate, repeal, or otherwise affect the requirements of other applicable federal, state, or local laws and regulations. (91-78)

73.19 - Installation of Landscaping

No certification of occupancy shall be issued until the required landscaping has been completed and approved by the Zoning Administrator or a performance bond, letter of credit or certified check has been posted. When circumstances preclude immediate planting, a certificate of occupancy may be granted after (1) the owner has completed all necessary construction preliminary to planting, and (2) the property owner posts a corporate surety bond, letter of credit, or cashier's check with the City Clerk in an amount equal to one hundred percent (100%) of the cost of the total required planting, including labor. Such bond shall be made payable to the City of Huntsville. Landscaping must be completed and approved within six months (180 calendar days) after a certificate of occupancy is issued in order to redeem the bond. (92-4, 07-460)

73.20 Wireless Telecommunications Towers

The regulations of this section are intended to provide for the growing need for telecommunications towers and antennas while minimizing any adverse environmental, aesthetic and visual impacts through careful design, siting, and landscape screening; to promote and encourage shared use (co-location) of existing and new towers and sites; to avoid potential damage to adjacent properties from tower failure or falling ice; to protect the health, safety and welfare of the general public;

and to preserve the character of residential districts through judicious permitting of towers within such districts.

73.20.1 Applicability: Towers

Wireless telecommunications towers shall be permitted according to their function and location as provided herein:

(1) Towers in Non-residential Districts

AM radio broadcast towers, a tower erected primarily for the use of mobile or fixed point radio service antennas, or any other telecommunications tower not otherwise covered by Section 73.20.1 that will accommodate multiple users shall be permitted in non-residential zoning districts subject to these regulations and any other applicable codes and regulations. (96-1008)

(2) Single User Towers

A special exception shall be required to construct AM radio broadcast towers, a tower erected primarily for the use of mobile or fixed point radio service antennas, or any other telecommunications tower not otherwise covered by Section 73.20.1 in any non-residential district if it will not be designed, constructed, and available to accommodate multiple users.

Tower applicants, except those for AM radio broadcast towers, must demonstrate an inability to locate on existing towers or other structures accompanied by supporting documentation as specified in Section 73.20.16 - Co-Location. (See Section 92.5.3(20) hereof.) (96-1008)

(3) Towers in Residential Districts

A special exception shall be required to locate or construct a tower erected for the support of personal wireless service antennas in any residential district. (See Section 92.5.3(9) hereof.) (96-1008)

(4) Broadcast Towers

A special exception shall be required to construct a broadcast tower in any district if it will support one or more UHF or VHF television or FM radio transmitting antennas or other broadcast antennas having similar elevation and height requirements. (See Section 92.5.3(21) hereof.) (96-1008)

(5) Existing Towers

All telecommunications towers existing on the effective date of this ordinance that have been lawfully erected shall be

allowed to continue as non-conforming uses, provided they continue to meet or exceed current federal standards and regulations, as amended, and the provisions of Section 73.20.8 - Structural Design of Towers hereof. Such towers shall be permitted to accommodate additional antennas and any necessary new construction if such antennas and new construction do not increase the tower height beyond that allowed by the FCC or the FAA or by Sections 92.5.3(9)(e) or 73.20.7 - Tower Height or beyond the existing height if already in excess of the allowable height. Any new construction that would increase tower height or alter the structural strength or configuration of the tower will require the tower to be brought into compliance with the provisions of this ordinance except for Section 73.20.3 - Setbacks. (96-1008)

(6) Personal Use Towers

Personal Use Towers are exempt from all provisions of this ordinance if all of the following criteria are met:

(a) Tower is located on property which is owned by a natural person or non-profit service organization.

(b) Tower is used exclusively for non-revenue producing activity.

(c) Tower and all guy wires must be contained on the property, and may not be located within 5 feet of the property boundaries.

(d) Tower is located to the rear or side of building.

(e) Tower is outside National Register historic district, or if within such district, proposed tower has been approved by the Huntsville Historic Preservation Commission.

(f) Tower does not support any sign.

(g) Tower and antennas shall not exceed one hundred (100) feet in height. A building permit must be issued prior to installation of a Personal Use tower in excess of (75) feet. (96-1008, 98-689)

(7) Portable or Mobile Towers

Portable or mobile towers may be utilized only for special, short term events attracting large numbers of people or for emergency situations; the provider must be issued a temporary use permit by the Zoning Administrator prior to siting of the portable facility, and the permit must specify the permitted location and the permitted dates of operation not to exceed ten days. The Zoning Administrator shall

collect a $100 application fee each time a portable tower is permitted for a period not to exceed ten days. Personal use towers are specifically exempt from the requirements of this section. (96-1008, 98-689, 07-460)

(8) Accessory Towers

A tower that is accessory to a business or other non-residential entity on the same lot in a non-residential district and that is for the exclusive use of the principal entity, its branches and its employees shall:

(a) not exceed one hundred (100) feet in height,

(b) not be permitted to carry other transmitting antennas,

(c) have all guy anchors located at least ten (10) feet inside the lot lines, and

(d) have been issued a building permit prior to installation. (96-1008, 98-689)

73.20.2 Applicability: Antennas

Except for replacements of preexisting antennas that neither alter height, configuration or structural integrity of the support structure nor increase radio frequency emissions, all telecommunications antennas installed following adoption of this ordinance shall comply with one of the following provisions**:**

(1) Tower supported antennas that will be attached to existing, lawfully erected, towers shall be issued building and other required permits prior to installation subject to compliance with subsections 73.20.8(2) and 73.20.17(9) hereof.

(2) Building or ground mounted antennas shall comply with the provisions of Section 73.20.12 - Antennas hereof. (96-1008)

73.20.3 Setbacks

(1) The minimum setback for a tower shall be twenty-five percent (25%) of the tower height unless a greater setback is required by the regulations for the district in which the tower is located; however, no tower shall be located closer than two hundred feet (200') to any residential district nor closer than a distance equal to the height of the tower to any residential structure.

(2) Towers located on the leased portion of a larger lot shall not be constructed in any required yard of the lot; towers shall not be located on the same lot with a residential structure.

(3) Tower setbacks from the property lines of the lot on which the tower is located shall be measured from the perimeter of the tower base.

(4) Guyed towers shall have their guy anchors located on the tower site at least ten feet from any lot line, and guy wires shall not cross any adjoining property, rights-of-way or public easements without prior approval of the owner of the public easement.

(5) Setbacks shall in all cases be sufficient to contain on site all ice-fall unless adequate provisions have been incorporated to prevent the buildup of ice.

(6) Minimum setbacks for accessory structures constructed in conjunction with a tower shall be as established by the zoning district for principal buildings or be at least twenty-five feet (25') if no setback is required by the district.

73.20.4 Lighting

(1) Towers shall not be artificially illuminated except as required by the Federal Aviation Administration or the Federal Communications Commission. Any required lighting shall be the minimum necessary to comply with federal regulations.

(2) All security lighting must be contained within the fenced area and must not illuminate higher than ten feet.

73.20.5 Tower Color

Towers shall have a galvanized finish or be painted a silver, pale blue or gray; any regulation of the FAA or FCC that contradicts this requirement shall govern.

73.20.6 Site Security

The facility shall be fully secured. A chain link fence or a wall not less than eight (8) feet in height from finished grade shall be provided around each tower and all accessory structures. Access to the tower shall be through a locked gate. Where guy anchors are not contained within the security fence, a separate fence at least eight feet (8') in height shall be provided around each anchor. Towers without accessory structures may utilize anti-climb devices in place of a fence.

73.20.7 Tower Height

(1) Towers in C-1 through C-3 districts shall not exceed 120 feet in height; towers in other non-residential districts shall not exceed one hundred eighty (180) feet in height.

(2) Measurement of tower height shall include antennas, base pad, and other appurtenances and shall be measured from the natural grade of the site.

73.20.8 Structural Design of Towers

(1) Towers shall meet or exceed the structural requirements as set out in EIA/TIA-222-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association and all applicable City of Huntsville building codes.

(2) Any improvements and/or additions (antennas, dishes, etc.), excluding the repair and replacement of parts or components that do not increase tower height or alter the structural strength or configuration of the tower, to existing towers shall require that a notarized verification of compliance with the EIA/TIA-222-E Standards in effect at the time of the improvement or addition be submitted to the Zoning Administrator by the owner and a registered professional engineer.

(3) Commercial towers 180 feet in height or less, except for accessory towers as described in Section 73.20.1(9), shall be monopoles unless the applicant can demonstrate that the specific conditions require another tower type.

(4) Tower diameter at the base shall not be greater than required for the permitted tower height.

73.20.9 Signs

No signs shall be allowed on any tower or antenna.

73.20.10 Access

(1) Where the lot on which a tower is to be erected does not meet the minimum lot area requirement for the zoning district or does not have frontage on the public road from which it derives access, then building permits shall not be issued for any structures other than telecommunications towers and the unmanned accessory facilities required for equipment storage and tower operation. This use restriction must be made a part of any plat or deed describing this lot until such time as the lot comes into compliance with the zoning regulations.

(2) Whenever a tower site does not have frontage on the public street from which it derives access, a permanent, twenty-foot (20') wide access easement shall be required.

73.20.11 Landscaping

A landscape buffer shall be required in all districts and shall effectively screen the view of the tower facility from public ways and adjacent properties.

(1) The buffer shall be installed on the outside of the security fence.

(2) The buffer shall consist of a minimum ten-foot (10') wide landscaped strip planted with an attractive combination of trees, shrubs, vines and/or ground covers.

(3) Minimum required plantings include:

(a) A row of evergreen trees a minimum of eight feet tall when planted placed a maximum of ten feet apart;

(b) A continuous hedge of evergreen shrubs at least thirty inches high at planting placed in front of the tree line; and

(c) All plant materials shall be xeriscape tolerant.

(4) Where towers are located on wooded sites:

(a) Tree cutting shall be limited to the area to be fenced and a five-foot (5') buffer along the outside of the fence. If the access way must be cleared of trees, then tree cutting shall be limited to the minimum width necessary to provide vehicular access to the tower facility but shall not exceed fifteen feet (15') in width.

(b) Preservation of the natural vegetation surrounding the fenced area shall be substituted for the landscape buffer if it screens the compound from view from adjacent development and rights-of-way.

(5) All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

(6) The owner of the tower shall be responsible for providing and maintaining all landscaping in a healthy and growing condition and replacing unhealthy or dead plants by the next growing season with plants that conform to the original intent of these regulations for as long as the tower stands.

73.20.12 Antennas

(1) Non-residential districts: An antenna that is not attached to a tower shall be permitted on non-residential structures or be ground mounted provided:

(a) The antenna and its supporting structure, when attached to a non-residential structure, do not exceed twenty feet (20') in height;

(b) The antenna complies with all applicable FCC and FAA regulations;

(c) The antenna does not extend into the air space above any public right-of-way nor extend any closer than ten (10) feet to the boundary of the lot on which the structure is located;

(d) The support structure for the antenna and any facilities or equipment necessary for its operation comply with all applicable building codes and have received appropriate permits;

(e) The antenna will be, and will remain, in compliance with current FCC standards concerning radio frequency emissions;

(f) The antenna site is not within the boundaries of a National Register historic district; and

(g) Satellite earth station antennas having a diameter greater than two meters, and DBS and MMDS antennas having a diameter greater than one meter:

(i) if attached to a building are placed to minimize their visibility from adjacent streets, or

(ii) if ground mounted meet required yard setbacks or have a setback of ten feet from lot lines if no setbacks are specified for the district, and

(iii) are not located in front yards unless visually screened from public rights of way.

(2) Residential districts: An antenna that is not attached to a tower shall be permitted under the following conditions:

(a) Personal wireless service antennas shall be permitted on principal, non-residential structures provided the antenna is in compliance with conditions (a) through (f) of Section 73.20.12(1) above.

(b) Satellite dishes, DBS, and MMDS receiving antennas having a diameter greater than one meter shall:

(i) be regulated as accessory structures,

(ii) be approved by the Huntsville Historic Preservation Commission if located in a National Register historic district at a site visible from a public place, and

(iii) be issued a building permit prior to installation.

(3) Masts greater than twelve feet in height used to support satellite dishes, television receiving antennas, or other antennas in non-residential districts shall require a building permit to insure safety of installation and shall not exceed twenty feet in height.

Masts used to support receive-only antennas in residential districts shall not exceed twelve feet in height. Masts in residential districts, used to support other receive-only antennas used for radio/television broadcast reception shall not exceed either thirty feet in height, or ten feet above the roofline, whichever is greater. (96-1008, 98-689)

(4) Microwave dishes shall be of mesh or open grid construction whenever technically feasible and be colored to minimize their visibility.

(5) Signs shall not be allowed on any antenna.

(6) Receive-only antennas intended solely for the use of the occupants of the building or residence to which they are accessory shall be permitted when in compliance with the applicable provisions of this ordinance.

73.20.13 Non-Conforming Towers

A telecommunications tower legally erected prior to adoption of these regulations that is damaged or destroyed to an extent of fifty percent (50%) or more of its replacement cost at the time of destruction may be reconstructed on its original site in conformity with the provisions of this ordinance. A building permit to reconstruct the facility shall comply with the then applicable standards, codes, and regulations, and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the telecommunications facility shall be deemed to be abandoned.

73.20.14 Abandonment

(1) Any tower that has not been in use for its original telecommunications purpose for a period of one hundred eighty (180) days shall be deemed to be abandoned. The tower owner shall have an additional ninety (90) days to remove an abandoned tower and any accessory structures or to reactivate the tower or to transfer the tower to another

owner/operator who reactivates it. Removal of abandoned towers and accessory structures shall be at the owner's expense.

(2) Each January every tower owner, with the exception of amateur radio operators, shall provide the Zoning Administrator with a list of all towers owned during the previous twelve months indicating the date of cessation of operation for any inactive towers, the date of dismantling for removed towers, the date of transfer of towers to other owners, and a certification that each standing tower is in compliance with Section 73.20.8 - Structural Design of Towers accompanied by a copy of the annual maintenance inspection report. (07-460)

73.20.15 Publicly Owned Property

(1) A tower to be located on land owned by any governmental entity or public agency shall comply with these regulations unless the tower and all antennas thereon are for the exclusive use of the public entity occupying or controlling the property.

(2) Towers to be located on property owned by the City of Huntsville, other than rights of way, shall be subject to all applicable requirements of the Zoning Ordinance and other city codes.

(3) Neither towers nor antennas shall be placed in city rights of way without the approval of the Huntsville City Council.

73.20.16 Co-Location

To minimize the adverse visual, aesthetic and environmental impacts associated with the proliferation of towers, co-location of antennas by more than one user on existing or permitted towers shall take precedence over the construction of new towers. Towers shall be designed to maximize shared use to the extent possible for the type of tower proposed without creating structural instability or electromagnetic interference with other antennas on the tower.

(1) Subject to Section 73.20.16(2), no new tower shall be permitted unless the applicant demonstrates by sufficient documentary evidence that at least one of the following conditions is applicable:

(a) No existing towers or suitable structures are located within the geographic area required to meet applicant's engineering requirements, and no such towers are under consideration for building permits.

(b) Existing towers or other structures are not of sufficient height and cannot be reasonably altered to meet applicant's engineering requirements.

(c) Existing towers or other structures do not have sufficient structural strength and cannot be reasonably altered to support applicant's proposed antenna and related equipment.

(d) The proposed antenna would cause electromagnetic interference with existing antenna(s) on the tower or structure, or the existing antenna(s) would cause interference with the proposed antenna and the interference cannot be prevented at a reasonable cost.

(e) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(f) Co-location would have a more detrimental environmental, aesthetic, or visual impact on the surrounding area than would construction of a new tower.

(2) Even if an applicant is able to demonstrate the existence of one of the foregoing conditions, a new tower may not be permitted if it is determined that the proposed location of the tower is not essential to the applicant to provide service in a given geographical area, and the tower would:

(a) interfere with or endanger the use of other telecommunication facilities; or

(b) endanger persons or property; or

(c) not be compatible with existing or proposed adjacent development; or

(d) have an impermissible environmental, visual, or aesthetic impact on the surrounding area.

(3) Written requests by certified mail to co-locate on an existing or proposed tower shall be answered by the tower owner within thirty days of receipt of the request. Denial of a request without substantial documentary evidence as required herein demonstrating why co-location would not be possible or failure to respond to a request shall be a violation of the Zoning Ordinance.

73.20.17 <u>Building Permits for Towers</u>

Each application for a building permit for a tower, other than an amateur or accessory radio service tower, or for a structure

accessory to such a tower shall contain the following information as appropriate:

(1) A site plan drawn to scale and identifying the tower lot boundary and the tower site boundary, if different, and all required setbacks; location, type and height of tower(s); guy anchors; location, use and dimensions of existing and proposed structures; vehicular parking and access; existing vegetation to be retained; topography of the site; fences; adjacent land uses and current zoning.

(2) A copy of the subdivision plat, deed, and/or memorandum of lease for the tower site**;** provided however, the Zoning Administrator may require a copy of the lease agreement if necessary to verify compliance with this ordinance.

(3) A plan drawn to scale showing proposed landscaping, if required, including species type, size, and spacing.

(4) A report from a registered professional engineer indicating tower height and design, structure, installation, and total number and types of antennas that could be accommodated.

(5) A notarized letter signed by both the owner and a registered professional engineer stating that the tower complies with all EIA/TIA-222-E Standards, as amended.

(6) A signed affidavit from the applicant verifying the inability to locate the proposed antennas on existing towers or other structures accompanied by supporting documentation as specified in Section 73.20.16 - Co-Location.

(7) A letter of intent stating whether the applicant intends to lease space on the tower to other potential users at reasonable rates and on reasonable terms. The letter shall commit the tower owner and successors in interest to:

(a) Negotiate in good faith for shared use by third parties.

(b) Allow shared use if an applicant agrees in writing to pay reasonable rental charges or other consideration.

(c) Make no more than a reasonable charge for shared use based on generally accepted industry standards and impose no terms or conditions that would render co-location impractical.

(8) Documentation demonstrating that the proposed site is required to serve the company's planned network or coverage in the city.

(9) A notarized statement signed by the applicant that the tower facility will conform with applicable FCC standards for radio frequency emissions and copies of any federally required studies or measurements of radio frequency emissions.

(10) If federal regulations require an Environmental Assessment, then a copy of the EA shall be submitted as part of the application.

(11) Documentation demonstrating the amount of liability insurance to be carried by the owner on the proposed tower.

(12) The FCC assigned frequency for the licensed service, and a copy of all permits, approvals, or licenses issued by the FCC or the FAA in connection with the proposed tower.

(13) An application fee of $1000 for each tower.

The Zoning Administrator shall act upon any application for authorization to place, construct or modify any personal wireless service facility within a reasonable period of time after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.

