



February 6, 2023

Work Session Time: 5:45 p.m.

Reports of Department Heads

Council Member Reports

Philip Busby

Kenny Dale Cost

Ernest Montgomery

Calvin Morgan

Kay Snowden Turner

Alan Watts

Mayor Report

Council Meeting Time: 6:30 p.m.

CITY OF CALERA - COUNCIL AGENDA

Call to Order

Word of Prayer & Pledge of Allegiance

Approval of Minutes

Work Session - January 17, 2023

Regular Meeting - January 17, 2023

Old Business

New Business

Kelly Ellison, Finance Director
Budget Adjustments

State of Alabama - Alcoholic Beverage Control Board Alcohol License Application

Trade Name: Los Dos Compadres

Applicant: Los Dos Compadres LLC

Address: 4416 Highway 31, Calera, AL 35040

Type License: 020 - Restaurant Retail Liquor

Ordinance No. 2023-02 – Public Hearing

Macella Dungee Rezoning Request

R3 Single Family District to B2 General Business District

Ordinance No. 2023-03 – Public Hearing

John Farley / X3 Land Group Rezoning Request

RG Residential Garden District to M1 Light Industrial District

R1 Single Family Residential to M1 Light Industrial District

Resolution No. 2023-04

2023 Baseball, Softball, Soccer and Coaches Apparel Bid Award

Resolution No. 2023-05

Surplus IT Department Inventory

Ordinance No. 2023-04

Calera Zoning Ordinance

Public Hearing

Guests:

Jackie Batson

Calera Main Street Update

Motion to Adjourn - Time

City of Calera – City Council
Work Session Minutes

January 17, 2023

The members of the Calera City Council met on January 17, 2023, at 5:45 p.m. with Mayor Graham presiding. The meeting was held at the Calera City Hall.

The following members were present:

Mayor: Jon G. Graham

Council Members: Philip Busby, Kenny Dale Cost, Ernest Montgomery, Calvin Morgan, Kay Snowden Turner, Alan Watts

City Attorney: Bent Owens

Department Heads: James Fuller, David Hyche, Reggie Darden, Kelly Ellison, Seth Gandy, Sean Kendrick, Alison Powers, Bill Hilyer, Chris Pappas,

Guests: Donna and Autrey McMillian, Bill and Ann Davis, Jackie Batson, Dennis Torrealba Dawn Gragg, Debbie and Richard Byers, Melody Whitten, Rod Kanter, Don Spurlin

The meeting was called to order.

Reports from the following:

Department Heads
Council Members
Mayor

The Council discussed the agenda for the Council meeting.

There being no further business, the meeting was adjourned.

Respectfully Submitted:

Approved:

Connie B. Payton, City Clerk

Jon G. Graham, Mayor



Minutes of the City of Calera Council Meeting January 17, 2023

The Council of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Tuesday, January 17, 2023, at 6:30 p.m., in a regular meeting. Mayor Graham residing.

Mayor and Council Members Present:

Jon G. Graham, Mayor
Philip Busby, Council Member
Kenny Dale Cost, Council Member
Ernest Montgomery, Council Member
Calvin Morgan, Council Member
Kay Snowden Turner, Council Member
Alan Watts, Council Member

City Attorney:

Bent Owens

Guests:

James Fuller, Reggie Darden, Seth Gandy, Kelly Ellison, Sean Kendrick, David Hyche, Alison Powers, Bill Hilyer, Chris Pappas, Donna and Autrey McMillian, Bill and Ann Davis, Jackie Batson, Dennis Torrealba, Debbie and Richard Byers, Dawn Gragg, Melody Whitten, Rod Kanter, Don Spurlin, Calera High School Varsity Cheerleaders and Coaches

Mayor Graham called the meeting to order at 6:30 p.m.

Word of Prayer and Pledge of Allegiance:

Council Member Watts opened the meeting with prayer and the Pledge of Allegiance.

Approval of Minutes:

Council Member Watts made a motion to approve and dispense with the reading of the following minutes:

Regular Meeting – January 3, 2023
Work Session – January 3, 2023

Council Member Morgan seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Motion Passed

Old Business:

No old business

New Business:

**David Hyche, Police Chief Introduction and Swearing in for Officer.
Michael Roberts**



Ordinance No. 2023-01 - Zamora / Garcia Request to De-Annex

Council Member Cost moved that unanimous consent of the Council be given for the immediate action upon said Ordinance. Council Member Busby seconded said motion and upon vote the results were:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Cost moved that Ordinance No. 2023-01 be denied, which motion was seconded by Council Member Montgomery and upon vote the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Motion Passed - Adopted this 17th day of January 2023.

The property will remain inside the city limits.

Resolution No. 2023-02 Agreement for Examination Services – Rivertree Systems, Inc.

Council Member Watts moved that Resolution No. 2023-02 is adopted. Council Member Busby seconded the motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYES: None

Motion Passed- Adopted this 17th day of January 2023

Resolution No. 2023-03 Hotel Development Agreement

Council Member Turner moved that Resolution No. 2023-03 is adopted. Council Member Cost seconded the motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYES: None

Motion Passed- Adopted this 17th day of January 2023

Planning Commission – Board Appointment – George Marling – Term to Expire August 2026

Council Member Watts made a motion to appoint George Marling to the Planning Commission with a Term to Expire August 2026. Council Member Morgan seconded the motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYES: None

Motion Passed

Guests:

Congratulations to the Calera High School Varsity Cheerleaders and Coaches on the following accomplishments: UCA 2022 Camp Awards – 1st Place Camp Routine, 2nd Place Gameday

Routine, UCA Regionals – 4th Place, AHSA Regionals – 1st Place, AHSA State Competition – 2nd Place



Varsity Cheerleaders – Tamirah Johnson, Kate Cockrell, Avery Baldassaro, Ana Johnson, Katelyn Miller, Kyla Banks, Blakley Werner, Emily McGrady, Emma Drolet, Kayla Ledlow, Sadie McNamee, Rylan Pickett, Kaitlyn Peebles, LaShari Jones, Brooke Busby, Katie Grace Carlee, Kylie Deason, Kamey Mesamore, Addison Popwell

Jackie Batson, Calera Main Street Update

Council Member Busby made a motion to adjourn the meeting at 7:13 p.m.

Approved this 6th day of February 2023.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

To view our City Council Meeting please click the link below:
<https://www.youtube.com/watch?v=MZDkwJqWzEw>

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2023-01

AN ORDINANCE TO ALTER, REARRANGE AND REDUCE THE CORPORATE LIMITS OF THE CITY OF CALERA, ALABAMA

WHEREAS, a certain petition signed by the property owner requesting territory therein described be deannexed from the City of Calera, together with a map of said territory showing its relationship to the corporate limits of the city has been filed with the City Clerk of the City of Calera; and

WHEREAS, the Council has determined and found that the matters set forth and alleged in said petition are true, and that it is in the public interest that said property be deannexed from the City of Calera;

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

Section 1. That said Council hereby assents to the deannexation of said territory from the City of Calera, Alabama, the corporate limits of the City to be reduced and rearranged pursuant to the provisions of Chapter 42, Article 2, Code of Alabama 1975 (Sections 11-42-20 through 11-42-43, as amended) so as to exclude said territory from the territory already within its present corporate limits, within the corporate area of said City. Said territory is described as follows:

See Attached

Section 2. That the City Clerk shall file a certified copy of this ordinance containing an accurate description of said deannexed territory with the Probate Judge of Shelby County, Alabama, and also cause a copy of this ordinance to be posted in three public places.

Council Member Cost moved that unanimous consent of the Council be given for the immediate action upon said Ordinance. Council Member Busby seconded said motion and upon vote the results were:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Cost moved that Ordinance No. 2023-01 be denied, which motion was seconded by Council Member Montgomery and upon vote the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Adopted this 17th day of January 2023.

Mayor Graham declared Ordinance No. 2023-01 denied.

The property will remain inside the city limits.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

To the City of Calera, My name is Benjamin Zamora and I have recently purchased the property at 3469 Smokey Rd Alabaster, AL 35007. We moved from 390 Smokey Rd Alabaster, AL 35007, we have 3 children currently attending the Alabaster City Schools, and we would like to keep them attending Alabaster City Schools. I had the impression when we purchased the property that we would be able to keep our children in the Alabaster City Schools system, but we have been ordered to transfer them to Calera City Schools because the property is in the Calera zone, we are also next to both Calera and Alabaster City limit, so in conclusion i write this letter with the wish that you can deannex our home from Calera City and annex to Alabaster city to be able to keep our children in the same schools they are currently attending. Sincerely from the Zamora family.

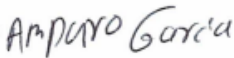
Benjamin Zamora
205-586-5812



Ramon Zamora
205-586-1194



Amparo Garcia
205-586-5856





DON ARMSTRONG
PROPERTY TAX COMMISSIONER
P. O. BOX 1269
COLUMBIANA, ALABAMA 35051



ParcelNo: 23 7 36 0 002 001.000 Appl. Date: 12/2/2022 2:35:39 PM Case No.: PA083569
Owner: ZAMORA BENJAMIN & GARCIA AMPARO Tax Year: 2024 Assessor: AMANDA EBERT
& ZAMORA RAMON
Address: 3469 SMOKEY RD Status: COMPLETED Old Owner: BROWN KENNETH W &
ALABASTER AL 35007 RHONDA E

Assessment Summary

AssessmentInfo

Exempt Code: 10
Mun Code: 03
Over65 Code:
Disability Code:
Prop Class: 3
School Dist: 2
School Dist2:
ClassTax Year: 2024
ExemptTax Year: 2024
Class Use: BENJAMIN HS
Eff. Date: 11-30-2022
Instr.Nbr:
Sale Price: \$790,000.00
Remarks: RB 333 P 977;

Legal Desc

SEC: 36
TWP: 21S
RNG: 03W
Deed Acr: 5.030
Est Acr: 5.030
Plat Bk: 46
Page: 058
SubName: HIGHPOINT ESTATES RES
LOTS 1 & 2
Lot: 1A
Block: 000
Sector:
Phase:
Tract:
Remarks: 1999 ANNEX ORD #99-02

Improvement

Const Began:
SQ.FT:
Rooms: 8

Const Completed:
Story: 1

BathRooms

FullBath: 4
FxsWHP: 4
FxsWP: 4
Fxs: 4
Ext. Type: 4

Half Bath: 1
5Fx: 1
4Fx: 1
2Fx: 1
HVACType: 1

Flooring

FLCarpet: 100
FLHarwood: 100

FLVinyl:
FLEtc.: 1

Fire Place

FPPrefab: 1

FPRRegular:

Basement

BSMTFull:
BSMTUnfinished:

BSMTPartial: X

Upper Floor

UP2:
H050:

H075:
HUnfinished:

Decal Number

Property Address

3469 SMOKEY ROAD
ALABASTER AL 35007

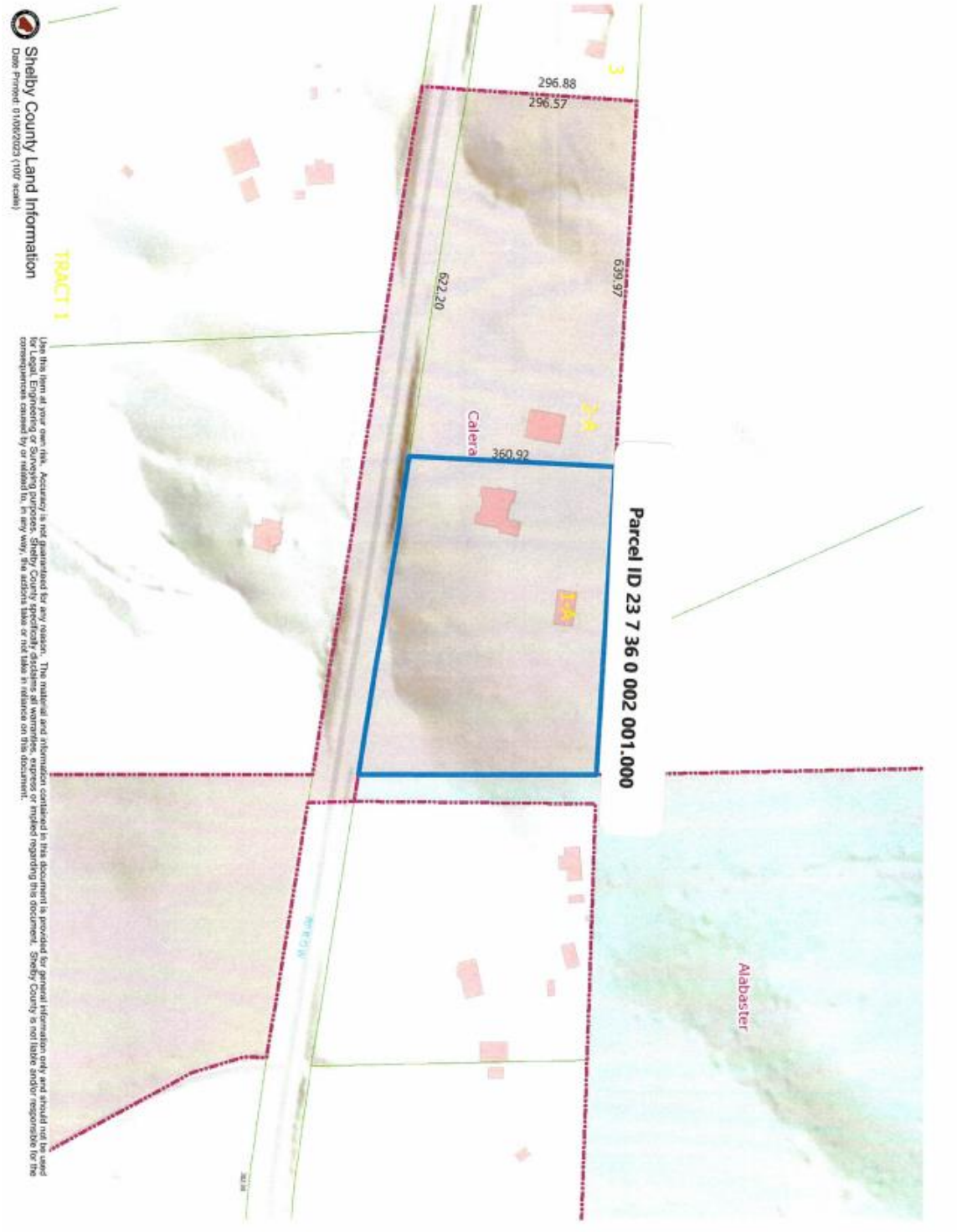
Oath to be administered to Taxpayer, "I do solemnly swear that the foregoing list of property returned by me **ZAMORA BENJAMIN & GARCIA AMPARO & ZAMORA RAMON** is a full And complete return of all the property owned by **ZAMORA BENJAMIN & GARCIA AMPARO & ZAMORA RAMON** Or in which **ZAMORA BENJAMIN & GARCIA AMPARO & ZAMORA RAMON** had any interest whatever, the situs of which for taxation, or exemption from Taxation is This county, on the first of October of the present year, and that the statement of the amount of fire insurance carried hereon is correct, and that the names and, where known, the addresses of companies, firms, associations, exchanges or other organizations carrying such insurance are correct to my personal knowledge, and of the improvements on lands listed in the foregoing scheme so help me God. **ZAMORA BENJAMIN & GARCIA AMPARO & ZAMORA RAMON** Subscribed and sworn to before me this the 2 day of DECEMBER 2022.

AMANDA EBERT I hereby certify that before taking the foregoing assessment list, I administered the oath required to be administered under Section 32, Revenue Act 1935, to taxpayer or agent making this return that I interrogated the said party as the law directs in regard to the same.

OWNER

ACCEPTED BY

PROPERTY TAX COMMISSIONER



Use this item at your own risk. Accuracy is not guaranteed for any reason. The material and information contained in this document is provided for general information only and should not be used for legal, engineering or surveying purposes. Shelby County specifically disclaims all warranties, express or implied regarding this document. Shelby County is not liable and/or responsible for the consequences caused by or added to, in any way, the actions taken or not taken in reliance on this document.



20221201000438630
12/01/2022 02:10:53 PM
DEEDS 1/3

This instrument prepared by:
Michael Galloway, Esq.
3500 Blue Lake Drive, Suite 320
Birmingham, AL 35223

SEND TAX NOTICE TO:
Benjamin Zamora and Amparo Garcia
3469 Smokey Road
Alabaster, AL 35007

WARRANTY DEED

Joint With Right Of Survivorship

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of Seven Hundred Ninety Thousand And No/100 Dollars (\$790,000.00) paid by the grantee herein, the receipt of which is hereby acknowledged, I/we, Kenneth W. Brown and Rhonda E. Brown, a married couple (hereinafter grantor, whether one or more), do grant, bargain, sell and convey unto Benjamin Zamora and Amparo Garcia and Ramon Zamora (hereinafter Grantees), as joint tenants with rights of survivorship, all of my/our right, title and interest in the following described real estate, situated in Shelby County, Alabama.

Lots 1A & 2A, according to the map and Resurvey of Lots 1 & 2 of Highpoint Estates, as recorded in Map Book 46, Page 58, in the Office of the Judge of Probate of Shelby County, Alabama.

Subject to current taxes, all matters of public record, including, but not limited to easements, restrictions of record, and other matters which may be viewed by observation.

Subject to a third party mortgage in the amount of \$700,000.00 executed and recorded simultaneously herewith.

TO HAVE AND TO HOLD unto the said Grantees as joint tenants, with rights of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance that (unless the joint tenancy created is severed or terminated during the joint lives of the grantees herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

Grantor does, for Grantor and for Grantor's heirs, executors and administrators covenant with the said Grantees as joint tenants, with rights of survivorship, their heirs executors and administrators, that Grantor is lawfully seized in fee simple of said premises; that it is free from all encumbrances, unless otherwise noted above; that Grantor has a good right to sell and convey the same as aforesaid; that Grantor will and Grantor's heirs, executors and administrators shall warrant and defend the same to the said Grantees, and their heirs, executors and administrators forever, against the lawful claims of all persons.

Parcel ID 23 7 36 0 002 001.019

Parcel ID 23 7 36 0 002 001.000

FILE NO.: CT-2201991

IN WITNESS WHEREOF, the undersigned have hereunto set our hands and seals on this 30th day of November, 20 22.

Kenneth W. Brown
Kenneth W. Brown

Rhonda E. Brown
Rhonda E. Brown

STATE OF ALABAMA
COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Kenneth W. Brown and Rhonda E. Brown whose name(s) is(are) signed to the foregoing conveyance, and who is(are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he/she/they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 30th day of November, 20 22.

[Signature]
Notary Public

My commission expires:

2023
7/24

My Commission Expires:
July 24, 2023



Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name	Kenneth W. Brown and Rhonda E. Brown	Grantee's Name	Benjamin Zamora and Amparo Garcia and Ramon Zamora
Mailing Address	<u>15000 Monte Vedra Rd SE</u> <u>Huntsville, AL 35893</u>	Mailing Address	3469 Smokey Road Alabaster, AL 35007
Property Address	3469 Smokey Road Alabaster, AL 35007	Date of Sale	November 30, 2022
		Total Purchase Price	\$790,000.00
		or	
		Actual Value	\$ _____
		or	
		Assessor's Market Value	\$ _____

The purchase price or actual value claimed on this form can be verified in the following documentary evidence:
(check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale	☐ Appraisal
☐ Sales Contract	☐ Other: _____
☒ Closing Statement	

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - Kenneth W. Brown and Rhonda E. Brown, . .

Grantee's name and mailing address - Benjamin Zamora and Amparo Garcia and Ramon Zamora, 3469 Smokey Road, Alabaster, AL 35007.

Property address - 3469 Smokey Road, Alabaster, AL 35007

Date of Sale - November 30, 2022.

Total purchase price - The total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual Value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 & 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 & 40-22-1 (h).

Date: November 30, 2022

Sign _____ Agent



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
12/01/2022 02:10:53 PM
\$119.00 PAYGE
20221201000438630

Allen S. Byrd

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2023-02

AGREEMENT FOR EXAMINATION SERVICES

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA

WHEREAS, the Council hereby agrees to authorize Mayor Jon G. Graham to sign a contract with RiverTree Systems, Inc. for examination services. Said contract attached to minutes.

The City of Calera adopted this Resolution at the regular meeting on January 17, 2023. This Resolution is effective as of January 17, 2023

Council Member Watts moved that Resolution No. R-2023-02 be adopted.

Council Member Busby seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Watts, Morgan, Graham, Cost, Busby, Turner

NAYS: None

Mayor Graham declared Resolution No. R-2023-02 adopted.

Adopted this the 17th of January 2023.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

STATE OF ALABAMA

COUNTY OF SHELBY

AGREEMENT FOR EXAMINATION SERVICES

THIS AGREEMENT made and entered into on this the ____ day of _____ 2023
by and between the **CITY OF CALERA**, hereinafter referred to as the "Client", and
RIVERTREE SYSTEMS, INC., an Alabama corporation (hereinafter referred to as
"RIVERTREE").

1. The Client desires to provide for the collection of all local taxes and fees, regardless of the jurisdiction in which a taxpayer subject to the Client's taxing power maintains its principal office, to provide that all taxpayers are treated equally and to provide that all tax related ordinances are uniformly and consistently applied. In order to accomplish these goals and objectives, the Client desires to retain the services of a company legally qualified as a "private auditing or collecting firm" as defined in the Alabama Taxpayers' Bill of Rights and Uniform Revenue Procedures Act, Code of Alabama (1975) §40-2A-1 et seq. (hereinafter the "Taxpayers' Bill of Rights") to perform audits and examinations of such taxpayers' books and records.

2. RIVERTREE is qualified as a private auditing or collecting firm under the Taxpayers' Bill of Rights and, as such, provides collection, examining and consulting services for local governments throughout the State of Alabama. RIVERTREE has represented to the Client that (i) it is knowledgeable of all laws and regulations applicable to private auditing or collecting firms, (ii) it provides its services in full compliance with all applicable laws and

regulations, and (iii) it obtains all of the legally required certifications, fidelity bonds, and legal letters of authority to act as a private auditing or collecting firm.

3. The Client desires to retain RIVERTREE as a private auditing firm to provide tax auditing and examination services under the terms and conditions, of this Agreement.

NOW, THEREFORE, PREMISES CONSIDERED, RIVERTREE and the Client hereby agree as follows:

1. **RIVERTREE SYSTEMS, Inc.** The Client and RIVERTREE hereby agree that RIVERTREE will provide the following services:
 - a) Identify and prepare a written list of "taxpayer candidates for examination "based on objective criteria to be agreed upon by RIVERTREE and the Client in advance of such work.
 - b) Pursuant to Code of Alabama (1975) §40-2A-13(d) upon first contact with the taxpayer, RIVERTREE shall disclose in writing the identity of the Client and all other clients represented by RIVERTREE and shall provide a copy of appropriate written authorization of RIVERTREE's representation from the Client and from any such other client.
 - c) Inspect and examine on behalf of the Client, all books, records and other documents of taxpayers assigned to be examined by the Client to determine to what extent, if any, the taxpayer owes the Client sales and use taxes, occupational taxes, license fees, lease taxes, tobacco taxes, gasoline taxes, and any other city tax, plus interest, penalties and other charges thereon, as directed by Client and in accordance with the ordinances, resolutions and regulations of the Client.
 - d) RIVERTREE acknowledges that Code of Alabama (1975) §40-2A-13(f) provides that when a private examining or collecting firm represents more than one county, city or town on the date it first contacts a taxpayer, the private examining or collecting firm shall examine the taxpayer's books and records for all such counties, cities or towns simultaneously. Therefore, when conducting examinations initiated by other RIVERTREE clients (counties or other cities and towns), RIVERTREE will include Client on the list of entities for which the examination is being conducted. In the event RIVERTREE examines a taxpayer on behalf of other RIVERTREE clients who have not enacted the same taxes as Client, then RIVERTREE's audit of such taxpayer shall include all such taxes of Client.

- e) Perform examinations of taxpayer's records in accordance with "*The Minimum Standard Examination Program*" established by the Alabama Local Tax Institute of Standards and Training (the "Minimum Standards").
- f) Report to the Client that information necessary for the Client to assess the taxpayer's sales and use taxes, license fees, lease taxes, and all other County taxes, plus interest, penalties and other charges thereon for transactions which RIVERTREE reasonably believes may have resulted in an obligation of the taxpayer to pay such taxes to the Client.
- g) Prepare and present to the Client a "Findings Report," which shall include, at a minimum, all information required to prepare a written report under the Minimum Standards and a summary thereof on each examination performed. In the event RIVERTREE's audit indicates that a particular taxpayer has no tax Liability to the Client, RIVERTREE shall provide the Client a written report including the name of the taxpayer audited, the types of tax for which the taxpayer was examined and found to have no liability, and the audit period.
- h) Provide full cooperation to the Client in the preparation of any legal documents, attend any judicial, administrative, departmental, appellate or other legal hearings and be available to testify at hearings that may be required to collect any amounts due to the Client from the taxpayer.
- i) Pursuant to the Code of Alabama (1975) §40-2A-1 3(h) RIVERTREE shall notify the taxpayer if any tax overpayments are discovered and the taxpayer is due any refunds from the Client, or if the taxpayer owes any tax to the Client.
- j) Any additional or incidental services which are allowable by law and are reasonably necessary in order to carry out RIVERTREE's obligations under this Agreement.

RIVERTREE shall collect all taxes with checks payable to the CITY OF CALERA.

2. Compensation. It is understood that each RIVERTREE client will only pay a prorated portion of total audit costs when RIVERTREE is conducting examinations for multiple clients at one time. Client agrees to pay RIVERTREE its prorated portion of each audit's total audit costs which shall consist of **seventy-five dollars (\$75.00) per hour**.

RIVERTREE shall be paid monthly based upon hours worked submitted to the Client by the fifteenth (15th) day of the month for the month next proceeding. The parties acknowledge that the Code of Alabama (1975) §40-2A-6 specifically prohibits the Client

from entering into any contract or arrangement with a private examining or contracting firm for the examination of a taxpayer's books on a contingency fee basis and agree that RIVERTREE's compensation under this Agreement is not in any way contingent upon or otherwise related to the amounts discovered during examinations nor contingent upon or related to amounts finally received by the Client.

Billing to Clients

1. The client will receive an Invoice Billing along with a check (made to client) for billable worked hours.
2. The client will receive a Billing Invoice on Final Assessments once a certified mail receipt is received for the Taxpayer. The audit package will be forwarded to the clients to provide an Administrative Law Judge Hearing, if self-administered, or start Legal Action. Rivertree will assist on all hearing matters.
3. Erroneously "Paid Tax" audits, Rivertree Systems will hold the "Notice of Tax Due" for 90-days to allow a refund from the "wrong jurisdiction." Once the 90-days has expired, the Refund Petition, Notice of Tax Due, tax billings, and audit work papers will be forwarded to the client to handle the "underpayment." An invoice will be attached for hours worked.
4. On Client Requested Reviews, at a minimum of 4-hours will be invoiced even if "No Findings."

3 Representations and Warranties. RIVERTREE represents and warrants as follows:

- a. RIVERTREE is a corporation valid and existing and in good standing under the laws of the State of Alabama.
- b. As of the effective date of the Agreement, RIVERTREE and any employee, agent, or independent auditor/examiner of RIVERTREE providing services under this Agreement, shall have obtained all licenses and bonds necessary or appropriate to perform RIVERTREE's obligations under this Agreement and all such licenses and bonds shall be current and in good standing, and shall be maintained throughout the term of this Agreement.
- c. RIVERTREE and its employees, agents and independent auditors/examiners agree to comply with all current and future laws, rules and regulations applicable to all services provided by RIVERTREE under this Agreement,

including, but not limited to, the Local Tax Simplification Act of 1998, the Alabama Local Tax Procedures Act of 1998 and the Taxpayers' Bill of Rights are currently in effect and hereafter amended.