A decision by the Zoning Administrator to grant or deny an application to place, construct, or modify any personal wireless service facility shall be in writing and supported by substantial evidence contained in the record. (96-1008, 00-620, 07-460)

73.21 <u>Vehicle Repair in Residential Districts or on Residential Lots</u>

(1) Vehicle repair for purposes of this Section 73.21 shall mean and include the repair and/or body work of any motorized or non-motorized vehicle.

(2) Vehicle repair performed in a residential district or on a residential lot shall be allowed subject to each of the following conditions:

(a) Vehicle repair shall be incidental to a primary permitted residential use and shall be on the same lot as the primary residential structure;

(b) Vehicle repair, including without limitation vehicles in the process of or awaiting repair, shall be performed on vehicles which are registered in the name of or titled to a member of the household of the primary residential structure, and proof of title may be requested by any official charged with the enforcement of this ordinance;

(c) Vehicle repairs shall not be performed after 10:00 p.m. and before 7:00 a.m.

(3) Nothing herein shall be construed to relieve any person or entity from complying with any other applicable provision of this zoning ordinance, or any other laws of this city including without limitation ordinances regulating inoperable vehicles. (05-139)

73.22 Correctional Facilities

73.22.1 Definitions; subclassifications. Correctional facilities are publicly or privately owned or operated uses which include monitoring and control of the offender population, including juveniles, persons on pretrial status, on prerelease status, probationers, parolees or persons incarcerated to serve a sentence, and is divided into the following two subclassifications:

(1) Custodial Facility is a community based Correctional Facility which provides transitional housing or housing in a custodial residential setting, assistance with employment, counseling and other services to offenders who are placed in the Custodial Facility under terms of probation, parole, or pretrial status, or offenders sentenced to such a facility in lieu of prison or placed in such a facility as part of a prerelease program. Offenders assigned to a Custodial Facility are generally allowed to leave the facility for off-site employment, job training, or other purposes as permitted by the operators of the facility and may be monitored in their activities by staff. A facility in this subclass may be but is not necessarily designed to be a secure facility.

(2) Jail or Prison is a Correctional Facility which provides for the incarceration or detention of offenders serving a sentence as required under the city, county, state or federal criminal justice system. A Jail or Prison is a secure place or building designed for the incarceration of offenders who are sentenced to a period of time under confinement. These facilities may employ one or more of the following measures to ensure accountability of offenders: fences, walls, outside patrols and/or towers with armed staff, inside recreation yards, and secure control centers.

73.22.2 Classification Based on Capacity

(1) A Class 1 Correctional Facility has a maximum capacity, excluding staff, of no more than thirty (30) persons at any given time.

(2) A Class 2 Correctional Facility has a maximum capacity, excluding staff, of no more than one hundred (100) persons at any given time. A Custodial Facility shall not exceed the Class 2 occupancy limit.

(3) A Class 3 Jail or Prison has a maximum capacity, excluding staff, of no more than fifteen hundred (1500) persons at any given time.

A Class 2 Custodial Facility and a Class 3 Jail or Prison may apply for a conditional use permit to exceed the maximums established hereinabove in accordance with subsection 73.22.7. (10-178)

73.22.3 Minimum Setbacks

Minimum setbacks, which setbacks are measured to the property line and are required for any structure, including a fenced enclosure, are as follows:

(1) A Class 1 Custodial Facility shall have a minimum side and rear yard setback from the property lines of twenty-five (25) feet and a minimum front yard setback from the street right-of-way of fifty (50) feet.

(2) A Class 2 Custodial Facility or a Class 1 Jail or Prison shall have a minimum side and rear yard setback from the property lines of forty (40) feet and a minimum front yard setback from the street right-of-way of sixty (60) feet.

(3) A Class 2 Jail or Prison shall have a minimum side and rear yard setback from the property lines of fifty (50) feet and a minimum front yard setback from the street right-of-way of seventy-five (75) feet.

(4) A Class 3 Jail or Prison shall have a minimum side and rear yard setback from the property lines of one hundred (100) feet and a minimum front yard setback from the street right-of-way of one hundred and fifty (150) feet.

Where the minimum setback provisions of this section are less restrictive than the minimum setback provisions of the particular zoning district in which the correctional facility is located, then the minimum setback provisions of the particular zoning district shall apply. (10-178)

73.22.4 Separation

Correctional Facilities shall have minimum separation requirements as provided for in this section. Measurements shall be made from the exterior property line of the Correctional Use site to the exterior property line of the hereinafter specified uses.

(1) A Class 1 Custodial Facility shall be separated by a minimum of five hundred (500) feet from each of the following uses:

(a) Other Correctional Facilities;

(b) Residential zoning districts;

(c) A residential dwelling;

(d) Places of worship;

(e) Public or private schools, daycares, nurseries or kindergartens; and

(f) Lounges and off-premises liquor retailers.

(2) A Class 2 Custodial Facility or any class of Jail or Prison shall be separated by a minimum of one thousand (1000) feet from each of the following uses:

(a) Other Correctional Facilities;

(b) Residential zoning districts;

(c) A residential dwelling;

(d) Places of worship;

(e) Public or private schools, daycares, nurseries or kindergartens; and

(f) Lounges and off-premises liquor retailers.

(3) Separation requirements shall not apply in each of the following cases:

(a) Where the above stated uses were established after the Correctional Facility was issued a building permit or, if no building permit was required, was duly licensed as such Correctional Facility; provided, however, if the building permit has expired without commencement of significant site work, the Correctional Facility is abandoned or discontinued for a period of six (6) months, or the Correctional Facility has not renewed its licensing for a period of six (6) months, the separation requirements shall then apply; and

(b) Where, except in the case of a residential dwelling or residential zoning district, said Correctional Facility is separated from the above stated uses by an interstate highway.

(c) Lots housing lawfully existing Correctional Facilities at the time of the adoption of this ordinance shall not be subject to the separation requirements or the minimum setback requirements of this Section 73.22

except in the case of abandonment or discontinuance of the use of such lots for Correctional Facilities.

73.22.5 Building Height

Correctional Facilities shall have the same height limitation as the general height limitation in the particular zoning district in which they are located.

73.22.6 Performance Standards

Correctional Facilities shall conform to each of the following standards:

(1) Lighting, access and security devices shall be located and screened to avoid negative effects on, and achieve compatibility with, surrounding and adjacent uses and property;

(2) All outdoor activity shall be located inside the perimeter security fencing;

(3) Neither the perimeter security fencing nor the property boundary fencing shall employ barbed wire, razor wire, electrical fencing, or similar materials where abutting and visible from a public street;

(4) A seven (7) foot high screen shall be provided along the perimeter at the rear and sides of the property. Such screening shall not extend closer than the minimum setbacks established in subsection 72.22.3 above. If planting is to be used as a screen, it shall be provided as set forth in Section 3.1 – Buffer of Screen Planting, hereof. Such plants shall be initially not less than seven (7) feet in height; and

(5) Required plantings shall be in a location which maximizes their effectiveness while not compromising the security of the Correctional Facility.

73.22.7 Conditional Use Permits

Requests for conditional uses are permitted only after review by the Planning Commission and approval of the City Council. The following review procedure shall be adhered to:

(1) The applicant shall submit a complete conditional use application to the Planning Division, at least twenty-one (21) days prior to the Planning Commission meeting at which the conditional use is to be considered, containing as a minimum, the information required in the application along with a one hundred dollar ($100.00) fee to defray the cost of processing the application.

(2) A minimum of fourteen (14) days prior to the Planning Commission meeting at which the conditional use request is to be considered, the Planning Commission shall mail notification to all adjacent property owners. The notice shall state:

(a) The location of the conditional use request.

(b) The nature of the request.

(c) The time, date and location of the Planning Commission meeting at which the request will be considered.

(3) The Planning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. An application shall not be continued more than three (3) times at the request of the applicant.

(4) Upon receipt of a favorable recommendation from the Planning Commission, the City Clerk Treasurer shall schedule and advertise the proposed conditional use request for a public hearing before the City Council. A proposed conditional use request shall not be continued more than three (3) times at the request of the applicant.

(5) Upon receipt of a negative recommendation from the Planning Commission, the City Council review process will be initiated at the request of the applicant.

(6) Conditional use permits may be subject to such conditions and safeguards as are appropriate under the circumstances.

(7) When the Planning Commission gives an unfavorable recommendation to a request and the applicant does not initiate the City Council review process or when the City Council denies a conditional use request, the Planning Commission shall not reconsider the same request for a period of eighteen (18) months. Each time the City considers a conditional use request, the one hundred dollar ($100.00) administrative fee must be paid.

(09-815, 10-178)

73.23 Mobile Food Vending

73.23.1 Mobile Food Vending

Mobile food vending in General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Commercial Industrial Park, Research Park, Research Park West,

Research Park Applications, and Research Park Applications 2 districts shall conform to the following regulations:

(1) Mobile food vending units located in applicable districts shall have a minimum buffer of one hundred (100) feet as measured from the primary entrance of existing restaurants, cafes, and other food related establishments.

(2) Mobile food vending units are permitted to operate between the hours of 6 a.m. - 10 p.m. Sunday through Wednesday and 6 a.m. - 2 a.m. Thursday through Sunday in General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, and Commercial Industrial Park districts.

(3) Mobile food vending units are permitted to operate between the hours of 10 a.m. - 2 p.m. Monday through Friday in Research Park, Research Park West, Research Park Applications, and Research Park Applications 2 districts.

(4) Food preparation will be regulated by the Madison County Health Department. The business license application must be accompanied by a food permit issued by the Madison County Health Department and written consent from the property owner (if applicable).

(5) For any location where the mobile food vending unit is proposed to stay for two (2) or more hours, vendors shall provide toilet facilities for persons operating the unit, including employees, in accordance with the requirements of the Madison County Health Department.

(6) Mobile food vending sites shall have fixed public toilet facilities including one (1) male and one (1) female restroom available for operators, including employees, and patrons, which meet the requirements of the Madison County Health Department for food establishment toilet rooms.

(7) Mobile food vending units shall be removed from the premises each night and such operations are not permitted to operate in the required front yard on major arterials.

(8) Mobile food vending units are not permitted to operate in loading zones, public rights-of-way, or obstruct or impede the flow of traffic for neighboring businesses.

(9) All mobile food vending units must meet the zoning district setbacks.

(10) All signage must be attached to the mobile food vending unit.

(11) Mobile food vending units must provide sufficient artificial lighting during non-daylight hours.

(12) Mobile food vending units shall not be allowed to consume otherwise necessary parking spaces.

(13) No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from mobile food vending units.

(14) Any on-site preparation of food shall be performed inside the primary vending unit only. There shall be no grills or other cooking facilities allowed outside the primary vending unit.

(15) Not withstanding anything to the contrary contained in this section, mobile food vending units regulated under Section 18-36 of the City Code shall not be subject to the regulation of this section.

(13-882, 15-479)

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*63-93, 66-88, 79-390, 82-122, 82-295, 84-254, 84-619, 85-97, 86-522, 91-18, 91-78, 92-2, 92-4, 93-536, 96-259, 96-1008, 98-104, 00-620, 01-644, 02-196, 02-1005, 05-139, 06-1201, 07-460, 08-529A, 09-1053, 09-815, 10-178, 11-899, 12-466A, 13-882, 15-479

ARTICLE 74 NON-CONFORMING LOTS: NON-CONFORMING USES OF LAND; NON-CONFORMING STRUCTURES; AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

Intent

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs or by the addition of other uses of a nature which would be prohibited in the district involved.

74.1 - Non-Conforming Lots of Record and Unified Lots

74.1.1 Definitions

For the purposes of this Section the following words, terms, or phrases shall have the following meanings:

Affiliate means a person who controls, is controlled by, or is under common control with another person. An affiliate of an individual may include, but is not necessarily limited to, that person's spouse or relative, or an individual having the same home as the individual; or an entity of which the individual is a person serving as part of the governing or controlling authority of the entity.

Common ownership means owned by the same person or his affiliate.

Contiguous lot means one or more lots which share a common boundary line.

Lot shall have the same meaning ascribed to it in Section 3.1 of this ordinance.

Non-conforming lot of record means a full platted lot that was platted and recorded prior to March 21, 1963, in the real estate records of the office of the probate judge in the county in which the lot is situated, and which lot does not conform to the

minimum lot area or lot width requirements for the district in which it is located.

Unified lot means two or more contiguous lots that are so integrated, through common or dependent structures or reliance on the other to meet setback requirements as to form a unified whole.

74.1.2 Non-Conforming Lots of Record

Subject to subsection 74.1.3, a non-conforming lot of record may be used for a permitted use, except apartments and duplexes, nonetheless provided:

(1) The lot has a minimum width of forty (40) feet and a minimum area of four thousand (4000) square feet;

(2) The lot abuts an all-weather street and has not less than twenty (20) feet frontage;

(3) The proposed building conforms to all yard requirements for the district; and

(4) The water supply and sewage disposal meet all health requirements.

Where two or more contiguous lots under common ownership are sufficient to create one lot of dimensions conforming to the requirements for the district in which the lots are located but the lots are not sufficient for the creation of two or more fully conforming lots, then all of the said lots shall be deemed merged into one lot.

74.1.3 Unified Lots

Unified lots under common ownership are deemed to be merged.

(63-93, 70-172, 77-514, 89-669, 14-318A)

74.2 - Non-Conforming Uses of Land

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

74.2.1 No such non-conforming use shall be enlarged, increased or expanded to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

74.2.2 No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

74.2.3 If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of land shall conform to the regulations specified by this ordinance for the district in which such land is located and continuance of said use after said period is specifically prohibited. (63-93)

74.3 - Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

74.3.1 No such structure may be enlarged or altered in a way which increases its non-conformity.

74.3.2 Should such structure be destroyed by any means to an extent of fifty percent (50%) or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

74.3.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (63-93, 66-88)

74.4 - Non-Conforming Uses of Structures

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

74.4.1 No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

74.4.2 If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

74.4.3 Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use,

shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

74.4.4 When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

74.4.5 Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. (63-93)

74.5 - Repairs and Maintenance

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof. (63-93)

74.6 - Uses Under Exception Provisions Not Non-Conforming Uses

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a non-conforming use in such district. (63-93)

74.7 - Documentation of Existing Extraction Activities

Extraction activities that are functioning at the time of adoption of this amendment shall submit the following information to the Director of the Department of Natural Resources and Environmental Management within three months of the date of adoption of said amendment.

An area is deemed to have been in use for extraction if overburden in such area has been removed during the previous twelve months in preparation for extraction or if the land has been cleared and grubbed in preparation for extraction.

74.7.1 Legal description of the extraction site, including the total acreage.

74.7.2 Copies of all instruments as required by Section 73.17.2.

74.7.3 Vicinity map as defined by Section 73.17.3.
(91-78)

74.8 - Telecommunications Towers Inventory

The owner of each telecommunications tower erected within the Huntsville, Alabama, corporate limits prior to adoption of this amendment to the Zoning Ordinance shall submit the following information to the City of Huntsville Zoning Administrator within six months of the date of adoption of this amendment. Failure to comply with this inventory shall be a violation of the Zoning Ordinance.

74.8.1 Name, address and telephone number of tower owner.

74.8.2 Location of the tower by street address and legal description.

74.8.3 Date of construction of tower.

74.8.4 Height of tower from natural grade to the highest point whether of the tower or of an antenna, and the elevation of each existing antenna or array of antennas.

74.8.5 Names of all users having co-located antennas on the tower.

74.8.6 Copies of all federal approvals, permits and licenses for the tower.

74.8.7 Approval dates for any variances or special exceptions granted for the tower or its accessory structure. (07-460)

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*63-93, 66-88, 70-172, 77-514, 89-669, 91-78, 96-1008, 07-460, 14-318A

ARTICLE 75 ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS

The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations.

75.1 - Definitions

For the purpose of this article the following definitions, terms, and their application shall be used and applied.

Alcoholic beverages are as defined by the state alcoholic beverage control laws.

Brewery means any premises licensed by the city to engage in the distillation, production, fermenting, brewing, rectifying or otherwise in the manufacture of only beer, or malt or brewed alcoholic beverages as well as engaging in the receiving, storage, or warehousing only of beer, or malt or brewed beverages within the city for transshipment inside and outside the state.

Brewpub means an establishment licensed as and meeting the qualifications of a brewpub under the state alcoholic beverage control laws, including Title 28, Chapter 4A of the Code of Ala. 1975, as such may be amended or superseded from time to time. (13-247)

Brewpub Areas means suitable locations that meet the qualifications of the location of a brewpub under the state alcoholic beverage control laws, including Title 28, Chapter 4A of the Code of Ala. 1975, as such may be amended or superseded from time to time, and that fall within the appropriate zoning districts. The physical boundaries of the brewpub areas are as delineated in Section 75.6 herein. (13-247)

Church means a tax-exempt place of worship set apart primarily for religious purposes and in which religious services are routinely and customarily held and with which a clergyman is associated.

Class I Club Liquor Retailer means an establishment licensed as and meeting the qualifications of a club liquor retail class I licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-12 of the Code of Ala. of 1975, which qualifications include but are not necessarily limited to the requirements that there be at least one hundred and fifty (150) paid-up members and that the club provide special space and accommodations where, in consideration of payment, food with or without lodging is habitually served.

Class II Club Liquor Retailer means an establishment licensed as and meeting the qualifications of a club liquor retail class II licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-12 of the Code of Ala. of 1975, which qualifications include but are not necessarily limited to the requirement that there be at least one hundred (100) paid-up members.

Class I Lounge Liquor Retailer means an establishment licensed as and meeting the qualifications of a lounge retail liquor class I licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-11 of the Code of Ala. of 1975, and section 20-X-5-.04 of the regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

Class II Lounge Liquor Retailer means an establishment licensed as and meeting the qualifications of a lounge retail liquor class II licensee under the state alcoholic

beverage control laws, including sections 28-3-1 and 28-3A-11 of the Code of Ala. of 1975, and section 20-X-5-.04 of the regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

Child care center means a facility licensed by the Alabama Department of Human Resources that provides for the care of thirteen (13) or more children.

Convenience store means a small scale retail store that offers for sale a limited line of groceries and household items and may also sell gasoline.

Dinner theater means a restaurant with live theatrical performances.

Entertainment means live entertainment or dancing including cabarets, concerts, live bands, ballrooms, dance halls, comedy clubs, karaoke, theaters, disc jockeys, or other similar live performance venues.

Expressway means a multi-lane divided highway for through traffic with full control of access and with grade separations at street intersections.

Food court means a common space adjacent to food vendors within an enclosed shopping mall designed and furnished for the convenience of diners.

Food service shall mean the same as a restaurant.

Hotel means a building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel and bed and breakfast, but shall not include a rooming house or boarding house.

Importer means an establishment licensed as and meeting the qualifications of an importer of alcoholic beverages under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-7 of the Code of Ala. of 1975.

Manufacturer means an establishment licensed as and meeting the qualifications of a manufacturer of alcoholic beverages under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-6 of the Code of Ala. of 1975.

Maximum occupancy means the establishment's occupancy rating set in accordance with the applicable provisions of the city's fire code.

Meal means a diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

Nursery school means a school designed to provide daytime care or instruction for two (2) or more children from 2 to 5 years of age.

On/Off-Premises Beer Retailer means an establishment licensed as and meeting the qualifications of a retail beer licensee for on-premises and off-premises consumption under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-16 of the Code of Ala. of 1975; provided, however, where the off-premises sales of beer are more than twenty-five percent (25%) of the total combined on and off-premises sales of beer, then the establishment shall be regulated for purposes of this article as an off-premises beer retailer.

On/Off-Premises Beer/Table Wine Retailer means an establishment licensed as and meeting the qualifications of an on/off-premises beer or an on/off-premises table wine retailer, or both; provided, however, where the off-premises sales of beer and/or table wine are more than twenty-five percent (25%) of the total combined on and off-premises sales of beer and/or table wine, then the establishment shall be regulated for purposes of this article as an off-premises beer/table wine retailer.

On/Off-Premises Table Wine Retailer means an establishment licensed as and meeting the qualifications of a retail table wine licensee for on-premises and off-premises consumption under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-14 of the Code of Ala. of 1975; provided, however, where the off-premises sales of table wine are more than twenty-five percent (25%) of the total combined on and off-premises sales of table wine, then the establishment shall be regulated for purposes of this article as an off-premises table wine retailer.

Off-Premises Beer Retailer means an establishment licensed as and meeting the qualifications of a retail beer licensee for off-premises consumption under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-17 of the Code of Ala. of 1975. Entertainment shall not be allowed or included in such retailer.

Off-Premises Beer/Table Wine Retailer means an establishment licensed as and meeting the qualifications of an Off-Premises Beer Retailer or an Off-Premises Table Wine Retailer, or both. The term does not include establishments licensed to sell liquor, as that term is defined by the state alcoholic beverage control laws, for on or off-premises consumption. Entertainment shall not be allowed or included in such retailer.

Off-Premises Table Wine Retailer means an establishment licensed as and meeting the qualifications of a retail table wine licensee for off-premises consumption under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-15 of the Code of Ala. of 1975. Entertainment shall not be allowed or included in such retailer.

Package sales means the off-premises sale of liquor, as liquor is defined by the alcoholic beverage control laws of the state.

Package Sales Establishment means an establishment licensed to sell liquor, as liquor is defined by the state alcoholic beverage control laws, at retail for off-premises consumption, whether or not the establishment is also licensed to sell liquor at retail for on-premises consumption, including a Class I Club Liquor Retailer, a Class II Club Liquor Retailer, a Class I Lounge Liquor Retailer, and a Class II Lounge Liquor Retailer, and which establishment actually sells, intends to sell, or holds itself out as selling liquor for off-premises consumption. The term shall also mean and include state stores of the Alabama Alcoholic Beverage Control Board.

Protected uses include and are limited to churches, schools, nursery schools, and child care centers, provided such uses were established prior to the establishment of the licensed retailer and such protected uses have not been abandoned or discontinued for a period of six (6) months or more and further provided that the protected use is not separated from the retailer by an expressway or an interstate highway.

Restaurant means an establishment that meets the definition and qualifications of the state alcoholic beverage control laws, including section 28-3-1 of the Code of Ala. of 1975 and section 20-X-5-.05 of the regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time, including the requirement that the establishment be habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises. In

addition, the licensee shall maintain gross retail sales of meals prepared and served on the licensed premises in excess of fifty percent (50%) of its total gross sales.

Restaurant Liquor Retailer means an establishment, including restaurants, hotels, dinner theaters, and civic center authorities, licensed as and meeting the qualifications of a restaurant retail liquor licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-13 of the Code of Ala. of 1975 and section 20-X-5-.05 of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

Retailer means an establishment licensed to sell alcoholic beverages at retail.

Retailer's premises means the licensed premises and any adjoining parking areas used or available for parking whether such areas are owned, leased, or otherwise assigned to the retailer.

School means places used for the imparting of instruction to children in grades K-12, when provided by a public, private, denominational, and parochial school. The term does not include proprietary trade or occupational schools.

Special Events Retailer means an event licensed as and meeting the qualifications of a special events retail licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-20 of the Code of Ala. of 1975.

Special Retailer means an organization licensed as and meeting the qualifications of a special retail licensee under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-19 of the Code of Ala. of 1975.

Specialty store means a store, including a grocery store, convenience store, gift shop, drug store, and general merchandise store, specializing primarily in the sale of goods, including groceries, gasoline, sundries, household items, notions, and dry goods. The specialty store may include the off-premises sale of beer and table wine by an Off-Premises Beer/Table Wine Retailer; provided, however, at least fifty percent (50%) of the store's gross retail sales must be derived from the sale of goods other than alcoholic beverages in order to qualify as a specialty store.

State alcoholic beverage control laws mean the alcoholic beverage control laws of the state and the regulations promulgated thereunder by the Alabama Alcoholic Beverage Control Board, as such laws may be amended or superseded from time to time.

Warehouse means an establishment licensed as and meeting the qualifications of a warehouse under the state alcoholic beverage control laws, including section 28-3A-10 of the Code of Ala. of 1975.

Wholesaler means an establishment licensed as and meeting the qualifications of a wholesaler of alcoholic beverages under the state alcoholic beverage control laws, including sections 28-3-1 and 28-3A-8 (liquor wholesalers) and 28-3A-9 (beer and table wine wholesalers) of the Code of Ala. of 1975.

75.2 - Measurements

Where this article establishes separations between the retailer's premises and protected uses, residential districts, or other retailer's premises, in all cases the distance shall be measured from the external boundary of the retailer's premises to the

external boundary of the protected use, the residential district, or the other retailer's premises, as the case may be.

75.3 - Permitted Establishments by Districts

The following establishments, engaged in the sale and service of alcoholic beverages, and no other, shall be permitted in the districts hereinafter set forth:

75.3.1 Neighborhood Business C-1, Neighborhood Business C-2 and Village Business C-6 Districts

Restaurant Liquor Retailers, excluding hotels and civic center authorities licensed as a Restaurant Liquor Retailer, and On/Off-Premises Beer/Table Wine Retailers with food service (all without entertainment) -- provided that such uses shall be subject to each of the following restrictions:

1) no alcoholic beverages shall be served, offered, dispensed, sold, or consumed between the hours of midnight and 2 a.m. unless a special exception has been granted in accordance with Section 92.5 – Powers and Duties, and further provided, the provisions of Section 74.4 – Non-Conforming Uses of Structures shall not operate to allow existing establishments to function contrary to this provision; and

2) there shall be no private sidewalk or patio seating unless a special exception has been granted in accordance with Section 92.5 – Powers and Duties; and

3) no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Off-Premises Beer/Table Wine Retailers operating as a specialty store provided that such retailers are not located within five hundred (500) feet of any protected use, unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

75.3.2 General Business C-3 District

Banquet halls.

Brewpubs.

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment).

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment).

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district except where the retailer's premises is separated from said residential district by an expressway or an interstate highway; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restrictions shall not apply where the retailer's premises and the protected use front on different streets and do not have common exits or driveways providing access or adjoining property lines; and

4) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Off-Premises Beer/Table Wine Retailers -- provided such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district, provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof. (11-895)

75.3.3 Highway Business C-4 District

Banquet halls.

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment) -- provided that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment). Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of a Package Sales Establishment. (13-247)

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district except where the retailer's premises is separated from said residential district by an expressway or an interstate highway; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area; and

4) Such retailer's premises shall not be located within one thousand (1000) feet of other such retailer's premises; and

5) Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of a Package Sales Establishment.

(13-247)

Off-Premises Beer/Table Wine Retailers -- provided that such uses such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; provided,

however, the aforesaid distance restriction shall not apply in the case of specialty stores; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Package Sales Establishments -- provided that such use shall be subject to each of the following restrictions:

1) Such retailer's premises shall have frontage on a major arterial street; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; and

3) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except a Package Sales Establishment may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

4) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area; and

5) Such retailer's premises shall not be located within one thousand (1000) feet of the retailer's premises of a Class I Lounge Liquor Retailer, a Class II Club Liquor Retailer, or an On/Off-Premises Beer/Table Wine Retailer (<u>all with or without entertainment</u>); and

6) Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of another Package Sales Establishment.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof. (11-895)

75.3.4 <u>Commercial Recreation C-5 and Commercial Industrial Park Districts</u>

Banquet halls.

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment) -- provided that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment).

Off-Premises Beer/Table Wine Retailers -- provided that such uses such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

(13-247)

Warehouse, in Commercial Industrial Park districts only.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof. (11-895)

75.3.5 Light Industry, Research Park Commercial and Airport Commercial Districts

Banquet halls.

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment) -- provided that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment). (13-247)

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district except where the retailer's premises is separated from said residential district by an expressway or an interstate highway; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area; and

4) Such retailer's premises shall not be located within one thousand (1000) feet of other such retailer's premises, except in the Research Park Commercial District where the aforesaid distance restriction from other such retailer's premises shall not apply in the case where said retailer has a maximum occupancy of no more than one hundred (100) persons; and

5) Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of a Package Sales Establishment.

(13-247)

Off-Premises Beer/Table Wine Retailers -- provided that such uses such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restriction relative to protective uses shall not apply where said retailer's premises is

located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Warehouse, in Light Industry and Airport Commercial districts only.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof. (11-895)

75.3.6 Heavy Industry District

Banquet halls.

Restaurant Liquor Retailers, Class I Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers with food service (all with or without entertainment) -- provided that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment). (13-247)

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district except where the retailer's premises is separated from said residential district by an expressway or an interstate highway; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area; and

4) Such retailer's premises shall not be located within one thousand (1000) feet of other such retailer's premises.

(13-247)

Off-Premises Beer/Table Wine Retailers -- provided that such uses such uses shall be subject to each of the following restrictions:

1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and

2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties, except such retailer's premises may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Package Sales Establishments -- provided that such use shall be subject to each of the following restrictions:

(1) Such retailer's premises shall not be located within five hundred (500) feet of a residential district; and

(2) Such retailer's premises shall not be located within five hundred (500) feet of a protected use, except a Package Sales Establishment may be located within five hundred (500) feet of accessory child care centers located in office buildings; and

(3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

Warehouse.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof. (11-895)

75.4 - <u>Accessory Uses</u>

75.4.1 <u>Tastings</u>: Wine tastings and beer tastings shall be allowed as accessory uses to those primary permitted retailers that are authorized by state alcoholic beverage control laws to conduct such tastings, provided that said retailers shall at all times comply with state laws regulating wine and beer tastings.

75.4.2 <u>Special Retailers</u>:

1) For the purposes of this section the following words, terms, and phrases shall have the following meanings:

Banquet hall means an organization whose primary use of its premises is not the sale of alcoholic beverages but is to provide facilities, which may include services and staffing, for private-only gatherings or events; provided that no person connected with the banquet hall, which includes its owner, officer, director, member, landlord, manager, servant, agent, or employee, or those that otherwise have a controlling or pecuniary interest in the premises or the establishment, shall sponsor, conduct, organize, or host gatherings or events at the banquet hall.

Cultural venue means an organization whose primary use of its premises in not for the sale of alcoholic beverages but is to hold or sponsor: (1) live performances of serious artistic merit, such as theatrical plays, dramatic readings, operas, concerts, dances, ballets, or dramatic performances; or (2) showings of representational or visual works of serious artistic merit, such as paintings, sculptures, and photographs; or other activities of serious artistic, literary, or cultural merit.

2) Special Retailers shall be allowed only as accessory uses to those primary permitted uses that include state parks, racing commissions, fair authorities, airport authorities, civic center authorities, museums, and other such organizations created by state or local governments; and shall include the franchises or concessionaires thereof.

3) Special Retailers shall be allowed only by special exception as accessory uses to banquet halls or cultural venues. (11-895)

75.5 - Special Events Retailers

Special Events Retailers shall be permitted as a special exception in all residential districts provided that, in addition to any appropriate conditions and safeguards that may be imposed in the granting of the special exception in accordance with Section 92.5 - Powers and Duties:

1) The applicant for licensure is a tax-exempt, non-profit organization; and

2) The applicant has not applied for or sponsored, either solely or jointly, more than four special events in a given calendar year; and

3) The applicant certifies under oath that substantially all of the net proceeds will be used for non-profit purposes; and

4) No other retailer shall sponsor or otherwise receive any form of remuneration from the event.

Special Events Retailers shall be allowed as a permitted use in all non-residential districts.

75.6 - Brewpub Areas

The following description represents the established boundary of the brewpub areas:

All that part of Sections 13, 14, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 3 South , Range 1 West and all that part of Sections 1, 2, 11, 12, 13, 14, 23 and 24, Township 4 South, Range 1 West of the Huntsville Meridian in the City of Huntsville, Madison County, Alabama; more particularly described as beginning at a point located at the intersection of the centerlines of Mastin Lake Road and North Memorial Parkway; thence from the point of beginning proceed in an easterly direction along the center line of Mastin Lake Road 1107.00 feet to the centerline of Normal Branch; thence in a southerly direction and along the centerline of Normal Branch for 5771.00 feet to the intersection of the centerlines of Normal Branch and Pinhook Creek; thence in a southerly direction and along the centerline of Pinhook Creek for 3874.00 feet to the intersection of the centerlines of Pinhook Creek and Abington Avenue; thence in a westerly direction along the centerline of Abington Avenue 577.00 feet; thence leaving said centerline South 16 degrees 23 minutes 40 seconds West 1401.00 feet; thence South 15 degrees 24 minutes 45 seconds East 447.00 feet; thence Due East 135.00 feet to a point located on the centerline of Orchard Street; thence in a southerly direction along the centerline of Orchard Street for 35.00 feet; thence leaving said centerline Due East 622.00 feet to a point located on the centerline of Pinhook Creek; thence Due South 353.00 feet to a point on the centerline of Pratt Avenue; thence in an easterly direction and along the centerline of Pratt Avenue 1847.00 feet to the intersection of the centerlines of Pratt Avenue and Meridian Street; thence in a southwesterly direction and along the centerline of Meridian Street 923.00 feet to a point located at the intersection of the centerlines of Meridian Street and Howe Avenue; thence in an easterly direction and along the centerline of Howe Avenue 820.00 feet to a point located at the intersection of the centerlines of Howe Avenue and Dallas Street; thence in a southerly direction and along the centerline of Dallas Street 239.00 feet; thence leaving said centerline South 58 degrees 03 minutes 29 seconds West 125.00 feet; thence North 33 degrees 04 minutes 25 seconds West 53.00 feet; thence South 58 degrees 10 minutes 48 seconds West 105.00 feet; thence North 33 degrees 20 minutes 00 seconds West 61.00 feet; thence South 59 degrees 25 minutes 00 seconds 103.00 feet; thence South 36 degrees 13 minutes 00 seconds East 21.00 feet; thence South 55 degrees 53 minutes 00 seconds West 282.00 feet; thence South 32 degrees 43 minutes 00 seconds East 209.00 feet to a point located on the centerline of Walker Avenue; thence continuing South 32 degrees 43 minutes 00 seconds East 234.00 feet; thence South 55 degrees 24 minutes 00 seconds West 158.00 feet; thence South 33 degrees 47 minutes 00 seconds East 42.00 feet; thence South 58 degrees 18 minutes 00 seconds West 150.00 feet; thence South 33 degrees 34 minutes 00 seconds East 503.00 feet to a point located on the centerline of Holmes Avenue; thence North 34 degrees 43 minutes 00 seconds East 20.00 feet to a point located at the intersection of the centerlines of Holmes Avenue and Lincoln Street; thence in a southeasterly direction and along the centerline of Lincoln Street 807.00

feet to a point located at the intersection of the centerlines of Lincoln Street and Randolph Avenue; thence in a southwesterly direction and along the centerline of Randolph Avenue for 203.00 feet; thence leaving said centerline of Randolph Avenue South 33 degrees 20 minutes 00 seconds East 366.00 feet to a point located on the centerline of Eustis Avenue; thence in a southwesterly direction and along the centerline of Eustis Avenue for 388.00 feet ; thence leaving said centerline South 88 degrees 02 minutes 00 seconds East 365.00 feet to a point on the centerline of Gates Avenue; thence in a southwesterly direction and along the centerline of Gates Avenue for 350.00 feet; thence leaving said centerline South 32 degrees 13 minutes 00 seconds East 360.00 feet to a point located on the centerline of Williams Avenue; thence continuing South 32 degrees 13 minutes 00 seconds East 233.00 feet; thence North 58 degrees 56 minutes 00 seconds East 26.00 feet; thence South 31 degrees 22 minutes 00 seconds East 1363.00 feet to a point located at the centerline of Fagan Creek; thence in a southwesterly direction and along the centerline of Fagan Creek 762.00 feet to a point located at the intersection of the centerlines of Fagan Creek and Gallatin Street; thence in a southeasterly direction and along the centerline of Gallatin Street for 733.00 feet to a point located at the intersection of the centerlines of Gallatin Street and St. Clair Avenue; thence in a westerly direction and along the centerline of St. Clair Avenue 1079.00 feet; thence leaving said centerline Due North 112.00 feet; thence Due East 23.00 feet; thence Due North 95.00 feet; thence Due East 4.00 feet; thence Due North 246.00 feet to a point located on the north right-of-way of Pelham Avenue; thence in a westerly direction and along said right-of-way 94.00 feet; thence leaving said right-of-way North 01 degrees 51 minutes 00 seconds West 328.00 feet to a point located on the centerline of Fagan Creek; thence in a northwesterly direction and along the centerline of Fagan Creek 1131.00 feet to a point located at the intersection of the centerlines of Fagan Creek and Monroe Street; thence in a southwesterly direction and along the centerline of Monroe Street 881.00 feet to a point located at the intersection of the centerlines of Monroe Street and the Huntsville and Madison County Railroad Authority right-of-way; thence in a southeasterly direction and along the centerline of said railroad right-of-way 1120.00 feet to a point located at the intersection of the centerlines of said railroad right-of-way and Governors Drive; thence in a westerly direction and along the centerline of Governors Drive 534.00 feet; thence leaving said centerline South 01 degrees 00 minutes 00 degrees West 891.00 feet; thence South 35 degrees 04 minutes 00 seconds East 645.00 feet; thence North 87 degrees 33 minutes 00 seconds East 561.00 feet to a point located on the centerline of the Huntsville and Madison County Railroad Authority right-of-way; thence in a southeasterly direction and along the centerline of said railroad right-of-way 1720.00 feet to a point located on the south right-of-way of Bob Wallace Avenue; thence in a southwesterly direction and along the south right-of-way of Bob Wallace Avenue 61.00 feet to a point located on the west right-of-way of L&N Drive; thence in a southeasterly direction and along the west right-of-way of L&N Drive 938.00 feet; thence leaving said right-of-way Due East for 54.00 feet to a point located on the centerline of said railroad right-of-way; thence in a southeasterly direction and along the centerline of said