- d. RIVERTREE agrees to comply with all laws and regulations relating to the employees of RIVERTREE, including, without limitation, all tax withholding requirements and worker's compensation laws.

4. **Change in Law.** The parties agree that in the event of any conflict between the requirements of any applicable law and the terms of this Agreement, then the requirements of such applicable law shall control. If any law applicable to the services provided by RIVERTREE under this Agreement shall be amended, or otherwise changed following the effective date of this Agreement, and the Client, in its sole discretion, determines that such amendment, modification or change in the law shall impair or frustrate the Client's purposes for entering into this Agreement, then the Client shall have the option to terminate this Agreement as provided in Paragraph 10 below.

5. **Requirements of Examiners.** All examiners employed by RIVERTREE shall meet all requirements of the Taxpayers' Bill of Rights and other current or future applicable law. At a minimum, all such examiners shall (i) be certified public accountants or accountants licensed by the State Board of Public Accountants, or (ii) be certified by the Alabama Local Tax Institute of Standards and Training, and (iii) maintain fidelity bonds in accordance with the Code of Alabama (1975) §40-23-30, as currently in effect and hereafter amended, and (iv) maintain a business license as required by Code of Alabama (1975) §40-12-2, as currently in effect and hereafter amended. If any assessment based on an audit by RIVERTREE is invalidated due to lack of proper certification of RIVERTREE's auditors, RIVERTREE must either provide an audit of the assessed taxpayer conducted by a certified auditor or reimburse Client for all amounts paid to RIVERTREE in connection with the audit. RIVERTREE shall

indemnify and hold Client harmless from any loss in revenues arising from or in connection with any invalidated assessment based upon an audit conducted by RIVERTREE if such invalidation is due to lack of proper certification of RIVERTREE 's auditors or due to any other fault of RIVERTREE.

6. **Inspection.** The Client reserves the right at all reasonable times to inspect the documents, information, taxpayer examination system and procedures of RIVERTREE to ensure that RIVERTREE and its employees, agents, and independent auditors/examiners are complying with the terms of this Agreement and all applicable laws. Any such inspection or any lack of inspection by the Client, however, shall not be deemed to waive the requirements of, or excuse the foregoing from complying with, the terms of this Agreement and all applicable laws.

7. **Confidentiality of Tax Information.** RIVERTREE and its employees, agents, and independent auditors/examiners shall not print, publish or divulge the return of any taxpayer or any part of a return or any information or data supplied by the Client or secured in arriving at the amount of the tax value reported and shall act in conformance with all current and future federal, state and local laws and regulations concerning the confidentiality of tax information, including, but not limited to, the Taxpayers' Bill of Rights (collectively, the "Confidentiality Laws"). All principals, officers, employees and independent auditors/examiners of RIVERTREE involved with the services provided by RIVERTREE under this Agreement, prior to undertaking such services, shall execute an agreement in form and context acceptable to the Client binding such principals, officers, employees and independent auditors/examiners to observe the Confidentiality Laws.

8. **Independent Contractor.** The parties agree that RIVERTREE is and shall at all times be considered an independent contractor and neither it nor its employees or its independent auditors/examiners shall be considered employees of the Client or entitled to any rights or benefits accorded to employees of the Client. RIVERTREE and the Client affirm that this Agreement does not create a partnership or joint venture and that no expressed, implied or apparent rights are intended to inure to any third parties under the terms and conditions herein.

9. **Term.** This Agreement shall be effective as of the date set forth in the preamble and will continue for a period of 3 year(s) from the date unless terminated as herein provided. Pursuant of the Code of Alabama (1975-40-2A-12, this Agreement shall not be renewed or extended beyond such one-year term: provided, however, that parties may negotiate a new contract concerning the subject matter of this Agreement to become effective following expiration of this Agreement.

10. **Default.** If RIVERTREE shall fail in any respect to comply with the terms of this Agreement, the Client shall notify RIVERTREE in writing of the matters with regard to which default is asserted, and RIVERTREE shall have thirty (30) days to cure such default. If RIVERTREE fails to either cure such default within said time, then the Client may terminate this Agreement at any time thereafter by giving written notice to RIVERTREE of its election to terminate.

11. **Termination.** Either party may terminate this Agreement by giving the other party written notice of termination at least ninety (90) days prior to the effective date of termination. Notwithstanding the foregoing, this Agreement shall be terminated automatically, without notice, if RIVERTREE, for any reason loses or foregoes its license

required under Code of Alabama (1975) §40-2A-13 or §40-2A-14. RIVERTREE shall provide the Client all documentation, records, reports, and examinations as of the effective date of the termination with a final itemized statement of fees due.

12. Assignment; Subcontracting of Services. Client acknowledges and agrees that RIVERTREE may retain auditors or examiners on an independent contractor basis to provide the services described in this Agreement and Client consents to RIVERTREE's retention of such auditors or examiners provided, however, that any such auditor or examiner must meet all criteria applicable to auditors and examiners under law or under this Agreement and provided further that all terms and conditions of this Agreement, including but not limited to indemnities, applicable to services provided by RIVERTREE shall apply to any work performed by such auditors and examiners. RIVERTREE shall maintain and, upon Client's request, shall provide to Client a list of all auditors and examiners authorized to provide services on behalf of RIVERTREE. Except as provided in this Paragraph 12, RIVERTREE shall not assign any of its rights or obligations under this Agreement or enter into an agreement with any person, entity or subcontractor to perform the obligations of RIVERTREE under this Agreement. Any such assignment or other agreement by RIVERTREE shall be null and void.

13. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama. If a dispute arises out of or relates to this Agreement or its breach, the parties shall endeavor to settle the dispute first through direct discussions and negotiations. If the dispute cannot be settled through direct discussions or negotiations, the parties shall endeavor to settle the dispute by non-binding mediation. The location of the mediation shall be Calera, Alabama. Either party may terminate the

mediation at any time after the session, but the decision to terminate must be delivered in person to the other party and the mediator. Engaging in mediation is a condition precedent to any other form of binding dispute resolution. If the parties cannot agree on a mutual resolution, then any disputes not resolved by mediation shall be decided in the Circuit Court of Shelby County, Alabama and governed by the laws of the State of Alabama between the CITY OF CALERA and RIVERTREE.

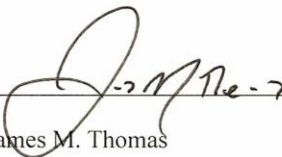
IN WITNESS WHEREOF, the undersigned parties, through their duly authorized officers, have executed this Agreement on the year and day first above written.

CITY OF CALERA

By: _____

Title: _____

RIVERTREE SYSTEMS, INC.



James M. Thomas

PRESIDENT

Mayor Graham introduced the following Resolution:

RESOLUTION NO. 2023-03

BE IT RESOLVED by the City Council (the "Council") of the **CITY OF CALERA, ALABAMA** (the "City"), as follows:

Section 1. Findings. The Council has ascertained and does hereby find and declare as follows:

WHEREAS, DS Properties LLC, an Alabama limited liability company (the "Company") owns fee simple title to certain real property in the City located at the intersection of Limestone Parkway and Highway 31, all as further set forth and shown on Exhibit A of the Hotel Development Agreement herein authorized (the "Site"); and

WHEREAS, the Company has approached the City with plans to develop a 78+ overnight room hotel to be operated as a Rise & Shine prototype of Comfort Suites hotel on the Site (the "Hotel"); and

WHEREAS, due to its location and the increased growth and development, the City has been in need of additional overnight accommodations, which such demand has increased due to Eagle Sports Complex having become a popular site for travel baseball, softball, soccer and other "travel team" sports, along with other sporting and recreational events; and

WHEREAS, the City is in need of additional overnight accommodations, and believes the Site is situated in an ideal location for the development of a new hotel; and

WHEREAS, the Company has reported to the City that, due to rising construction and labor costs and rising interest rates, along with the current market for overnight accommodations in the area of the Site, it is not be feasible to construct and develop the Hotel without financial assistance from the City; and

WHEREAS, the City has determined it necessary, wise and in the public interest to incentivize development of the Hotel by agreeing to share a portion of the City's receipts of its lodging tax collected from the operation of the Hotel, as more particularly described in the Hotel Development Agreement, up to the sum of \$814,851, which payments would be made over a limited period of time and on certain conditions more particularly set forth and described in the Hotel Development Agreement; and

WHEREAS, the City and the Company desire to enter the Hotel Development Agreement to memorialize certain agreements respecting development and operation of the Hotel and the incentive payments from the City, all as more particularly described and set forth in the Hotel Development Agreement; and

WHEREAS, the public benefits to the City to be derived from the covenants and agreements of the City included within the Hotel Development Agreement include, among other things (i) causing the development of new overnight accommodations

within the City, (ii) promoting commerce and other economic development within the City, (iii) expanding the tax base of the City, (iv) increasing jobs and economic development in the City, and (v) enhancing the overall quality of life for the citizens of the City; and

WHEREAS, the covenants and agreements of the City set forth in the Hotel Development Agreement are being made under and in furtherance of any power and authority authorized by Amendment 772 to the Constitution of Alabama of 1901, as amended, and the City has determined that the expenditure of public funds and provision of things of value for the purposes set forth in the Hotel Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

Section 2. Authorization of Hotel Development Agreement. The Council does hereby authorize and approve the Hotel Development Agreement in substantially the form attached as Appendix I hereto and with such changes thereto as the Mayor shall determine to make (the "Hotel Development Agreement"). The Mayor and the City Clerk are hereby authorized and directed to execute and deliver, for and on behalf of the City, the Hotel Development Agreement. The Mayor and the City Clerk are hereby further authorized and directed to execute, seal, attest, and deliver such other agreements, instruments, notices, documents, certificates and amendments, and to take such other actions by and on behalf of the City, as may be necessary or desirable to consummate and complete the transactions and actions contemplated by the Hotel Development Agreement.

Exhibit I
Form of Hotel Development Agreement

Council Member Turner moved that Resolution No. R-2023-03 be adopted. Council Member Cost seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Mayor Graham declared Resolution No. R-2023-03 adopted.

Adopted this 17th day of January 2023.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

HOTEL DEVELOPMENT AGREEMENT

This **HOTEL DEVELOPMENT AGREEMENT** (this "Agreement") is made and entered into this _____ day of January, 2023 (the "Effective Date"), between the **CITY OF CALERA, ALABAMA**, an Alabama municipal corporation (the "City"), and **DS PROPERTIES LLC**, an Alabama limited liability company (the "Company"). Each of the City and the Company are sometimes herein referred to individually as a "Party", and, collectively, as the "Parties."

RECITALS

WHEREAS, the City relies on public tax revenues, including without limitation lodging taxes, to provide for police, health, safety, and other essential public services for, and to maintain and improve the overall quality of life of, its citizens; and

WHEREAS, the Company owns fee simple title to certain real property in the City located at the intersection of Limestone Parkway and Highway 31, all as further set forth and shown on Exhibit A hereto (the "Development Site"); and

WHEREAS, the Company has approached the City with plans to develop a 78+ overnight room hotel to be operated as a Rise & Shine prototype of Comfort Suites hotel (the "Flag") on the Development Site (the "Hotel"); and

WHEREAS, due to its location and the increased growth and development, the City has been in need of additional overnight accommodations, which such demand has increased due to Eagle Sports Complex having become a popular site for travel baseball, softball, soccer and other "travel team" sports, along with other sporting and recreational events; and

WHEREAS, the Development Site is situated in an ideal location of the City for commercial development and expansion; and

WHEREAS, cities throughout the United States have adopted codes and undertaken other procedures that go beyond conventional zoning controls in order to advance land development regulatory mechanisms that place primary emphasis on the physical form of the built environment with the goal of producing a special type of place within the urban environment, which codes are based on the scale, character, intensity and form of development rather than solely on differences in land use; and

WHEREAS, absent adequate enabling laws in the State of Alabama, the City desires to achieve similar goals with respect to major land development within its jurisdiction through agreements with developers that promote construction of commercial structures, such as the Hotel, in accordance with higher standards of construction and development than can be achieved through zoning and other regulatory actions by the City; and

WHEREAS, the construction and development of the Hotel consistent with a development plan approved by the City, as hereinafter defined, will result in a substantial economic benefit to the City while helping prevent the proliferation of unplanned developments that can be detrimental to the sustained economic health and well-being of the City and detract from the aesthetic appeal and overall vibrancy of a growing commercial area; and

WHEREAS, the Developer has informed the City that increasing cost of construction materials, labor shortages, and other increases in costs, it cannot construct and develop the Hotel in a manner desired and described herein without financial assistance from the City, and the City has agreed to make certain payments to the Developer (hereinafter defined as the "City Payments") equal to a portion of the City's receipts of local lodging taxes collected by the City from the operations of the Hotel, up to \$814,851, all on such terms and as more particularly described and set forth herein; and

WHEREAS, the Parties desire to enter this agreement to memorialize their agreements respecting the Company's development of the Hotel on the Development Site and the City Payments to be made by the City, all as more particularly set forth and described herein; and

WHEREAS, the agreement of the City to make the City Payments described in the immediately preceding recital is being made under and in furtherance of any power or authority authorized by Amendment 772 to the Constitution of Alabama, and the City has determined that the expenditure of public funds for the purposes herein specified will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities;

NOW, THEREFORE, for and in consideration of the foregoing premises, the covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties do hereby covenant, agree, and bind themselves as follows:

ARTICLE I CONSTRUCTION AND OPERATION OF THE HOTEL

Section 1.1 Development Plan. (a) The Company shall have a period of up to 180 days following the Effective Date to cause to be prepared plans, specifications and drawings respecting the Hotel (the "Proposed Development Plan") for approval by the City as set forth herein. The Proposed Development Plan shall contain:

- (i) plans and specifications and facade renderings (along with renderings of side and back portions) for the Hotel;
- (ii) details for the common area improvements, including, without limitation, parking, landscaping, sitting walls, exterior lighting, common areas and fencing; and
- (iii) a detailed rendering of the overall Hotel, including the front, back and entrance portions of the Hotel.

(b) The Mayor (acting by and on behalf of the City) shall review the Proposed Development Plan in a reasonably timely manner and shall have a period of not more than thirty (30) days from actual receipt of the Proposed Development Plan to approve the same in writing. If the Mayor (acting by and on behalf of the City) rejects the Proposed Development Plan, the Company shall have a reasonable period of time to revise the Proposed Development Plan to be responsive to any comments, concerns or issues provided by the Mayor and to resubmit the revised Proposed Development Plan to the City for review, approval or further comments within thirty (30) days of the City's receipt thereof. Unless the

Company elects not to proceed, the aforesaid process shall continue until such time as the City shall have approved the Proposed Development Plan for the Hotel (such approved Proposed Development Plan, the "Development Plan").

(c) The approved Development Plan shall not be changed or modified in any material respect without the prior written consent of the City (with the Mayor acting by and on behalf of the City for such purpose).

(d) If, for whatever reason, the final Development Plan is not reached and approved by the City as aforesaid by the Development Plan Deadline then this Agreement shall terminate and be of no further force or effect, and each Party shall have no obligations or duties to the other Party. As used herein, the term "Development Plan Deadline" shall mean 300 days following the Effective Date, or such later date as the Parties hereto shall agree in writing (with the Mayor herein authorized to agree and approve on behalf of the City), but in no event more than 365 days following the Effective Date.

(e) Anything in this Section 1.1 to the contrary notwithstanding, whether express or implied, the approval of the Development Plan or the requirement that the Hotel be constructed substantially in accordance therewith shall in no way constitute or be deemed to constitute an approval of any construction activity upon the Development Site or concerning the Hotel as being in conformity with any applicable building codes or other rules or requirements of the City and other usual inspection approvals by the City or any other governmental authority normal to any new construction in the City, which such approval process shall proceed in the normal course.

Section 1.2 Hotel Construction and Development. (a) The Company agrees to construct or cause the construction of the Hotel substantially in accordance the Development Plan approved by the City pursuant to Section 1.1 above.

(b) The Company agrees to use its commercially reasonable good faith efforts to (i) obtain a building permit for the Hotel and complete the pouring of all of the foundation and footings for the Hotel on the Development Site (the occurrence of the foregoing herein defined as "Commencement of Construction" or "Commenced Construction") within twenty-four (24) months of the Effective Date (the "Commencement of Construction Deadline"), and (ii) obtain a certificate of occupancy and open the Hotel to the public for business (the occurrence of the foregoing herein defined as "Completed" or "Completion") within thirty-six (36) months of the Effective Date (the "Completion Deadline").

(c) If, due to the occurrence of a Force Majeure Event, the Company is not able to Complete the Hotel by the Completion Deadline, then for each day of the Force Majeure Event said deadline shall be extended by one day to address such condition before the Company shall be considered in default of such obligation; provided (i) at the time of the Force Majeure Event the Company is claiming or anticipating, the Company shall have first provided written notice to the City containing: (1) a description of the Force Majeure Event, (2) an explanation of how the Company anticipates such event will affect its ability to timely perform such obligations, (3) the actions the Company plans to undertake in order to address the conditions caused by the Force Majeure Event, and (4) an estimate of how long the Company anticipates the Force Majeure Event will delay its ability to have Completed the Hotel; and (ii) in no event shall the Completion Deadline be more than forty-eight (48) months from the Effective Date. As used in this Section 1.2(c), the term "Force Majeure Event" shall

mean and include a material matter beyond the reasonable control of the Company (excluding unfavorable economic conditions and excluding the inability of the Company to raise funds or gain access to credit or financing for the Hotel, or any portion thereof), including acts of God, including without limitation earthquakes, fire, floods, tornadoes, hurricanes, and extreme weather conditions (but not including normal seasonal inclement weather), acts of terrorism, epidemics (including continuations), pandemics (including continuations), quarantine restrictions, supply-chain delays, and freight embargos.

(c) All construction activities on the Development Site shall be conducted in compliance with all applicable laws, ordinances, rules, and regulations of any governmental authority, including, without limitation, all applicable licenses, permits, building codes, restrictive covenants, zoning and subdivision ordinances and flood, disaster, and environmental protection laws. The Company shall cause any architect, general contractor, subcontractor, or other business performing any work in connection with the construction of the Company to obtain all necessary permits, licenses, and approvals to construct the same. It is understood and acknowledged that the City will not waive any fees, access fees, or related expenses for any permits, licenses or approvals that must be obtained from the City or any other governmental authority in connection with the construction or operation of the Hotel.

(d) The Company, and any affiliate thereof, shall maintain its good standing within the City and shall at all times during the Term hereof be in compliance with all applicable laws, ordinances, rules and regulations of the City and, further, shall be current in payment of any and all taxes, fees, and other charges imposed by the City and all local government entities.

Section 1.3 **Permitted Flag.** From the date of its initial opening through the tenth (10th) anniversary thereof, the Hotel shall be operated by the Flag or by such other operator as shall be approved in writing by the City (collectively with the Flag, the "Permitted Flag").

ARTICLE II

CITY PAYMENTS

Section 2.1 **Payment Obligations of the City; City Derived Taxes.**

(a) The City hereby agrees to make certain payments to the Company (such payments, collectively, the "City Payments") solely out of City Derived Taxes collected by the City as described in Section 2.2 hereof, over a period from the City Payments Commencement Date (hereinafter defined) through the close of the Payment Period (hereinafter defined), aggregating not more than \$814,851.00 (the "Maximum City Payment Amount").

(b) City Payments owed to the Company shall be due and submitted by the City no later than the fifteenth (15th) day of the second calendar month following each Fiscal Quarter (as defined below) during the term of this Agreement.

(c) The Company understands, acknowledges, and agrees that City Derived Taxes shall be the sole source of the City Payments to be made under this Agreement, and that no other funds of the City shall be used for payment of any obligation of the City under this Agreement.

(d) Anything in the foregoing or otherwise in this Agreement to the contrary notwithstanding, whether express or implied, the City shall not be obligated to make any City Payments to the Company during the City Payment Period if (i) the Company has not Completed Construction of the Hotel by the Completion Deadline, (ii) the Hotel is not being operated by the Permitted Flag, or (iii) the Company is in default or there is existing a Company Event of Default hereunder that is continuing beyond any cure period expressly applicable to the same.

Section 2.2 Certain Defined Terms. The following terms shall have the following meaning as used in this Article II:

(a) "City Derived Taxes" shall mean three-sevenths (3/7) of the net proceeds of the City Lodging Tax realized upon and charged to overnight occupants of the Hotel.

(b) "City Lodging Tax" shall mean the lodging tax collected by the City and levied pursuant to Ordinance No. 2022-16, as said ordinance may from time to time be amended, modified or replaced, but only up to the maximum lodging tax rate of 7.00%, and excluding any increases of the rate of the said lodging tax beyond 7.00%; provided, City Lodging Tax shall not include any other collections by the City in the form of set room fees or other overnight fees, penalties, fees, interest, or similar items referable to the said lodging tax or charges for lodgings in the City.

(c) "City Payment Period" shall be a period of time commencing upon the Hotel Opening Date and ending on the earliest to occur of (i) the 10th anniversary of the Hotel Opening Date, (ii) the 10th anniversary of the Construction Completion Deadline, (iii) such date as the City shall have paid the Company \$814,851.00 under this Agreement, or (iv) such date as this Agreement shall have been terminated in accordance with the terms hereof or otherwise by the Parties hereto.

(d) "City Payments Commencement Date" shall mean the first day of the Fiscal Quarter immediately following the Hotel Opening Date.

(e) "Fiscal Quarter" shall mean any period of three consecutive months beginning on October 1, January 1, April 1, or July 1, as the case may be.

(f) "Hotel Opening Date" shall mean such date as the Hotel has been Completed and is first open to the public for business.

ARTICLE III GENERAL REPRESENTATIONS AND WARRANTIES

Section 3.1 Representations and Warranties of the Company. The Company represents and warrants that:

(a) The Company has the legal power and authority to enter into this Agreement and to make the respective commitments made in this Agreement.

(b) This Agreement is valid and binding on the Company and enforceable against the Company in accordance with its terms.

(c) The Company is not prohibited from consummating the transactions contemplated in this Agreement by any law, regulation, agreement, instrument, restriction, order or judgement.

(d) The Company owns fee simple title to the Development Site.

Section 3.2 Representations and Warranties of the City. The City represents and warrants that:

(a) The City has the legal power and authority to enter into this Agreement and to make the respective commitments made in this Agreement.

(b) This Agreement is valid and binding on the City and is enforceable against the City in accordance with its terms.

(c) The City is not prohibited from consummating the transactions contemplated in this Agreement by any law, regulation, agreement, instrument, restriction, order or judgement.

ARTICLE IV EVENTS OF DEFAULT AND REMEDIES

SECTION 4.1 EVENTS OF DEFAULT BY THE CITY.

(a) Any one or more of the following shall constitute an event of default under this Agreement by the City (herein called a "City Event of Default") (whatever the reason for such event and whether it shall be voluntary or involuntary or be affected by operation of law or pursuant to any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):

- i. the City shall fail to make any City Payments when obligated to do so;
- ii. the dissolution or liquidation of the City, or the filing by the City of a voluntary petition in bankruptcy, or the City's seeking of or consenting to or acquiescing in the appointment of a receiver of all or substantially all of its property, or the adjudication of the City as a bankrupt, or any assignment by the City for the benefit of its creditors, or the entry by the City into an agreement of composition with its creditors, or if a petition or answer is filed by the City proposing the adjudication of the City as a bankrupt or its reorganization, arrangement or debt readjustment under any present or future federal bankruptcy code or any similar federal or state law in any court, or if any such petition or

answer is filed by any other person and such petition or answer shall not be stayed or dismissed within 60 days; or

- iii. Failure by the City to perform or observe any of its agreements or covenants contained in this Agreement and not otherwise addressed in this Section 4.1(a), which failure shall have continued for a period of thirty (30) calendar days after written notice thereof from the Company, unless (A) the Company shall agree in writing to an extension of such period prior to its expiration, or (B) during such thirty (30) day period or any extension thereof, the City has commenced and is diligently pursuing appropriate corrective action, or (C) the City is by reason of *force majeure* at the time prevented from performing or observing the agreement or covenant with respect to which the City is delinquent, but in no event for more than an aggregate of 365 days.

(b) If a City Event of Default exists, the Company may proceed to protect its rights hereunder by suit in equity, action at law or other appropriate proceedings, for specific performance of any covenant or agreement of the City herein contained; provided, however, in no event shall the Company be entitled (and the Company hereby waives any claim or right thereto) to any punitive, incidental, consequential, or other damages, whether arising at law, in equity or otherwise against the City.

Section 4.2 Events of Default by the Company.

(a) Any one or more of the following shall constitute an event of default under this Agreement by the Company (herein called a "Company Event of Default"):

- i. the dissolution or liquidation of the Company, or the filing by the Company of a voluntary petition in bankruptcy, or the Company seeking of or consenting to or acquiescing in the appointment of a receiver of all or substantially all of its property, or the adjudication of the Company as a bankrupt, or any assignment by the Company for the benefit of its creditors, or the entry by the Company into an agreement of composition with its creditors, or if a petition or answer is filed by the Company proposing the adjudication of the Company as a bankrupt or its reorganization, arrangement or debt readjustment under any present or future federal bankruptcy code or any similar federal or state law in any court, or if any such petition or answer is filed by any other person and such petition or answer shall not be stayed or dismissed within 60 days; or
- ii. any change in ownership or control of the Company prior to Completion of the Hotel without the prior written consent of the City, or the Hotel is not built substantially in compliance with the Development Plan; or
- iii. if (i) operations are temporarily ceased due to substantial damage to the Hotel caused by fire, storm, or other natural causes (herein called "Extraordinary Events"), and (ii) the Company certifies to the City that it

intends to cause the Hotel to be repaired and to commence operations of the Hotel, operated by a Permitted Flag, within a reasonable period of time thereafter, such event shall not be deemed an Event of Default unless full operations of the Hotel are not actually commenced within eighteen (18) months of the date of the Extraordinary Event at issue; or

- iv. the Company, and any affiliate thereof, shall at any time during the term of this Agreement (i) not be in compliance with all applicable laws, ordinances, rules and regulations of the City, or (ii) fail to be current in payment of any and all taxes, fees, and other charges imposed by the City or any other local government entity, which failure shall have continued for a period of sixty (60) calendar days after written notice thereof from the City, unless the City shall agree in writing to an extension of such period prior to its expiration; or
- v. failure by the Company to perform or observe any of its agreements or covenants contained in this Agreement and not otherwise addressed in this Section 4.2(a), which failure shall have continued for a period of thirty (30) calendar days after written notice thereof from the Company, unless (A) the City shall agree in writing to an extension of such period prior to its expiration, or (B) during such thirty (30) day period or any extension thereof, the Company has commenced and is diligently pursuing appropriate corrective action, or (C) the Company is by reason of *force majeure* at the time prevented from performing or observing the agreement or covenant with respect to which the Company is delinquent, but in no event for more than an aggregate of 365 days.

(c) If a Company Event of Default exists, the City may terminate payment of City Payments under this Agreement and proceed to protect its rights hereunder by suit in equity, action at law or other appropriate proceedings, for specific performance of any covenant or agreement of the Company herein contained; provided, however, in no event shall the City be entitled (and the City hereby waives any claim or right thereto) to any punitive, incidental, consequential, or other damages, whether arising at law, in equity or otherwise against the Company.