railroad right-of-way 6934.00 feet to a point located at the intersection of the centerlines of said railroad right-of-way and Airport Road; thence in a westerly direction and along the centerline of Airport Road/Johnson Road 5305.00 feet to a point located on the centerline of Huntsville Spring Branch; thence in a northerly direction and along the centerline of Huntsville Spring Branch 11,211.00 feet to a point located at the intersection of the centerlines of Huntsville Spring Branch and Governors Drive; thence Due East and along the centerline of Governors Drive 552.00 feet to a point located on the centerline of Huntsville Spring Branch; thence in a northeasterly direction and along the centerline of Huntsville Spring Branch 362.00 feet to a point located at the intersection of said branch and Memorial Parkway; thence in a northwesterly direction and along the centerline of Memorial Parkway 1502.00 feet; thence leaving said centerline South 53 degrees 09 minutes 00 seconds West 929.00 feet to a point located at the intersection of the centerlines of Vernon Avenue and Seminole Drive; thence in a northwesterly direction and along the centerline of Seminole Drive 581.00 feet to a point located at the intersection of the centerlines of Seminole Drive and Clinton Avenue; thence in a southwesterly direction and along the centerline of Clinton Avenue 2948.00 feet to a point located on the centerline of Governors Drive; thence in a westerly direction and along the centerline of Governors Drive 344.00 feet to a point located at the intersection of the centerlines of Governors Drive and Triana Boulevard; thence in a northerly direction and along the centerline of Triana Boulevard 2893.00 feet; thence leaving said centerline North 79 degrees 28 minutes 00 seconds East 790.00 feet to a point located on the centerline of Broglan Branch; thence in a southeasterly direction and along the centerline of Broglan Branch 858.00 feet to a point located at the intersection of the centerlines of Broglan Branch and the Norfolk Southern Railroad right-of-way; thence in a northeasterly direction and along the centerline of the Norfolk Southern Railroad right-of-way 487.00 feet; thence leaving said centerline Due North 811.00 feet; thence North 87 degrees 26 minutes 00 seconds East 888.00 feet; thence Due North 149.00 feet; thence Due West 23.00 feet; thence Due North 795.00 feet; thence North 82 degrees 08 minutes 00 seconds East 795.00 feet; thence North 65 degrees 59 minutes 00 seconds East 161.00 feet; thence North 24 degrees 18 minutes 00 seconds West 273.00 feet; thence South 68 degrees 48 minutes 00 seconds West 177.00 feet; thence North 24 degrees 28 minutes 00 seconds West 172.00 feet to a point located on the centerline of McBroom Avenue; thence in a northeasterly direction and along the centerline of McBroom Avenue 41.00 feet to a point located at the intersection of the centerlines of McBroom Avenue and Pleasant Row; thence in a northwesterly direction and along the centerline of Pleasant Row 617.00 feet; thence leaving said centerline North 35 degrees 20 minutes 00 seconds West 75.00 feet; thence North 24 degrees 39 minutes 00 seconds West 320.00 feet to a point located on the centerline of Larkin Street; thence in a southwesterly direction and along the centerline of Larkin Street 114.00 feet; thence North 30 degrees 03 minutes 00 seconds West 375.00 feet to a point located on the centerline of Cox Avenue; thence in a southwesterly direction and along the centerline of Cox Avenue 169.00 feet to a point located at the intersection of the

centerlines of Cox Avenue and Pulaski Pike; thence in a northwesterly direction and along the centerline of Pulaski Pike 46.00 feet; thence leaving said centerline South 62 degrees 04 minutes 00 seconds West 2094.00 feet to a point located on the west boundary of Section 35, Township 3 South, Range 1 West; thence Due South and along said section boundary 156.00 feet; thence Due West 1379.00 feet to a point located on the centerline of Broglan Branch; thence in a northwesterly direction and along the centerline of Broglan Branch 118.00 feet to a point located at the intersection of the centerline of Broglan Branch and University Drive; thence in a westerly direction and along the centerline of University Drive 4198.00 feet to a point located at the intersection of the centerlines of University Drive and Jordan Lane; thence in a northwesterly direction and along the centerline of Jordan Lane 5587.00 feet; thence leaving said centerline Due East 859.00 feet; thence Due South 348.00 feet; thence South 88 degrees 19 minutes 00 seconds East 225.00 feet; thence Due South 497.00 feet; thence Due East 229.00 feet; thence South 02 degrees 42 minutes 00 seconds West 335.00 feet; thence Due West 219.00 feet; thence Due South 203.00 feet; thence South 88 degrees 58 minutes 00 seconds East 264.00 feet; thence Due South 487.00 feet; thence Due East 151.00 feet to a point located on the centerline of Brandontown Road; thence in a southerly direction and along the centerline of Brandontown Road 212.00 feet; thence leaving said centerline South 67 degrees 02 minutes 00 seconds East 271.00 feet; thence Due South 240.00 feet; thence Due East 653.00 feet to a point located on the southeast corner of Section 28, Township 3 South, Range 1 West; thence South 01 degree 53 minutes 00 seconds West 1460.00 feet to a point located on the centerline of an unnamed tributary to Broglan Branch; thence in an easterly direction and along the centerline of said tributary 2861.00 feet to a point located on the centerline of Broglan Branch; thence in a southeasterly direction and along the centerline of Broglan Branch 1544.00 feet to a point located at the intersection of the centerlines of Broglan Branch and University Drive; thence in a northeasterly direction and along the centerline of University Drive 3404.00 feet to a point located at the intersection of the centerlines of University Drive and Pulaski Pike; thence in a northwesterly direction and along the centerline of Pulaski Pike 1783.00 feet; thence leaving said centerline North 52 degrees 29 minutes 00 seconds East 243.00 feet; thence South 38 degrees 37 minutes 00 seconds East 100.00 feet; thence Due East 256.00 feet; thence Due North 569.00 feet to a point located on the centerline of Country Club Avenue; thence in an easterly direction and along the centerline of Country Club Avenue 99.00 feet; thence leaving said centerline Due North 175.00 feet; thence North 31 degrees 51 minutes 00 seconds West 69.00 feet; thence North 02 degrees 07 minutes 00 seconds East 517.00 feet; thence North 40 degrees 14 minutes 00 seconds East 29.00 feet; thence Due North 328.00 feet; thence Due East 667.00 feet; thence Due North 546.00 feet to a point located on the centerline of Oakwood Avenue; thence in an easterly direction and along the centerline of Oakwood Avenue 264.00 feet; thence leaving said centerline Due North 629.00 feet; thence Due East 525.00 feet to a point located on the centerline of Old Blue Spring Road; thence in a northerly direction and along the centerline of Old Blue Spring Road 283.00 feet;

thence leaving said centerline Due East 201.00 feet; thence Due North 1528.00 feet; thence Due West 231.00 feet to a point located on the centerline of Blue Spring Road; thence in a northerly direction and along the centerline of Blue Spring Road 781.00 feet to a point located at the intersection of the centerlines of Blue Spring Road and Max Luther Drive; thence in an easterly direction and along the centerline of Max Luther Drive 202.00 feet; thence leaving said centerline Due North 2210.00 feet; thence South 87 degrees 58 minutes 00 seconds East 809.00 feet; thence North 02 degrees 16 minutes 00 seconds East 628.00 feet; thence South 87 degrees 54 minutes 00 seconds East 422.00 feet; thence Due North 20.00 feet; thence Due East 863.00 feet; thence North 18 degrees 39 minutes 00 seconds East 1004.00 feet; thence Due North 896.00 feet to a point located on the centerline of Mastin Lake Road; thence in an easterly direction and along the centerline of Mastin Lake Road 1312.00 feet to a point located at the intersection of the centerlines of Mastin Lake Road and North Memorial Parkway and the point of beginning and containing 2599.20 acres, more or less.

LESS AND EXCEPT:

All that part of Sections 35 and 36, Township 3 South, Range 1 West of the Huntsville Meridian in the City of Huntsville, Madison County, Alabama; more particularly described as beginning at the intersection of the centerlines of the Norfolk Southern Railroad right-of-way and Church Street; thence from the point of beginning and in a southeasterly direction along the centerline of Church Street 566.00 feet to the intersection of the centerlines of Church Street and Monroe Street; thence in a southwesterly direction and along the centerline of Monroe Street 1023.00 feet to a point located at the intersection of the centerlines of Monroe Street and Holmes Avenue; thence in a southwesterly direction and along the centerline of Holmes Avenue 675.00 feet to a point located at the intersection of the centerlines of Holmes Avenue and Dallas Avenue; thence in a northeasterly direction and along the centerline of Dallas Avenue 317.00 feet; thence leaving said centerline South 77 degrees 46 minutes 00 seconds West 558.00 feet to a point located on the centerline of Huntsville Spring Branch; thence in a northwesterly direction and along the centerline of Huntsville Spring Branch 116.00 feet to a point located at the intersection of the centerline of Huntsville Spring Branch and the Norfolk Southern Railroad right-of-way; thence in a northeasterly direction and along said railroad right-of-way 1828.00 feet to the intersection of the centerlines of said railroad right-of-way and Church Street and the point of beginning and containing 22.90 acres, more or less.

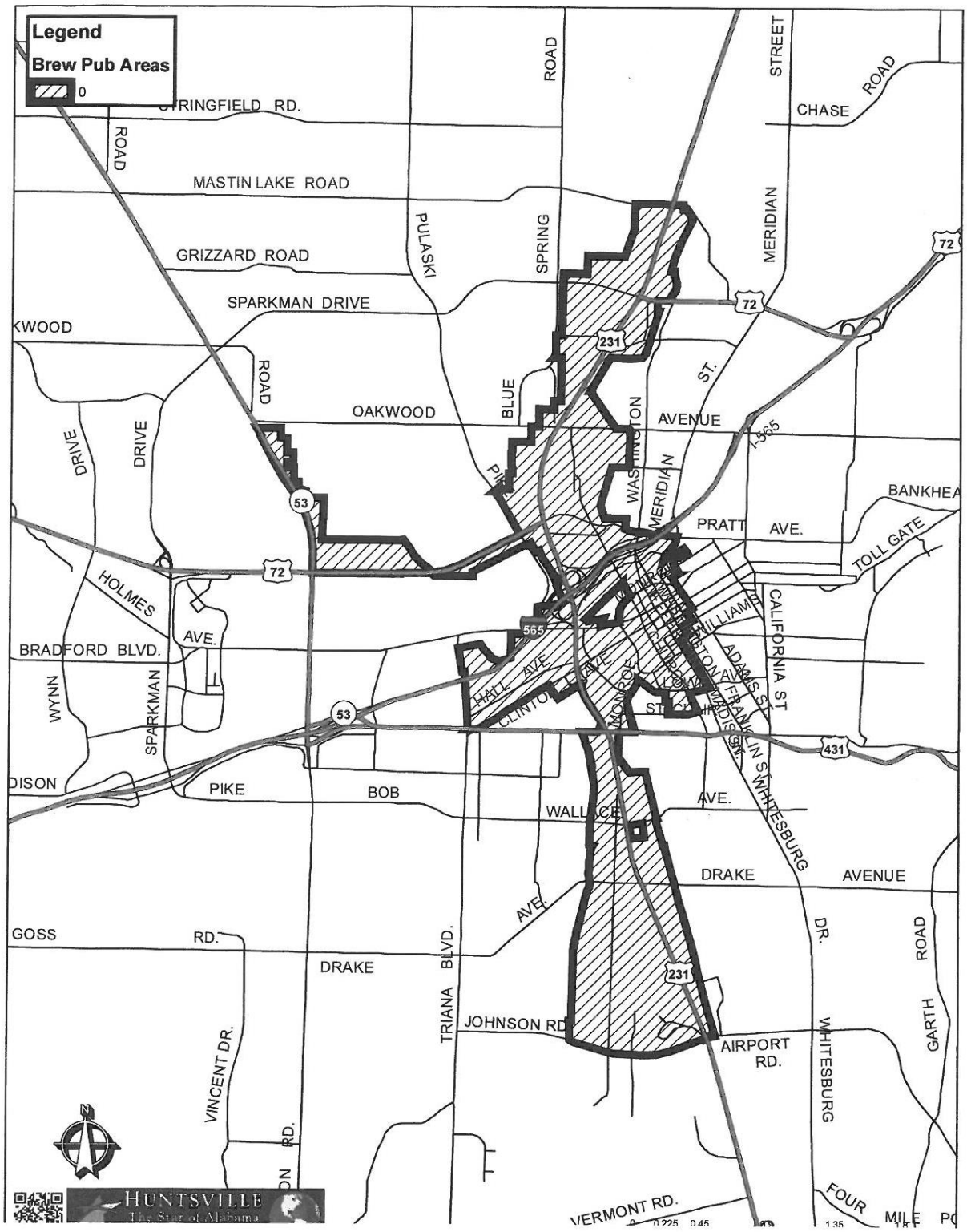
LESS AND EXCEPT:

All that part of Section 12, Township 4 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama; more particularly described as beginning at the intersection of the south right-of-way of Bob Wallace Avenue and the east right-of-way of Memorial Parkway; thence in a northeasterly direction and along the south right-of-way of Bob Wallace

Avenue 484.00 feet; thence South 09 degrees 07 minutes 00 seconds East 494.00 feet; thence South 80 degrees 49 minutes 00 seconds West 489.00 feet to a point located on the east right-of-way of Memorial Parkway; thence in a northerly direction and along the east right-of-way of Memorial Parkway 483.00 feet to the intersection of the east right-of-way of Memorial Parkway and the south right-of-way of Bob Wallace Avenue and the point of beginning and containing 5.30 acres, more or less.

CONTAINING IN THE AGGREGATE 2571.00 ACRES, MORE OR LESS.

The following map represents the established boundary of the brewpub areas:


Legend
Brew Pub Areas
0
STRINGFIELD RD.
ROAD
MASTIN LAKE ROAD
GRIZZARD ROAD
SPARKMAN DRIVE
KWOOD
ROAD
OAKWOOD
DRIVE
DRIVE
HOLMES
AVE.
BRADFORD BLVD.
WYNN
SPARKMAN
DISON
PIKE
BOB
PULASKI
SPRING
ROAD
BLUE
PIKE
WASHINGTON
MERIDIAN
ST.
AVENUE
I-565
STREET
MERIDIAN
CHASE
ROAD
PRATT
AVE.
BANKHEA
TOLL GATE
CALIFORNIA ST
WILLIAMS
ADAMS ST
FRANKLIN ST
WHITESBURG
HALL
AVE.
CLINTON
AVE.
MONROE
ST.
WALLACE
AVE.
DRAKE
AVENUE
AVE.
GOSS
RD.
DRAKE
TRIANA BLVD.
JOHNSON RD
AIRPORT
RD.
WHITESBURG
DR.
GARTH
ROAD
VINCENT DR.
RD.
VERMONT RD.
FOUR
MILE
72
72
72
53
53
231
231
565
431
HUNTSVILLE
The Star of Alabama

(13-247)

75.7 - Severability

Should any section or provision of this ordinance be held void or invalid, it shall not affect the validity of any other section or provision thereof which is not of itself void or invalid, it being the purpose and intention of the City Council to enact each separate section and/or sub-section separately. (13-247)

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*11-11, 11-895, 13-247, 15-315, 15-677, 15-760, 16-89

ARTICLE 76 BICYCLE PARKING REQUIREMENTS

The requirements for bicycle parking are established for the purpose of ensuring provision of adequate and safe facilities to accommodate bicycle parking and to encourage use of bicycles for travel as an alternative to use of motorized vehicles.

76.1 Minimum Parking Space Requirements

Bicycle parking facilities shall be provided for every new automobile parking lot or garage where twenty (20) or more automobile parking spaces are required. Bicycle parking facilities shall also be provided for during the expansion of an existing automobile parking lot or garage where twenty (20) or more automobile parking spaces are required when such expansion increases the required automobile parking by five percent (5%) or more.

Unless otherwise expressly stated, bicycle parking spaces shall be provided for at a rate of one (1) bicycle space for each twenty (20) automobile parking spaces as automobile parking spaces are required under Section 70.1 herein, with a minimum requirement of two (2) bicycle parking spaces. Unless otherwise expressly stated, no automobile parking lot or garage shall be required to provide more than thirty (30) bicycle parking spaces.

No bicycle parking shall be required for residential uses other than multi-family residential developments. For multi-family residential uses, the bicycle parking requirement shall be one (1) bicycle parking space for each five (5) dwelling units and there is no maximum number of bicycle parking spaces.

The total number of required automobile parking spaces shall be reduced at the ratio of one (1) automobile parking space for each six (6) bicycle spaces provided. The total number of required automobile parking spaces shall not be reduced by more than five percent (5%) for any automobile parking lot or garage.

When the number of required automobile parking spaces for a new or expanded use is reduced by means of a zoning variance, the number of required bicycle spaces shall be calculated on the basis of the number of required automobile parking spaces, unless a variance is granted to reduce the number of required bicycle parking spaces.

76.2 Parking Facility Access and Location Requirements

Required bicycle parking spaces must have a minimum dimension of two (2) feet in width by six (6) feet in length with an access aisle of at least five (5) feet and a vertical clearance of at least seven (7) feet. A hard surfaced parking area is required for the bicycle racks. Bicycle racks must be securely anchored to the ground or the building structure to prevent the racks from being removed from the location.

Bicycle racks must be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate the locking mechanism. There must be a minimum of twenty-four (24) inches beside each parked bicycle for access.

This access may be shared by adjacent bicycles. However, each bicycle parking space must be accessible without moving another bicycle.

Bicycle racks should be located so that parked bicycles do not block or impede the pedestrian path, handicapped access or vehicular circulation. Bicycle parking facilities located on sidewalks or other pedestrian accessways must leave clear pedestrian access of a minimum width of five (5) feet. Bicycle parking facilities within automobile parking areas shall be separated by a physical barrier, such as a curb, wheel stop, pole, bollard or other similar feature, to protect bicycles from damage by automobiles.

Areas set aside for bicycle parking shall have signs clearly posted and the bicycle parking spaces shall be reserved for bicycle parking only.

Required bicycle parking spaces shall be located at least as close to the entrance of the building, facility or multi-family dwelling unit as the nearest non-handicapped automobile parking space associated with said building, facility or multi-family dwelling unit. Where there are shopping centers or multi-tenant buildings with multiple entrances, the bicycle parking spaces must be well distributed and located as close to the entrances as the nearest non-handicapped automobile parking spaces.

Where automobile parking is provided in an enclosed area, bicycle parking shall be provided within the enclosure or in such a way as to provide comparable protection from the elements. For any use where bicycle parking is required, if the automobile parking is covered or partly covered, the bicycle parking shall be covered at the same ratio. Bicycle parking facilities shall be located in highly visible and well-lighted areas to increase safety and to minimize theft and vandalism.