Section 4.3 Remedies Subject to Applicable Law. All rights, remedies and powers provided in this Article IV may be exercised only to the extent the exercise thereof does not violate any applicable provision of law in the premises, and all the provisions of this Article IV are intended to be subject to all applicable mandatory provisions of law which may be controlling in the premises and to be limited to the extent necessary so that the same will not render this Agreement invalid or unenforceable.

ARTICLE V MISCELLANEOUS

Section 5.1 Counterparts. This Agreement may be executed simultaneously in three or more counterparts, each of which shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such counterpart.

Section 5.2 Governing Law. The governing law of this Agreement shall be the law of the

Section 5.3 Severability. In case any one or more of the provisions contained in this

Section 5.4 Notices. All communications and notices expressly provided herein shall be in

Company: DS Properties, LLC
P.O. Box 6
Albertville, Alabama 35950
Attn: Don Spurlin

With a copy to

City: City of Calera, Alabama
City Hall
7901 US-31
Calera, Alabama 35040
Attention: Jon G. Graham, Mayor

With a copy to

Bradley Arant Boult Cummings LLP
One Federal Place
1819 5th Avenue North
Birmingham, Alabama 35213
Attn: Rod Kanter, Esq.

or to such other address as the receiving Party shall have most recently forwarded to the sending Party pursuant to the provisions of this Section 5.4.

Section 5.5 Amendment and Waivers. This Agreement may not be amended or modified

Section 5.6 Assignment. This Agreement (including, without limitation, the right of the

Section 5.7 Section Title and Headings. The section titles and headings are for convenience only and do not define, modify or limit any of the terms and provisions hereof.

Section 5.8 Specific Performance. The Parties agree that it is impossible to measure in money the damages which will accrue to the other Parties by reason of a failure of any of the other Parties to this Agreement to perform any of their respective obligations under this Agreement. Therefore, if any Party institutes any action or proceeding to enforce the provisions hereof the other Parties to this Agreement against whom such action or proceeding is brought hereby waives the claim or defense that the Party instituting such action has or will have an adequate remedy at law for money damages.

Section 5.9 Liabilities of the City. Any provision hereof to the contrary notwithstanding, the Parties agree and acknowledge that the obligations of the City as set forth herein are limited by the limitations imposed on public bodies, municipalities and public corporations by the Constitution of the State of Alabama and laws affecting the use and maintenance of public property.

Section 5.10 Ambiguity. The terms, conditions and provisions of this Agreement were agreed to in arm's length negotiations in which each Party was represented by independent counsel of its own choosing. Accordingly, in the event of any ambiguity in this Agreement, such ambiguity shall not be resolved against any Party deemed the principal draftsman of this Agreement or the provision of this Agreement at issue.

Section 5.11 Entire Agreement. This Agreement constitutes the entire agreement and understanding among the Parties and no other offers, agreements, understandings, warranties, or representations exist between the Parties.

Section 5.12 Survival of Representations, Warranties and Covenants. The representations, warranties and covenants made by each of the Parties hereto contained herein shall survive the performance of any obligations to which such representations, warranties and covenants relate.

Section 5.13 No Third Party Beneficiary. This Agreement is intended solely for the benefit of the Parties. Nothing in this Agreement shall be construed to create any duty, standard of care or liability to, nor confer any right of suit or action on, any Person other than the Parties hereof, including employees, independent contractors.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

DS PROPERTIES LLC

By: _____

Its: _____

CITY OF CALERA, ALABAMA

By: _____
Jon G. Graham, Mayor

EXHIBIT A
THE DEVELOPMENT SITE

Lot 8-A-2, according to a Resurvey of Lots 8-A and 13-A of a Resurvey of Lots 4, 8 and 13 of a Resurvey of Lot 2, Limestone Marketplace Subdivision, recorded in Map Book 56, Page 21 in the Office of the Judge of Probate of Shelby County, Alabama.

Fund	Dept	Account Name	2023 Budget	Requested Adjustment
10	300	1033 GASOLINE TAX - LOCAL	\$555,302.00	\$412,880.00
10	300	3015 FIRE & RESCUE SERVICES	\$33,024.00	\$250.00
10	300	3070 YL - BASKETBALL	\$16,320.00	\$4,951.75
10	300	9701 RACING COMMISSION RECEIPTS	\$0.00	\$13,509.84
		General Fund Revenue Increase	\$	431,591.59
10	427	1120 UNIFORMS	\$1,200.00	\$800.00
10	435	5059 R&M- SENIOR CENTER	\$3,000.00	-\$3,000.00
10	450	1007 ALABAMA 1ST RESPONDER CANCER	\$9,119.00	-\$1,585.00
10	460	3044 MATERIALS-LSTA17 GRANT	\$25,000.00	-\$6,250.00
10	470	3069 STRAWBERRY/CHRISTMAS FESTIVAL	\$0.00	\$15,000.00
10	475	5023 SR CTR- BUILDING REPAIRS	\$0.00	\$3,000.00
10	492	7103 IT - VEHICLES	\$42,000.00	\$2,751.85
10	492	7311 EQUIPMENT- ENGINEERING	\$0.00	\$10,851.50
10	492	7360 LIBRARY PARKING LOT	\$169,560.00	-\$169,560.00
10	492	7501 EQUIPMENT - FIRE	\$134,000.00	-\$57,188.50
10	492	7507 BUILDINGS-FIRE	\$1,675,000.00	-\$1,625,000.00
10	492	7700 BUILDINGS-ROLLING HILLS	\$350,000.00	-\$350,000.00
10	492	7752 OL PARK - ADDITIONAL PARKING	\$613,660.00	-\$613,660.00
10	492	7764 MAIN STREET PH 1 PARKING 31 W	\$1,000,000.00	-\$1,000,000.00
10	492	7765 TRAFFIC LIGHT,CAMERA, CROSSIN	\$125,000.00	-\$125,000.00
10	492	7766 TENNIS/PICKLE BALL COURTS	\$525,000.00	-\$525,000.00
10	492	7767 RICKY M CAIRNS FENCE	\$115,000.00	-\$115,000.00
10	492	7768 FIRING RANGE RENOVATION GRANT	\$0.00	\$69,564.80
10	492	7769 BASE/SOFT/SOCCERDOOR/TRIM	\$22,000.00	-\$22,000.00
10	492	7771 HVAC MU PH1	\$150,000.00	-\$150,000.00
10	492	7772 FLOORING WEIGHT ROOM MUPH1	\$58,500.00	-\$58,500.00
10	492	7773 FLOORING MINUS WEIGHT ROOM	\$45,000.00	-\$45,000.00
10	492	7774 DOORS & TRIME MUPH1	\$13,000.00	-\$13,000.00
10	492	7775 RV STORAGE CAMERA/ELECTRICIAL	\$0.00	\$6,810.62
17	492	7098 I-65 & SR-25 INTERSECTION	\$0.00	\$17,250.00
17	492	7109 COSBY BUILDING	\$0.00	\$37,300.00
17	492	7360 LIBRARY PARKING LOT	\$0.00	\$169,560.00
17	492	7501 GENERATOR FIRE STATION 1	\$0.00	\$70,000.00
17	492	7507 FIRE STATION 1 BUILDING	\$0.00	\$1,625,000.00
17	492	7700 BATHHOUSE ROLLING HILLS	\$0.00	\$150,000.00
17	492	7701 ROAD AND PARKING ROLLING HILL	\$0.00	\$200,000.00
17	492	7703 OLD SKATE RINK-OL PK ADD PKNG	\$0.00	\$613,660.00
17	492	7706 SPORTS CMPLX- LAND IMPROVEMEN	\$0.00	\$375.00
17	492	7757 B/S BALL & SOCCER FIELD HOUSE	\$0.00	\$22,000.00

17	492	7758	MULTI PURPOSE BLD EAGLE PH1	\$0.00	\$266,500.00
17	492	7762	MULTI PURPOSE IT	\$0.00	\$6,635.88
17	492	7764	MAIN STREET IMPROVEMENTS	\$0.00	\$1,000,000.00
17	492	7765	TRAFFIC LIGHT/CAMERA/CROSSING	\$0.00	\$125,000.00
17	492	7766	TENNIS/PICKLE BALL COURTS	\$0.00	\$525,000.00
17	492	7767	FENCE RICKY M CAIRNS	\$0.00	\$115,000.00
			General Fund and Capital Fund Expense Increase		\$172,316.15
			Change in Revenue over Expense		\$259,275.44



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION

Confirmation Number: 20230124150911052



Type License: 020 - RESTAURANT RETAIL LIQUOR

State: \$300.00 County: \$600.00

Type License:

State: County:

Trade Name: **LOS DOS COMPADRES**

Filing Fee: \$50.00

Applicant: **LOS DOS COMPADRES LLC**

Transfer Fee:

Location Address: 4416 HWY 31 CALERA, AL 35040

Mailing Address: 4416 HWY 31 CALERA, AL 35040

County: SHELBY Tobacco sales: NO

Tobacco Vending Machines:

Product Type:

Type Ownership: LLC

Book, Page, or Document info: 001-016-154

Do you sell Draft Beer?:

Date Incorporated: 04/23/2022 State incorporated: AL

County Incorporated: SHELBY

Date of Authority:

Federal Tax ID: 88-2058729

Alabama State Sales Tax ID: R00000000

Name:	Title:	Date and Place of Birth:	Residence Address:
DANIEL VALENCIA CHAVEZ 8761189 - AL	MEMBER	03/14/1975 MEXICO	247 WATERFORD COVE TRL CALERA, AL 35040

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: DANIEL VALENCIA CHAVEZ

Home Phone: 205-434-7213

Business Phone: 205-319-7003

Cell Phone: 205-434-7213

Fax:

E-mail: LOSREYESVA@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20230124150911052

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **ALEX CHAVEZ ENTERPRISES, LLC 205-668-4008**
What is lessors primary business? **RESTAURANT**
Is lessor involved in any way with the alcoholic beverage business? **YES**
Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
Is the business used to habitually and principally provide food to the public? **YES**
Does the establishment have restroom facilities? **YES**
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
Building Dimensions Square Footage: **5000** Display Square Footage:
Building seating capacity: **150** Does Licensed premises include a patio area? **NO**
License Structure: **SINGLE STRUCTURE** License covers: **ENTIRE STRUCTURE**
Number of licenses in the vicinity: Nearest:
Nearest school: Nearest church: Nearest residence: **0 blocks**
Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name: Violation & Date: Arresting Agency: Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20230124150911052

**Private Clubs / Special Retail / Special Events / Wine Festival or Wine Festival
Participants licenses ONLY**

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Wine Festival / Wine Festival Participant licenses (5 Days or Less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

Is the lessor involved in any way with the alcohol beverage business?: LESSOR
OWNS/OPERATES ZAPOCAN MEXICAN RESTAURANTE IN MONTEVALLO AND
ZAPOCAN MEXICAN RESTAURANT IN CALERA.



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20230124150911052

Initial each

DVC
DVC

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

DVC

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, Wine Festival and Wine Festival Participant Licenses, and Food or Beverage Truck Licenses, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

DVC

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

DVC

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

DVC

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print):

Daniel Valencia Chavez

Signature of Applicant:

DVC

Notary Name (print):

Valencia Johnson

Notary Signature:

Valencia Johnson

Commission expires:

4/22/24

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2023-02

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **February 6, 2023** and has recommended changes in the City of Calera zoning map, and advises that said zoning is in compliance with the City of Calera Comprehensive Plan, and

WHEREAS, the Council of the City of Calera, Alabama has conducted a public hearing after proper legal and actual notice to landowners to consider changes in the zoning map recommended by the Planning Commission.

IT IS THEREFORE ORDAINED BY THE MAYOR AND
COUNCIL OF THE CITY OF CALERA, ALABAMA AS FOLLOWS:

That the zoning request of property described in **Exhibit A** be rezoned as follows:

From: R3 (Single Family Residential) Parcel ID 28 2 09 0 001 017.000

To: B2 (General Business)

Council Member _____ moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2023-02. Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Thereupon, the Mayor declared said motion carried and unanimous consent given for the consideration of said Ordinance.

Council Member _____ moved that Ordinance No. 2023-02 be adopted.
Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Mayor Graham declared Ordinance No. 2023-02 adopted.

Adopted this ____ day of _____, 2023.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

PUBLIC NOTICE

PLEASE TAKE NOTICE, that pursuant to a recommendation of the Planning Commission of the City of Calera, which recommendation was made after conducting a public hearing on December 12, 2022 **at** the Calera City Hall. The recommendation being that the Calera City Council consider changes to the Zoning Map of the City of Calera by adopting the attached amendment.

The City Council of the City of Calera shall conduct a public hearing on

The 6th day of February, 2023 at 6:30 p.m. at the Calera City Hall, to

cause adoption of the amendment recommended by the Planning Commission. All persons who desire shall be given an opportunity to be heard in opposition to the changes or in favor of such Ordinance. The following is the Ordinance which shall be under consideration and determined at the above time and place by the Council of the City of Calera.

Done this 18th day of January, 2023.

Tammy Smith, Zoning Clerk

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Jimmy Ray Norris
PO Box 1412
Calera, AL 35040

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

The purpose of the public hearing is to receive public comments on an application submitted by:

Marcella Dungee

for a proposed rezoning of land owned by:

Marcella Dungee

and located at the following street address or location:

**Parcel ID 28 2 09 0 001 017.000
Hwy 31**

The proposed consists of rezoning from the **R3 (Single Family) to B2(General Business).**

A written protest of the proposed amendment may be filed with the City Clerk of the City of Calera one (1) day prior to the proposed date of the public hearing for the consideration of the zoning classification amendment. The protest must be signed by the property owner making such request and only one protest shall be allowed for each separately-assessed unit of property.

- A. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

JSCCK, LLC
10 Commercial Park Drive
Calera, AL 35040

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

The purpose of the public hearing is to receive public comments on an application submitted by:

Marcella Dungee

for a proposed rezoning of land owned by:

Marcella Dungee

and located at the following street address or location:

**Parcel ID 28 2 09 0 001 017.000
Hwy 31**

The proposed consists of rezoning from the **R3 (Single Family) to B2(General Business).**

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- B. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Annie Mae Vines
Louise Tompkins
Po Box 42132
Atlanta, GA 30311

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

The purpose of the public hearing is to receive public comments on an application submitted by:

Marcella Dungee

for a proposed rezoning of land owned by:

Marcella Dungee

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- C. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Marcella Dungee
1305 Cliffwood Drive
Greensboro, NC 27406-4106

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

The purpose of the public hearing is to receive public comments on an application submitted by:

Marcella Dungee

for a proposed rezoning of land owned by:

Marcella Dungee

and located at the following street address or location:

**Parcel ID 28 2 09 0 001 017.000
Hwy 31**

The proposed consists of rezoning from the **R3 (Single Family) to B2(General Business).**

A written protest of the proposed amendment may be filed with the City Clerk of the City of Calera one (1) day prior to the proposed date of the public hearing for the consideration of the zoning classification amendment. The protest must be signed by the property owner making such request and only one protest shall be allowed for each separately-assessed unit of property.

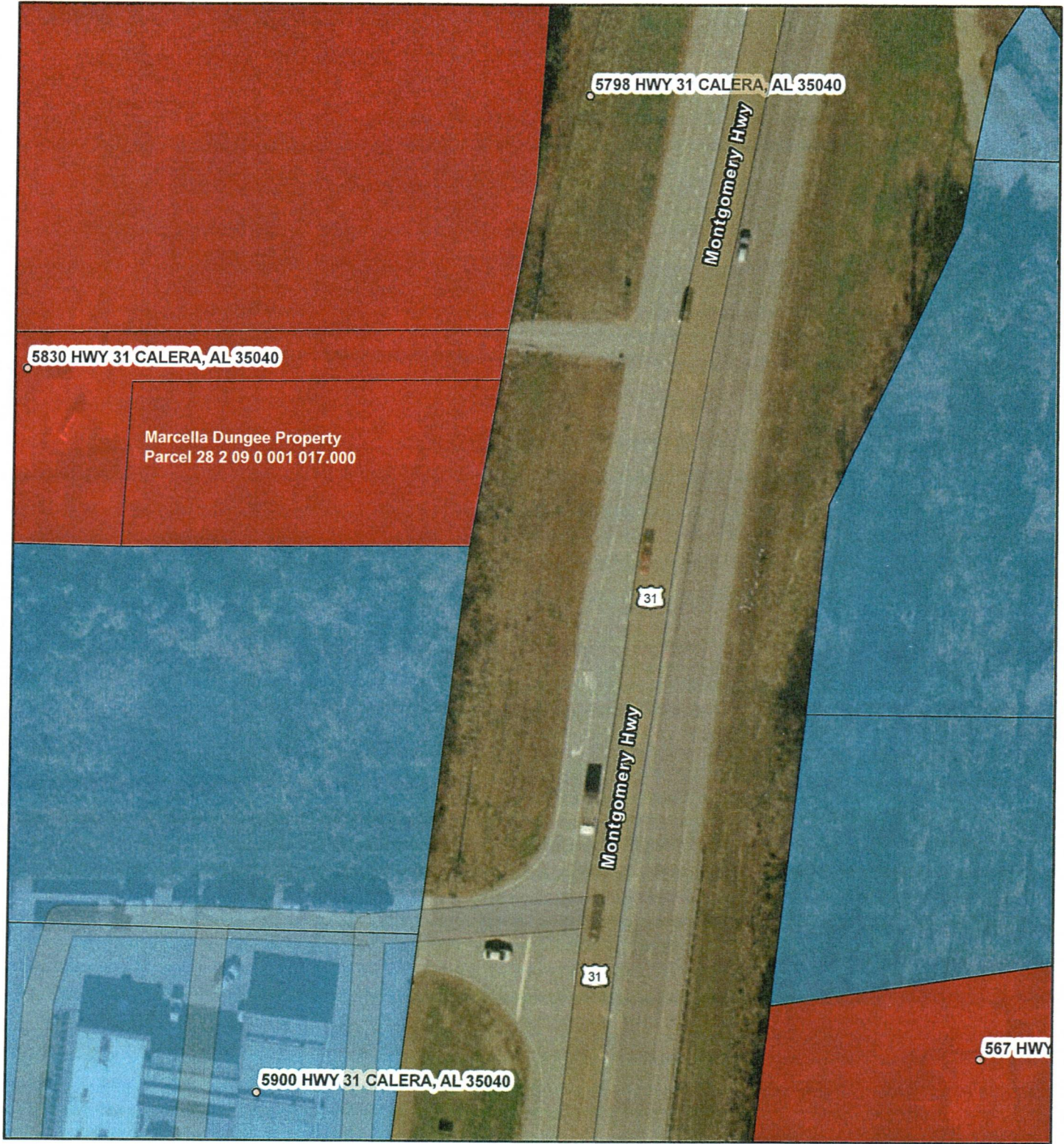
- D. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

Vicinity Map



City of Calera Zoning



1/18/2023, 8:25:35 AM

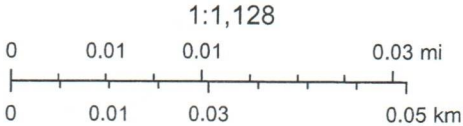
◦ Address Points

▭ Parcel Data

Zoning

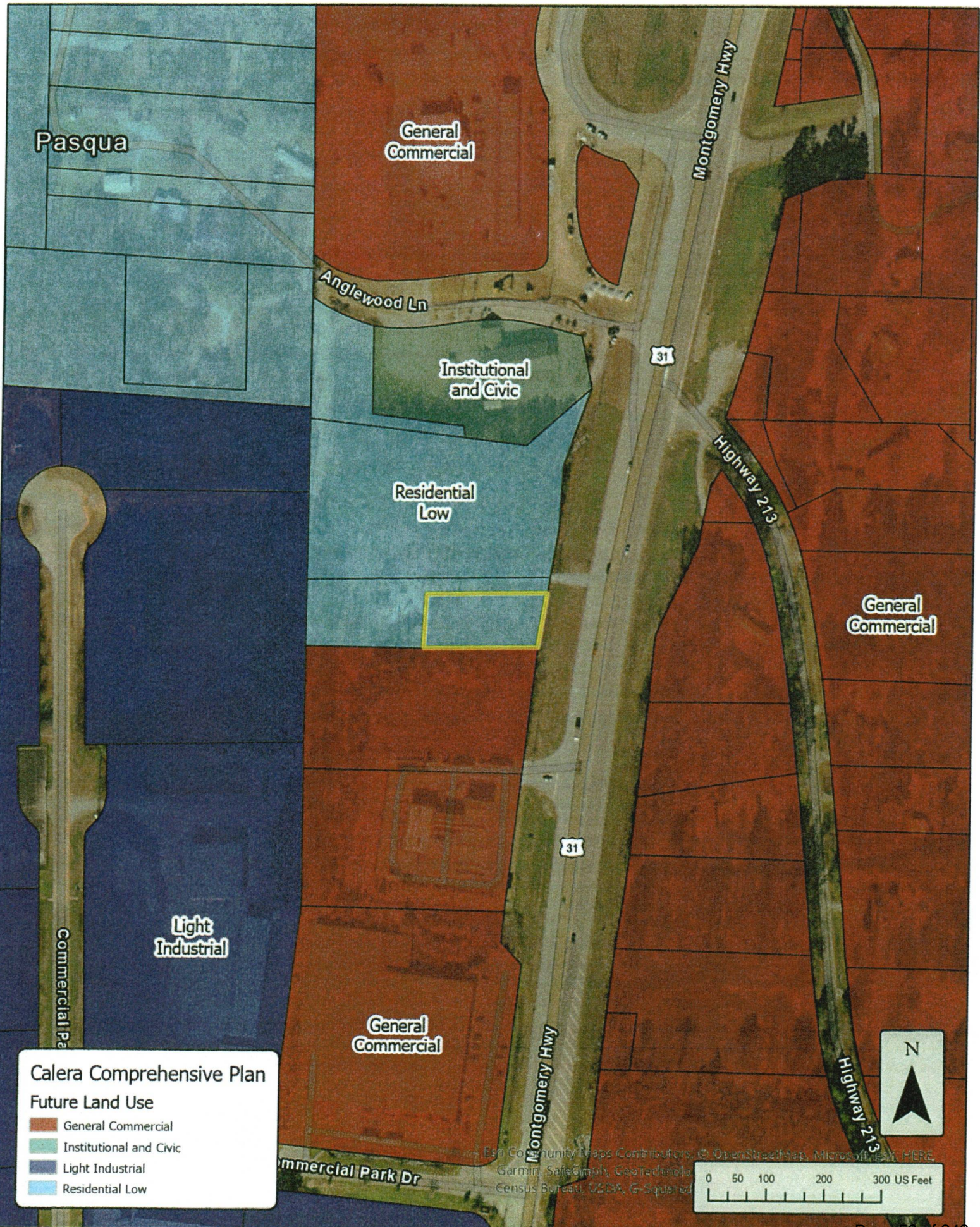
▭ R-3, Single Family Residential

▭ B-2, General Business

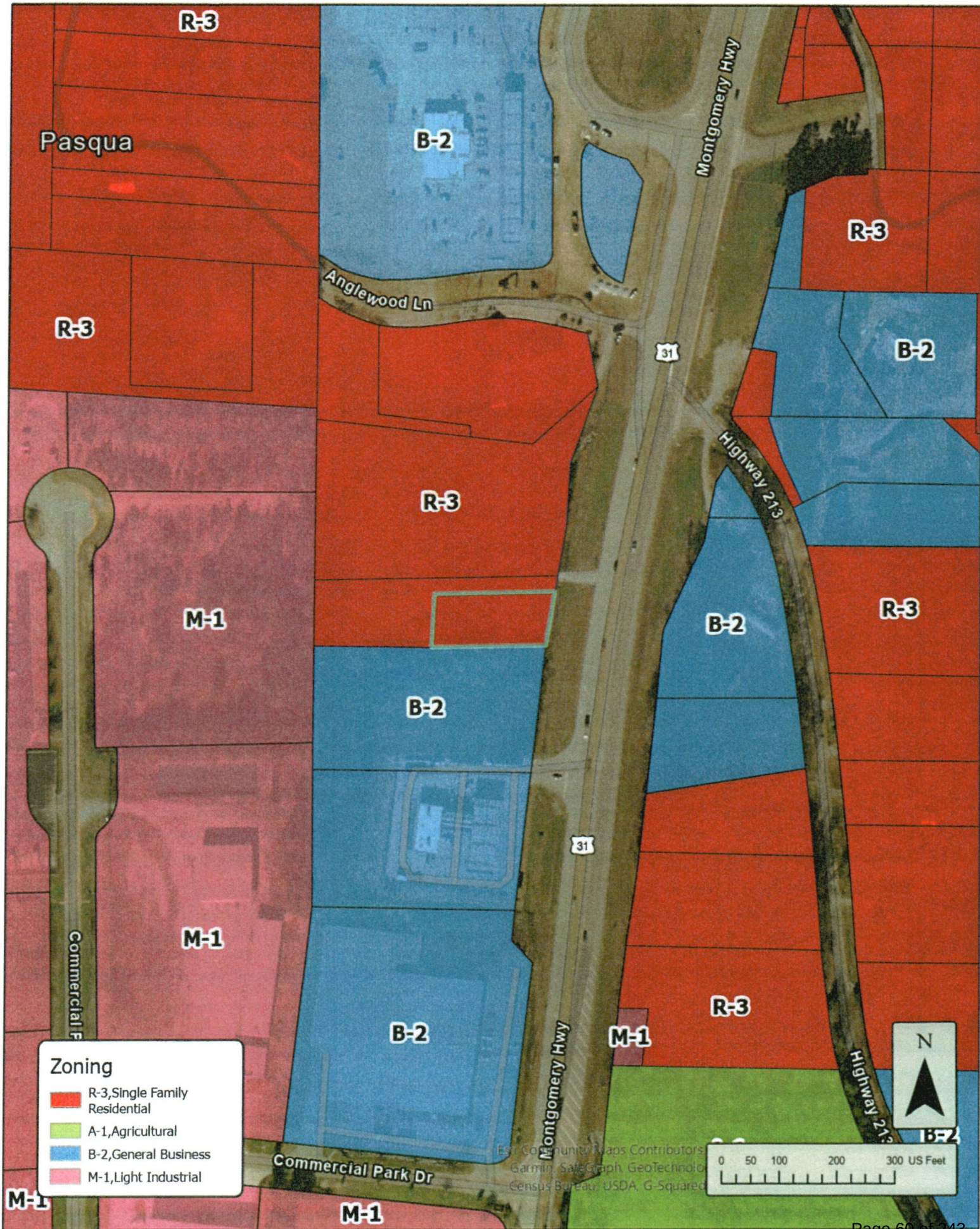


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Comprehensive Plan Map



Zoning Map



APPLICATION FOR REZONING

PLANNING COMMISSION, CITY OF CALERA, ALABAMA

1. Date Application filed: _____ Requested Hearing Date: _____
2. Applicant: Marcella Dungee
 Phone: 336-370-0782
 Address: 1305 Cliffwood Dr Greensboro, NC 27406-4106
3. Owner: Marcella Dungee
 Phone: same as above
 Address: same as above
4. Property Location: Hwy 31 Calera
 Tax Map Parcel Number (s): 28 2 09 0 001 017.000
5. Acreage: 0.4
6. Existing Zoning Classification: R3 - Residential Existing Land Use: Residential
 Proposed Zoning Classification: B2 - Commercial Proposed Land Use: Business
7. Check all required submissions with this application:

_____ Application Fee
 _____ Reason for the Request
 _____ Legal Description of the subject Property
 _____ Vicinity Map
 _____ Availability Of Required Utilities
 _____ Public Hearing Notices
 _____ Site Plan
 _____ Proffer of rezoning conditions (if any)

Signature of Applicant:

Marcella Dungee

dotloop verified
10/20/22 5:44 PM EDT
GVYT-M1YZ-D0TN-VROT

Signature of Authorization By Owner:

Marcella Dungee

dotloop verified
10/20/22 5:44 PM EDT
WDJY-BVFN-ETBV-RE09

FOR CITY USE ONLY:

22-10552

\$150.00 Administrative fee received on _____ by receipt # _____

Scheduled Hearing Date: Dec. 12, 2022

Application Submitted by: _____ on: _____

1. **Reason for request:** Owners are seeking to change zoning classification in line with other neighboring properties that are zoned commercial.
2. The parcel is:
 - 28 2 09 0 001 017.000 – 0.4 Acres
3. **Legal Description of Subject Property (Seeking approval for commercial classification is):**
 - a. BEG 520(S) S OF INT W ROW U S 31 & N LN SEC 9 CON SLY93.02 ALG ROW W255 N92 E266.6 TO POBLESS: ACQUIRED ROW PROJECT STPBH I065(404)
4. **Vicinity Map:** See enclosed IMAPP
5. **Availability of Required Utilities:** Water, Sewer, Cable, Electric, & Gas available
6. **Site Plan:** No site plan available. Objective is to sell to buyer seeking to use for commercial purposes.