76.3 <u>Bicycle Rack and Parking Facility Requirements</u>

Bicycle racks shall meet the following requirements:

a.) The bicycle rack must support the bicycle frame in two places and enable the frame and one or both wheels of the bicycle to be secured. The bicycle must be able to be securely held with its frame supported in an upright position so that the bicycle cannot be pushed or fall in manner that will damage the wheels or components of the bicycle. Bicycle racks that support the bicycle by the wheel only are not permitted.

b.) The bicycle rack must be able to accommodate high-security U-shaped bicycle locks.

c.) The bicycle rack shall have a durable finish that will protect the rack and the bicycle.

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*10-507

ARTICLE 80 RESIDENTIAL OFFICE DISTRICT REGULATIONS

Purpose

The purpose of the Residential Office District is to provide for the conversion of existing blocks of dwellings to small offices as a means to stabilize the adjacent residential areas and prevent the intrusion of commercial uses. This district is intended to function as a transitional zone between existing residential and commercial by preserving the residential scale and intensity of use. The district allows the conversion of existing residences to office use and the development of vacant parcels with new office buildings designed to be compatible with existing adjacent residential dwellings. This district is intended for use in older developed areas.

In order to preserve the residential scale, the district contains two density levels to insure that residential-to-office conversions and new development closely approximate the scale of adjacent residential neighborhoods. Furthermore, this district is restricted to those locations that will not increase traffic through residential neighborhoods, and it imposes performance standards designed to prevent noise, lighting, parking and signs from intruding on or otherwise disrupting adjacent residential districts.

The intent of this district is to provide space for small clerical offices that attract a limited clientele, usually on an appointment basis; if these operations later need to expand, it is intended that they should relocate rather than enlarge their operations beyond the limits set for this district.

Within a Residential Office District as shown on the official Zoning Maps of the City of Huntsville, Alabama, the following regulations shall apply:

80.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Medical, optical, and dental offices and clinics for health professionals, excluding overnight care, ambulance services, and retail sales.

Professional offices for lawyers, accountants, engineers and surveyors, architects, landscape architects, consultants, and similar professionals whose clientele normally visit on an appointment basis.

Offices for consumer services such as real estate and insurance agencies and tax services.

Administrative or general offices provided there are no retail or wholesale sales, no storage of products, no display of merchandise, and no storage of company vehicles or equipment.

Child care homes and group child care homes in compliance with Section 73.1.1(4)- Accessory Uses hereof.

Single family dwellings--provided that the requirements of Section 11.2 (Residence 1-A District) are met in a Residential Office 1 District and the requirements of Section 13.2.1 (Residence 2 District) are met in a Residential Office 2 District.

Churches and similar places of worship.

Agricultural uses as permitted in Section 10.1 (Residence 1 District).

Accessory structures and uses only when necessary to the operation of the permitted use but not including retail sales.

Government buildings and uses appropriate to the character of the district or requiring location within the district.

Wireless telecommunications towers and antennas in compliance with the regulations required for location in residential districts.

Prohibited principal and accessory activities include drive-in facilities, outdoor ATM or other vending machines, financial institutions, beauty and barber shops, and parking for off-site uses.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.2 hereof.

(98-260, 09-1053)

80.2 - District Access and Location

Any area to be rezoned Residential Office District shall:

80.2.1 have its frontage on and access from an arterial or collector street; or

80.2.2 have frontage on and access from a local street only if the local street connects directly to an arterial or collector street and there is no residential zoning along the local street between the major street and the proposed Residential Office district; or

80.2.3 be zoned Residence 2-B District at the time of the request to rezone to Residential Office District.

80.2.4 In addition to meeting at least one of the three preceding conditions, a proposed Residential Office District must also abut a residential district and at least one district that permits commercial or industrial activities. (98-260)

80.3 - Density Controls for Non-residential Uses

Because the intent of this district is to continue the size, scale and pattern of existing residential development, the density controls are designed to provide standards that will closely approximate the existing residential development. For this reason, two levels of density controls are provided based on the previous zoning district. For both levels, *Previous Zoning District* in the following table refers to the district designation prior to rezoning to Residential Office, or if not zoned residentially, then to the predominant adjoining residential district.

DENSITY CONTROLS FOR NON-RESIDENTIAL LOTS

	RESIDENTIAL OFFICE 1	RESIDENTIAL OFFICE 2
Previous Zoning District	R1 & R1A	R1B, R1C, R2, R2A, & R2B
Minimum Lot Area	12,000 sq. ft.	6,000 sq. ft.
Maximum Lot Area	22,500 sq. ft.*	11,250 sq. ft.*
Maximum Total Building Coverage	25% up to a maximum of 5,000 sq. ft.*	30% up to a maximum of 3400 sq. ft.*
Maximum Height	20 feet	20 feet
Minimum Lot width	65 feet	40 feet
Minimum Required Front Yard	35 feet	20 feet
	50 feet along major arterial streets	
Minimum Required Rear Yard	25 feet	15 feet
Minimum Required Side Yards	10 feet	5 feet

* Lots and buildings in excess of these standards at the time of rezoning will be grandfathered but may not increase their non-conformity. (98-260)

80.4 - Required Yards for Non-residential Uses

80.4.1 All required yards shall be kept clear of parking, trash and garbage containers, and accessory uses and buildings.

80.4.2 Driveways crossing required front yards shall not exceed a total width of thirty feet in Residential Office 1 districts and twenty feet in Residential Office 2 districts. (98-260)

80.5 - Off-Street Parking for Non-residential Uses

All parking shall be off-street and shall be provided as set forth in Article 70 hereof; provided however, that a sufficient number of parking spaces shall be available to accommodate the number of employees and visitors normally present.

No parking shall be permitted in any required yard. (98-260)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

80.6 - Landscaping Requirements

Every lot on which there is a permitted non-residential use shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

80.6.1 A landscaping screen as defined in Buffer of Screen Planting (Section 3.1 - Definitions) shall be planted and maintained along all side and rear lot lines that abut residential districts.

80.6.2 All required front yards shall be planted with turf grass or an evergreen ground cover and shall be maintained so as to present an attractive, neat and healthy appearance. At least one shade tree and three shrubs for each fifty feet of street frontage or fraction thereof shall be planted and maintained in the required front yard.

80.6.3 Every effort shall be made to retain and protect existing mature trees that are healthy and not hazardous to persons or property. Each such tree preserved shall count as two trees for the purposes of Section 80.6.1 or 80.6.2. (98-260)

80.7 - Signs

Each occupied non-residential lot shall be permitted one attached accessory sign or one detached accessory ground sign; corner properties are permitted one attached identification sign facing the secondary frontage. Signs identifying home occupations shall be permitted in accordance with Section 72.4.1. All signs in a Residential Office District shall be regulated in accordance with Article 72 - Sign Control Regulations.

80.7.1 An attached accessory sign shall not exceed six square feet in size, shall be mounted flat against the first story building face, and shall not cover or obscure any windows, doors or other architectural features.

80.7.2 A detached accessory ground sign may be used instead of an attached sign where the front yard is sufficiently deep to permit placement of the ground sign no less than twenty-five feet from the public right-of-way. Such ground sign shall not exceed twenty square feet in size, and the top of such sign shall be no higher than five feet above ground level.

80.7.3 Where a corner lot has frontage on a side street, one attached accessory sign of two square feet or less shall be permitted on the side face of the building in compliance with the conditions of Section 80.7.1. (98-260)

80.8 - Performance Standards

80.8.1 Exterior lighting must be shielded and so placed that residential lots are not illuminated.

80.8.2 Noise shall not exceed ambient background levels at ground level at the property lines. Exterior loudspeakers are prohibited.

80.8.3 Outdoor storage of goods or materials is not permitted and no company vehicles, machinery or equipment may be stored on the property or parked so as to create a portable sign.

80.8.4 Trash and garbage containers must be screened from view and not located in any required yard nor in any front yard. Permanent dumpsters are not permitted. (98-260)

80.9 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

*98-260, 08-429, 09-1053, 10-507, 15-758

ARTICLE 81 OFFICE DISTRICT REGULATIONS

Purpose

The Office District is primarily intended to promote and permit traditional office (administrative, professional and business) uses in close relationship with each other outside of other business districts. This district can serve as a transitional district between residential districts and more intensive business districts.

The goal is to encourage and provide for the appropriate and convenient location of a broad range of office uses, personal and professional services, and similar ancillary uses. The district will also provide for multi-story buildings permitting residential uses on the upper floors.

Within an Office District as shown on the official Zoning Maps of the City of Huntsville the following regulations shall apply:

81.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one or more of the uses herein cited and subject to the conditions stated herein:

Office Uses where administrative, clerical, one-on-one consultations, and sales services are rendered, provided that, except in the case of medical, optical and dental offices, no commodity or tangible property, either by way of inventory or sample, shall be stored, kept or exhibited in any office or on the premises wherein the office is located. Permitted office uses shall be limited to the following:

Architects, attorneys and other professionals; consumer services such as real estate and insurance agencies; and administrative and clerical offices.

Medical, optical and dental offices and clinics for health professionals, excluding overnight care and ambulance services.

Banks and credit unions (provided there are no drive through services or outdoor automated teller machines).

Computer programming, software design and web design services.

Telephone answering services and telemarketing services.

Residential dwelling units located above the ground floor, excluding hotels, motels, tourist homes, rooming houses, boarding houses and other such transient uses.

Retail sales and consumer service establishments for the convenience of the office workers and residents of the building or complex -- provided that such commercial uses are located on the ground floor and that the aggregate floor area of such uses shall not occupy more than fifteen percent (15%) of the total ground floor area of the building in which such uses are located.

Municipal, county, state or federal uses, excluding off-premises liquor retailers.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

(09-1053)

81.2 - Density Controls

The following yard, density, and height of building requirements shall be observed except as provided in Article 73 hereof.

81.2.1	Minimum required lot area:	15,000 square feet
81.2.2	Minimum required lot width:	100 feet
81.2.3	Minimum required lot frontage:	50 feet
81.2.4	Minimum required depth of front yard:	
	From major arterials (*see Section 73.15*):	50 feet
	From other streets:	20 feet
81.2.5	Minimum required depth of rear yard: None, except when the rear lot line abuts a residential district a rear yard of not less than twenty (20) feet is required.	
81.2.6	Minimum required depth of side yards:	
	Abutting a residential district: A distance equal to the height of the building, but not less than fifteen (15) feet.	
	Other side yards: Two (2) feet for each ten (10) feet of building height but not less than five (5) feet (Setback = 2' x height/10)	
81.2.7	Maximum impervious cover:	70% of total lot area
81.2.8	Maximum height: 30 feet when lot abuts a residential district	
	40 feet with all surface parking	

55 feet if at least forty percent (40%) of the required parking spaces are in the office building or an attached garage

81.3 - Off-Street Parking Requirements

Except as provided for herein all off-street parking shall be provided as set forth in Article 70 hereof.

Parking shall not be permitted in any required side yard nor in the first fifteen (15) feet of any required rear yard as measured from the property line. (09-430)

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

81.4 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements. Where the requirements of Article 71 are in conflict with Article 81, then the more stringent shall apply.

81.5 – Landscaping Requirements

81.5.1 Front Yards:

(1) On local streets contained wholly within a district the first five (5) feet of the required front yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree per each fifty (50) linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

(2) On local streets that extend into other zoning districts and on collector and arterial streets the following landscaping is required:

(a) Whenever eighty percent (80%) of the length of a building's street façade is located at the minimum building line, then the first five (5) feet (ten [10] feet on major arterials) of the required front yard shall be landscaped with a minimum of one small Type 3 or Type 4 tree per each fifty linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

(b) If more than twenty percent (20%) of a building's street façade is set back farther than the minimum building line, then the first fifteen (15) feet of the required front yard shall be landscaped with a minimum of one large Type 1 or Type 2 shade tree per each fifty (50) linear feet of yard or portion

thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass.

81.5.2 Side and Rear Yards: Where side or rear yards are required adjacent to residential districts, the first fifteen (15) feet shall be landscaped with a Buffer of Screen Planting as defined herein.

Trash collection facilities, dumpsters and other structures are not permitted in any required rear or side yard.

Trash collection facilities and dumpsters shall be concealed by solid wood and/or masonry walls for their full height. Where wood is used as the screening material, it shall be securely attached to an all metal support structure; if the wood is not pressure treated, it shall be cedar, redwood or cypress; and no wood member shall exceed twelve (12) inches in width. The gates shall be of metal, shall be at least eighty percent (80%) opaque, and shall be self closing.

Pedestrian paths are permitted through Buffers of Screen Planting to connect residential areas with the office district so long as they do not intrude on nor cross any private property without the owner's permission.

81.5.3 Lots in Use without Buildings: In the event that a parcel is put to use without a building, then the first ten (10) feet along all lot lines shall be landscaped with a minimum of one large Type 1 or Type 2 shade tree and 8 shrubs per each fifty (50) linear feet of yard or portion thereof, and the area shall be planted with a permanent evergreen ground cover or turf grass. If the parcel abuts a residential district, then Section 81.5.2 shall apply along the side and/or rear lot lines.

81.5.4 Installation and Maintenance of Landscaping:

(1) Trees and shrubs shall be well distributed, though not necessarily evenly spaced and shall meet the Minimum Size Standards as set out in Table 1 of Section 71.5.1(2).

(2) All landscaping shall be installed in accordance with Section 71.5.3 -Installation Requirements (1), (2), (3), (4), (7) and (8) and with Section 73.19 - Installation of Landscaping.

(3) The owner, lessee, or his agents shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced within one year after notification or during the next appropriate planting period, whichever comes first.

81.6 - Signs Permitted

Signs shall be permitted in accordance with Section 72.4.2 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

81.7 - Conditions on Uses

No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers. (15-758)

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*06-732, 09-430, 09-1053, 10-507, 15-758

ARTICLE 90 AMENDMENTS

90.1 - Procedure

The regulations and the number, area, and boundaries of districts and all or any portion of this ordinance may be amended, supplemented, changed, modified, or repealed by the City Council of the City of Huntsville after a public hearing has been held on the proposed ordinance amending the Zoning Ordinance; provided that such amending ordinance shall be published in a newspaper of general circulation within Huntsville at least once a week for two consecutive weeks in advance of its passage and further provided that both publications thereof shall be at least fifteen (15) days in advance of its passage, or otherwise advertised in a manner as provided for by state law. (63-93, 93-772, 98-102)

90.2 - Official Zoning Map Changes

Any amendment to the Zoning Ordinance requiring a change in the district boundaries shall be shown on the zoning maps one day after the publication of such amendment. The number and effective date of the amending ordinance shall be printed on the map. The amending ordinance bearing the signature of the Mayor of the city of Huntsville shall be on file in the office of the City Clerk-Treasurer. The official zoning maps shall be on file in the Planning office. (63-93, 93-772)

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*63-93, *93-772, 98-102

ARTICLE 91 ADMINISTRATION AND ENFORCEMENT

91.1 - Enforcement

The provisions of this ordinance shall be administered and enforced by the administrative official designated by the Director of Planning ("Zoning Administrator"). The Zoning Administrator may be provided with the assistance of such other persons as the Director of Planning may direct. Employees of other city departments including the Engineering and Inspection departments as well as license inspectors with the Clerk-Treasurer's office and members of the Police and Fire departments may also assist in the enforcement of this ordinance by reporting to the Zoning Administrator new construction, reconstruction or new land uses and apparent violations of this ordinance. In addition, police officers shall have the power to enforce this ordinance in accordance with section 2-2 of the Code of Ordinances.

The Zoning Administrator and those designated to assist said administrator shall, in accordance with any applicable law, have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out their duties in the enforcement of this ordinance. In those instances where the Zoning Administrator and those designated to assist said administrator are performing responsibilities relative to the review and approval of permitting, certification and licensure, as hereinafter set forth, tacit permission to enter upon any premises at any reasonable time for said purpose(s) shall accompany the application for such permitting, certification or licensure.

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall take any action authorized by this ordinance to insure compliance with or to prevent violation of its provisions, including issuance by him or any inspector under his supervision of a citation to appear in Municipal Court in accordance with ordinances of the city authorizing same, or he may make affidavit under oath before a duly authorized magistrate seeking a warrant for the arrest of the violator.

In addition to any other duties ascribed to him by this ordinance, the Zoning Administrator shall have the duty to maintain files and records relative to the administration of this ordinance, act as clerk to the Board of Adjustment, make examination as necessary to determine compliance with the provisions of this ordinance, investigate complaints of zoning violations, and initiate enforcement action against persons committing violations. The Zoning Administrator shall administer this ordinance in accordance with its literal terms, and shall not have the power to permit any construction or use or any change of use which does not conform to this ordinance.

Issuance, or the approval of issuance, of permitting, certification or licensure, as hereinafter set forth, shall in no case be construed as waiving any provision of this ordinance, unless otherwise waived according to Article 92 hereof.

91.2 - Building Permit Approval Required

A building permit shall not be issued until such time as the Zoning Administrator has determined that the proposed activity for which a building permit is required conforms to the provisions of this ordinance. To this end, the Zoning Administrator is authorized to require that every application for a building permit for excavation, construction, use of land, moving, alteration, or such other regulated activity be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether or not the proposed excavation, construction, use of land, moving, alteration, or such other regulated activity is in conformance with this ordinance:

(1) The actual shape, proportion, and dimensions of the lot to be built upon.

(2) The shape, size, and locations of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.

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

(4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether or not the provisions of this ordinance are being observed.

If the proposed excavation, construction, use of land, moving, alteration, or such other regulated activity as set forth in the application is in conformity with the provisions of this ordinance, the Zoning Administrator shall give his approval for the issuance of a building permit accordingly. If the Zoning Administrator does not approve the issuance of a building permit, he shall state in writing the cause for such disapproval.

It shall be a violation of this ordinance to conduct any activity for which a building permit is required unless and until the Zoning Administrator has given his approval therefor.

91.3 - Certificate of Occupancy Approval Required

A certificate of occupancy shall not be issued until such time as the Zoning Administrator has determined that the proposed activity for which a certificate of occupancy is required conforms to the provisions of this ordinance. To this end, the Zoning Administrator is authorized to require any information he deems relevant for such determination and to make inspection as necessary.

Within three (3) days after an owner or his agent has notified the Zoning Administrator that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof or to otherwise determine compliance with this ordinance, and to approve the issuance

of a certificate of occupancy if the building and premises are found to conform with the provisions of this ordinance; or, if such certificate is refused, to state the refusal in writing with the cause.

It shall be a violation of this ordinance to conduct any activity for which a certificate of occupancy is required unless and until the Zoning Administrator has given his approval therefor.

91.4 - Privilege License Approval Required

No privilege license shall be issued or transferred until such time as the Zoning Administrator shall have confirmed to the City Clerk-Treasurer that the proposed trade, business, occupation, vocation or profession at the location or place of business is in conformance with this ordinance. The Zoning Administrator may conduct an investigation into the proposed activity and to that end may require an applicant for a privilege license to provide information the Zoning Administrator deems relevant to his determination.