PROPERTY INFORMATION

PID # 28-2-09-0-001-017.000
Property Type: Other/Unclassified
Property Address:
CALERA, AL 35040
Current Owner:
MARCELLA H DUNGEE
Tax Mailing Address:
1305 CLIFFWOOD DR
GREENSBORO, NC 27406-4106
Land Areas:
1. UNKNOWN / 0
Lot Size: 0.55 acres / 24,032 sf
Frontage: 93 ft
Depth: 267 ft
Tax District:
Subdivision:

Twn: 22S / **Rng:** 02W / **Sec:** 09

Block: 000 / **Lot:**

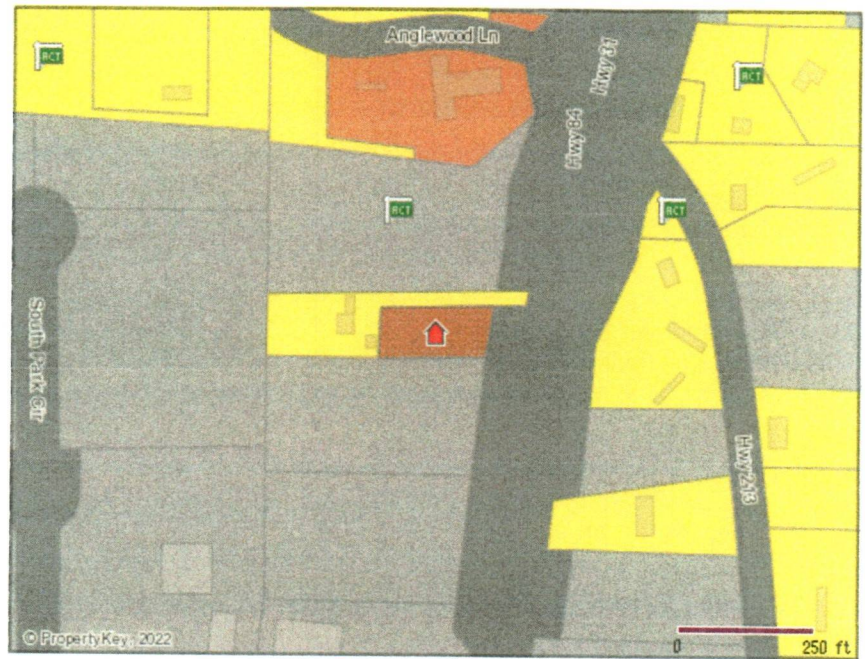
Legal Description:

- BEG 520(S) S OF INT W ROW U S 31 & N LN SEC
9 CON SLY93.02 ALG ROW W255 N92 E266.6 TO
POBLESS: ACQUIRED ROW PROJECT STPBH-
1065(404)

Plat Book: 00 / **Plat Page:** 000

Census Tract: 030501 / **Block:** 3011

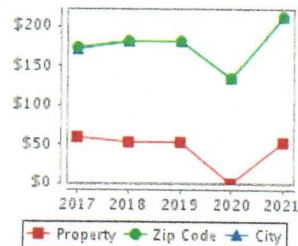
Lat: 33.137462 **Lon:** -86.751655



Residential Agricultural Government Water
Commercial Industrial Other Condo
based on general land use classification not zoning

Active Sold Pending Withdrawn Canceled Expired

	2017	2018	2019	2020	2021
Building Value:			\$0		\$0
Extra Feature Value:					
Land Value:	\$59,900	\$52,400	\$52,400	\$52,400	\$52,400
Total Assessed Value:	\$59,900	\$52,400	\$52,400	\$52,400	\$52,400
Percent Change:	- n/a -	-12.52%	0%	0%	0%
Total Exemptions:					
Taxable Value:	\$11,980	\$10,480	\$10,480	\$10,480	\$10,480
Tax Amount:	\$646.92	\$565.92	\$565.92	\$565.92	\$565.92



BUILDING INFORMATION

No buildings on this property.

FLOOD ZONE DETAILS

Zone	Description	Panel #	Publication Date
X	Area that is determined to be outside the 1% and 0.2% chance floodplains.	01117C0395E	02/20/2013

© PropertyKey.com, Inc. 2022 Information is believed accurate but not guaranteed and should be independently verified.

**PUBLIC HEARING NOTICE
PLANNING COMMISSION, CITY OF CALERA, AL**

NOTICE TO:

Jimmy Ray Norris
Po Box 1412
Calera, AL 35040

JSCK, LLC
10 Commerical Park Drive
Calera, AL 35040

Annie Mae Vines
Louise Tompkins
Po Box 42132
Atlanta, GA 30311

Marcella Dungee
1305 Cliffwood Drive
Greensboro, NC 27406-4106

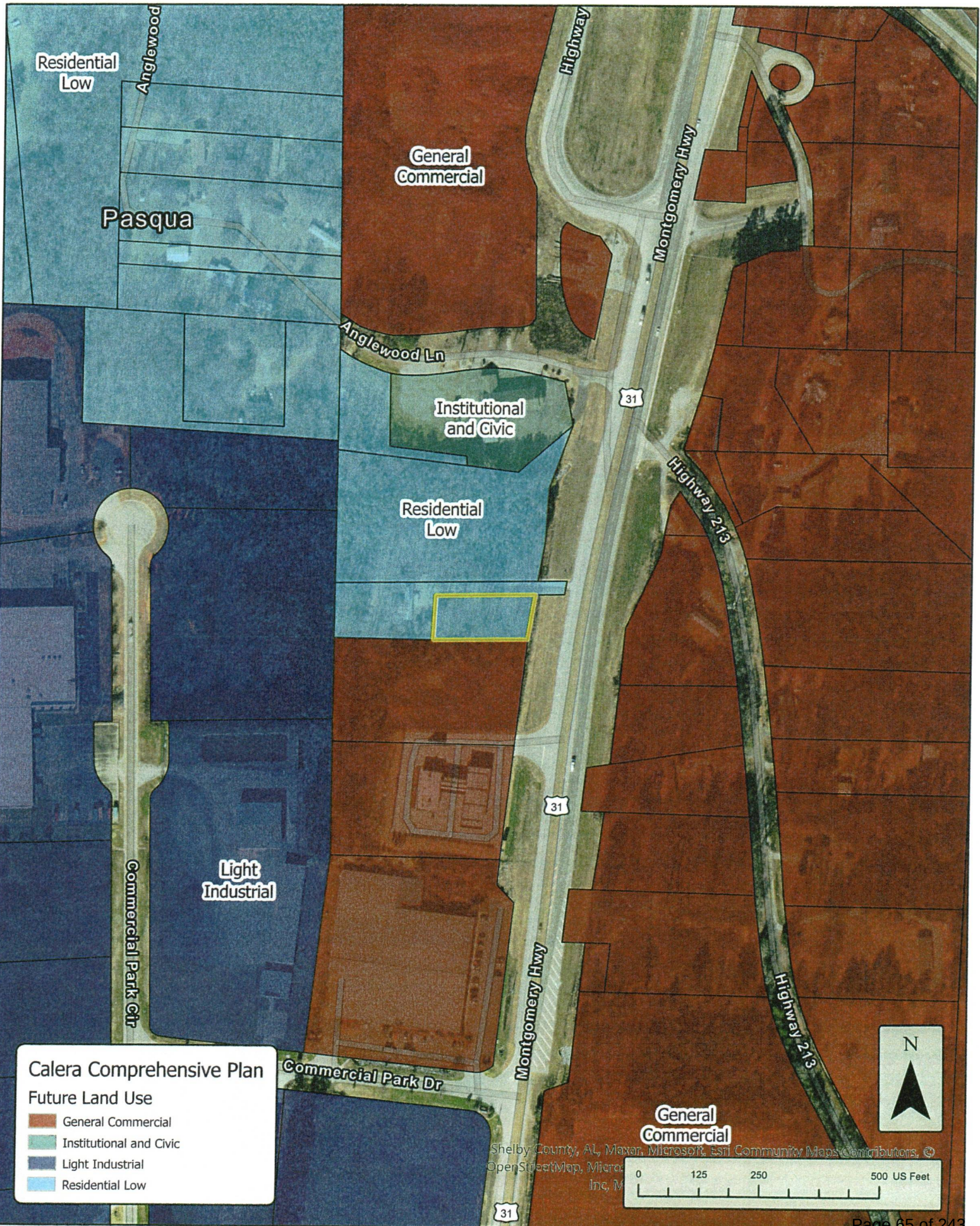
You are hereby notified of a public hearing of the Calera Planning Commission to be held at Calera City Hall (7901 Hwy 31) at 6:30 P.M. on December 12, 2022. The purpose of this public hearing is to receive public comments on an application submitted by: **Marcella Dungee for a proposed rezoning of Parcel # 28 2 09 0 001 017.000 Attached Map.** The proposal consists of rezoning from **R3 (Single Family) to B2(General Business).**

A written protest of the proposed amendment may be filed with the Secretary to the Planning Commission of the City of Calera one(1) day prior to the proposed date of the public hearing for the consideration of the rezoning request. The protest must be signed by the property owner making such protest, and only one protest shall be allowed for each separately assessed unit of property. Tammy Smith 205-668-3804

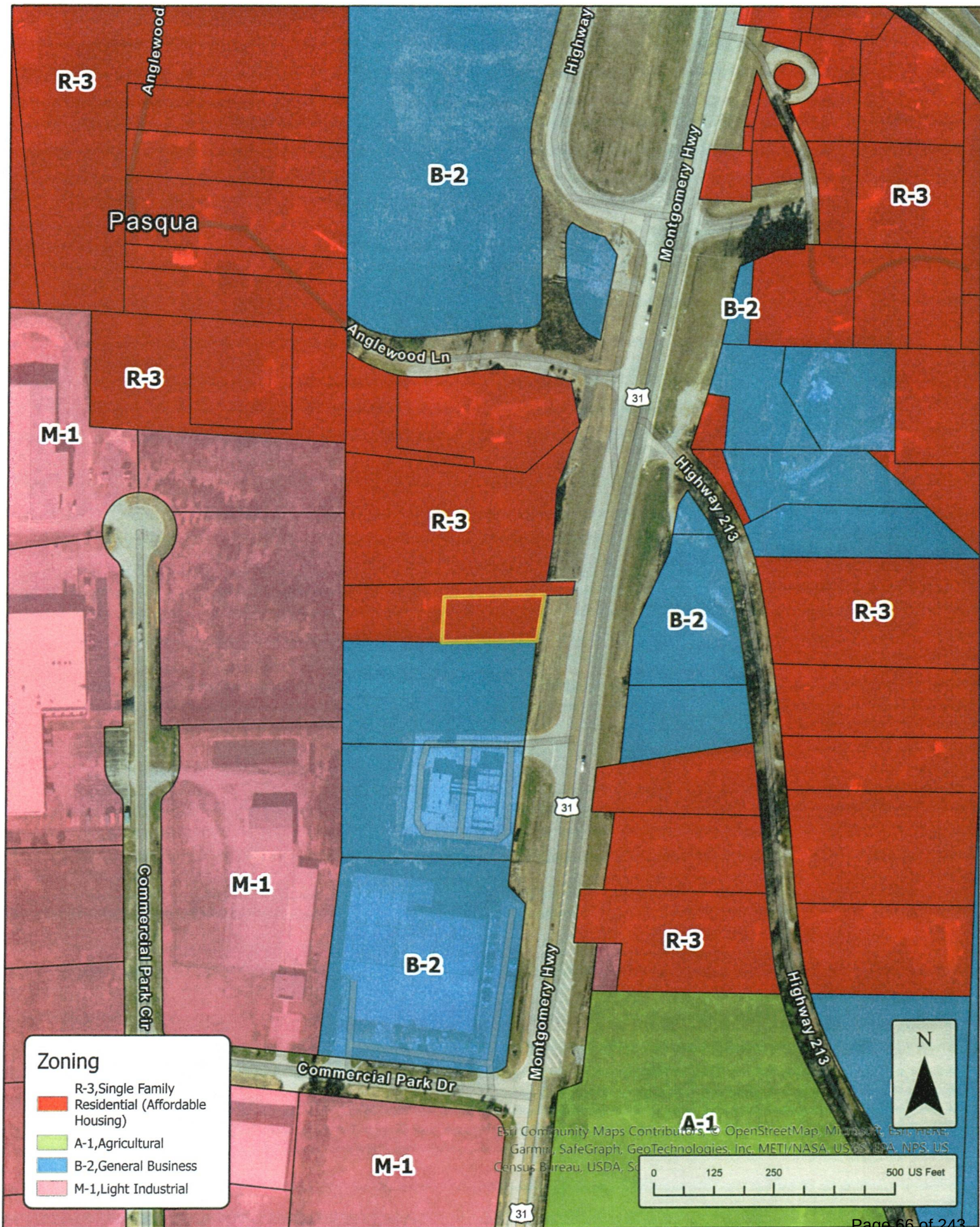
This notice is sent certified mail on November 29, 2022 which is at least seven(7) days before the fixed hearing date, to all adjacent property owners as obtained by the applicant from the most recent records of the Shelby County Tax Assessor.

CALERA PLANNING COMMISSION

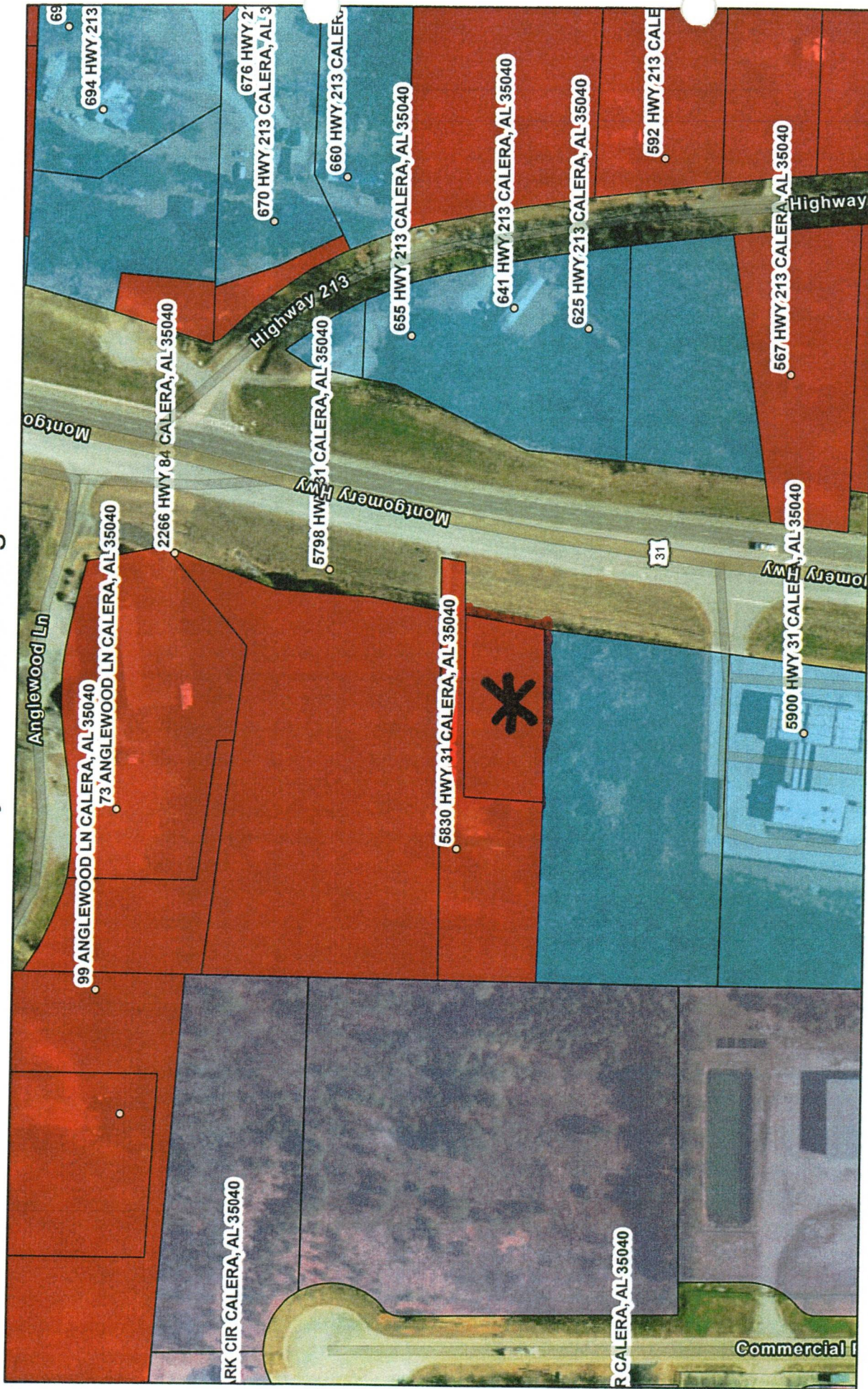
Comprehensive Plan Map



Zoning Map



City of Calera Zoning



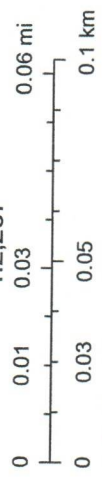
11/15/2022, 2:40:40 PM

- Address Points
- Parcel Data

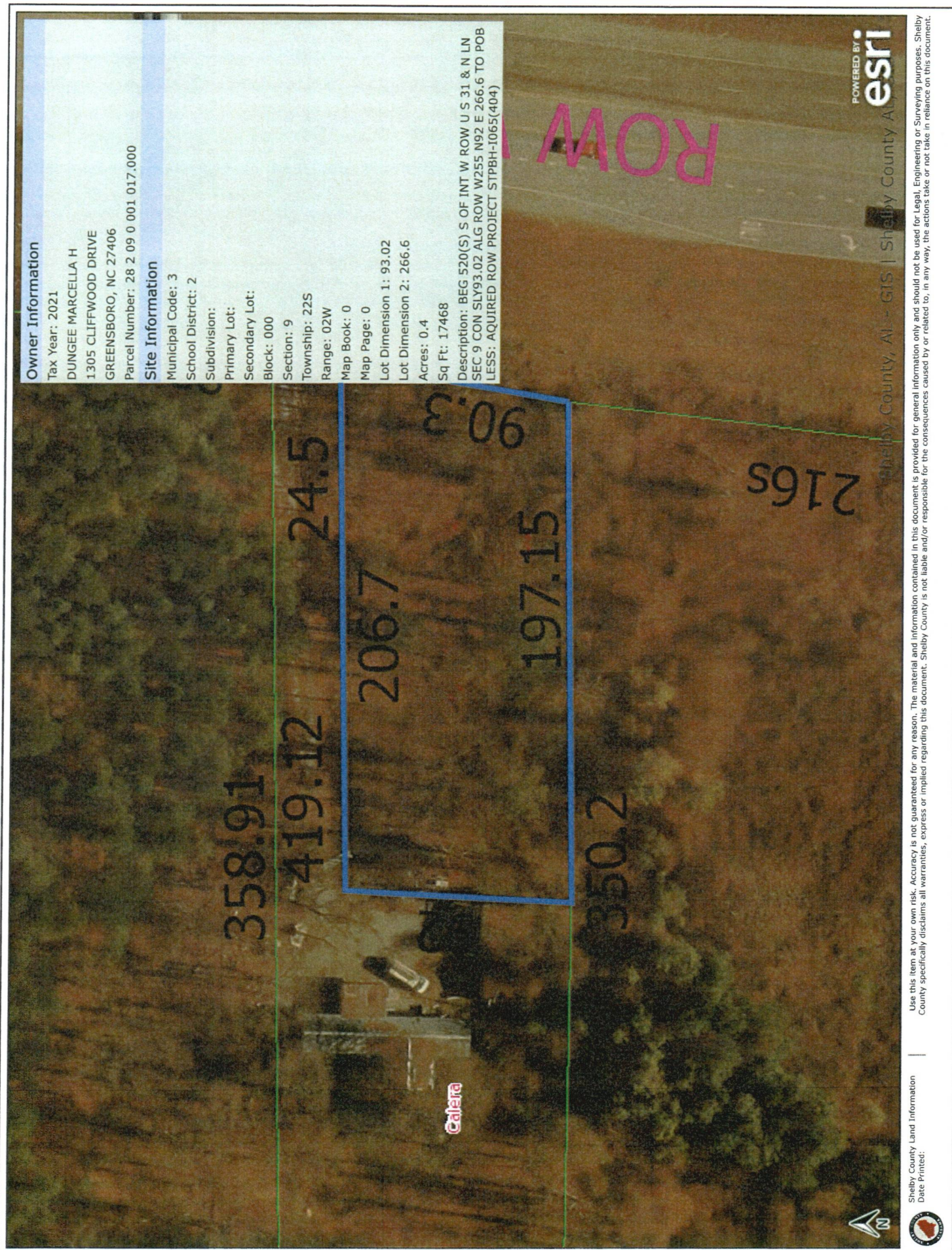
Zoning

- B-2, General Business
- M-1, Light Industrial
- R-3, Single Family Residential (Affordable Housing)

1:2,257



Shelby County, AL, Maxar, Microsoft, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, USGS, EPA, NPS, US Census Bureau, USDA, |



- b. No multi-tenant development may exceed 15,000 sf of GFA.
- c. Permitted institutional uses shall be limited to those of Low or Medium Intensity as defined in §3.5.3.

5.13.3. Additional Regulations (When Applicable)

- 1. All buildings shall maintain a public entrance, accessible by sidewalk, along the street on which the building fronts.
- 2. Drive-through facilities shall be located to the side or rear of the building only.
- 3. All vehicle and outdoor storage areas, other than accessory parking, shall be located behind the front building line and screened, as necessary, from public view.
- 4. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with §9.4.

§5.14. B-2 General Business District

Intent. To establish and preserve a retail business district convenient to the public and attractive for a wide range of retail and service uses usually found along major thoroughfares.

5.14.1. Use Regulations. Refer to Table 5.2.

5.14.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also §4.12 General Regulations for Non-Residential Districts):

- 1. Minimum Yard Setbacks:
 - a. Front: Thirty-five (35) ft
 - b. Rear: fifteen (15) ft
 - c. Side: 0 ft and/or as required by the Building and Fire Codes
 - d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by §9.2 Buffers.
- 2. Maximum Building Height: Sixty-five (65) ft or 5 stories
- 3. Corner Lot setbacks shall be the same on both streets.

5.14.3. Additional Regulations (When Applicable)

- 1. All vehicle and outdoor storage areas, other than accessory parking, shall be located behind the front building line and screened, as necessary, from public view.
- 2. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with §9.4.

§5.15. B-3 Downtown District

Intent. This district is intended to promote the development and redevelopment of downtown Calera with a diverse mix of land uses that are consistent and compatible with the unique elements of the downtown area. The district regulations are designed to encourage the rehabilitation and re-use of existing historic and/or older buildings and structures to allow upper-story dwellings in mixed-use buildings.

5.15.1. Use Regulations. Refer to Table 5.3 Permitted Uses for B-3 and MXD Districts and the provisions herein:

- 1. Any existing single-family dwellings shall be permitted and may be altered or expanded though no new single-family dwellings shall be permitted.
- 2. Bed and breakfasts may be permitted in an existing dwelling.

5.15.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also §4.12 General Regulations for Non-Residential Districts):

- 1. Minimum Yard Setbacks.
 - a. Front: All commercial and mixed-use buildings shall be located within ten (10) ft of the front lot line, with the exception of subsection 4 below.

Table 5.2 Permitted Uses for Non-Residential Districts

	A-1	O&I	B-1	B-2	M-1	M-2	M-3
Agricultural Uses							
Farms, §7.1	Y						
Farm Support Business	SE				Y		
Hobby Farms, §7.2	Y						
Livestock Sales and Auctions	SE						
Stables	Y						
Residential Uses							
Family Day Care Homes, §7.21	Y						
Home Occupations, §7.9	Y						
Live-Work/Upper Story Dwellings, §7.22			Y				
Manufactured, Modular Homes	SE						
Single-Family Detached Dwellings	Y						
Commercial Uses							
Airports	C				C		
Bakeries, Major					Y		
Bakeries, Minor				Y			
Banks or Financial Services		Y	Y	Y			
Bed and Breakfasts, §7.18	Y						
Broadcast Studio		Y					
Businesses or Professional Offices		Y	Y	Y	Y		
Business Support Services		Y	Y	Y	Y		
Campgrounds	Y			C			
Car Washes				Y			
Clinics		Y	Y	Y			
Commercial Parking		Y		Y			
Commercial Schools		Y		Y			
Convenience Stores			Y	Y			
Day Care Centers, §7.21		Y	Y	Y			
Entertainment, Indoor				Y			
Entertainment, Outdoor	C						
Funeral Homes		Y		Y			
Garages, Repair					Y		
Garden Centers or Nurseries				Y			
Gasoline Service Stations, §7.4			Y	Y	Y		
General Retail, Enclosed			Y	Y			
General Retail, Unenclosed				Y			
Grocery Stores / Supermarket				Y			
Home Improvement Centers				Y	Y		
Hotels				Y			
Inns			Y				
Kennels	SE				Y	Y	
Liquor Lounges				Y			
Manufactured Home Sales				C			
Medical Support Services				Y			
Mini-warehouses, §7.10					Y		
Motels				Y			
Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses. SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations. C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations. A use followed by a numeric cross-reference is also subject to the regulations referenced. A blank cell indicates that the use is not permitted.							

	A-1	O&I	B-1	B-2	M-1	M-2	M-3
Commercial Uses (cont.)							
Personal Services		Y	Y	Y			
Pet Services	Y		SE	Y	Y	Y	
Printing Establishment, Minor				Y			
Restaurants, Fast Food, §7.5				Y			
Restaurants, Fast Food, with no drive-thru							
Restaurants, Standard				Y			
Seasonal Sales, §7.14			Y	Y			
Shopping Centers, §7.3			Y	Y			
Studios		C		Y			
Truck Stops				C			
Vehicle Repair, Major				SE	Y		
Vehicle Repair, Minor			Y	Y	Y		
Vehicle Sales or Rental				Y			
Institutional Uses							
Animal Shelters	Y				Y	Y	
Cemeteries, §7.8	Y						
Clubs	Y						
Country Clubs	Y						
Hospitals, §7.6		C					
Military Installations	C				C		
Nursing Care Facilities, §7.7		Y					
Parks	Y	Y	Y	Y	Y		
Penal Institutions	C						
Places of Assembly	SE	SE	SE	SE	SE		
Public Buildings, §7.16	Y	Y	Y	Y	Y		
Public Utility Facilities	SE	Y		Y	Y	Y	Y
Public Utility Services	Y	Y	Y	Y	Y	Y	Y
Schools	Y	Y	C				
Industrial Uses							
Construction Services				SE	Y	Y	Y
Industrial Uses, General						Y	Y
Heavy Industries						Y	Y
Industrial Parks, §7.12					Y	Y	Y
Maintenance Services					Y		
Manufacturing, Heavy						Y	Y
Manufacturing, Light					Y	Y	Y
Outdoor Storage						SE	SE
Warehousing, wholesaling and distribution					Y	Y	Y
Quarters for a watchman or custodian					Y	Y	Y
Recycling Plants						C	Y
Research Laboratory					Y		
Resource Extraction and Processing						Y	Y
Salvage Yards						C	Y
Sanitary Landfills						C	C
Truck Terminal					Y		
Vehicle and Equipment Sales, Major					Y		
Wrecker Service				SE	SE	Y	Y
Telecommunications Uses							
Satellite Dish Antennas, §6.7	Y	Y	Y	Y	Y	Y	Y
Transmission Towers (Commercial), §7.13	SE			SE	SE	SE	SE
Wireless Facilities, §7.11	Y	Y	Y	Y	Y	Y	Y
Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses. SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations. C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations. A use followed by a numeric cross-reference is also subject to the regulations referenced. A blank cell indicates that the use is not permitted.							



Use this item at your own risk. Accuracy is not guaranteed for any reason. The material and information contained in this document is provided for general information only and should not be used for Legal, Engineering or Surveying purposes. Shelby County specifically disclaims all warranties, express or implied regarding this document. Shelby County is not liable and/or responsible for the consequences caused by or related to, in any way, the actions take or not take in reliance on this document.



Owner Information

Tax Year: 2021
JSCK LLC
10 COMMERCIAL PARK DRIVE
CALERA, AL 35040
Parcel Number: 28 2 09 0 001 016.000

Site Information

Municipal Code: 3
School District: 2
Subdivision:
Primary Lot:
Secondary Lot:
Block: 000
Section: 9
Township: 22S
Range: 02W
Map Book: 0
Map Page: 0
Lot Dimension 1: 216
Lot Dimension 2: 350.2
Acres: 1.9
Sq Ft: 82764
Description: BEG NW COR NE1/4 S 590.62'(S) TO POB E
TO W R/W US HWY 31 SW ALG R/W 225' WT O W/L SD 1/4
N TO POB LESS RD ROW ACQD BY ALDOT PROJ STPBH-
1065(404)

POWERED BY
esri

Shelby County, AL - GIS | Shelby County, AL

Shelby County Land Information
Date Printed:
Use this item at your own risk. Accuracy is not guaranteed for any reason. The material and information contained in this document is provided for general information only and should not be used for Legal, Engineering or Surveying purposes. Shelby County specifically disclaims all warranties, express or implied regarding this document. Shelby County is not liable and/or responsible for the consequences caused by or related to, in any way, the actions take or not take in reliance on this document.





Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2023-03

WHEREAS, the Planning Commission of the City of Calera, Alabama conducted a public hearing on **January 9, 2023** and has recommended changes in the City of Calera zoning map, and advises that said zoning is in compliance with the City of Calera Comprehensive Plan, and

WHEREAS, the Council of the City of Calera, Alabama has conducted a public hearing after proper legal and actual notice to landowners to consider changes in the zoning map recommended by the Planning Commission.

IT IS THEREFORE ORDAINED BY THE MAYOR AND
COUNCIL OF THE CITY OF CALERA, ALABAMA AS FOLLOWS:

That the zoning request of property described in **Exhibit A** be rezoned as follows:

From: R1 (Single Family Residential) Parcel Id 28 4 20 1 001 007.000
And RG (Residential Garden) Parcel Id 28 4 20 1 001 003.000

To: M1 (Light Industrial)

Council Member _____ moved that unanimous consent of the Council be given for immediate action upon Ordinance No. 2023-03. Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Thereupon, the Mayor declared said motion carried and unanimous consent given for the consideration of said Ordinance.

Council Member _____ moved that Ordinance No. 2023-03 be adopted.
Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Mayor Graham declared Ordinance No. 2023-03 adopted.

Adopted this ____ day of _____, 2023.

Connie B. Payton, City Clerk

Jon G. Graham, Mayor

PUBLIC NOTICE

PLEASE TAKE NOTICE, that pursuant to a recommendation of the Planning Commission of the City of Calera, which recommendation was made after conducting a public hearing on January 9, 2023 at the Calera City Hall. The recommendation being that the Calera City Council consider changes to the Zoning Map of the City of Calera by adopting the attached amendment.

The City Council of the City of Calera shall conduct a public hearing on

The 6th day of February, 2023 at 6:30 p.m. at the Calera City Hall, to

cause adoption of the amendment recommended by the Planning Commission. All persons who desire shall be given an opportunity to be heard in opposition to the changes or in favor of such Ordinance. The following is the Ordinance which shall be under consideration and determined at the above time and place by the Council of the City of Calera.

Done this 18th day of January, 2023.

Tammy Smith, Zoning Clerk

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Emerald Ridge, LLC
Po Box 627
Hueytown, Al 35023

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023**.

The purpose of the public hearing is to receive public comments on an application submitted by:

John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

and located at the following street address or location:

**Parcel ID 28 4 20 1 001 003.000 from RG(Residential Garden) to M1
(Light Industrial) Highway 16**

**Parcel ID 28 4 20 1 001 007.000 from R1 (Single Family Residential) to
M1 (Light Industrial)**

A written protest of the proposed amendment may be filed with the City Clerk of the City of Calera one (1) day prior to the proposed date of the public hearing for the consideration of the zoning classification amendment. The protest must be signed by the property owner making such request and only one protest shall be allowed for each separately-assessed unit of property.

- A. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

ShowTime Properties, LLC
171 Big Rock Drive
Calera, AL 35040

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023**.

The purpose of the public hearing is to receive public comments on an application submitted by:

John Farley/X3 Land Group

for a proposed rezoning of land owned by:

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- B. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Western REI, LLC
3360 Davey Allison Blvd
Bessemer, AL 35023

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023**.

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John Farley/X3 Land Group

for a proposed rezoning of land owned by:

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JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Inland Properties
8063 Southern Boulevard
Youngstown, OH 44512

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

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John Farley/X3 Land Group

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JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Rebecca Greene
633 Meriweather Drive
Calera, AL 35040

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023**.

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John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

and located at the following street address or location:

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JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Dan Fendley
Carrie Harris
637 Meriweather Drive
Calera, Al 35040

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

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John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

and located at the following street address or location:

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JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Eric Bigham
175 Twelve Oaks Circle
Chelsea, AL 35043

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023**.

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John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

and located at the following street address or location:

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JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Fannetra & Joseph Bertschinger
645 Meriweather Drive
Calera, AL 35040

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John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

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JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Trivisha Gordon
646 Meriweather Drive
Calera, AL 35040

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023**.

The purpose of the public hearing is to receive public comments on an application submitted by:

John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

and located at the following street address or location:

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- C. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Charles Baxley
1934 10th Avenue
Calera, AL 35040

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

The purpose of the public hearing is to receive public comments on an application submitted by:

John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

and located at the following street address or location:

**Parcel ID 28 4 20 1 001 003.000 from RG(Residential Garden) to M1
(Light Industrial) Highway 16**

**Parcel ID 28 4 20 1 001 007.000 from R1 (Single Family Residential) to
M1 (Light Industrial)**

A written protest of the proposed amendment may be filed with the City Clerk of the City of Calera one (1) day prior to the proposed date of the public hearing for the consideration of the zoning classification amendment. The protest must be signed by the property owner making such request and only one protest shall be allowed for each separately-assessed unit of property.

- D. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

Downs Family Trust
Po Box 180
Calera, Al 35040

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

The purpose of the public hearing is to receive public comments on an application submitted by:

John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

and located at the following street address or location:

**Parcel ID 28 4 20 1 001 003.000 from RG(Residential Garden) to M1
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- E. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

PUBLIC HEARING NOTICE

CITY COUNCIL, CITY OF CALERA, ALABAMA

NOTICE MAILED TO:

**John Farley/X3 Land Group
116 Newgate Road
Alabaster, AL 35007**

You are hereby notified of a public hearing of the Calera City Council to be held at the Calera City Hall, at 6:30 p.m. on **February 6, 2023.**

The purpose of the public hearing is to receive public comments on an application submitted by:

John Farley/X3 Land Group

for a proposed rezoning of land owned by:

Emerald Ridge, LLC

and located at the following street address or location:

**Parcel ID 28 4 20 1 001 003.000 from RG(Residential Garden) to M1
(Light Industrial) Highway 16**

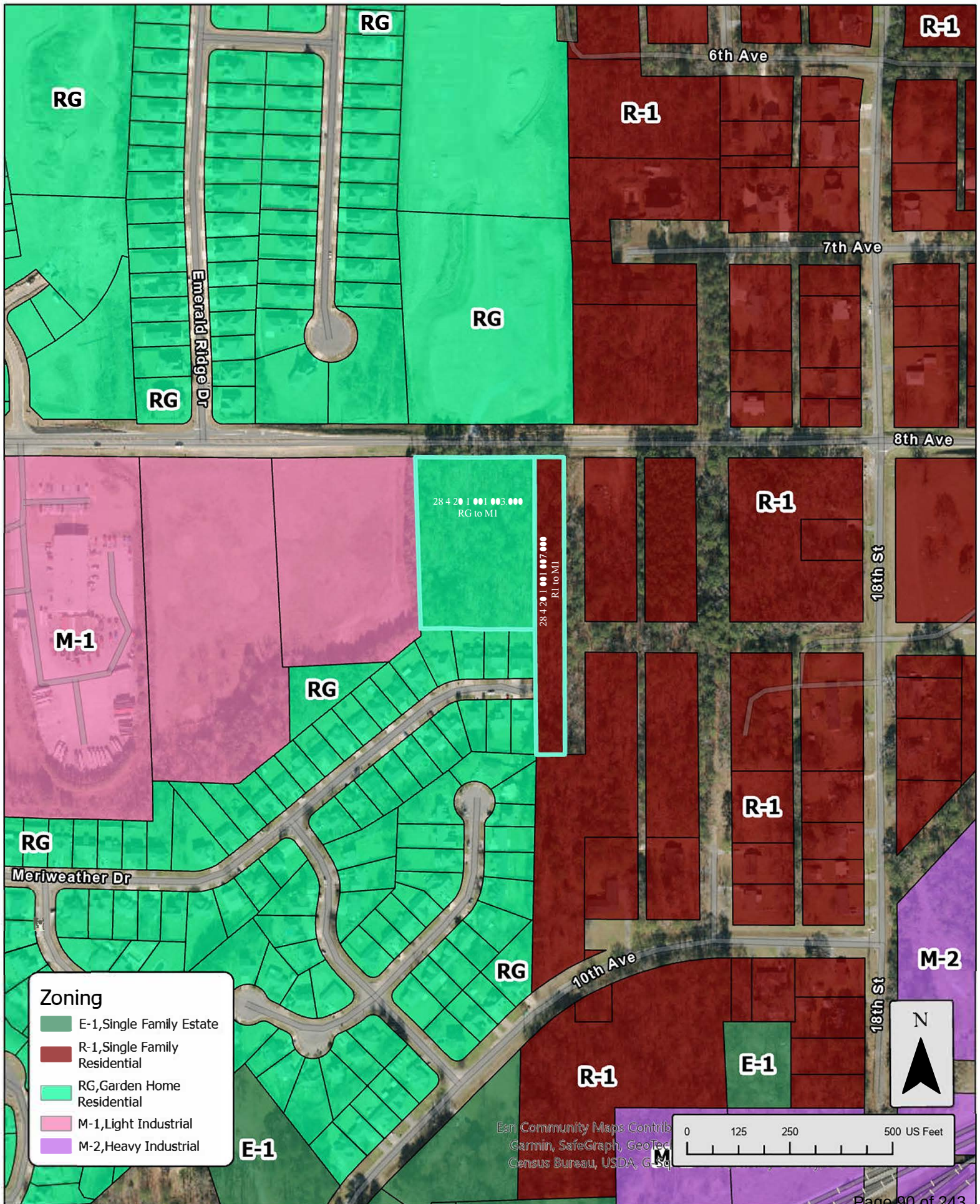
**Parcel ID 28 4 20 1 001 007.000 from R1 (Single Family Residential) to
M1 (Light Industrial)**

A written protest of the proposed amendment may be filed with the City Clerk of the City of Calera one (1) day prior to the proposed date of the public hearing for the consideration of the zoning classification amendment. The protest must be signed by the property owner making such request and only one protest shall be allowed for each separately-assessed unit of property.

F. This notice is sent by certified mail on **January 18, 2023**, which is at least seven (7) days before the fixed hearing date, to all adjacent property owners, as their names and addresses appear in the Shelby or Chilton County Tax Assessor's Office, as determined by the Applicant.

JON G. GRAHAM, MAYOR

Zoning Map

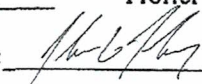


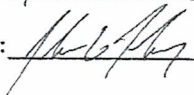
APPLICATION FOR REZONING

PLANNING COMMISSION, CITY OF CALERA, ALABAMA

1. Date Application filed: 12-8-22 Requested Hearing Date: _____
2. Applicant: John Farley/X3 Land Group Inc
Phone: 205-368-9032
Address: 116 Newgate Road Alabaster, AL. 35007
3. Owner: Emerald Ridge, LLC Owner/Emerald Ridge Land Co LLC Mortgage Holder
Phone: _____
Address: _____
4. Property Location: Hwy 16 Calera, AL.
Tax Map Parcel Number (s): 28 4 20 1 001 003.000 28 4 20 1 001 007.000
5. Acreage: 3.3 ac
6. Existing Zoning Classification: #1 RG #2 R1 Existing Land Use: Vacant
Proposed Zoning Classification: M1 Proposed Land Use: N/A
7. Check all required submissions with this application:

_____	Application Fee
_____	Reason for the Request
_____	Legal Description of the subject Property
_____	Vicinity Map
_____	Availability Of Required Utilities
_____	Public Hearing Notices
_____	Site Plan
_____	Proffer of rezoning conditions (if any)

Signature of Applicant: 

Signature of Authorization By Owner:  Agent for Owner

FOR CITY USE ONLY:

\$150.00 Administrative fee received on _____ by receipt # _____

Scheduled Hearing Date: _____

Application Submitted by: _____ on: _____

STATE OF ALABAMA
SHELBY COUNTY

I, Rodney Shiflett, a Registered Professional Land Surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon. That there are no visible encroachments of any kind upon the subject lot except as shown hereon, excluding utility service lines, wires or pipes that serve the subject lot only that are within dedicated easements or rights of way. That steel corners have been found or installed at all lot corners. I further certify that this survey and this plat meets the standards of practice for land surveying in the State of Alabama, the correct legal description being as follows:

PARCEL 1

BEGIN at the NE Corner of Lot 103 of Meriweather, Sector 4, as recorded in Map Book 29, Page 93, in the Office of the Judge of Probate of Shelby County, Alabama, said point being the POINT OF BEGINNING; thence S88°54'23"W, a distance of 273.07'; thence N07°38'22"W, a distance of 413.87' to the Southerly R.O.W. line of Shelby County Highway 16; thence N85°42'13"E and along said R.O.W. line, a distance of 266.44'; thence S08°29'19"E and leaving said R.O.W. line, a distance of 420.02' to the POINT OF BEGINNING.

Said Parcel containing 2.57 acres, more or less.

PARCEL 2 - Being Lots 1-5, Block 38A of Hetz Map of Calera, Alabama, as recorded in Map Book 3, Page 119, in the Office of the Judge of Probate of Shelby County, Alabama, and being more particularly described as follows:

BEGIN at the NE Corner of Lot 103 of Meriweather, Sector 4, as recorded in Map Book 29, Page 93, in the Office of the Judge of Probate of Shelby County, Alabama, said point being the POINT OF BEGINNING; thence S08°41'55"E, a distance of 120.13'; thence S03°23'53"E, a distance of 182.79'; thence N85°42'13"E, a distance of 30.99' to the Westerly R.O.W. line of Ethelda Drive, road not open; thence N04°13'16"W and along said R.O.W. line, a distance of 721.44' to the Southerly R.O.W. line of Shelby County Highway 16; thence leaving said Ethelda Drive R.O.W., S85°42'13"W and along said Highway 16 R.O.W. line, a distance of 69.00'; thence S08°29'19"E and leaving said R.O.W. line, a distance of 420.02' to the POINT OF BEGINNING.

Said Parcel containing 0.73 acres, more or less.

I further certify that I have consulted the Federal Insurance Rate Map (F.I.R.M.) Community Panel #01117C 0507 E, Zone 'X', dated February 20, 2013 and found that the above described Parcel does not lie in a Flood Hazard Zone.

NOTE:

This Parcel shown and described herein may be subject to setbacks, Right-of-Ways, easements, zoning and restrictions that may be found in the Probate Office of said County.

According to my survey of April 22, 2016

Rodney Shiflett
Rodney Shiflett Al. Reg. #21784

GRAPHIC SCALE

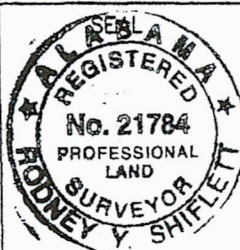


(IN FEET)

1 inch = 60 ft.

60' SCALE ON 8.5 X 11 LETTER SIZE PAPER

SEE PAGE ONE FOR SURVEY



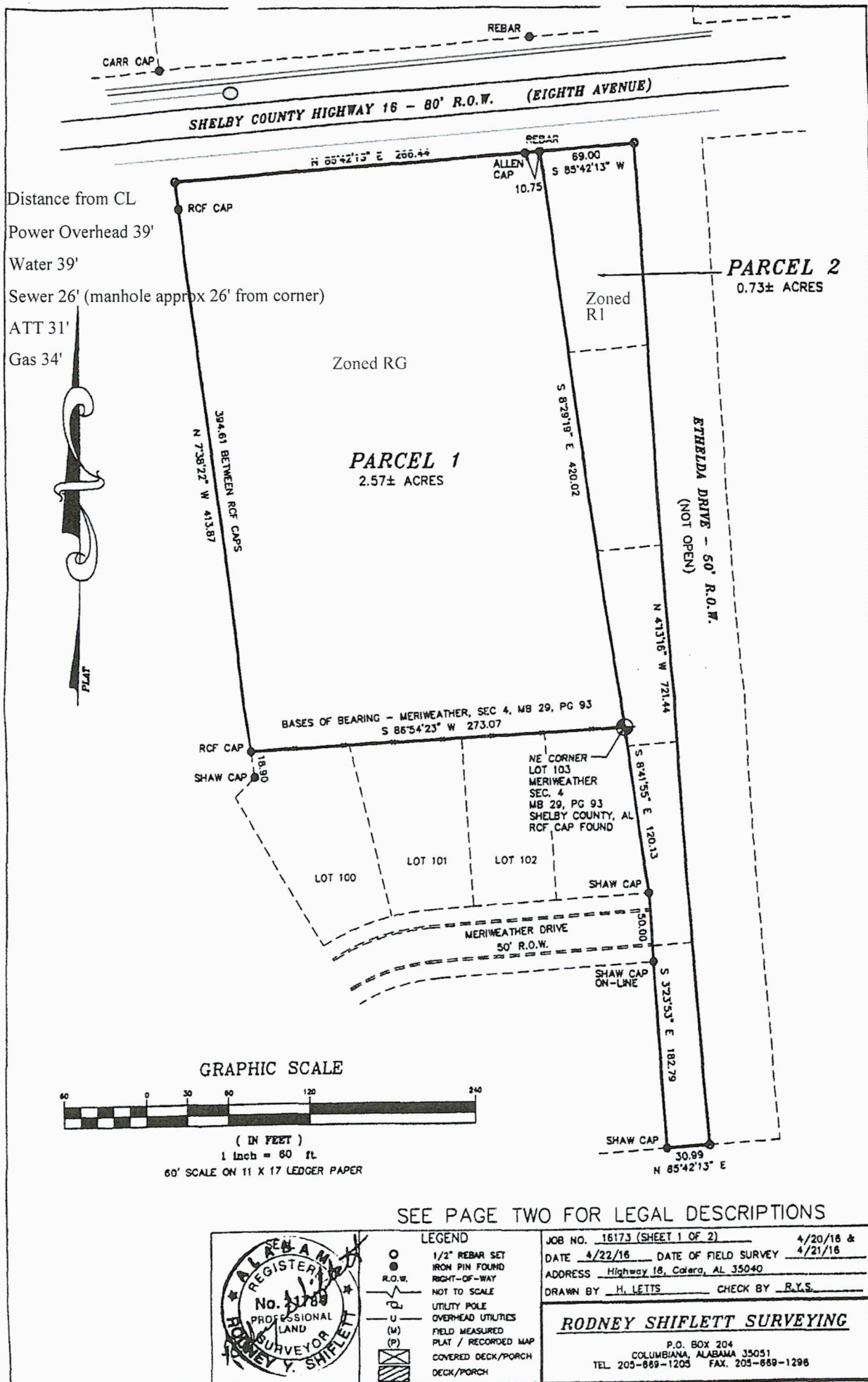
LEGEND

- 1/2" REBAR SET
- IRON PIN FOUND
- R.O.W.
- NOT TO SCALE
- UTILITY POLE
- OVERHEAD UTILITIES
- (M) FIELD MEASURED
- (P) PLAT / RECORDED MAP
- ▨ COVERED DECK/PORCH
- ▩ DECK/PORCH

JOB NO. 16173 (SHEET 2 OF 2) 4/20/16 &
DATE 4/22/16 DATE OF FIELD SURVEY 4/21/16
ADDRESS Highway 16, Calera, AL 35040
DRAWN BY H. LETTS CHECK BY R.Y.S.

RODNEY SHIFLETT SURVEYING

P.O. BOX 204
COLUMBIANA, ALABAMA 35051
TEL. 205-869-1205 FAX. 205-669-1298



Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2023-04

A RESOLUTION ACCEPTING A BID FOR 2023 CALERA YOUTH BASEBALL, SOFTBALL, SOCCER UNIFORMS AND COACHES APPAREL FOR THE CITY OF CALERA, ALABAMA.

WHEREAS, the City of Calera has solicited sealed bids as required under the Alabama bid law; and

WHEREAS, bids were opened at Calera City Hall on January 30, 2023 at 10:00 a.m.; and

WHEREAS, bids were as follows:

Company

Varsity Sports	\$242.70
BSN	\$262.00

WHEREAS, the Mayor and Council of the City of Calera, at the Regular Meeting on February 6, 2023 considers the recommendation of Mr. Jeff Stewart. The Mayor and Council will award the bid for the 2023 Calera Youth Baseball, Softball, Soccer Uniforms and Coaches Apparel Bid in the amount of \$242.70 to Varsity Sports.

(Copy of Mr. Jeff Stewart, Park and Recreation Field Superintendent recommendation letter attached to this Resolution)

Council Member _____ moved that Resolution No. R-2023-04 be adopted. Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES: Cost, Morgan, Graham, Busby, Montgomery, Turner, Watts

NAYS: None

Mayor Graham declared Resolution No. R-2023-04 adopted.

Adopted this 6th day of February 2023.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

2023 Youth Baseball, Softball, & Soccer Apparel Bid Recommendation

Mayor Graham,

I recommend that we accept the bid for the 2023 Youth Baseball, Softball & Soccer Apparel from Varsity Sports for \$242.70 lump sum.

There were two bidders for this bid request.

Varsity Sports - \$242.70 Lump Sum

BSN - \$262.00 Lump Sum

Thank you,

Jeff Stewart

CC: Seth Gandy

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2023-05

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA AS FOLLOWS:

WHEREAS, the City of Calera, Alabama has inventoried all IT Departments Inventory

WHEREAS, the City has found the following items for the City of Calera no longer needed.

Laptops

Panasonic Toughbook CF-53 laptop Ser # 4BTYA65444

Panasonic Toughbook CF-53 laptop Ser # 4BTYA65788

Panasonic Toughbook CF-54 laptop Ser # 7BTSA18541

Panasonic Toughbook CF-53 laptop Ser # 4BTYA65681

Panasonic Toughbook CF-54 laptop Ser # 7BTSA18553

HP Pro Book 4440S Ser # 2CE316201L

HP Elite Book Ser # BCAGY100B4D1MDH

HP Pro Book 450 G3 Ser # 5CD8353FC8

HP Elite Book 850 Ser # 8CALR103CFEC4CIDG

HP Elite Book Ser # BCAJJ102C8DBVDBBNE

Desktops

HP Pro Desk 600 G2 Mini Ser # MXL63119Z4

HP Pro Desk 400 G3 Mini Ser # 8CG74578B8

HP 260 G2 Mini Ser # 9CG7351NX8

HP Pro Desk 600 G1 DM Ser # 2UA5511K3J

HP Pro Desk 400 G4 MT Ser # MXL8332201

HP Elite Desk 800 G1 SFF Ser # MXL4130026

HP Pro Desk 400 G4 MT Ser # MXL83321ZP

HP Elite Desk 705 G1 SFF Ser # 2UA530291Z

HP Pro Desk 600 G3 SFF Ser # 2UA7111G0C

HP Compaq Pro 6305 SFF Ser # 2UA3410N20

HP Compaq Pro 4300 SFF Ser # 2UA31601MG

HP Pro Desk 400 GI SFF Ser # 2UA4371K14

HP Compaq 6300 SFF Ser # 2UA3290LTY

Dell Optiplex 780 Ser # 0KXGVD

Dell Precision 3630 (missing side panels can't locate ser # has Calera Asset tag # 0532 kshirey2019)

Dell Precision 3630 (missing side panels can't locate ser # has Calera Asset tag # 0531 Pappas2019)

Desk Phones

YeaLink IP Phone SIP-T29G Ser # 3129219120206633

YeaLink IP Phone SIP-T23G Ser # 2123219082100596

YeaLink Expansion LCD Module Ser # 3400718120000009

Council Member _____ moved that Resolution No. R-2023-05 is adopted. Council Member _____ seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Watts, Morgan, Graham, Cost, Busby, Turner

NAYS: None

Mayor Graham declared Resolution No. R-2023-05 adopted.

Adopted this 6th day of February 2023

Connie Payton, City Clerk

Jon G. Graham, Mayor

Zoning Ordinance



of the City of Calera, Alabama

Adopted by the City Council
of the City of Calera, Alabama on
January 30, 2023

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ZONING ORDINANCE, CALERA, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY CODE OF ALABAMA, 1975, CHAPTER 52, VOLUME 10 TITLE 11 AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF CALERA, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE: HEIGHT; NUMBER OF STORIES; AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; AND THE USE OF BUILDINGS, STRUCTURES AND LAND: TO REPEAL ALL EXISTING ZONING ORDINANCES AND PENALTIES FOR THE VIOLATION THEREOF.