If the proposed activity is found to be in conformance with this ordinance, the Zoning Administrator shall approve the issuance of a privilege license accordingly; or, in the case of disapproval, the Zoning Administrator shall state the refusal in writing with the cause.

It shall be a violation of this ordinance to conduct any trade, business, occupation, vocation or profession activity for which the issuance or transfer of a privilege license is required unless and until the Zoning Administrator has given his approval therefor.

91.5 - Other Covered Activity or Conduct

Any activity or conduct regulated by this ordinance which does not otherwise require the approval of the issuance of a building permit, certificate of occupancy or privilege license, as the case may be, shall nevertheless be subject to the provisions of this ordinance and the enforcement thereof.

Sign permits shall be regulated in accordance with Article 72 of this ordinance.

91.6 - Penalties

Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined not more than five hundred dollars ($500.00), plus costs of court, for each offense to which may be added, in the discretion of the judge of the court trying the case, confinement in the city jail for a period not exceeding six (6) months. Each day such violation continues shall constitute a separate offense.

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*63-93, 66-88, 75-377, 91-18, 99-206, 04-1007,
*07-460

ARTICLE 92 BOARD OF ADJUSTMENT

92.1 - Creation and Membership

A Board of Adjustment is hereby established which shall consist of five members, each to be appointed for a term of three years by the Mayor and approved by the City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members of the Board may be removed for cause by the City Council upon written charges and after a public hearing, provided however that the duly appointed members of said Board, as established and appointed pursuant to prior enacted zoning ordinances, shall continue to serve as members of said Board under the terms of this ordinance. (63-93)

92.2 - Proceedings

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

The Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and of other official actions; all of which shall be immediately filed in the offices of the Planning Department and shall be a public record. (63-93)

92.3 - Hearings; Appeals; Notice

Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken.

A reasonable application fee, to be established by the adopted by-laws of the Board of Adjustment, must accompany the application for appeal, except that the application fee shall be $500 for a special exception or a variance for a wireless telecommunication tower other than a personal use or accessory tower as defined in Section 73.20.1 hereof.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. (63-93, 66-88, 93-772, 00-620)

92.4 - Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from,

unless the Zoning Administrator 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 or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of competent jurisdiction or notice to the Zoning Administrator and on due cause shown. (63-93)

92.5 - Powers and Duties

The Board of Adjustment shall have the following powers and duties:

92.5.1 Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this ordinance. (63-93)

92.5.2 Special Exceptions

To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

A special exception shall not be granted by the Board of Adjustment unless and until:

(1) A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;

(2) Notice shall be given at least seven (7) days in advance of public hearing by at least one advertisement in a newspaper of general circulation. The owner of the property for which special exception is sought or his attorney shall be notified by mail;

(3) The public hearing shall have been held. Any party may appear in person, or by agent, or by attorney.

(4) The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. (63-93)

92.5.3 Permitted Uses as Special Exceptions

The Board of Adjustment may permit, as a special exception, the following uses in the specified district:

(1) Semi-public, non-profit, recreational facilities in any residence district (except miniature golf courses).

(2) Off-Premises Beer/Table Wine Retailers in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Village Business C-6, Commercial Industrial Park, Light Industry, Research Park Commercial, Airport Commercial and Heavy Industry districts within five hundred (500) feet of a church.

In addition to any other required notice, an applicant for a special exception to locate within five hundred (500) feet of a church must notify such church via mail.
(11-11, 15-760, 16-89, 16-91)

(3) Private off-street parking area in Residence 2-B District provided such area is adjacent to a business or industrial district.

(4) Quarries, sand pits and gravel pits in Heavy Industry and Planned Industrial districts provided that the following conditions are met in addition to any other conditions imposed by the Board of Adjustment, to wit:

(a) Setbacks. No area of extraction or storage of earth products or overburden material, except for the construction of site barriers as required by paragraph (b) below and shown on the approved site plan, and no parking shall be permitted within two hundred feet (200') of the extraction site boundaries, either above or below grade, or of any public right-of-way. The operation of stationary machinery such as sorters, crushers, or other processing devices shall not be permitted within five hundred feet (500') of the extraction site boundaries or of any public right-of-way unless the extraction site abuts a residential district, in which case the setback shall be one thousand feet (1,000'). Utility facilities (except service lines), administrative buildings, scale houses, and similar non-process facilities shall have a minimum setback of two hundred feet (200') from extraction site boundaries and public rights-of-way. The setbacks described above, however, do not apply to boundaries shared with contiguous lawful extraction operations.

(b) Screening. No grading, removal or disturbance of vegetation, except at points of ingress and egress, shall be permitted within two hundred feet (200') of

the extraction site boundaries or any public right-of-way; provided, however, existing conditions may be modified to enhance screening of the extraction operation from view; and all areas of operation shall be effectively screened from view of surrounding uses to the extent practical by trees and shrubs, fences, walls or earth berms or a combination of same.

(c) Street Access and Frontage. Any proposed extraction operation shall have at least 200 feet of frontage on an arterial or major collector street as designated on the Major Street Plan for the City of Huntsville, and no access shall be through any residential district except on an arterial or major collector street.

(d) Performance Standards. Extraction activities shall be operated and maintained subject to the following minimum requirements.

(i) Safety Measures. Appropriate safety measures shall be taken to control access to the subject property including, but not necessarily limited to, notices posted at intervals no greater than one hundred feet (100') along the extraction site boundaries and along any public rights-of-way that shall warn against trespassing and shall contain a statement of the use of explosives, if applicable. The perimeter of all active extractive operations shall be enclosed by a fence not less than four feet (4') in height.

(ii) Hydrologic Standards. Excavation activities shall be planned such that they minimize changes to the prevailing hydrologic conditions in both the extraction site and off-site areas. Changes in water quality and quantity, in the depth to ground water, and in the location of surface water drainage channels shall be minimized so that the future use of the area is not adversely affected.

(e) Reclamation Standards. The reclamation of an extraction site shall be required and shall result in conditions appropriate for the expected future use of the site.

(i) Full reclamation of the site as provided herein must commence immediately upon completion or termination of the extraction operation or following a dormant period of twelve (12) consecutive months as required by Section 73.18.8.

(ii) In all cases the final grades shall be

appropriate for the expected future use.

(iii) All final site drainage shall be designed, sloped, revegetated, or treated by other measures so that erosion and siltation shall be held to a minimum.

(iv) All reclamation materials used in the grading of the site shall be non-perishable, non-hazardous materials, free from refuse or toxic contaminants and shall be compacted in a manner suitable for the expected future use. Final soil depths and types shall be appropriate for the expected future use.

(v) Revegetation of the site to control dust and erosion and to restore organic vitality is required. The applicant must develop, through tree planting and seeding or sodding, complete vegetative cover sufficient to restore the site to the condition shown on the reclamation plan and to retain the soils, except on ponds and other surfaces not appropriate for vegetation.

(vi) The site shall be maintained for a period of two years following completion of reclamation to insure that vegetation is alive and well, that dead vegetation is replaced, that drainage is working properly, and that soil erosion is held to a minimum.

(f) Accessory Uses. Permitted uses in Heavy Industry and Planned Industrial districts shall not be allowed within the boundaries of the special exception extraction site unless such use is specifically cited in the special exception approval.

(g) Extraction Permit. The applicant shall demonstrate to the Board of Zoning Adjustment that an extraction permit application, based on compliance with the provisions of Section 73.17, has been approved by the Director of the Department of Natural Resources and Environmental Management.

(h) Performance Bond. The applicant shall post a bond or deposit a cash escrow with the City of Huntsville in accordance with the provisions of Section 73.18 before approval by the Board of Zoning Adjustment shall become effective and before an extraction permit shall be issued.

(i) Termination of Special Exception. The special exception and any variances granted within the extraction site subsequent to the approval of the

special exception shall terminate at such time as the Director of Natural Resources and Environmental Management notifies the Zoning Administrator that a valid extraction permit for the site is not in effect and that the reclamation plan has been completed. (91-78)

(5) Private airport in any industrial district.

(6) Cemetery in any district.

(7) Trailer court in a Residence 2-B District.

(8) Go-cart tracks and operation, model airplane flying, or other outdoor recreational facility creating loud noise, including fairs, carnivals and circuses, in General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Planned Industrial, Airport Industrial Park, Commercial Industrial Park, Heavy Manufacturing and Industrial Park districts. (00-620, 09-1053).

(9) Towers intended to support personal wireless service antennas in any residential district; approval shall be subject to the conditions contained in Sections 73.20.4 - Lighting, 73.20.5 - Tower Color, 73.20.6 - Site Security, 73.20.8 - Structural Design of Towers, 73.20.9 - Signs, 73.20.10 - Access, 73.20.11 - Landscaping, 73.20.16 -Co-Location, and 73.20.17 - Building Permits for Towers of this ordinance, and to the following conditions:

(a) Towers must be monopoles and must be designed to implode under stress; antennas used must be of the least visually obtrusive design available at the time of application.

(b) A signed affidavit from the applicant verifying the inability to locate the proposed antennas on existing towers or other structures accompanied by supporting documentation as specified in Section 73.20.16 - Co-Location, and including substantial evidence that the tower cannot, by technical necessity, feasibly be located in a non-residential district.

(c) Any new tower permitted must be designed to accommodate personal wireless service antennas for at least one additional user for a reasonable fee if technically feasible.

(d) Accessory facilities shall be fully automated and shall not include offices, vehicle storage, outdoor storage, or broadcast studios.

(e) Tower heights shall not exceed one hundred (100) feet.

(f) Setbacks for towers shall be at least fifty feet (50') from all lot lines, and setbacks for accessory structures shall be a minimum of twenty (20) feet from all lot lines or as required for primary structures in the district if greater.

(g) Towers shall not be permitted within the boundaries of any historic district listed on the National Register nor shall towers be located on the same lot with a residential structure.

(h) Accessory buildings and security fences or walls shall be constructed so as to be compatible with the surrounding residential neighborhood by virtue of their design, materials, textures, and colors.

(i) New towers permitted on mountain tops or slopes should be clustered with existing towers, if any, to the extent that such location is technically feasible and safe as well as aesthetically, environmentally and visually compatible.

(j) The Board of Adjustment shall act upon any application for authorization to place, construct or modify any personal wireless service facility, whether for a special exception or a variance, within a reasonable period of time after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.

Any decision by the Board of Adjustment to grant or deny an application to place, construct, or modify any personal wireless service facility, whether for a special exception or a variance, shall be in writing and supported by substantial evidence contained in the record. (96-1008)

(10) Fallout shelters for more than two families in any residence district.

(11) Laundry or dry cleaning operation in a neighborhood business district, provided no flammable fluids are used, no open discharge of steam, and not more than five (5) people are employed.

(12) Private schools, nurseries, kindergartens and child care centers in any residential district when operated as an accessory use to any permitted use other than a family dwelling, provided that the Department of Transportation concurs and that all property owners within 500 (five

hundred) feet have been notified of the public hearing.

Group child care homes in all residential districts, except Residence 2-B districts, provided that the restrictions listed in Section 73.1.1.(4) have been met, that all property owners within 500 (five hundred) feet have been notified of the public hearing, and that such special exception shall be granted only to the applicant, shall not be transferable to any other person, firm or corporation, and shall terminate at such time as the group child care home ceases operation.

(13) Two-family house in a Light Industry District.

(14) Theatres, not including drive-in theatres, in Neighborhood Business C-1, C-2, General Business C-3, Central Business C-B, Highway Business C-4, Commercial Industrial Park, Research Park Commercial and Light and Heavy Industry districts.
(05-013, 06-1201)

(15) Drive-in theatres only in Light and Heavy Industry Districts.

(16) Commercial heliports and/or helipads in the following districts: General Business C-3, Highway Business C-4, Medical, and Light Industry districts.

(17) Private sidewalk or patio seating for on-premises alcoholic beverage retailers in Neighborhood Business C-1 and C-2 districts, when it can be determined that such use will not be a nuisance to nearby residences.

(18) Expanded hours for on-premises retail sale, service, dispensing, or consumption of alcoholic beverages in a Neighborhood Business C-1 or C-2 district between midnight and 2 a.m. provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(a) Approval shall be for the licensee only and for one year only.

(b) Each year the licensee shall notify all residents within five hundred (500) feet by mail of the request at least ten (10) days prior to the date of the Board of Adjustment meeting.

(c) Licensed establishments shall be at least 250 feet from a single family residential zoning district and shall not be located on a local street; provided, however, where the portion of the residential district falling within the required separation distance has been put to a non-residential use or the land is unusable for residential

purposes, then the separation requirement shall not apply.

(d) Separation distances shall be measured from the edge of the parking lot or the exterior wall of the licensed establishment, whichever is closer to the residential district.

(e) The Board of Adjustment shall have no authority to grant variances to preceding conditions (a) through (d) or to extend hours of service beyond what is provided for herein. (02-196, 03-285, 16-91)

(19) Indoor firing ranges, as a primary use, in Light Industry, Heavy Industry and Disposal Storage districts only, and as an accessory use to a permitted use in Planned Industrial, Research Park, Research Park West, Research Park Applications and Airport Industrial Park districts, provided that in either case of primary use or accessory use, the following conditions are met in addition to any other conditions imposed by the Board of Adjustment, to wit:

(a) Where the indoor firing range is a primary use, as opposed to an accessory use as hereinabove provided, there shall be no fewer than three (3) off-street parking spaces per firing lane or stall for patrons of the range.

(b) All Building Code requirements and all standards promulgated by the Zoning administrator of the City of Huntsville, Alabama, with regard to the construction and performance of indoor firing ranges shall be met.

(c) Where the property on which the use is situated is contiguous to a residential zoning district, the structure housing the use shall not be situated nearer than fifty (50) feet to the residentially zoned property.

(d) The sale or consumption or possession of alcoholic beverages on the premises shall be prohibited. (88-461, 89-182)

(20) AM radio broadcast towers, towers for mobile or fixed point radio antennas, and any other telecommunications towers not otherwise covered by Section 73.20.1 - Applicability that will not be designed, constructed, and available to accommodate multiple users for a proposed location in any non-residential district. Approval shall be subject to:

(a) Submittal of scaled site plans and other supporting drawings and documents sufficient to demonstrate

compliance with the provisions of Section 73.20 hereof.

(b) Written documentation by the applicant demonstrating why installation of a single user tower would better serve the goals of the Zoning Ordinance than would a tower designed to accommodate multiple users.

(c) The Board of Adjustment shall act upon any application for authorization to place, construct or modify any personal wireless service facility, whether for a special exception or a variance, within a reasonable period of time after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.
Any decision by the Board of Adjustment to grant or deny an application to place, construct, or modify any personal wireless service facility, whether for a special exception or a variance, shall be in writing and supported by substantial evidence contained in the record. (96-1008)

(21) Broadcast towers supporting one or more UHF or VHF television or FM radio broadcast or other similar broadcast antenna in any district; approval shall be subject to the provisions of Sections 73.20.6 - Security, 73.20.8 - Structural Design, 73.20.9 - Signs, 73.20.10 - Access, 73.20.11 - Landscaping, 73.20.16 - Co-Location, and 73.20.17 - Building Permits of this ordinance and to the following conditions:

(a) Because it is the intent of this ordinance to minimize the number of towers and their visual impact on the city, any new television tower that is permitted shall be capable of supporting at a minimum two UHF antennas and one FM antenna in addition to other radio service antennas and microwave dishes.

(b) If a new tower is approved for a currently operating television licensee, then the existing tower must be removed and any antennas on the existing tower transferred to the newly permitted tower or to other existing towers. There should never be more television towers in the city than there are television licensees, and it is the intent of this ordinance that the number of television towers should decrease over time as licensees co-locate on new towers.

(c) Setbacks for broadcast towers shall be the greater of 25% of tower height (including antennas) or the longest distance between the perimeter of the tower base and a guy anchor plus a fifteen-foot (15')

setback from any lot line for each guy anchor.

(d) Broadcast towers must be located so that in the event of tower or structure failure, the tower cannot strike another tower or tower support structure.

(e) Applications to locate broadcast towers in residential districts must contain written documentation demonstrating why it is essential for the tower to be so located accompanied by evidence that the tower cannot be located in a non-residential district.

(f) Tower lighting shall be the minimum required to comply with federal regulations, and tower height shall be the minimum necessary to serve the licensed area. (96-1008)

(22) Indoor facilities for the discharge of BB guns in Light Industry, Heavy Industry, Disposal Storage, and Commercial Recreation C-5 districts subject to prior approval of the application by the Chief of Police and compliance with the provisions of Ordinance No. 97-171 as the same may be amended. Special exception approval by the Board of Adjustment shall be granted only on a specific event basis and approval shall specify the time period during which the special exception is valid. In addition, the following conditions shall apply:

(a) All building code requirements and all standards promulgated by the Building Inspector of the City of Huntsville with regard to the construction and performance of indoor firing ranges for BB guns shall be met;

(b) The structure housing such use shall not be situated nearer than fifty feet to residentially zoned property; and

(c) The sale or consumption or possession of alcoholic beverages on the premises shall be prohibited. (97-336)

(23) Indoor facilities for the discharge of paintball guns in Light Industry, Heavy Industry, Disposal Storage, and Commercial Recreation C-5 districts. In addition to any other conditions imposed by the Board of Adjustment, the following conditions shall apply:

(a) The structure housing such use shall not be situated nearer than fifty (50) feet to residentially zoned property.

(b) Off-street parking spaces shall be provided in accordance with Article 71 - Off-Street Parking and

Vehicular Use Area Landscaping Requirements. The number of parking spaces provided shall be at least one parking space for each 300 square feet of floor area.

(c) All noises emanating from the facility shall comply with the City of Huntsville Noise Control Regulations, as the same may be amended, and further, that where an indoor facility for the discharge of paintball guns adjoins residentially zoned property, the sound of firearm discharge and the sound of projectile impact shall not be audible at or beyond the property line.

(d) Guns used for paintball shall be discharged only within the indoor paintball structure.

(e) The sale, consumption or possession of alcoholic beverages on the premises shall be prohibited. (05-141)

(24) Outdoor paintball playing fields in Heavy Industry and Disposal Storage districts, provided the following conditions are met in addition to any other conditions imposed by the Board of Adjustment:

(a) Applicant must demonstrate evidence of legal control of the proposed paintball site.

(b) The external boundaries of the paintball site must be at least 500 feet from any residential use, residentially zoned district or recorded residential subdivision, place of worship, school or daycare facility, provided, however, the separation distance restriction may be waived where the residential district or residential areas cannot be developed within 500 feet of the paintball site due to the existence of a floodway. The distance established herein shall be measured from the property line of the outdoor paintball range to the property line of the affected use.

(c) A buffer strip 200 feet deep along the perimeter of the site, along all rights-of-way, and adjacent to structures must be maintained, and no play shall be permitted within this buffer; provided, however, this buffer may be waived or modified by the Board of Adjustment if in the opinion of the Board of Adjustment such waiver or modification will not be disruptive or detrimental to the surrounding area.