THE GENERAL PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of Calera, Alabama, as follows:

Article 1 SHORT TITLE AND PURPOSE

§1.1. Short Title

This Ordinance shall be known as the *Zoning Ordinance of Calera, Alabama* and the map herein referred to, identified by the title *Zoning Map of Calera, Alabama* shall be further identified by the signature of the Mayor of Calera and attested to by the City Clerk. The *Zoning Map of Calera, Alabama* is hereby adopted and made a part of this Ordinance. Such map is filed with the City Clerk of Calera at the time of the introduction of the Ordinance and will remain on file in the office of said clerk. Upon the adoption of this Ordinance, said map shall show by endorsement thereon the date of such adoption.

§1.2. Purpose

The zoning regulations and districts as herein established have been in accordance with a comprehensive plan and designed: 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 regulate signs; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewers, schools, parks and other public improvements. The regulations have also been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

§1.3. Using this Ordinance

1.3.1. Organization. This Ordinance is organized as follows:

1. For purposes of organization, this Zoning Ordinance, is divided into ten (10) Articles. The Article designation number represents the first digit(s) of that series of numbers used to identify the respective regulations of the Ordinance; e.g., in the reference number §6.4.2.3, the digit "6" represents the Article.
2. Each Article is subdivided into Sections, which are represented by the second digit(s); e.g., in the reference number §6.4.2.3, the digit "4" represents the Section.
3. Each Section is subdivided into Subsections, which are represented by the digit(s) following the Section designation number; e.g., in the reference number §6.4.2.3 the digit "2" represents the Subsection.
4. Each Subsection may be subdivided into Paragraphs, which are represented by the digit(s) following the Subsection designation; e.g., in the reference number §6.4.2.3 the digit "3" represents the Paragraph.
5. Each Paragraph may be subdivided into Items, which are represented by the lower-case letter following the Paragraph designation; which may then be further subdivided as (1), (2), (3)...and (a), (b), (c)...

1.3.2. Internal Referencing. All references to Articles, Sections, Subsections, Paragraphs and Items within this Ordinance shall refer to Articles, Sections, Subsections, Paragraphs and Items in this Ordinance unless otherwise specified. When an Article, Section or other subdivision is referenced within a provision or requirement of this Ordinance, unless otherwise specified, all subdivisions within such reference shall be assumed to be applicable.

1.3.3. Page Numbering. Each Article contains its own separate page numbering system. The page numbers are prefixed by the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.

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Article 2 ADMINISTRATION AND REVIEW PROCEDURES

§2.1. Enforcing Officer

2.1.1. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator. He or she may be provided with the assistance of such other person(s) as the City Council, hereinafter referred to as the Council, may direct. The Zoning Administrator, or the duly authorized representative, shall in relation to this Ordinance:

1. Review all Building Permit applications with regard to conformance with all applicable provisions of this Ordinance and perform required inspections to insure such conformance;
2. Issue and renew where applicable, all temporary use permits and maintain records thereof;
3. Maintain current zoning maps and records of amendments thereto;
4. Have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land, structures and buildings necessary to carry out the enforcement of this Ordinance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he or she shall proceed to notify, in writing, the person or persons responsible for such violations, indicating the nature of the violation(s) and ordering the appropriate action necessary to correct it. He or she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of its provisions.

§2.2. Building Permit Required

It shall be unlawful: to commence earthwork or the construction of any building or other structure, including accessory structures, or signs; to store building materials or erect temporary field offices; to commence the moving, alteration or repair of any structure, including accessory structures, until the Building Inspector has issued for such work a Building Permit, including a statement that the plans, specifications and intended use of such building or structure conforms with the provisions of this Ordinance in all respects. Application for a Building Permit shall be made to the Building Inspector on forms provided for that purpose.

- 2.2.1. Plot Plan. It shall be unlawful for the Zoning Administrator to approve any plans or for the Building Inspector to issue Building Permits for any excavation or construction until such plans are in conformity with this Ordinance. To this end, every application for a Building Permit shall be accompanied by a plot plan drawn to scale, dimensioned and showing the Plot Plan requirements in Appendix A in sufficient detail to ascertain whether or not the proposed development is in conformity with the provisions of this Ordinance.
- 2.2.2. Site Plan Review. New construction and substantial site development expansion of all planned residential developments, townhouses, garden homes, five (5) or more multi-family dwellings, manufactured home parks, manufactured home subdivisions, institutional uses, commercial uses and industrial uses shall require the submission and approval of a site plan prepared by a Registered Engineer, with the minimum information described in Appendix A. One set of reproducible plans and five (5) copies of each set shall be submitted for approval.
- 2.2.3. Approval of Building Permit Application. If, after review, it is found that the proposed construction, excavation, moving or other alteration (as set forth in the application) is in conformity with the provisions of this Ordinance, the Building Inspector shall issue a Building Permit accordingly.
- 2.2.4. Denial of Building Permit Application. The applicant, upon notification in writing by the Building Inspector of a Building Permit denial, may make application with the Chairman of the Zoning Board of Adjustment, hereinafter referred to as the "ZBA", and request a hearing before that body.
- 2.2.5. Certificate of Occupancy. No land or building or other structure or part thereof erected, moved or altered in its use shall be used or occupied until the Building Inspector has issued a Certificate of Occupancy. Within three (3) days after the owner or his or her agent has notified the Building Inspector that a building or premises thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this Ordinance; or if such certificate is refused, to state the refusal in writing with the cause. One (1) copy of the signed statement by the owner or his or her agent regarding the intended use of the premises and a signed refusal (if any) shall be kept on file with the records of the Building Inspector. Appeals from the decision of the Zoning Administrator and Building Inspector shall be heard by the ZBA.

- 2.2.6. Expiration of Building Permit. Any permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire by limitation but shall upon reapplication, be renewable, subject, however, to the provisions of all Ordinances in force at the time of said application for renewal. In no event shall any permit be renewed more than one time.

§2.3. Unlawful Structures

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Zoning Administrator is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of a structure, land or building. Whenever the Zoning Administrator has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification from said official to vacate such premises, accomplish such vacation of said structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance. Service of notification shall be as follows:

- 2.3.1. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion
- 2.3.2. By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon
- 2.3.3. By posting and keeping posted twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises to be repaired

§2.4. Penalties and Remedies

- 2.4.1. Penalties. Any person, firm, corporation, or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than one dollar(\$1.00) nor more than five hundred dollars (\$500.00) and court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.
- 2.4.2. Remedies. In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, maintained; or, any building, structure or land is used in violation of this Ordinance, the Zoning Administrator or any other appropriate authority or any adjacent or neighboring property owner within 500 ft who would be damaged or caused hardship by such violation, in addition to other remedies, may:
 1. Institute an injunction.
 2. Institute a Mandamus.
 3. Take other appropriate action or proceedings to stay or prevent the occupancy of such building, structure or land.

§2.5. Interpretation of District Boundaries

The Zoning Board of Adjustment (ZBA) shall make an interpretation of the Zoning Map of Calera, Alabama upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- 2.5.1. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- 2.5.2. In un-subdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- 2.5.3. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.

§2.6. Interpretation of Uses

This ordinance recognizes the limitations of the district use listings given the infinite variations of essentially similar uses. Therefore, the Zoning Administrator is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Zoning Administrator interpret a use as falling in

one listed use when the use in question is more similar in impact and characteristics to another listed use. Any appeals related to the Zoning Administrator's use interpretation may be filed with the ZBA.

§2.7. Unclassified Uses

In the event the Zoning Administrator finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:

- 2.7.1. If compatible with the existing zoning district intent, the unclassified use shall be permitted by Special Exception upon approval and subject to the conditions set by the ZBA.
- 2.7.2. If the unclassified use would not be compatible with the intent of the existing zoning district, the Zoning Administrator shall determine the most appropriate zoning district classification and require the property in question to be rezoned. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the ZBA.
- 2.7.3. Following final action on the unclassified use, as (1) and (2) above may require, the Planning Commission, hereinafter referred to as the Commission, may initiate an amendment to this Ordinance to list the newly permitted use in the most appropriate district(s).

§2.8. Zoning Board of Adjustment

- 2.8.1. Appointment. A Zoning Board of Adjustment (ZBA) is hereby established. Such board shall be appointed as provided by the Code of Alabama, 1975, Section 11-52-80 or as such, may be amended; and, it shall have all powers granted therein.
- 2.8.2. Procedure. The ZBA, shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman or in his or her absence, the acting Chairman. He or she may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the ZBA.
- 2.8.3. Powers and Duties. The ZBA shall have the following powers and duties as granted in §2.8.2 above and as herein specified.
 1. Administrative Review. The ZBA shall hear and decide appeals where it is alleged that an error exists in any order, requirements, decision or determination made by the administrative official in the enforcement of this Ordinance.
 - a. Action on Appeals. In exercising the above mentioned powers, the ZBA may, so long as such action is in conformity with the terms of this Ordinance, reverse, or affirm (wholly or partly) or modify the order, requirement, decision or determination as to what should be made; and, to that end, shall have powers of the administrative official from whom the appeal is taken. The concurring vote of four members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of said official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of this Ordinance. [Code of Alabama, 1975, Section 11 -52-80]
 - b. Appeals - How Taken
 - (1) Appeals to the ZBA may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the ZBA, by filing with the Zoning Administrator and with the ZBA a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting which the action appealed from was taken.
 - (2) The ZBA shall fix a reasonable time for 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. At the hearing, any party may appear in person or by agent or attorney.
 - (3) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed, unless the administrative official certifies to the ZBA (after the notice of appeal is filed by him or her) that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

- c. Appeals from the Action of the ZBA. Any party aggrieved by any final judgment of the ZBA, may appeal therefrom to the Circuit Court or court of like jurisdiction as provided by Code of Alabama, 1975, Section 11-52-81 or as the same may be amended within 15 days from the date of the board hearing.
2. 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 would result in unnecessary hardship.
 - a. Justification. Variances to the terms of this Chapter may be granted individual cases upon a finding by the ZBA that the variance will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. Another essential factor is that the spirit of the Ordinance shall be observed and substantial justice done. More specifically, the ZBA shall determine **all** of the following criteria have been satisfied.
 - (1) The Board should make proper adjustment to prevent unnecessary hardship, even to the extent of authorizing nonconforming uses. Where the Board authorizes a nonconforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be put reasonably to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.
 - (2) Variances should be permitted only under peculiar and exceptional circumstances.
 - (3) Hardship alone is NOT sufficient. Alabama statutes require unnecessary hardship. [Not self-created and involving the design or other limitations of the land itself]
 - (4) Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an unnecessary hardship.
 - (5) When a hardship is self-inflicted or self-created, there is no basis for claim that a variance should be granted.

Variances should be granted sparingly and the spirit of this Ordinance, in harmony with the spirit of State Law, should be carefully preserved to the end, that the structure of this Section would not disintegrate and fall apart by constant erosion at the hands of the ZBA.

 - b. Application for a Variance. An application for a variance shall be filed with the Zoning Administrator at least twenty-one (21) days ahead of the scheduled hearing date before the ZBA. The application shall be filed by the property owner or the authorized agent of the owner on a form made available from the Zoning Administrator and shall include the materials listed in Appendix A.
 - c. Public Notice Required. At least fifteen (15) days prior to the scheduled ZBA hearing, the Chairman of the ZBA shall give written notice of the variance request to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Mail - first class, postage prepaid, addressed to such property owners at the addresses as submitted with the variance application. Any error in the address of such notices shall not invalidate the giving of notice, provided that no more than five (5) percent of the total number of notices given contain any such error. Such notice shall state the following:
 - (1) The name of the applicant
 - (2) The location of the property
 - (3) The nature of the variance and applicable zoning provisions
 - (4) The time, date and location of the ZBA hearing at which said application is to be considered
3. Special Exception Uses. In certain cases, certain land uses are identified for special zoning treatment. The nature of these uses is such that, when properly regulated, they are appropriate in several districts. In order to bring about the proper integration of uses into the City's land use pattern, a special set of criteria or standards may be provided for each use listed in the Special Exception Use category. Review of these standards will tend to maintain compatibility with adjoining land uses and it is intended that the ZBA will review all such proposals for these types of uses for compliance with the appropriate provisions before approval is granted and appropriate permits are issued.
 - a. Special Exception Procedures. All uses listed as permitted by special exception shall require the submission of an application to the ZBA. An application for a special exception use shall be filed with the Zoning Administrator at least twenty-one (21) days ahead of the scheduled hearing date before the ZBA. An application shall be filed by the property owner or authorized agent on a form made available by the Zoning Administrator. Such form shall be completed by the applicant or agent and include the materials listed in Appendix A.

- b. Public Notice. At least fifteen (15) days prior to the scheduled ZBA public hearing, the Chairman shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Mail first class, prepaid, addressed to those property owners at their addresses as submitted by the applicant at the time application was made. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five (5) percent of the total number of notices contain any such error. Such notice shall contain the following:
 - (1) The name of the applicant
 - (2) The location of the property
 - (3) The proposed use by Special Exception
 - (4) The time, date and location of the ZBA Public Hearing

§2.9. Conditional Uses

- 2.9.1. Application. All requests for Conditional Uses shall be submitted on applications made available by the City Clerk. Applications shall be submitted at least twenty (20) working days prior to the next regularly scheduled meeting of the Commission and accompanied by maps, drawings, statements and/or other documentation as necessary to determine compliance with the criteria of this §2.9.
- 2.9.2. Public Hearing. Upon acceptance of an application, the Commission shall consider the application during a public hearing. The Commission shall have thirty (30) days, after the public hearing, in which to approve or disapprove the request. Failure of the Commission to make such decision within the prescribed time shall constitute approval.

An applicant may request reconsideration by the Council upon denial by the Commission or if the applicant feels conditions imposed by the Commission are excessive or arbitrary. Such request shall be submitted to the Zoning Administrator within fifteen (15) days of the decision of the Commission.
- 2.9.3. Determination. Approval shall not be made unless evidence presented is such to establish:
 1. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
 2. That such development will comply with all applicable regulations and conditions specified within this Ordinance.
 3. The Commission shall describe and have recorded and filed in writing, the conditions imposed on the development.
- 2.9.4. Expiration and Revocation. Approval of a Conditional Use shall be considered exercised when the use has been established or when the Building Permit has been issued and substantial construction accomplished. When such use is abandoned or discontinued for a period of one (1) year, it shall not be reestablished, unless authorized by the Commission. Conditional Use approval shall be revoked when the applicant fails to comply with the conditions imposed by the Commission.
- 2.9.5. Review Criteria. Conditional Uses shall only be approved upon a finding that all of the following criteria are satisfied:
 1. The request is consistent with all applicable provisions of the Comprehensive Plan.
 2. The request shall not adversely affect adjacent properties.
 3. The request is compatible with the existing or allowable uses of adjacent properties.
 4. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
 5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
 6. The request has minimized, to the degree possible, adverse effects on the natural environment.
 7. The request will not create undue traffic congestion.
 8. The request will not adversely affect the public health, safety or welfare.
 9. The request conforms to all applicable requirements of this Ordinance.

§2.10. Amendments to the Zoning Ordinance or the Zoning Map

The regulations and the number, area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the Council; but, no amendment shall be considered, unless it is first submitted to the Commission for its review and recommendation. This body may, on its own initiative, propose changes, hold public hearings (public notice of which shall be given), for the consideration of any proposed amendment to the provisions of this Ordinance or to the official Zoning Map of Calera, Alabama.

- 2.10.1. Authority to Amend. Whenever the public necessity, convenience, general welfare or good zoning practices warrants such action, the Council, by favorable vote of a majority of the members, may amend the regulations or zoning district boundaries herein established, in accordance with the Code of Alabama, 1975, Section 11-52-78 or as same may be amended.
- 2.10.2. Authorized Petitioners. A petition for amendment of this Ordinance or the zoning district boundaries may be initiated by the Council, the Commission or by the owner or agent of such property owner.

- 2.10.3. Petition for Amendment

1. A petition for amendment; when initiated by the property owner or by authorized agent of such owner, shall meet the application requirements of this Section.
2. The application for rezoning shall be made on a form available from the Zoning Administrator and shall be filed with said official at least twenty-one (21) days prior to the Commission hearing. The applicant shall provide the information and materials described in Appendix A.

Note: When a petition for a zoning change is initiated by the City, rather than by property owner or his or her authorized agent, no Administrative Fee shall be required.

- 2.10.4. City Council Action on Amendments

1. Notification and Adoption Requirement

- a. Prior to adoption, a proposed amending ordinance shall be published in full for one insertion and an additional insertion of a synopsis of the proposed ordinance, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published; both such insertions shall be at least fifteen (15) days in advance of its passage and in a newspaper of general circulation published within the City, or, if there is no such newspaper, then by posting the proposed ordinance in four (4) conspicuous places within the City, together with a notice stating the time and place that the ordinance is to be considered by the Council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.
- b. After such public hearing, the Council may adopt the proposed amending ordinance as recommended by the Commission or in such amended form as it deems best. However, if the Council makes substantial or material changes from the proposed amending ordinance as first advertised, the Council shall hold another public hearing on the proposed amending ordinance as changed, after giving notice as provided in Item a above.

- 2.10.5. Limitations on Rezoning Requests. Should the Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Commission until a period of six (6) months has elapsed from the date of such action by the Council. Further, a withdrawal of the application for rezoning, after the hearing held by the Commission but prior to the hearing held by the Council, shall also require a six (6) month time period before another application may be submitted. However, the Commission may adjust this time period if in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required filing fee must be paid. Under no condition shall the fee be refunded for failure of such proposed amendment to be enacted into law.

Article 3 DEFINITIONS

§3.1. Purpose of Definition

For the purpose of this Zoning Ordinance, certain terms used in this Ordinance shall have the meanings defined by this Article. In the event a term is not listed in this Article or is not defined elsewhere in this Ordinance, the conventional meaning of the term shall apply.

§3.2. Interpretation

The Zoning Administrator is authorized to make a final determination of the meaning of any term used in this Ordinance.

§3.3. Word Usage

3.3.1. In the interpretation of this Zoning Ordinance, the provisions and rules of this Section shall be observed and applied, except when the context clearly requires otherwise.

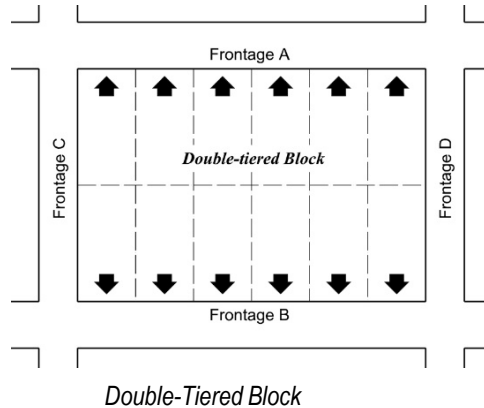
1. Words used or defined in one tense or form shall include the other tenses and derivative forms.
2. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
4. The word shall is mandatory and the word may is permissive.
5. The word person includes an individual, firm, association, organization, partnership, trust, company or corporation.

§3.4. Words and Phrases Defined

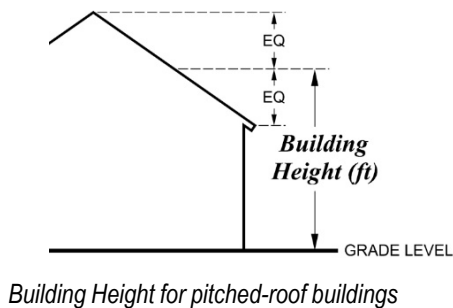
The following general terms, when referred to in this Ordinance, shall have the meanings defined by this Section.

1. **ABUT, ADJACENT, ADJOIN OR CONTIGUOUS** To physically touch or border upon or to share a common border with or be separated from the common border by an easement.
2. **ACCESS** A way or means of approach to provide physical entrance to a property.
3. **ACCESSORY STRUCTURE** A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.
4. **ACCESSORY USE** A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot.
5. **ACRE** A measure of land containing 43,560 sf of area.
6. **ADDITION** A structure added to the original structure at some time after completion of or after a Certificate of Occupancy has been issued for the original structure.
7. **ALLEY** A service way providing a means of access to abutting property and not intended for general traffic circulation.
8. **ALTERATION** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to a building or structure whether horizontally or vertically or the moving of a building or structure from one location to another.
9. **APPLICABLE DISTRICT** That zoning district in which a building, structure, property, or subdivision, for which a zoning application is submitted or permit is sought, is located.
10. **APPLICANT** A person submitting an application for development, a variance, a special exception use or rezoning.
11. **BASEMENT** A portion of a building having one-half or more of its floor-to-ceiling height above the average grade of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6.5) ft.
12. **BEDROOM** A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

13. **BERM** A grass covered or landscaped mound of earth with a slope of 1/3 or greater on both sides of the mound, used to screen activities or uses.
14. **BLOCK** A tract or parcel of land entirely surrounded by public streets other than alleys or a combination of streets, public land, railroad rights-of-way, bodies of water or watercourses, or any other barrier to the continuity of development.
15. **BLOCK, DOUBLE-TIERED** A residential block bounded on all sides by streets and within which lots fronts only on two of the surrounding streets. In the R-2, R-2A and R-3 Districts, the Corner Lots of such Blocks shall be considered "Standard Corner Lots". (see diagram below)

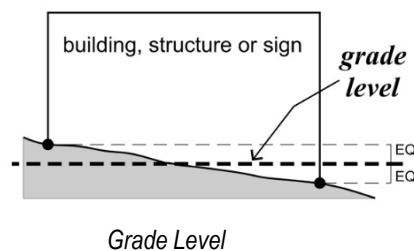


16. **BLOCK FRONTAGE** The aggregate width of all the property on one (1) side of a street between two intersecting streets measured along the street right-of-way line, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.
17. **BOARDER** An individual other than a member of a family occupying the dwelling unit or part thereof, who, for compensation, is furnished sleeping accommodations and meals and may be provided personal care, financial services, counseling, or other services.
18. **BUFFER** A strip of land retained in an undeveloped state to separate incompatible land uses, promote visual harmony, reduce noise, divert emissions, reduce the effects of adjacent lighting and enhance the natural environment. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or berms.
19. **BUILDING** A structure, having a roof supported by columns or walls and designed to be used as a place of occupancy, storage or shelter.
 - a. **BUILDING, ACCESSORY** A Building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.
 - b. **BUILDING, PRINCIPAL** The primary building on a lot or a building that houses a principal use.
20. **BUILDING HEIGHT** For flat or parapet roof buildings, the vertical distance measured from grade level at the front of the building to the highest point of the roof. For pitched-roof buildings, the vertical distance measured from grade level at the front of the building to the average of the eaves and ridges.



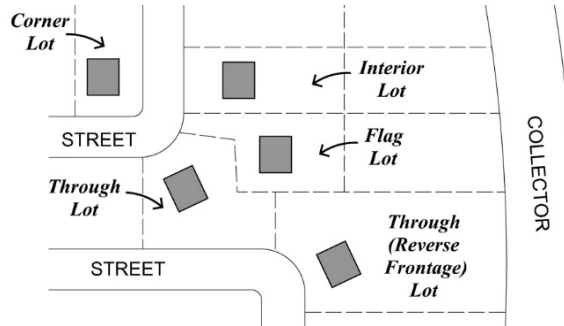
21. **BUILDING LINE** A line generally parallel to the street right-of-way line touching that part of the building closest to the street, or in reference to a rear building line, closest to the rear lot line.

22. **BUILDING SPACING** The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and eaves.
23. **CARPORT** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.
24. **CITY** The City of Calera, Alabama.
25. **CONDITIONAL USE** A use that would not generally be appropriate throughout a zoning district without restriction(s), but which, if controlled as to number, location, area, size, traffic, noise, lighting or other impacts, would not be detrimental to public health. This use is permitted subject to a conditional use permit being granted by the Commission and further subject to appropriate permits being issued in accordance with the provisions of this Ordinance.
26. **CONDOMINIUM** A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by the owners on a proportional, undivided basis.
27. **COUNCIL or CITY COUNCIL** The City Council of the City of Calera.
28. **CUL-DE-SAC** See "Thoroughfare".
29. **DENSITY** The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.
30. **DEVELOPMENT** The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and, any use or extension of the use of the land.
31. **EASEMENT** Authorization by a property owner of the use of a designated part of his property by another for a specified purpose.
32. **ENGINEER or REGISTERED ENGINEER** A professional engineer registered in the State of Alabama.
33. **FAÇADE** The exterior wall of a building that fronts on a public street, park or plaza.
34. **FAMILY** Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit:
 - a. an individual
 - b. two (2) or more persons related by legal adoption, blood, or a licit marriage plus up to two (2) unrelated individuals
 - c. a group of not more than four (4) unrelated persons.
35. **FENCE** An artificially constructed barrier of any material or combination of materials or vegetation, which is planted or retained as a means to enclose or screen areas of land.
36. **FLOOR AREA, GROSS** The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than six and one-half (6.5) ft.
37. **FRONT-LOADED** Having vehicular access from the front of the property, requiring a driveway along a front lot line.
38. **GRADE LEVEL** For buildings, the average level of the finished grade at the front building line. For trees, landscaping, and light fixtures, the level of finished grade at the base of the tree, plant or fixture.



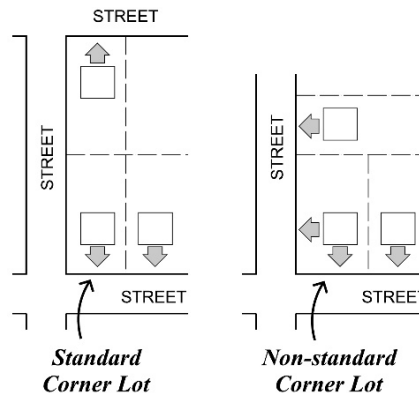
39. **HIGH TRAFFIC CORRIDOR** Land visible from a public street or highway with a traffic volume equal to or exceeding 10,000 vehicles per day.
40. **IMPROVEMENT** Any permanent structure that becomes a part of, is placed upon or is affixed to real estate.

41. **LIVABLE FLOOR AREA** Any heated, livable floor space within a dwelling, at ground level or above, usable for any combination of sleeping, eating, cooking and recreation purposes.
42. **LOT** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.



Types of Lots

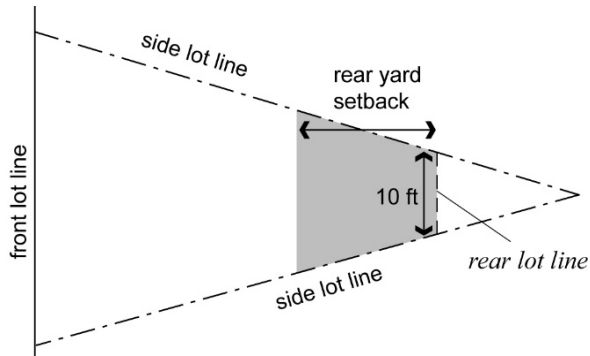
43. **LOT, CORNER** A lot abutting two (2) or more streets at their intersections.
- NON-STANDARD CORNER LOT** A corner lot in the R-2, R-2A, or R-3 District on other than a double-tiered block.
 - STANDARD CORNER LOT** A corner lot on a double-tiered block in the R-2, R-2A or R-3 District.



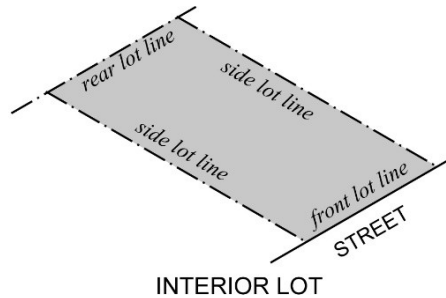
Standard and Non-Standard Corner Lots

44. **LOT, DOUBLE FRONTAGE or THROUGH** A lot having frontage on two (2) or more streets, but not at their intersections.
45. **LOT, INTERIOR** A lot other than a corner lot.
46. **LOT, REVERSE FRONTAGE** A double frontage lot having a rear yard on a major street and a front yard and access to a local or marginal access street.
47. **LOT, FLAG** A parcel of land which does not have the required minimum lot width at the front lot line but has direct access to a public street through a narrow strip of and which is part of the same lot. The lot lines of the narrow portion of the lot (the flag pole) are parallel or nearly parallel.
48. **LOT AREA** The minimum area contained within the property of the individual parcels of land shown on a subdivision plat or survey, excluding any area within an existing or future street right-of-way or any area devoted to common open space.
49. **LOT FRONTAGE** The length of the front lot line measured at the street right-of-way line.
50. **LOT LINE** A line of record bounding a lot which divides one (1) lot from another or from a street or from any other public or private place.

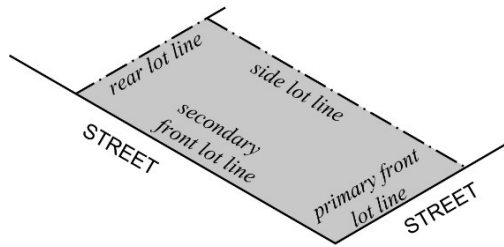
51. LOT LINE, FRONT The lot line separating a lot from the street right-of-way. In the case of standard corner lots, there shall be a primary and secondary front lot line. The shorter of the two shall be the primary front lot line. For all other corner lots, both lot lines shall be considered front lot lines.
52. LOT LINE, SIDE Any lot line other than a front lot line or a rear lot line.
53. LOT LINE, REAR That lot line that is opposite and most distant from the front line. In the case of an irregular or triangular lot, a line ten (10) ft in length, entirely within the lot, parallel to and at the maximum distance from the front lot line shall be considered to be the rear lot line. In the case of a double frontage lot, there are no rear lot lines, but only front lot lines.



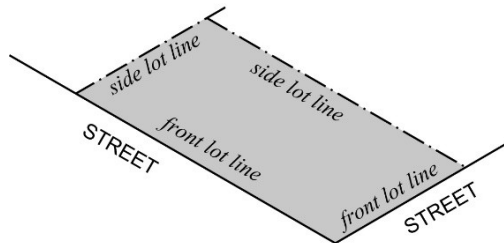
Adjusted Rear Lot Line



INTERIOR LOT



STANDARD CORNER LOT



NON-STANDARD CORNER LOT

Lot Line Configurations

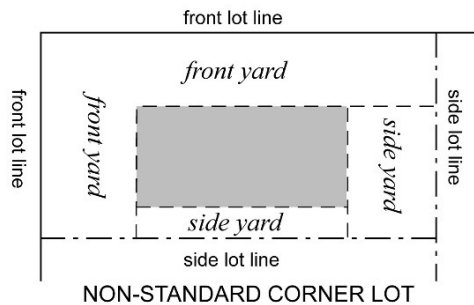
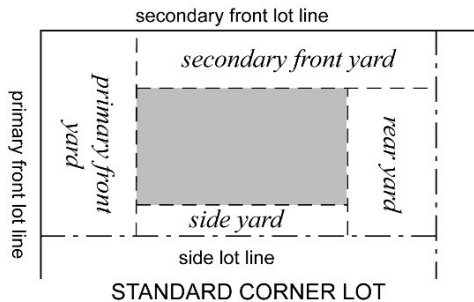
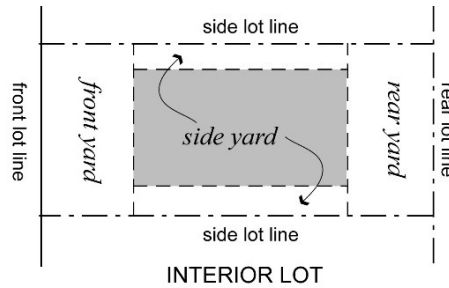
54. LOT OF RECORD A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.
55. LOT WIDTH The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. In the case of only one side lot line, lot width is the distance measured between the side lot line and the opposite lot line.
56. NEIGHBORHOOD PARK A type of common open space, at least 1.0 acre in size that provides residents of a development with an area for recreation and protection of natural land resources. The neighborhood park shall contain amenities such as greenery, seating, playground equipment, pavilions, and other pedestrian friendly elements.
57. NON-CONFORMITIES Lawful uses of lots, structures or characteristics of uses which, as a result of the adoption of this Ordinance or subsequent amendment thereto, no longer conform to all applicable zoning provisions.
58. NON-RESIDENTIAL Land uses including agricultural, institutional, commercial, lodging and industrial activities. Mixed-use developments shall also be considered non-residential uses.
59. OPEN SPACE, COMMON Land area within a development that is held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities ~~or buffers~~; is freely accessible to all owners of the development; and, is protected by covenant or deed restriction to insure that it remains in such uses. Common open space does not include retention or detention ponds that serve only a storm sewer purpose, surface water bodies, (i.e. rivers, streams, lakes or ponds) nor land occupied by non-residential buildings, common driveways, or parking areas or street right-of-way; nor does it include lots for single family or multi-family dwellings. Common open space may include environmentally sensitive areas such as slopes in excess of 25% and 100 year floodplains, natural

or manmade bodies of water, active and/or passive recreational uses. Common Open Space shall be legally and practicably accessible to the residents and/or users of the development. No rearrangement or alteration to any approved common open space shall be permitted. Maintenance provisions shall be made by the Developer/HOA for the maintenance, repair and upkeep of all common open space areas such that the governing association(s) and thereafter the HOA shall be responsible for the maintenance, repair and upkeep of all common open space areas.

60. OUTDOOR STORAGE The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than forty-eight (48) hours. This definition only applies to zoning classifications where outdoor storage is allowed by special exception.
61. OWNER The person having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land.
62. PERIMETER The boundaries or borders of a lot, tract or parcel of land.
63. PLANNING COMMISSION or COMMISSION Shall mean the Planning Commission of the City of Calera, Alabama.
64. POCKET PARK A type of common open space, at least than 0.25 acres in size, but no more than 1.0 acres in size that provides residents of a development with an area for recreation and protection of natural land resources. The pocket park shall contain amenities such as greenery, seating, playground equipment, pavilions, and other pedestrian friendly elements.
65. PORCH A roofed open area, which may be screened, attached to or part of a building and with direct access to or from it.
66. PREMISES A lot, parcel, tract or plot or land together with the structures hereon.
67. PROPERTY LINE The lot line or boundary line.
68. REAR-LOADED Having vehicular access by way of an alley or similar means so as not to require a driveway along a front lot line.
69. RETAIL The rental or sale of goods and merchandise (usually to the general public for personal or household use or consumption, although businesses and institutional clients may also be served) and rendering of services incidental to the rental or sale of such goods.
70. SCREEN To visually shield or obscure one abutting or nearby structure or use from another by means of opaque fencing, walls, berm or densely planted vegetation.
71. SIGHT DISTANCE, INTERSECTION The length of a line of sight between a motorist, when stopped at an intersection or driveway, and the nearest intersection, driveway, alley or other signalized or non-signalized access point to the left or to the right of the motorist. See also "Sight Triangle".
72. SIGHT TRIANGLE, CLEAR A triangular-shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. [See typical illustration over-leaf.]
73. SITE Any plot or parcel of land or combination of contiguous lots or parcels of land.
74. SITE AREA A minimum land area required to qualify for a particular use or development. Site area is taken from an actual site survey and excludes:
 - a. Land within an existing or future street right-of-way or utility right-of-way easement.
 - b. Land which is not contiguous or is cut off by a major barrier.
 - c. Land which is part of a previously approved development.
 - d. Land which is zoned for another use.
75. SPECIAL EXCEPTION USE A use that would not generally be appropriate without restriction(s) throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health. This use is permitted subject to a special exception use permit being granted by the Calera Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with the provisions of this Ordinance.
76. STOOP A covered open area, where the building is aligned close to the front lot line and the first story is elevated from the sidewalk to provide privacy for the windows. The entrance includes a stair and landing that may be external or recessed. The stairs may be parallel to or perpendicular to the facade.
77. STORY That portion of a building included between the upper surface of a floor and upper surface of the floor or ceiling next

above. A mezzanine or partial floor shall be counted as a story if the vertical distance from the floor next below to the floor or ceiling next above is twenty-four (24) ft or more. A basement shall be counted as a story if it is used as livable area (in the case of dwellings) or is used by the principal use (in the case of other uses).

78. STREET See "Thoroughfare".
79. STRUCTURE A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water. All buildings are structures but not all structures are buildings
80. SUBDIVISION The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes re-subdivision of land and when appropriate to the context relates to the process of subdivision or to the land or territory subdivided.
81. TERRACE A level, landscaped or surfaced area, including patios, on a lot directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.
82. THOROUGHFARE A vehicular way dedicated for public use including all land within the right-of-way. Thoroughfares are further classified as:
- a. ARTERIAL A major thoroughfare serving as a primary artery, intended to mainly carry through traffic and to connect major activity centers in the City; including US Highway 31, State Highways 25 and 70, and County Road 22.
 - b. COLLECTOR A thoroughfare that collects traffic from an area and moves it to the arterial network while providing some access to abutting property. A collector will generally have lower design speeds than an arterial but higher than a local street. A "Residential Collector" is a collector that provides direct access to residential properties.
 - c. CUL DE SAC A short thoroughfare designed to have one end permanently closed and terminated by a vehicular turnaround.
 - d. FREEWAY A controlled access thoroughfare with four or more lanes providing fast, efficient movement of large volumes of traffic over a considerable distance and by prohibiting access except at controlled intervals; including Interstate 65.
 - e. LOCAL OR MINOR STREET A minor thoroughfare used primarily for access to abutting properties. A "Residential Street" is a local street serving primarily residential property.
83. RECREATIONAL VEHICLE A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as temporary living accommodations for recreational and camping purposes, including but not limited to: travel trailers, truck campers, camping trailers, and self-propelled motor homes.
84. USE The activity or function for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.
85. VARIANCE Permission granted by the Zoning Board of Adjustment to depart from the literal requirements (excluding use regulations) of this Ordinance, pursuant to §2.8.
86. YARD An open area that lies between the principal building or buildings and the nearest lot line. The yard shall be measured as the shortest distance between the structure and the lot line.



Yard Configurations

87. **YARD, FRONT** A yard extending the full width of the lot between any building and the front lot line and measured perpendicular from the building to the closest point to the front lot line. Standard corner lots in the R-2, R-2A and R-3 Districts have a primary (deeper) front yard and a secondary (shallower) front yard.
88. **YARD, REAR** A yard extending across the full width of the lot between the rear lot line and the principal building and measured perpendicular from the building to the closest point of the rear lot line.
89. **YARD, REQUIRED** The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as specifically provided for otherwise in this Ordinance.
90. **YARD, SIDE** A yard extending from the front yard to the rear yard between the side lot line and the principal building and measured perpendicular from the side lot line to the closest point of the principal building.
91. **ZONING BOARD OR ADJUSTMENT (ZBA)** The Zoning Board of Adjustment of Calera, Alabama.

§3.5. Uses Defined

When referred to in this Ordinance, the following uses shall have the meanings defined in this Section:

3.5.1. Agricultural Uses

1. **FARM** A parcel of land, in one ownership, used for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary uses for packing, treating, or storing

the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

2. FARM SUPPORT BUSINESS A commercial establishment engaged in the sale of farm support goods and services, including the following activities:
 - a. The sale of feed, grains, fertilizers, pesticides and similar farm support goods
 - b. The provision of warehousing and storage facilities for raw farm products
 - c. The provision of veterinary services to farm animals
3. FOWL Chickens, turkeys, ducks, geese, quail, guineas, etc.
4. HOBBY FARM A tract of land used for the keeping or maintenance of farm animals personally useful to the occupants of a dwelling on the same tract.
5. KENNEL An establishment in which dogs, cats or similar domesticated animals are bred. Boarding, animal sales, training and grooming services may be a part of the use.
6. LIVESTOCK Cows, horses, goats, sheep, swine, ponies, etc.
7. LIVESTOCK SALES The sale of livestock within an enclosed yard or structure, including livestock markets, horse or cattle auctions and similar activities.
8. STABLE A used for the shelter or care of horses or cattle.

3.5.2. Residential Uses

1. DUPLEX A building containing two (2) single family dwelling units totally separated from one another by an unpierced wall extending from basement to roof.
2. DWELLING Any building or portion thereof, which is designed and used for residential occupancy.
3. DWELLING, DETACHED See "Dwelling, Single Family Detached."
4. DWELLING, MULTI-FAMILY A building containing three (3) or more dwelling units on a commonly shared lot.
5. DWELLING, SEMI-DETACHED A single-family dwelling attached to one other single-family dwelling by a common vertical wall, with each dwelling located on a separate lot.
6. DWELLING, SINGLE FAMILY DETACHED A building containing one dwelling unit and that is not attached to any dwelling by any means and is surrounded by open space or yards.
7. GARDEN HOME A detached, single family dwelling on a small lot.
8. INDEPENDENT LIVING FACILITY A multi-family residential facility for the elderly. These facilities may provide meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Such facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc.
9. MANUFACTURED HOME, CLASS A A double-wide or larger Manufactured Home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:
 - a. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
 - b. The manufactured home has a minimum of 960 sf of enclosed and heated living area.
 - c. The roof has a minimum vertical rise of three (3) ft for each twelve (12) ft of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
 - d. All roof structures have an eave projection of no less than six (6) inches, which may include a gutter.
 - e. The exterior siding consists predominantly of vinyl or aluminum horizontal siding, wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction
 - f. The manufactured home is set up in accord with the standards set by the Alabama Manufactured Home Institute.
 - g. The moving hitch, wheels and axles, and transporting lights have been removed.

10. MANUFACTURED HOME, CLASS B A single-wide manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.
 11. MANUFACTURED HOME, CLASS C A manufactured home built before 1976 that does not meet the definition of a Class A or Class B Manufactured Home. Class C Manufactured Homes are not allowed in the City, except as existing structures permitted prior to the adoption of this Ordinance.
 12. MANUFACTURED HOME SUBDIVISION A division of a tract of land into two (2) or more lots, plats, sites or other subdivision of land which meets all required regulations and is designed and intended for the siting of Class A Manufactured Homes.
 13. MANUFACTURED HOME PARK A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes. The site may also include services and facilities for the residents.
 14. MANUFACTURED HOME LOT A lot that is designed for use within a manufactured home subdivision.
 15. MANUFACTURED HOME SPACE A space that is designed for use within a manufactured home park.
 16. MODULAR HOME A structure intended for use as a single-family detached dwelling manufactured off-site and assembled on-site, all in accordance with the local or state building code.
 17. TOWNHOUSE A single-family dwelling in a row of at least three (3) such units, in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- 3.5.3. Institutional Uses. Institutional uses include structures or land occupied by a group, cooperative, or other entity created for non-profit purposes or for public use or services; but do not include those of an industrial nature such as garages, repair or storage yards, and warehouses. For the purposes of this Ordinance, institutional uses are categorized as shown below.

Low Intensity

- civic, service, and fraternal organizations; cultural facilities
- places of assembly up to 150 seats
- day care centers; dormitories; group care homes with more than 10 residents
- nursing homes, rest homes, and other homes for the aged up to 10,000 sf

Medium Intensity

- government buildings up to 12,500 sf
- elementary and junior high/middle schools; places of assembly up to 300 seats
- stadiums and arenas up to 3,000 seats
- health and other institutions up to 35,000 sf

High Intensity

- government buildings greater than 12,500 sf
- places of assembly greater than 300 seats
- high schools, universities, colleges, junior colleges
- stadiums and arenas greater than 3,000 seats
- health and other Institutions greater than 35,000 sf

1. ANIMAL SHELTER A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.
2. ASSISTED LIVING FACILITY Licensed homes for the aged, intermediate institutions and related institutions (not otherwise defined in this Ordinance) whose primary purpose is to furnish room, board, laundry, personal care and other non-medical services, regardless of what it may be named or called, for not less than twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who, because of age or disabilities, are incapable of living independently in their own homes or in a commercial board and room situation, yet who do not require the medical and nursing services provided by a Nursing Home. In these facilities, there might be available temporarily and incidentally, the same type of limited medical attention that an individual would receive if living at home.
3. CEMETERY Human burial grounds.
4. PET CEMETERY Burial grounds for small domestic animals (pets).
5. CLUB A group of people organized for a common purpose to pursue common goals, interests and activities and usually characterized by certain membership qualifications, payment of fees or dues, which holds regular meetings and has a constitution or by-laws.
6. COMMUNITY CENTER A facility used for social, educational, cultural and/or recreational programs and activities.
7. COUNTRY CLUB A recreational facility, usually restricted to members and their guests, which generally includes a clubhouse, dining establishments and recreational facilities such as golf course(s), tennis courts, and swimming pools.
8. GROUP CARE HOME A dwelling for the sheltered care of persons, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
9. HALFWAY HOUSE See "Group Care Home".
10. HOSPITAL An establishment which provides health services primarily for inpatient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics training facilities, gift shops, coffee shops, cafeterias and staff offices.
11. INDEPENDENT LIVING FACILITY See "Independent Living Facility" under §3.5.2 Residential Uses.
12. MILITARY INSTALLATION A government-sponsored defense facility, including military bases, national guard armories, military reserve centers and similar uses.
13. NURSING CARE FACILITY A licensed institution providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in an assisted or independent living facility.
14. PARK Publicly-owned and operated parks, playgrounds, recreation facilities and open spaces. For the purposes of this Ordinance, parks owned and operated by a property-owners association are referred to as "Common Open Spaces."
15. PENAL INSTITUTION A public institution housing inmates for correction or rehabilitation.
16. PLACE OF ASSEMBLY Buildings arranged for public assembly or for religious purposes, such as, community centers, churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.
17. PUBLIC BUILDING Buildings arranged for the purpose of providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.
18. PUBLIC UTILITY FACILITY A facility that provides public utility services to the public at large, including water and sewer facilities, gas distribution facilities, electric transmission and distribution facilities and cable transmission and distribution facilities.
19. PUBLIC UTILITY SERVICE Essential utility services necessary to support development and which involve only minor structures such as lines and poles.
20. SCHOOL Any building or part thereof designed, constructed, or used for education or instruction in any branch of knowledge.

| 3.5.4. Commercial Uses

1. **AIRPORT** A place where aircraft can land and take off. Such use may include terminals, hangers, refueling and repair facilities, passenger accommodations and other integrally related facilities.
2. **ADULT-ORIENTED BUSINESS** Any establishment which as a regular or substantial course of conduct offers to its patrons products, merchandise, services or entertainment relating to specified sexual activities or specified anatomical parts. "Adult-oriented business" does not include those uses or activities, the regulation of which is preempted by state law. "Adult-oriented business" shall also include any establishment which provides or allows performers, models, actors, actresses or employees to appear in any place in lingerie or similar attire which does not opaquely cover specified anatomical parts.
3. **ALTERNATIVE FINANCIAL SERVICES** Any business, excluding those licensed by an appropriate state or federal agency as a bank, saving and loan association, or credit union, that operates as a check cashing business, pawnshop/ pawnbroker, payday loan (deferred presentment) business, or title loan business.
4. **BAKERY, MINOR** An establishment which bakes goods for on-premises retail sale only.
5. **BANK or FINANCIAL INSTITUTION** A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan institution, credit union, finance company and similar uses.
6. **BED AND BREAKFAST** Overnight accommodations and a morning meal, within a single-family detached dwelling, provided to guests for compensation.
7. **BOARDING HOUSE** A dwelling unit or part thereof in which, for compensation, lodging and meals are provided and personal and financial services may be offered to boarders on long-term basis (at least month-to-month). Each room intended to be rented does not constitute a dwelling unit as defined in this Ordinance.
8. **BREW PUB** An establishment, meeting the qualifications of a brew pub under the State alcoholic beverage control laws in Title 28, Chapter 4A of the Code of Alabama 1975, as amended, where beer is manufactured or brewed, in a quantity not to exceed 10,000 barrels in any one year, for consumption on the premises or for sale to any designated wholesaler for resale; and which contains a restaurant or otherwise provides food for consumption on the premises.
9. **BROADCAST STUDIO** See "Broadcast Studio" under §3.5.6 Telecommunications Uses.
10. **BUSINESS or PROFESSIONAL OFFICE** A room or group of rooms used for conducting the affairs of a business, profession, service or industry and generally furnished with desks, tables, files, and communication equipment.
11. **BUSINESS SUPPORT SERVICE** A place of business which supplies support services primarily to business or professional offices or services, such as photocopy, office equipment, supplies and services, cleaning services, computer and office equipment repair and similar services.
12. **CAMPGROUND** A plot of ground on which two or more campsites are located, established, or maintained for occupancy by tents, recreational vehicles or similar accommodations, as temporary living quarters for recreation, education, or vacation purposes.
13. **CAR WASH** Any building or premises used for washing motor vehicles.
14. **CBD SHOP** A free standing business establishment for which more than fifty (50) percent of the gross floor area is devoted to the display, sale, use and storage of CBD products.
15. **CLINIC** An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than twenty-four (24) hours.
16. **COMMERCIAL PARKING** Parking of motor vehicles on a temporary basis within a commercially-operated, off-street parking lot or garage.
17. **COMMERCIAL SCHOOL** A private, gainful business providing instructional service in the arts, business, crafts, trades or professions.
18. **CONVENIENCE STORE** A retail establishment of up to 5,000 sf selling primarily food, beverages, household items, newspapers and magazines, candy and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.
19. **CONSIGNMENT STORE** A retail establishment where more than fifty percent (50%) of the goods are placed on consignment. Consignment is the art of placing goods in the hands of another, while still retaining ownership, until the goods are sold.

20. DAY CARE CENTER A licensed facility, other than a residence, providing care for part of a twenty-four (24) hour day to children, elderly, handicapped or infirm persons in accordance with §7.21 Day Care Facilities.
21. DAY CARE HOME, FAMILY A licensed service operated from a single-family dwelling by the resident, providing care for part of a twenty-four (24) hour day to children in accordance with §7.21 Day Care Facilities.
22. ENTERTAINMENT, INDOOR A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, etc.
23. ENTERTAINMENT, OUTDOOR A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, amusement parks, etc.
24. FUNERAL HOME A building or part thereof used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. Funeral homes may also include the storage of caskets and related funerary items.
25. GARDEN CENTER or NURSERY The growing, cultivation, storage and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.
26. GASOLINE SERVICE STATION Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.
27. GENERAL RETAIL, ENCLOSED Retail sales of goods and services, not otherwise defined in this Section, including, but not limited to; food sales, department stores, clothing stores, home furnishings, appliance stores, automobile parts and supply stores, video rental, gift shops, florist shops, hardware stores, specialty shops, jewelry stores, variety stores, sporting goods stores, antique shops, auction houses and similar retail activities.
28. GENERAL RETAIL, UNENCLOSED The display and sale of products and services, primarily outside of a building or structure, including vehicles; garden supplies, flowers, shrubs, and other plant materials; gas; boats and aircraft; farm equipment; manufactured homes; burial monuments; building and landscape materials; flea markets; and lumberyards.
29. GOLD OR SILVER OBJECT DEALERS An establishment that offers to buy gold or silver, or gold or silver objects.
30. GROCERY STORE or SUPER MARKET A retail establishment primarily selling food as well as other convenience and household goods.
31. HOME OCCUPATION A business, profession, occupation or trade conducted for gain or support within a dwelling pursuant to §7.9.
32. HOME IMPROVEMENT CENTER A place of business providing building, yard and garden materials, appliances, tools and supplies at retail or wholesale.
33. HOTEL An establishment offering sleeping accommodations to guests, in which lodging rooms are accessed from the interior of the building. Such facility may also include, as an integral part of operations, such services as restaurants, meeting rooms, banquet rooms, gift shops, recreational facilities, etc. Hotels may also include, as an incidental use, a liquor lounge.
34. INN A commercial facility offering transient lodging accommodations on a daily or weekly basis, in which lodging rooms are accessed from the interior of the building. Inns do not include liquor lounges.
35. LAUNDRY SERVICES Laundromat, laundry and dry cleaning pick-up stations, dryer, and clothing storage, but excluding laundering, dry cleaning, and dyeing plants.
36. LIQUOR LOUNGE A licensed establishment engaged in the preparation, sale or serving of liquor for consumption on the premises. This shall include but not be limited to the following terms: taverns, bars, cocktail lounges, nightclubs and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment. Not included in this definition are establishments, which sell alcoholic beverages for off-premise consumption only, such as a package stores, State Alcoholic Beverage stores, supermarkets, etc.
37. LIVE WORK A type of mixed-use development, in which one (1) single-family dwelling unit is located in the same building as a non-residential use. Typically, the dwelling unit is located in an upper floor with the non-residential use at ground level. The business use is typically owned or managed by the resident.
38. MASSAGE PARLOR Any establishment where nonmedical, nonsurgical, nonosteopathic and nonchiropractic manipulative exercises, massages or procedures are practiced upon the human body, for other than cosmetic or beautifying purposes,

with or without the use of mechanical or other devices, by anyone not a physician, surgeon, osteopath, chiropractor, or certified massage therapist certified by the state in accordance with the Alabama Massage Therapy Licensure Act of 1996.

- (1) The definition shall not include the practice of Massage in any licensed hospital or nursing home, nor by a physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur or professional athlete or athletic team or school athletic program, nor by any Alabama State licensed physical therapist.
- (2) The term "massage parlor" shall not include a spa, wellness center, health club, beauty salon, gymnasium, or other business providing health, beauty, medical or physical fitness services in which massages are incidental and one of a series of services provided.

39. **MANUFACTURED HOME SALES** A lot or tract of land used for display of manufactured homes for sale.
40. **MEDICAL SUPPORT SERVICE** A place of business which supplies medical support services to individuals, medical practitioners, clinics and hospitals, such as a pharmacy (where the business activity is limited to the filling of prescriptions and the sale of drugs and medical supplies), medical and surgical supply store, an optician and the like.
41. **MICROBREWERY** Any building used for the production of beer that manufactures less than 40,000 barrels per year, with a barrel containing 31 U.S. liquid gallons. A microbrewery, actively and continuously engaged in the manufacture of alcoholic beverages on the manufacturer's licensed premises, may conduct tastings or samplings on the licensed premises, and for that purpose give away or sell alcoholic beverages manufactured there for consumption on only the premises where manufactured.
42. **MINI-WAREHOUSE** A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.
43. **MIXED USE DEVELOPMENT** The combination of a residential use with commercial and/or lodging uses on the same site or within the same building.
44. **MOTEL** An establishment offering sleeping accommodations for guests, in which lodging rooms are accessed from the exterior of the building. Such facility may also include, as an integral part of operations such services as restaurants, meeting rooms, banquet rooms, gift shops, recreational facilities, etc. Motels may also include, as an incidental use, a liquor lounge.
45. **OPEN AIR MARKET** Retail sales of arts, crafts, produce, discount or used goods which are located partially or wholly outside of an enclosed building. This may include produce market, craft market, farmers market or similar activities.
46. **PERSONAL SERVICE** A retail establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
47. **PET SERVICES** A place other than a Kennel where household pets are groomed, trained or given medical care. Temporary boarding, either as primary service to pet owners or incidental to the other services provided, may be a part of the use.
48. **PRINTING ESTABLISHMENT, MINOR** Blue printing, copying, printing, engraving or other reproduction services limited to 2,500 sf of floor space.
49. **RECREATION** A commercial establishment providing recreational or sports activities to participants, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.
50. **RESTAURANT, STANDARD** An establishment where food and drink are prepared, served and consumed, mostly within the principal building.
51. **RESTAURANT, FAST FOOD** An establishment where food and drink are rapidly prepared for carry-out, fast delivery, drive-through or drive-in and may also include facilities for standard sit-down consumption by patrons.
52. **SECONDHAND STORE** A retail establishment that sells previously used merchandise, more than thirty percent (30%) of which is not donated, such as clothing, furniture, appliances, household goods, sporting goods, books, recreational equipment, toys or other merchandise not considered to be antique, that is in good repair or has been restored or reconditioned to a clean and useable condition. This definition excludes antique stores, pawnshops, thrift stores, consignment stores and precious metal dealerships.