(d) A 20 foot high, nylon mesh screen shall be installed around each area of play, each tune-up area, and each other such area where guns may be discharged.

This screen shall be anchored at the bottom and secured by a non-stretchable cable at the top and bottom. Two such screens shall be installed a minimum of five feet apart to separate the spectator area from the areas set forth above in this subsection 24 (d).

(e) Off-street parking spaces shall be provided in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements. The number of parking spaces provided shall be equal to one parking space for each 300 square feet of area of play.

(f) Standards of operation must be submitted as part of the Board of Adjustment application and shall become part of any approval. Standards shall include all pertinent information including a description of the equipment to be used, the hours of operation, the buffer strip, nylon mesh screen, and procedures needed to minimize any noise, litter, lighting, traffic, or other forms of pollution created by the proposed operation that may have an adverse impact on the proposed paintball range, as well as surrounding properties.

(g) A site plan (1" = 200') showing the buffer strip; the nylon mesh screen; location of any permanent structures on the site; designated areas of play, staging, tune-up and spectators; adjacent rights-of-way; vehicular and pedestrian circulation, including points of access to the site, loading and unloading areas, and areas for employee and customer parking; restroom facilities; landscaping; and any other proposed facilities, and a copy of the official zoning map on which are shown the exact boundaries of the paintball site shall be submitted with the Board of Adjustment application.

(h) No outdoor lighting shall be allowed other than for building access, parking area and signs. Nighttime use of a paintball range may be permitted if in the opinion of the Board of Adjustment such use will not be disruptive to the surrounding area. In these cases, playing, staging, tune-up and spectator areas will be required to be lighted.

(i) Hours of operation shall be from 7:00 a.m. to 12 midnight, provided, however, in no case shall hours of operation continue after dark unless the field is artificially lighted in accordance with 24(h) above.

(j) Guns used for paintball shall be discharged only on the paintball field within the approved designated

areas of play.

(k) The sale, consumption or possession of alcoholic beverages on the premises shall be prohibited.

(l) No outdoor storage shall be allowed. (05-141)

(25) Electronic message center signs on major and minor arterials in residential zoning districts conditioned upon submittal of the following information to the Board of Adjustment and further conditioned upon the requirements of subsections 72.4.1(2) and 72.5.25 as well as any other conditions that may be imposed by the Board of Adjustment:

(a) A site plan of the property indicating the proposed location of the sign in relation to any adjacent residential dwellings.

(b) A scaled rendering of the proposed sign.

(c) An indication of the technologies employed in the sign including: the method of illumination; the method of adjusting the sign to ambient light conditions; and the default design to freeze the device in one position if a malfunction occurs.

(d) A copy of the official zoning map on which are shown the exact boundaries of the property.

(26) Electronic display signs on major and minor arterials in residential zoning districts conditioned upon submittal of the following information to the Board of Adjustment and further conditioned upon the requirements of subsections 72.4.1(2) and 72.5.26 as well as any other conditions that may be imposed by the Board of Adjustment:

(a) A site plan of the property indicating the proposed location of the sign in relation to any adjacent residential dwellings.

(b) A scaled rendering of the proposed sign.

(c) An indication of the technologies employed in the sign including: the method of illumination; the method of adjusting the sign to ambient light conditions; and the default design to freeze the device in one position if a malfunction occurs.

(d) A copy of the official zoning map on which are shown the exact boundaries of the property.

(27) Hotels, motels, and bed & breakfasts in Neighborhood Business C-1, C-2, and Village Business C-6 districts. (15-677)

(28) Parking lots as a primary use in Neighborhood Business C-1, Neighborhood Business C-2 and Village Business C-6 districts. (16-89)

(29) Radio and television studios but not broadcast towers in Neighborhood Business C-1 and C-2 districts when located on a major arterial.

(30) Hotels and motels in Research Park Applications and Research Park Applications 2 districts. (10-180)

(31) Special event retailers in all residential districts. (11-11)

(32) In Heavy Industry districts only: abattoir, stockyards; manufacture of acetylene gas, acid, ammonia, or chlorine, bleaching chemicals, powder, alcoholic beverages; asphalt manufacturing, limestone drying; auto wrecking, or storage of wrecked autos for purpose of used parts sales; blast furnaces, boiler and tank works; bag cleaning; central mixing plant for cement mortar or paving materials; processing, incineration or storage of dead animal materials, including curing, tanning and storage of hides, distillation of bones, coal, fat rendering, candle making, fertilizer manufacture, glue size, and gelatin manufacture; manufacture of paint, turpentine, varnish, soap and tar products, disinfectants and dyestuff; wool pulling or scouring; cement, lime, gypsum or plaster of Paris manufacture; salvage yards; paper and pulp manufacture; ore reduction; junk, scrap metal, rags, paper, cotton waste, storage or baling; gasoline and L.P. Gas bulk storage plants.

(33) Special Retailers as an accessory use to banquet halls or cultural venues where such uses are permitted in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Commercial Industrial Park and Research Park Commercial districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(a) The Special Retail license is available only to organizations.

(b) Approval shall be for the licensee only and for the current license year only.

(c) The licensee shall notify all residents within five

hundred (500) feet by mail of the request at least ten (10) days prior to the date of the Board of Adjustment meeting.

(d) The Special Retail license is only for scheduled events and shall not constitute the primary use of the property.

(e) In Neighborhood Business C-1 and Neighborhood Business C-2 Districts only: there shall be no outdoor entertainment.

(f) The Special Retail license, along with a listing of all conditions prescribed by the Board of Adjustment, must be clearly posted in a conspicuous location.

(g) The Board of Adjustment shall have no authority to grant variances to the preceding conditions (a) through (f). (16-91)

(34) Photovoltaic Solar Energy System, On-Site, as an accessory use to a non-residential use in a residential zoning district, provided the conditions in Section 73.1.1(5) for on-site solar energy systems in residential districts are met in addition to any other conditions that may be imposed by the Board of Adjustment. (12-466A)

(35) Photovoltaic Solar Energy Production Facility, as a primary use in all non-residential zoning districts except for Residential Office and Office districts, provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(a) Area of use may not exceed five (5) acres onsite with no aggregation of solar collection panels on adjacent properties which exceeds five (5) acres.

(b) Solar energy production facilities shall adhere to the setback and height requirements of the district in which they are located.

(c) Abutting residential properties shall be visually screened from the project through any one or combination of the following: plantings, existing vegetation or fencing (not to exceed eight [8] feet in height). The screening, capable of providing year round screening, shall be provided along the non-reflective sides of the solar energy production facility or collection of facilities.

(d) The manufacturers' or installers' identification, the facility owners' name and contact information, and the appropriate warning signage shall be posted on or near the panels in a clearly visible manner.

(e) All electrical interconnection and distribution lines within the project boundary, except for power lines that leave the project or are within the substation, shall be underground, unless determined otherwise by the Zoning Board of Adjustment because of severe environmental constraints.

(f) Lighting of the solar energy production facility and accessory structures shall be limited to the minimum necessary.

(g) Drawings that clearly illustrate the design of the solar energy production facility shall be submitted as part of the Special Exception application package. The Board of Adjustment may apply aesthetic consideration when approving the design of the solar energy production facility.

(h) The installation of a solar energy production facility shall not cause to apply the requirements of Article 70 -- Off-Street Parking and Loading Requirements or of Article 71 -- Off-Street Parking and Vehicular Use Area (PVA) Landscaping Requirements.

(i) Any solar energy production facility that has not been in use for its original purpose for a period of one hundred and eighty (180) days shall be deemed to be abandoned. The solar energy production facility owner and/or the property owner shall have an additional ninety (90) days to remove the abandoned solar energy system and any appurtenant structures or to reactivate the solar energy system. (12-466A)

(36) Entertainment, as entertainment is defined herein, in restaurants, as restaurants are defined herein, located in Neighborhood Business C-1 and C-2 districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(a) Approval shall be for the licensee only and for the current license year only.

(b) Each year the licensee shall notify all residents within five hundred (500) feet by mail of the request at least

ten (10) days prior to the date of the Board of Adjustment meeting.

(c) The entertainment shall not be audible outside the interior of the licensed premises.

(d) No entertainment shall be permitted and no entertainment shall be audible in the areas of any private sidewalk, courtyard or patio seating.

(e) No entertainment shall be permitted after 11:00 p.m.

(f) The Board of Adjustment shall have no authority to grant variances to preceding conditions (a) through (e).
(13-482, 16-91)

(37) Alcoholic Beverage Manufacturers that conduct tastings or samplings on the licensed premises (with or without entertainment) shall be permitted as a Special Exception in General Business C-3, Highway Business C-4, Village Business C-6, Light Industry, Heavy Industry, Commercial Industrial Park, and Airport Commercial districts.
(15-315, 15-677)

(38) Farmers markets located in Residence 1, Residence 1-A, Residence 1-B, Residence 1-C, Residence 2, Residence 2-A, Residence 2-B, Residence 2-C, Neighborhood Business C-1, Neighborhood Business C-2, and Village Business C-6 Districts.
(15-406, 15-907)

(39) Metal siding as an exterior building finish provided the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(a) Exterior building finish must be constructed with an architectural composite metal panel or similar architectural composite panel.

(b) Pre-finished metal siding, steel siding, ribbed or corrugated metal siding materials are not permitted exterior building finishes.

(c) Exposed fasteners are not permitted.
(15-758)

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance in order to mitigate the impact of the use to surrounding uses and to otherwise protect the public health,

safety and general welfare. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 91.5 - Penalties of this ordinance.
(63-93, 65-258, 66-88, 69-7, 73-171, 77-523, 79-390, 80-396, 84-1, 88-461, 89-182, 91-18, 91-78, 96-259, 96-1008, 97-336, 00-620, 02-196, 05-141, 07-1194, 09-1053, 10-180, 11-11, 11-895, 12-466A, 13-482, 15-315, 15-406, 15-758, 15-760, 15-907, 16-89, 16-91)

92.5.4 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 result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

(1) A written application for a variance is submitted demonstrating:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

(c) That the special conditions and circumstances do not result from the actions of the applicant;

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) Notice of public hearing shall have been given as in Section 92.5.2(2) above.

(3) The Board shall make findings that the requirements set forth in Section 92.5.4(1) have been met; that the reasons set forth in the application justify the granting of the variance; and that the granting of such variance is in harmony with the spirit of this ordinance and will not be injurious to the neighborhood.

(4) The Board shall have no authority to grant variances that would amend the duly adopted final plat or the attached conditions, if any, for a Planned Development district. Amendments or alterations to approved Planned Development districts shall be as provided for in Section 30.5.8 (PD – Changes in Approved Final Plans).

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 91.5 - Penalties hereof. (63-93, 01-269)

92.5.5 Abatement of Nuisances

The Board of Adjustment may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, 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 Zoning Administrator to issue an abatement order, but such order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice by advertisement in a newspaper of general circulation; such notification shall be mailed at least seven (7) days prior to the date of such public hearing. 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. (63-93)

92.6 - Decisions of the Board of Adjustment

In exercising the above mentioned powers, the Board may, in conformity with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any Zoning Administrator, or to

decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance. (63-93)

92.7 - Appeals from the Board of Adjustment

Any person or persons aggrieved by any decision of the Board of Adjustment may seek review by a court of competent jurisdiction in the manner provided by the laws of the State of Alabama. (63-93)

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*63-93, 65-258, 66-88, 69-7, 73-171, 77-523, 79-390, 80-396, 84-1, 88-461, 89-182, 91-18, 91-78, 93-772, 96-259, 96-1008, 97-336, 00-620, 01-269, 02-196, 03-285, 05-013, 05-141, 06-1201, 07-1194, 09-1053, 10-180, 11-11, 11-895, 13-482, 15-315, 15-406, 15-677, 15-758, 15-760, 15-907, 16-89, 16-91

ARTICLE 93 SEVERABILITY

Should any section or provision of this ordinance be held void or invalid, it shall not affect the validity of any other section or provision thereof which is not of itself void or invalid, it being the purpose and intention of the City Council to enact each separate section and/or subsection separately. (63-93)

ARTICLE 94 REPEAL OF EXISTING ZONING ORDINANCES

All zoning ordinances heretofore adopted are hereby repealed, with the exception of those ordinances relating to Fire Districts and Airport Obstruction Zoning. (63-93)

ARTICLE 95 EFFECTIVE DATE

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

Adopted this the 21st day of March, 1963.

(Signed) HOMER WHITT
President of the City Council

Approved this the 21st day of March, 1963.

(Signed) R. B. SEARCY
Mayor

Attest:

(Signed) QUINCY B. LOVE
City Clerk-Treasurer

APPENDIX **AMENDMENTS INCORPORATED INTO THIS ZONING ORDINANCE**

ORD NO	DATE	PURPOSE
65-153	11 May 65	Establishes C1A district
65-258	12 Aug 65	Amends private schools as a special exception
66-81	24 March 66	Revises Airport Obstruction Zoning Ordinance
66-88	14 April 66	Multiple amendments to many sections
67-158	13 July 67	Amends C1A regulations
67-257	12 Oct 67	Establishes PI district regulations
68-91	19 March 68	Amends LI regulations
68-142	13 June 68	Amends regulations to develop land in C1A, RP and PI districts
69-7	23 Jan 69	Sets heights for C1 and C3 districts; prohibits private hospitals in RP
69-72	27 March 69	Establishes Airport Industrial Park district regulations
70-64	9 April 70	Amends RP yard requirements
70-105	25 June 70	Establishes Disposal-Storage district regulations
70-132	23 July 70	Amends Definitions
70-172	7 Sept 70	Establishes Medical District regulations; amends Non-Conforming Lots
71-76	25 March 71	Amends density controls in LI and HI districts
72-24	24 Feb 72	Establishes Sign Control regulations
73-36	8 March 73	Amends parking requirements in RP
73-171	28 June 73	Makes theaters a special exception in C1, C2, C3, LI and HI districts
75-377	9 Oct 75	Amends regulations for Enforcement Officer

ORD NO	DATE	PURPOSE
77-1	13 Jan 77	Establishes Highway Business C4 district regulations
77-514	8 Dec 77	Amends Non-Conforming Lots regulations
77-523	22 Dec 77	Establishes regulations for heliports and/or helipads
78-248	27 July 78	Interim Floodway regulations
79-59	8 March 79	Establishes landscaping requirements for parking lots
79-159	28 June 79	Permits single family attached dwellings in R2 and R2A
79-201	26 July 79	Interim Floodway regulations
79-239	13 Sept 79	Establishes Floodway-Floodway Fringe district regulations
79-390	19 Nov 79	Permits dual occupancy in C3 as a special exception
79-417-A	27 Dec 79	Limits sale of alcohol in C1, C1A and C2 districts
79-417-B	24 Jan. 80	Amends single family attached dwellings regulations
80-395	9 Oct 80	Permits table wine shops in C1 and C1A
80-396	9 Oct 80	Permits delicatessen as special exception in C1, C1A and C2
81-358	22 Oct 81	Permits private streets and private subdivisions in R1, R1A, R1B, R2, R2A, and R2B
82-59	25 Feb 82	Amends rear yard setbacks in PI
82-92	25 March 82	Amends private streets and private subdivisions
82-122	22 April 82	Establishes Planned Development and PD-H regulations
82-295	12 Aug 82	Amends Planned Development regulations
82-494	21 Dec 82	Amends Planned Development regulations
84-1	12 Jan 84	Permits private hospitals in C3, C4,and LI
84-70	23 Feb 84	Amends RP regulations and establishes RPW and RPA
84-254	24 May 84	Sets rear yard setbacks for residential swimming pools

ORD NO	DATE	PURPOSE
84-618	27 Sept 84	Establishes Commercial Recreation C5 regulations
84-619	27 Sept 84	Amends Planned Development regulations
84-650	11 Oct 84	Amends required parking spaces with regard to seating capacities
84-818	13 Dec 84	Sets liquor regulations for C3, C4, LI and HI districts
85-4	10 Jan 85	Amends liquor regulations for C1, C1A, C3, C4, C5 and LI districts
85-94	28 Feb 85	Permits business center signs in C3
85-97	28 Feb 85	Amends PD-H regulations
85-595	26 Sept 85	Establishes RPW sign regulations
85-643	24 Oct 85	Revises landscaping regulations for parking lots
85-644	24 Oct 85	Establishes CIP regulations
85-714	12 Dec 85	Amends Floodway district regulations
86-522	14 Aug 86	Requires 50-foot setback from major arterial roadways
86-700	13 Nov 86	Amends liquor regulations in C1 and C1A
86-771	23 Dec 86	Permits office-warehouse in C4 and moves Prohibited Uses from LI to HI
87-177	14 May 87	Consolidates and revises the Sign regulations
87-268	30 June 87	Establishes patio homes regulations for R2 and R2A
87-269	30 June 87	Revises Floodway-Floodway Fringe regulations
87-312	23 July 87	Amends Sign Control regulations
87-316	23 July 87	Establishes Airport Commercial district regulations
87-317	23 July 87	Amends PI district regulations
87-364	27 Aug 87	Revises Airport Obstruction and Noise Exposure district regulations

ORD NO	DATE	PURPOSE
88-192	28 April 88	Establishes Planned Development-Shopping Center and Planned Development-Highway Commercial districts
88-243	26 May 88	Amends landscaping requirements in RPW and RPA
88-434	25 Aug 88	Amends front yard requirements in PI
88-461	8 Sept 88	Permits indoor firing ranges as a special exception in LI, HI, and Disposal Storage districts
89-121	9 March 89	Permits furniture stores in AC and C4 and prohibits indoor firing ranges in CIP
89-181	13 April 89	Corrects an omission in Airport Obstruction regulations
89-182	13 April 89	Amends Indoor Firing Range regulations
89-324	22 June 89	Sets billboard standards for inter-state and elevated highways
89-669	14 Dec. 89	Amends Non-Conforming Lots of Record
91-18	24 Jan 91	Amends Penalties and expands Child Care regulations
91-78	28 Feb. 91	Establishes regulations for Quarries, Sand Pits and Gravel Pits
91-79	28 Feb 91	Prohibits the sale of alcoholic beverages in Food Courts
91-103	11 April 91	Establishes Mountainside Development
91-105	25 April 91	Defines Private Access Way and amends Single Family Attached and allows Private Streets/Subdivisions for Single Family Attached Subdivisions
91-107	25 April 91	Amends Flood Boundary Maps showing Sherwood Creek floodway
91-109	25 April 91	Establishes Residence 1-C District and amends Sign Control Regulations to include R1-C
91-373	11 July 91	Amends height limit for lots of record in MD District
92-2	13 Feb 92	Amends Residential Parking Modifications

ORD NO	DATE	PURPOSE
92-4	13 Feb 92	Amends Buffer of Screen Planting and Installation of Landscaping Requirements
92-6	13 Feb 92	Amends definition of Sign and Sign Area in Sign Control Regulations
92-74	9 April 92	Establishes Heavy Manufacturing District regulations and amends Sign Control regulations to include Heavy Manufacturing and amends MDD mapping
92-302	25 June 92	Amends interpretation of MD district boundary lines
92-706	22 Dec 92	Adds child care uses to C1A
93-235	27 May 93	Amends Sherwood Creek and Flint River floodways
93-536	23 Sept 93	Clarifies the heading for multifamily dwelling densities (Article 73.13)
93-604	14 Oct 93	Makes parking space size consistent at 180 square feet (Article 70)
93-772	21 Dec 93	Updates mapping procedures and allows Board of Adjustment to set its own application fee
95-91	23 Mar 95	Makes setback 10 feet for political signs in residential districts
95-413	13 July 95	Establishes Industrial Park district regulations and adds sign regulations
95-498	24 Aug 95	Adds dry cleaners to C1, C1A and C2 and bookstores to C4 districts
96-159	20 May 96	Establishes Slope Development district and deletes Mountainside Development district
96-259	23 May 96	Requires 20' street frontage for all lots; makes theatres a special exception in C4 and CIP districts
96-336	13 June 96	Defines billboard embellishments and allowable size and configuration
96-338	13 June 96	Interim regulations for wireless communication towers and antennas (*Effective 6-24-96 to 12-24-96*)

AMENDMENTS: 6

ORD NO	DATE	PURPOSE
96-858	25 Nov 96	Extended interim tower regulations for 6 months
96-1008	23 Jan 97	Establishes regulations for Wireless Telecommunications Towers
97-336	12 June 97	Establishes regulations for BB gun special events as a special exception
97-512	14 Aug 97	Amends the definition of beer
97-676	23 Oct. 97	Reduces front yard setback and adjusts maximum building height in Research Park Applications district
97-707	13 Nov 97	Clarifies that grocery stores do not require a 500' separation from residential districts for off-premises beer and wine sales
98-52	26 Feb 98	Establishes the Research Park Commercial district and regulations for RPC district signs
98-102	26 March 98	Amends procedures for advertising amendments to the ZO
98-104	26 March 98	Adds definition of Permanent Building; Expands regulations for Front Yards on Major Arterial roads
98-189	7 April 98	Replaces Floodway-Floodway Fringe regulations with Flood Hazard district regulations and adopts new Flood Insurance Rate Maps
98-260	14 May 98	Establishes the Residential Office district (RO1 & RO2)
98-689	1 Oct 98	Substitutes personal use tower for amateur radio tower regulations
99-206	8 Apr 99	Updates list of zoning districts, amends wine definitions, deletes MPO Street Plan, adopts permanent flood maps, deletes duplicate penalty and variance provisions, prevents sign variances in violation of state code, and updates name of city court
99-1020	24 Jan 00	Establishes PVA lighting standards (Section 71.6)
00-620	30 Aug 00	Sets fees for telecommunications towers & requires a special exception for fairs and carnivals
01-269	5 June 01	Prohibits BOA from granting PUD variances that would amend the adopted plat

ORD NO	DATE	PURPOSE
01-644	25 Sept 01	Sets side street setback for corner lots in R1-C districts
01-646	25 Sept 01	Establishes regulations for semi-detached dwellings in R2, R2-A & R2-B districts
01-732	25 Oct 01	Permits some plumbing in accessory structures and establishes regulations for second kitchens in single family residential districts
01-746	25 Oct 01	Reduces threshold for PVA landscaping and lighting and for upgrading existing PVAs; amends lighting standards for PVAs
02-43	06 Mar 02	Reduces threshold for PVA landscaping and lighting in Airport Commercial districts and Off-Street Parking & Loading Requirements
02-196	25 Apr 02	Rewrites C-1 regulations to permit upstairs apartments, increase landscaping, limit size of C-1 districts; permits dual uses in C-1; deletes duplexes and Class 2 restaurants as special exceptions
02-1005	23 Jan 03	Prohibits the parking of bus conversions in residential districts and prohibits variances from Section 73.14
03-285	22 May 03	Sets special exception conditions for the on-premises sale/service of alcoholic beverages in C-1 and C-2 districts after midnight
03-593	14 Aug 03	Provides for on-premises table wine retailers and wine tastings, and amends on-premises beer retailer definition
03-672	11 Sep 03	Sets conditions for off-premises liquor retailers in C-4 districts and requires minimum distance separations for liquor retailers, lounges and clubs
03-865	13 Nov 03	Replaces hotels, parking lots, and radio and television studios in C-3
04-1007	25 Jan 05	Allows judge of court to impose jail sentence not to exceed six months as a penalty for violating the provisions of the Zoning Ordinance in addition to fines and costs of court

AMENDMENTS: 8

ORD NO	DATE	PURPOSE
05-013	10 Feb 05	Adds definition for Performing Arts Center; replaces Article 53 with new Article 53 -- Research Park Commercial District; amends Article 72, subsections 72.4.11 and 72.5; and amends Article 92 to allow theatres as Permitted Use as Special Exception in Research Park Commercial District
05-139	14 Apr 05	Establishes regulations for vehicle repair in residential districts or on residential lots
05-141	14 Apr 05	Establishes regulations for indoor and outdoor paintball facilities as special exceptions and sets conditions for their use
05-547	23 Aug 05	Amends Articles 50, 51 and 52 to allow limited, temporary sleeping quarters and to decrease parking requirements; Amends Article 51 sign control regulations by adding Building Identity Pylon and amends Article 72-- Sign Control Regulations
05-860	29 Nov 05	Adds new Article 66 -- Medical 2 District; and amends Article 72--Sign Control Regulations for Medical and Medical 2 Districts
06-640	30 Aug 06	Adds new Article 17 -- Residence 2C District; and amends sign regulations subsection 72.4.1
06-732	10 Oct 06	Adds new Article 81 -- Office District; and amends sign regulations subsection 72.4.2
06-730	19 Oct 06	Adds definition for Convenience store, amends Article 20--Neighborhood Business District, and Article 21--Neighborhood Business C1A District for convenience stores, and banks and credits unions
06-826	2 Nov 06	Adds definition for Pub, amends Article 53--Research Park Commercial District and amends Article 72--Sign Control Regulations, subsections 72.4.3, 72.4.11 and Section 72.5 to add awning signs, amend projecting signs and building mounted signs and add Pedestrian Gateway Identification Signs to 72.4.11
06-967	1 Dec 06	Adds definitions for Sandwich Board Sign and Sculptural Element Sign, amends sign regulations in C-3 and RPC and amends General Sign Regulations for sandwich board and sculptural element signs.

ORD NO	DATE	PURPOSE
06-1201	31 Jan 07	Adds new Article 26--Central Business District; amends sign regulations subsection 72.4.3; amends Article 73, Section 73.6; and amends Article 92, subsection 92.5.3
06-1203	31 Jan 07	Deletes existing Article 23--General Business C-3 District and replaces with new Article 23—General Business C-3 District; amends Article 3, adds new definitions for brewery and brewpub.
07-109	28 Mar 07	Amends Article 10--Residence 1 District, Article 11--Residence 1-A District, and Article 12—Residence 1-B District to allow homes constructed prior to the adoption of this amendment to allow newly constructed front porches to encroach on the front yard setback by a maximum of five (5) feet.
07-401	21 Jun 07	Adds new definition to Article 3 and adds new use category for Class 3 On-Premises Beer or Table Wine Retailer in C-3, C-4, C-B, and Research Park Commercial Districts.
07-462	4 July 07	Amends Article 13--Residence 2 District, to increase the maximum total building area for single family dwellings from thirty-five percent (35%) to forty percent (40%) of total lot area.
07-460	7 July 07	Amends Articles 10, 31, 62, 63, 65, 71, 72, 73, 74, 91 and 92 and transfers the enforcement of the Zoning Ordinance from the Inspection Division to the Planning Division Zoning Administrator.
07-1194	5 March 08	Amends Article 72--Sign Control Regulations and Article 92--Board of Adjustment to permit and regulate digital signage, to distinguish artistic murals from signs, allow monument signs in C-1, O and R2B districts and to clarify regulations for non-commercial signage.
08-318	2 July 08	Amends Article 3--Definitions, to add new definition for Buffer of Screen Planting.
08-429	2 July 08	Amends Articles 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 80 and 81, to address exterior building material requirements.

ORD NO	DATE	PURPOSE
08-531	20 Aug 08	Amends Article 72--Sign Control Regulations to amend the Research Park Commercial District sign regulations to increase the maximum square footage allowed for Building Mounted Signs.
08-529A	20 Aug 08	Amends Article 3-- Definitions to add a new definition for Portable Storage Structures and amends Article 73--Supplementary Regulations to amend Temporary Uses to include and regulate portable storage structures.
09-430	15 July 09	Deletes existing and replaces with new Article 70 – Off-Street Loading and Parking Requirements; and amends Articles 71, 20, 21, 24, 25, 42, 43, 44, 45, 46, 50, 51, 52, 60, 64, 66 and 81 to update and consolidate parking space requirements and to make the parking regulations consistent throughout the Zoning Ordinance.
09-510	30 July 09	Amends Article 23 – General Business C-3 District Regulations, Section 23.2 – Density Controls and adds new Section 23.6 – Historic District Buffer Zone Density Controls and Design Guidelines
09-813	05 Nov 09	Adds new Article 54 – Research Park Applications 2 District and amends sign regulations subsection 72.4.5.
09-1051	28 Dec 09	Amends Article 16 -- Residence 1-C District Regulations to increase the maximum total building area from thirty-five percent (35%) of the total lot area to forty percent (40%) of total lot area.
09-1053	28 Dec 09	Amends Article 15 -- Residence 2-B District to refer to Article 70 for parking regulations; and amends Articles 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 40, 41, 42, 43, 44, 45, 46, 50, 51, 52, 60, 61, 64, 66, 80, 81 and 92 to include Special Exception notation under Uses Permitted and move C-1 Special Exceptions under Article 92 and clarify go-carts, etc., (92.5.3(8)); and amends Article 44-- Commercial Industrial Park District to change landscaping requirements; and amends Article 73 -- Supplementary Regulations to add “chimney” as an architectural feature and clarify location of accessory structures in front and side yards.

ORD NO	DATE	PURPOSE
10-178	29 Apr 10	Amends Article 46 -- Industrial Park District Regulations by deleting Correctional Facilities as a permitted use; and amends Article 73 -- Supplementary Regulations, Section 73.22 -- Correctional Facilities, to clarify the maximum capacity and by adding provisions for minimum setbacks for correctional facilities.
10-180	29 Apr 10	Amends Article 92 -- Board of Adjustment, subsection 92.5.3 -- Permitted Uses as Special Exceptions, by adding hotels and motels in Research Park Applications and Research Park Applications 2 districts.
10-182	29 Apr 10	Amends Article 40 -- Light Industry District Regulations, Section 40.1 -- Uses Permitted, by adding boarding houses, rooming houses, mortuaries, funeral homes, crematoriums, parking lots and parking garages as permitted uses.
10-507	1 Sept 10	Adds new Article 76 -- Bicycle Parking Requirements and amends Articles 14, 15, 20, 21, 22, 24, 25, 40, 41, 42, 43, 44, 45, 46, 50, 51, 52, 53, 54, 60, 61, 64, 66, 80, and 81 to refer to Article 76.
11-11	2 March 11	Adds new Article 75 -- Alcoholic Beverage Establishment Regulations and amends Article 3 to remove definitions pertaining to alcoholic beverage establishment regulations and amends Articles 20, 21, 22, 23, 24, 25, 40, 41, 44, 53 and 64 to refer to Article 75 and amends Article 92, Section 92.5 -- Powers and Duties.
11-895	3 Feb 12	Amends Article 75 -- Alcoholic Beverage Establishment Regulations and amends Article 92 -- Board of Adjustment to add Special Retailers by Special Exception as accessory uses to banquet halls and cultural venues.
11-897	3 Feb 12	Amends Article 71 -- Off-Street Parking and Vehicular Use Area (PVA) Landscaping Requirements to add LED light source requirements and standards.
11-899	3 Feb 12	Amends Article 3 -- Definitions, to amend the definition of Area, Building, regarding eaves; and amends Articles 24, 40, 44 and 64 to add Gymnasiums, fitness and exercise centers, health clubs and spas as permitted uses; and amends Article 73 -- Supplementary Regulations, subsection 73.6 to clarify Dual Occupancy or Uses and subsection 73.8.1 concerning accessory structures in required side yards.

12-356	4 July 12	Amends Article 23 -- General Business C-3 District Regulations, Section 23.1 -- Uses Permitted, to remove the minimum square footage requirements for residential dwelling units.
12-466A	31 Aug 12	Amends Article 3 -- Definitions, Article 73 -- Supplementary Regulations, and Article 92 -- Board of Adjustment, to add regulations and requirements for Photovoltaic Solar Energy Systems and Production Facilities.
12-581	31 Aug 12	Amends Article 51 -- Research Park West District and Article 52 -- Research Park Applications District to add commercial heliports and/or helipads as permitted uses.
12-583	31 Aug 12	Amends Article 10 -- Residence 1 District, Article 11 -- Residence 1-A District and Article 12 -- Residence 1-B District, by increasing the maximum total building area of each lot.
13-247	31 May 13	Amends Article 75 -- Alcoholic Beverage Establishment Regulations to amend current local regulations to coincide with recently adopted state regulations concerning brewpubs.
13-482	19 July 13	Amends Article 92 -- Board of Adjustment to allow entertainment in restaurants in the Neighborhood Business C-1 and C-2 districts.
13-882	27 Dec 13	Amends Article 3 -- Definitions to add definitions concerning mobile food vending units, and amends Article 23 - General Business C-3 District, Article 24 - Highway Business C-4 District, Article 25 - Commercial Recreation District, Article 40 - Light Industry District and Article 44 - Commercial Industrial Park District to add mobile food vending units as a permitted use and also amends Article 73 - Supplementary Regulations to add performance standards for mobile food vending units.
14-316	4 July 14	Amends Article 15 -- Residence 2-B District to add single family attached dwellings as a permitted use.
14-576	3 Oct 14	Amends Article 3 -- Definitions to add a definition for Assisted Living Facility and amends Articles 15 – Residence 2-B District, Article 20 – Neighborhood Business C-1 District, Article 23 – General Business C-3 District, Article 24 – Highway Business C-4 District, Article 40 – Light Industry District and Article 41 – Heavy Industry District to add assisted living facilities as a permitted use.

14-318A	2 Nov 14	Amends Article 74 by deleting the existing Section 74.1 – Non-Conforming Lots of Record and adding a new Section 74.1 – Non-Conforming Lots of Record and Unified Lots.
15-315	3 July 15	Amends Article 23 – General Business C-3 District, Section 23.1 – Uses Permitted; amends Article 75 – Alcoholic Beverage Establishment Regulations, Section 75.3 – Permitted Establishments by Districts, and amends Article 92 – Board of Adjustment, Section 92.5 – Powers and Duties, subsection 92.5.3 – Permitted Uses as Special Exceptions, by adding new subsection 92.5.3 (37) to add language concerning alcoholic beverage manufacturers.
15-406	02 Aug 15	Amends Article 3 - Definitions, Section 3.1- Interpretation; amends Article 23 – General Business C-3 District Regulations, Section 23.1 - Uses Permitted; Article 24 – Highway Business C-4 District Regulations, Section 24.1 - Uses Permitted; Article 25 – Commercial Recreation C-5 District Regulations, Section 25.1 - Uses Permitted; Article 40 – Light Industry District Regulations, Section 40.1 - Uses Permitted; Article 44 – Commercial Industrial Park District Regulations, Section 44.1 - Uses Permitted; Article 60 – Medical District Regulations, Section 60.1 - Uses Permitted; Article 64 – Airport Commercial District Regulations, Section 64.1 - Uses Permitted; Article 66 – Medical 2 District Regulations, Section 66.1 - Uses Permitted and amends Article 92 - Board of Adjustment, Section 92.5.3 - Permitted Uses as Special Exceptions, to add regulations concerning farmers markets.
15-479	04 Sept 15	Amends Article 50 – Research Park District, Article 51 - Research Park West District, Article 52 - Research Park Applications District, and Article 54 - Research Park Applications 2 District to add mobile food vending units as a permitted use and also amends Article 73 - Supplementary Regulations to add performance standards for mobile food vending units for the Research Park districts.
15-481	04 Sept 15	Amends Article 53- Research Park Commercial District, Section 53.5 – Parking and Loading Areas (7) to amend regulations concerning retail parking.
15-585	02 Oct 15	Deletes Article 21- Neighborhood Business C-1A District Regulations.
15-677	30 Oct 15	Adds new Article 27-Village Business C-6 District, amends Article 75 – Alcoholic Beverage Control Regulations to add regulations for Article 27, and amends Article 92 – Board of Adjustment to add regulations for Article 27.

15-756	27 Nov 15	Amends Article 71- Off-Street Parking and Vehicular Use Area (PVA) Landscaping Requirements, Section 71.6 – PVA Lighting Requirements, to amend garage lighting standards.
15-758	27 Nov 15	Amends Zoning Ordinance to amend exterior building material language to: No primary or accessory non-residential building or structure with a footprint in excess of one thousand (1000) square feet shall be allowed to use aluminum, steel, or other metal siding or cladding as an exterior finish, except as a special exception in accordance with Section 92.5.3(39). This requirement shall not include window framework, doors, roofs and walkway covers.
15-760	27 Nov 15	Amends Article 72-Sign Control Regulations, amends Article 75 – Alcoholic Beverage Control; and amends Article 92 – Board of Adjustment to delete language concerning the Neighborhood Business C-1A District.
15-907	05 Feb 16	Amends Article 92 – Board of Adjustment to delete Neighborhood Business C-1A District and add Village Business C-6 District to language concerning farmers markets.
16-89	01 Apr 16	Amends Article 75 – Alcoholic Beverage Establishment Regulations, Section 75.3 – Permitted Establishments by Districts, by amending subsection 75.3.1 Neighborhood Business C-1 and Neighborhood Business C-2 Districts and deleting subsection 75.3.7 Village Business C-6 District and amends Article 92 – Board of Adjustment, Section 92.5 – Powers and Duties, subsection 92.5.3 – Permitted Uses as Special Exceptions, by amending subsection 92.5.3 (2) and subsection 92.5.3 (28) to update language concerning Village Business C-6 District
16-91	01 Apr 16	Amends Article 92 – Board of Adjustment, Section 92.5 – Powers and Duties, subsection 92.5.3 – Permitted Uses as Special Exceptions, by amending subsection 92.5.3 (2), subsection 92.5.3 (18), subsection 92.5.3 (33), and subsection 92.5.3 (36) to delete certified mailing language.
16-259	03 June 16	Amends Article 44 – Commercial Industrial Park District Regulations, Section 44.1 – Uses Permitted, to add mortuaries, funeral homes and crematoriums.