53. SELF-STORAGE FACILITY A building or structure containing separate storages spaces of limited sizes that are leased or rented on an individual basis, which does not include warehouses or loading docks.
- 53-54. SHOPPING CENTER A group of commercial establishments, planned, constructed, and managed as a total entity with shared parking and driveway facilities.
- 54-55. STUDIO A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.
- 55-56. TATTOO OR BODY ART ESTABLISHMENT Any establishment in which body piercing or tattooing is offered or performed.
- 56-57. THRIFT STORE A retail establishment that derives more than thirty percent (30%) of its sales from donated, previously used merchandise such as clothing, furniture, appliances, household goods, sporting goods, books, recreational equipment, toys or other merchandise not considered to be antique.
- 57-58. TOBACCO, VAPE, OR E-CIGARETTE SHOP A business establishment for which more than fifty (50) percent of the gross floor area is devoted to the display, sale, use and storage of vape or tobacco products, including electronic cigarettes and related accessories. Related accessories include any apparatus, equipment or instrument used for smoking tobacco and/or inhaling vapor from nicotine enriched solutions and/or the burning or vaporizing of controlled substances.
- 58-59. TRUCK STOP A commercial establishment which may contain a restaurant (standard) or a delicatessen; a gift shop; provisions for the incidental sale of gasoline, including diesel fuel; designated areas for the temporary parking of large trucks/rigs, including overnight parking; and, the sale of vehicle equipment, motor oil and other vehicle accessories. Such a facility may also engage in minor vehicle repair activities, as defined in this ordinance. This use shall not be confused with TRUCK TERMINAL, defined herein.
- 59-60. VEHICLE AND EQUIPMENT SALES, MAJOR A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors, farm implements and similar equipment, including the storage, maintenance and servicing of such vehicles and equipment.
- 60-61. VEHICLE SALES OR RENTAL A commercial establishment engaged in the sale or rental of automobiles, light trucks, recreational vehicles, boats, motorcycles, including the incidental parking, storage, maintenance, servicing and repair of such vehicles.
- 61-62. VEHICLE REPAIR, MINOR A place of business engaged in sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.
- 62-63. VEHICLE REPAIR, MAJOR A place of business engaged in the repair and maintenance of vehicles including painting, bodywork, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities.
- 63-64. Wrecker Service - A business establishment involved in the recovery of wrecked, junked, abandoned or repossessed vehicles including the repair of vehicles including as an incidental use the storage of such vehicles for no longer than allowed by Section 4.11. This shall not include the repair of vehicles nor the salvage, dismantling or sales of used auto parts on the premises, which shall constitute a Vehicle Repair Service of a Salvage Yard, respectively. Storage of vehicles other than within a structure is subject to the requirements of Section 9.4 Screening.

3.5.5. Industrial Uses

1. BAKERY, MAJOR An establishment which bakes goods primarily for wholesale and/or retail and in which may include storage and distribution facilities.
2. CONSTRUCTION SERVICE A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a home improvement center which also sells at retail) such as a building contractor, trade contractor or wholesale building supply store.
3. HEAVY INDUSTRY Meat or poultry processing, slaughterhouse, the storage or manufacturing of flammable, explosive or toxic materials or other materials generally considered to be hazardous or offensive in nature.
4. LAUNDERING PLANTS Establishments primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners, but excluding laundromats and dry cleaning pick-up stations without dry cleaning equipment.
5. MANUFACTURING, ARTISAN The shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of

products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to electronic goods, food and bakery products; beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing

4.

~~5. — MANUFACTURING, ARTISAN The shared or individual use of hand tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses~~

~~include, but are not limited to electronic goods, food and bakery products, beverages, printmaking, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass or ceramic production, paper manufacturing.~~

~~6. MANUFACTURING, GENERAL The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.~~

~~7.6. MANUFACTURING, LIGHT The manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packing of such products and the incidental storage, sale and distribution of such products.~~

~~8.7. MAINTENANCE SERVICE An establishment providing building and yard maintenance, janitorial, exterminating, landscaping, window cleaning, office cleaning and similar services.~~

~~9.8. OUTDOOR STORAGE The keeping, in an unenclosed area, of any goods, materials, merchandise, products or vehicles in the same place for more than forty-eight (48) hours. This definition only applies to zoning classifications where outdoor storage is allowed by special exception.~~

~~10.9. PRINTING ESTABLISHMENT, MAJOR Blue printing, copying, printing, engraving or other reproduction services with no limit on floor space/area.~~

~~11.10. RECYCLING PLANT A facility, other than a junkyard, in which recyclables, such as newspapers, magazines, books and other paper products; glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used in new products.~~

~~12.11. RESEARCH LABORATORY A facility for investigation into the natural, physical, or social sciences, which may include engineering and product development.~~

~~13.12. RESOURCE EXTRACTION The removal of soil, sand, stone, chert, clay, gravel, limestone, or other minerals or similar materials, for commercial purposes, including quarries, sand and gravel operations, gas extraction, and mining operations, and the loading, sizing, crushing, and processing of such materials, and the incidental storage, sale and distribution of such materials.~~

~~14.13. SALVAGE YARD OR JUNK YARD A facility or area for storing, collecting, selling, dismantling, shredding, compressing, disposal, or salvaging of scrap, junk, discarded material, or equipment.~~

~~15.14. SANITARY LANDFILL A State-approved site for solid waste disposal employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.~~

~~16.15. TRUCK TERMINAL Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair and maintenance of trucks associated with the terminal.~~

~~17.16. Wrecker Service - A business establishment involved in the recovery of wrecked, junked, abandoned or repossessed vehicles including the repair of vehicles including as an incidental use the storage of such vehicles for no longer than allowed by Section 4.11. This shall not include the repair of vehicles nor the salvage, dismantling or sales of used auto parts on the premises, which shall constitute a Vehicle Repair Service of a Salvage Yard, respectively. Storage of vehicles other than within a structure is subject to the requirements of Section 9.4 Screening.~~

3.5.6. Telecommunications Uses

1. AMATEUR RADIO TOWER A tower with one or more antennas connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.
2. ANTENNA A device used to transmit and/or receive radio or electromagnetic waves between terrestrial structures and/or satellites.
3. ANTENNA TOWER A structure that is intended to support antennas and related equipment used to transmit and/or receive telecommunications signals.
4. BROADCAST STUDIO An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, a radio station, television studio or a telegraphic service office.

5. **TRANSMISSION TOWER (COMMERCIAL)** A transmission tower that either (1) serves an individual user and is not available to the general public; (2) is privately owned and operated for the purpose of leasing tower space to others; and/or (3) is a single-purpose facility and not part of a cellular network.
6. **SATELLITE DISH ANTENNA** A parabolic or dish-shaped antenna designed to receive television broadcasts relayed by signals from communications satellites.
7. **WIRELESS COMMUNICATION** Any personal wireless services as defined by the Telecommunications Act of 1996 and licensed by the Federal Communications Commission, including, but not limited to, the types commonly known as cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, ground based repeaters for satellite radio services, microcell antennae and similar systems, which exist now or may be developed in the future and exhibit technological characteristics similar to them.
8. **WIRELESS FACILITY** Any component of the wireless communication installation including any towers, antennas, antenna array, and any structure or device used to contain ancillary equipment for a wireless facility.

3.5.7. Temporary Uses

1. **GARAGE or YARD SALES** The sale by a resident, conducted on the premises of his or her dwelling, of personal property belonging to the occupant of such dwelling. [See §6.9 Garage or Yard Sales.]
2. **SEASONAL SALES** Unless otherwise specified in this Ordinance, the seasonal sale of farm produce, firewood, Christmas trees and similar items. The use of structures or buildings in conjunction with said activity is temporary, as specified by the City and subject to the City's conditions at the time a business license is issued. This term shall not be confused with **OPEN AIR MARKET**, defined in this Ordinance.

§3.6. Abbreviations used in this Ordinance

- 3.6.1. ac – Acre(s)
- 3.6.2. ADEM – Alabama Department of Environmental Management
- 3.6.3. bldg. – Building
- 3.6.4. br – Bedroom
- 3.6.5. DU – Dwelling Unit
- 3.6.6. EQ – equal
- 3.6.7. FCC – Federal Communications Commission
- 3.6.8. ft – foot or feet
- 3.6.9. GFA – Gross Floor Area
- 3.6.10. lf – linear feet
- 3.6.11. max. – maximum
- 3.6.12. min. – minimum
- 3.6.13. na – not applicable
- 3.6.14. oc – on center
- 3.6.15. Pkwy. – parkway
- 3.6.16. PL – Property line or Lot Line
- 3.6.17. PUD – Planned Unit Development
- 3.6.18. ROW – Right-of-way
- 3.6.19. sf – square feet
- 3.6.20. U.S. – United States

3.6.21. ZBA – Zoning Board of Adjustment

3.6.22. % - percent

3.6.23. § - Section, Subsection, Paragraph or Item within this Ordinance or other regulations, as specified

Article 4 GENERAL REGULATIONS

The following general regulations pertain to the administration, enforcement of, and compliance with this Ordinance.

§4.1. Application of this Ordinance

No structure shall be constructed, erected, placed, maintained and no land use commenced or continued in the City except as specifically or by necessary implication, is authorized by the City.

§4.2. Except as Otherwise Provided for in this Ordinance

- 4.2.1. No land may be used except for a purpose permitted in the district in which it is located.
- 4.2.2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used except for a use permitted in the district in which the building is located.
- 4.2.3. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the area and height limits of the district in which the building is located.
- 4.2.4. The minimum building line, number of parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- 4.2.5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building and one principal use on one lot except as otherwise permitted for non-residential uses, multi-family complexes and condominium developments. Except as specifically permitted for accessory dwellings, Accessory structures shall not include living quarters; neither will sanitary facilities be permitted in accessory structures without the approval of the Council.
- 4.2.6. Every building or structure hereafter constructed in the City shall conform with all applicable provisions of the American National Standard for Buildings and Facilities for Physically Disabled and or Handicapped, ANSI A117. [See the City's adopted building code.] Note: Certain types of buildings are exempt from these requirements.
- 4.2.7. In no case shall basements of dwellings, residences or buildings be used as temporary living space prior to the release of a Certificate of Occupancy for the structure.

§4.3. Reduction in Lot Area Prohibited

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance. [See §4.6.2]

§4.4. Joint Occupancy

Except as specifically provided for mixed-use developments, live-work buildings and home occupations, no structure shall be erected, structurally altered for or used as a single family or two family dwelling simultaneously with any other use.

§4.5. Public Utilities

Utility structures including, but not limited to poles, wires, cross-arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district of the City. This is not to be construed to include the erection or construction of buildings. [See district regulations for public utility facilities and services]

§4.6. Non-conformities

- 4.6.1. Within the districts established by this Ordinance or amendments that may be later adopted, there exists lots, structures, uses of land and structures and characteristics of use which, were lawful before the 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. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the applicable district.

4.6.2. Non-conforming Lots of Record. Where a lot of record existed at the time of the effective date of this Ordinance having less area or width than herein required for the applicable district, the following shall apply:

1. Said lot may nonetheless be used as a building site provided the yard space and other requirements conform as closely as possible with the requirements of the applicable district, in the opinion of the ZBA.
2. However, this provision shall not apply when two or more lots exist together, with contiguous frontage in single ownership at the time of passage of this Ordinance or any time thereafter. Such land shall be considered to be an undivided parcel for the purpose of this Ordinance and shall not be used or sold in a manner which creates lot area or width below the requirements stated in this Ordinance.

4.6.3. Non-conforming Improvements.

1. For the purposes of this Subsection, the term "non-conforming improvements" shall mean any physical improvements, including drainage improvements, driveways, landscaping, lighting and parking areas, but not including buildings, structures or signs, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the applicable regulations for such improvements in this Ordinance.
2. Non-conforming improvements shall be brought into conformance with the applicable regulations for such uses in this Ordinance prior to occupancy by a new, more intensive use; expansion of an existing use by more than twenty-five (25) percent GFA; or prior to occupancy following a period of vacancy of two (2) years or longer. The ZBA may modify this requirement where it finds that the fully required improvements may not practicably be provided due to inadequate area on a developed lot.
3. Improvements, restoration, renovations, expansions, or changes in use in the B-3 Downtown District require compliance with §5.15.2 3. Building Facades.

4.6.4. Continuance. A lawful non-conforming use existing at the effective date of this Ordinance may be continued, except as hereafter provided although such use does not conform with the provisions of this Ordinance subject to the conditions outlined in §4.6.1 and §4.6.2.

4.6.5. Restoration to Safe Condition. Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

4.6.6. Restoration after Damages. No non-conforming building or structure which has been damaged by fire or other causes to the extent of more than fifty (50) percent of its current replacement value at the time of such damage shall be rebuilt or restored except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than fifty (50) percent of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within twelve (12) months of the date of such damage.

4.6.7. Abandonment. A non-conforming use, which has been discontinued for a continuous period of one (1) year, shall not be re-established; and any future use shall be in conformity with the provisions of this Ordinance.

4.6.8. Annexed Property. See §5.19 MR Municipal Reserve District for annexation procedures.

4.6.9. Change in Use. A non-conforming use shall not be changed to another non-conforming use.

§4.7. Abandoned Right-of-way

Whenever any street, alley or other public way is vacated or abandoned by official action of the City the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

§4.8. Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire and Explosion Hazard or Nuisance

The ZBA may require the conduct of any use, conforming or nonconforming use, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The ZBA may direct the Zoning Administrator to issue an abatement order, but such order maybe directed only after a public hearing by the said board, notice of which shall be sent by

registered mail to the owners and/or operators of the property on which the use is conducted (in addition to due notice by advertisement in a newspaper of general circulation). A hearing to consider issuance of an abatement order shall be held by the ZBA 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 ZBA only upon reasonable evidence of hazard or nuisance and such order shall clearly specify the date by which the hazard or nuisance shall be abated.

§4.9. Structures Conforming to District Regulations but not Other Regulations

A structure or building conforming to the use regulations of a district, but not conforming to other provisions of this Ordinance, may be enlarged or altered, provided that such enlargement or alteration conforms with the provisions of this Ordinance.

§4.10. Buildings to be Moved

Any building or structure which is to be moved to any location within the city limits of the City shall be considered for the purpose of this Ordinance to be a new building under construction; and, as such, it shall conform to all applicable provisions of this Ordinance and the City's adopted building code.

§4.11. Storage of inoperable motor vehicles

It shall be unlawful for any person to park, leave or store upon any lot, place or premises within the City any inoperable motor vehicle for a period greater than thirty (30) days, unless such vehicle is in an enclosed building or screened from public view as required in §9.4 Screening and in accordance with the limitations of §6.4 Fences and Walls. For the purpose of this Ordinance, a vehicle shall be deemed inoperable if it cannot be started or driven under its own power.

§4.12. General Regulations for Non-Residential Districts

The following general regulations shall apply in the O&I, B-1, B-2, B-3, M-1, M-2 and M-3 Districts:

- 4.12.1. Each Business to be Located in Permanent Building. Except as otherwise permitted in this Article, the main building of a permanent or temporary business shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the main building area. The permanent building and premises shall conform in all respects to the applicable land and building development codes and ordinances of the City. The main building of any permanent or temporary business shall not be a tent, shelter, mobile building or other structure which does not comply with the intent of the applicable district.
- 4.12.2. No Minimum Lot Area shall be required, although each lot shall be adequate in size to allow for the proposed use, as well as the required parking, buffers (if required), storage and servicing of the building(s).
- 4.12.3. No Minimum Lot Width shall be required, although it is each lot shall be of sufficient width to allow for the proposed use, along with adequate space for parking, buffers (if required), storage and the servicing of the building(s).
- 4.12.4. Each structure shall have a service yard adequate for the handling of waste and garbage and the loading and unloading of vehicles. Such service yard(s) shall be paved, have access to a public street or alley, and be located to the side or the rear of the primary structure.
- 4.12.5. No exterior lighting fixture including lighting for parking areas, walkways, general illumination or any other purposes shall exceed twenty-five (25) ft in height measured from grade level and shall be designed and installed so as to direct the beam of light away from any adjacent residential areas.
- 4.12.6. High Traffic Corridors. Any commercial building abutting or visible from a high traffic corridor shall meet the following requirements in addition to other provisions of this Ordinance:
 1. Buildings must be constructed so that, at a minimum, the front of the building and any side(s) of the building visible from the high traffic corridor is constructed of a masonry material. Acceptable materials include brick, stone, dryvit, or decorative block.
 2. Parking lots shall include curbing and/or gutters and be landscaped in accordance with §9.3 Landscaping for Vehicular Area in High Traffic Corridors.

§4.13. Intersection Visibility

No building, fence, wall, sign, or other structure nor any hedge or other visual obstruction be placed or maintained so as to conflict with intersection sight distances as determined by the City Engineer in accordance with the Public Works Manual. This shall apply to any thoroughfare, driveway or alley providing access to a thoroughfare.

§4.14. Temporary Living Quarters, Recreational Vehicles

Recreational Vehicles, tents and similar facilities intended for camping and similar recreational purposes, but that are not considered "structures" as defined in this Ordinance, shall not be used as dwellings in any district but may be used for lodging within recreational vehicle campgrounds, where permitted. However, the use of recreational vehicles for temporary living quarters may be approved by the Zoning Administrator following natural disasters, fires and similar emergency circumstances. Such administrative approval shall be limited to seven (7) days consecutive or non-consecutive in a twelve (12) month period. An extension may be approved only by the ZBA. Any such extension shall expire as determined by the ZBA based on the particular findings related to the request.

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Article 5 ESTABLISHMENT OF DISTRICTS

In order to carry out the intent and purpose of this Zoning Ordinance, the City of Calera is hereby divided into the following districts. The location, boundaries and area of which are and shall be, as shown and depicted upon the official zoning map. The said districts are to be as follows:

E-1	Single family Residential (Estate) District
R-1	Single family Residential District
R-2	Single family Residential District
R-2-A	Single family Residential District
R-3	Single family (Affordable Housing) Residential District
R-3-A	Manufactured Home Subdivision District
R-3-B	Manufactured Home Park District
R-4	Multi-family Residential District
RG	Garden Home Residential District
RT	Townhouse Residential District
A-1	Agricultural District
O&I	Office and Institutional District
B-1	Neighborhood Commercial District
B-2	General Business District
B-3	Downtown District
M-1	Light Industrial District
M-2	Heavy Industrial District
M-3	Heavy Industrial District
MR	Municipal Reserve District
PUD	Planned Unit Development District
TND	Traditional Neighborhood Development District
MXD	Mixed-Use District

Questions concerning the exact location of district boundary lines shall be decided by the ZBA, as outlined in §2.5 Interpretation of District Boundaries. The zoning district regulations are supplemented by the following Articles and provisions of this Ordinance:

1. Administration and Review Procedures, Art. 2
2. Definitions, Art. 3
3. General Regulations, Art. 4
4. Supplemental Regulations, Art. 6
5. Use Specific Regulations, Art. 7
6. Off-street Parking and Loading Regulations, Art. 8
7. Landscaping Regulations, Art. 9
8. Buffer Requirements, §9.2 Buffers.

Note: As of ~~the date October 18, 2021 of the adoption of this zoning ordinance~~, any proposed subdivision of land that ~~has had~~ already obtained any of the following shall be "grandfathered" and governed by the City's zoning ordinance in effect as of the latest to occur of the following: (1) preliminary plat approval; (2) final plat approval; (3) issuance of a building permit; and/or (4) any extension or renewal of the foregoing. Provided, however, this "grandfather" exemption shall lapse and expire as to an exempt unimproved property if a permit for the construction of improvements on that property, or some portion thereof, has not been requested from the City for a continuous period of 12 months from the later of the date of approval of the latest of the foregoing events, or from the date of expiration of the last building permit obtained on that property, or some portion thereof. Additionally, if any lot shown in a preliminary or final plat is ever altered, or if unplatted land referenced in such a plat is hereafter proposed to be subdivided, such new lots will not have the foregoing "grandfather" exemption. Instead, such new lots shall conform to the provisions of the zoning ordinance then in effect.

***Effective Date of the Grandfather Clause: October 18, 2021**

The District regulations are as described following:

§5.1. E-1 Single family Residential (Estate) District

Intent. To provide areas suitable for detached single family residences on large lots, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.1.1. Use Regulations. Refer to Table 5.1 and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in §3.5.3 unless approved by the Commission as a Conditional Use.

5.1.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: One (1) acre
2. Minimum Lot Width: 150 ft
3. Minimum Yard Setbacks:
 - a. Front: Seventy-five (75) ft, or if fronting on undedicated road: Sixty (60) ft from the centerline
 - b. Rear: Seventy-five (75) ft
 - c. Side: Twenty-five (25) ft
4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
5. Minimum Livable Floor Area:
 - a. One story: 2,400 sf
 - b. More than one story: 1,800 sf on first floor, 2800 sf total
6. Corner Lot setbacks shall be the same on both streets.
7. Building Facades.
 - a. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material and shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

§5.2. R-1 Single family Residential District

Intent. To provide areas for medium density detached single family residences, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.2.1. Use Regulations. Refer to Table 5.1 and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in §3.5.3 unless approved by the Commission as a Conditional Use.

5.2.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 20,000 sf
2. Minimum Lot Width: 100 ft
3. Minimum Yard Size:
 - a. Front: Fifty (50) ft, or if fronting on undedicated road: Sixty (60) ft from the centerline
 - b. Rear: Fifty (50) ft
 - c. Side: Fifteen (15) ft
 - d. Alternative setback provisions for new subdivisions: When required parking is provided within a structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See figure below.

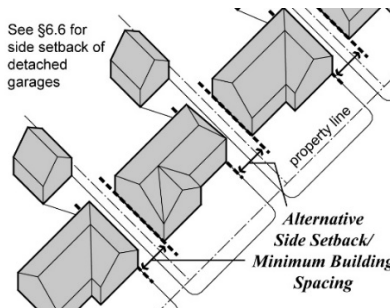


Figure 5-2: Alternative Side Setback/Minimum Building Spacing

4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
5. Minimum Livable Floor Area:
 - a. One story: 2,000 sf
 - b. More than one story: 1,500 sf on first floor, 2400 sf total
6. Corner Lot setbacks shall be the same on both streets.
7. Building Facades.
 - a. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material and shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

§5.3. R-2 Single family Residential District

Intent. To provide areas for medium density single family residences along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.3.1. Use Regulations. Refer to Table 5.1 and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in §3.5.3 unless approved by the Commission as a Conditional Use.

5.3.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and

dimensional regulations shall be required:

1. Minimum Lot Area: 15,000 sf
2. Minimum Lot Width: Seventy-five (75) ft
3. Minimum Yard Setbacks:
 - a. Front: Thirty-five (35) ft
 - b. Secondary front (for Standard Corner Lots): twenty (20) ft
 - c. Rear: Forty (40) ft
 - d. Side: Ten (10) ft
 - e. Alternative setback provisions for new subdivisions: When required parking is provided within a structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See Figure 5-2.
4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
5. Minimum Livable Floor Area:
 - a. One story: 1,600 ft
 - b. More than one story: 1,200 sf on first floor, 2,200 sf total
6. For non-standard Corner Lots, front yard setbacks shall be the same on both streets.
7. Building Facades.
 - a. All buildings shall maintain a public entrance, accessible by public sidewalk along the street on which the building fronts. Additional entries are permitted, as necessary.
 - b. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material and shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

5.3.3. Parking Standards.

1. Parking shall be located to the side or rear of the unit. Vehicle should use an alley for access where available.
2. There shall be four (4) paved, off-street parking spaces for each unit. Spaces in garages do not count toward this requirement. Parking spaces shall be located off the public right of way and shall have a minimum space of 200 sq. ft. per space (10'x20').

5.3.4. Common Open Space Requirements.

1. The following uses are permitted:
 - a. Environmental Corridors/ greenways
 - b. Pocket parks
 - c. Neighborhood parks
 - d. Playgrounds
 - e. Storm water retention/detention facilities (where incorporated into one of the above)
2. No less than fifteen (15) percent of the site area shall be improved and maintained as Common Open Space for the recreational use of tenants. Such space shall be no less than forty (40) ft in width along its narrowest dimension. Shade must be provided for 1/3 of the area at minimum.
3. Common Open space must be built when the final plat is approved. Amenities provided within the open space, such as benches, planters, art, and water features will be maintained by the owner for the life of the project in accordance with §6.11 Ownership and Management of Common Open Spaces and Facilities.
4. Common open space and other permitted uses may require additional parking, beyond the required number of parking spaces per unit as determined by the City Engineer.

5. The Common Open Space shall not include steep grades, areas with poor drainage or other constraints to its recreational use.

§5.4. R-2-A Single family Residential District

Intent. To provide areas suitable for medium density detached single family residences, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.4.1. Use Regulations. Refer to Table 5.1 and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in §3.5.3 unless approved by the Commission as a Conditional Use.

5.4.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 10,000 sf
2. Minimum Lot Width: Seventy-five (75) ft
3. Minimum Yard Setback:
 - a. Front: Thirty-five (35) ft
 - b. Secondary front (for Standard Corner Lots): twenty (20) ft
 - c. Rear: Thirty (30) ft
 - d. Side: Ten (10) ft
 - e. Alternative setback provisions for new subdivisions: When required parking is provided within a structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See Figure 5-2.
4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
5. Minimum Livable Floor Area:
 - a. One story: 1,500 sf
 - b. More than one story: 1,500 sf on first floor, 2,200 sf total
6. For non-standard Corner Lots, front yard setbacks shall be the same on both streets.
7. Building Facades.
 - a. All buildings shall maintain a public entrance, accessible by public sidewalk along the street on which the building fronts. Additional entries are permitted, as necessary.
 - b. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material and shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

5.4.3. Parking Standards.

1. Parking shall be located to the side or rear of the unit. Vehicle should use an alley for access where available.
2. There shall be four (4) paved, off-street parking spaces for each unit. Spaces in garages do not count toward this requirement. Parking spaces shall be located off the public right of way and shall have a minimum space of 200 sq. ft. per space (10'x20').

5.4.4. Common Open Space Requirements.

1. The following uses are permitted:
 - a. Environmental Corridors/ greenways
 - b. Pocket parks
 - c. Neighborhood parks
 - d. Playgrounds

e. Storm water retention/detention facilities (where incorporated into one of the above)

2. No less than fifteen (15) percent of the site area shall be improved and maintained as Common Open Space for the recreational use of tenants. Such space shall be no less than forty (40) ft in width along its narrowest dimension. Shade must be provided for 1/3 of the area at minimum.
3. Common Open space must be built when the final plat is approved. Amenities provided within the open space, such as benches, planters, art, and water features will be maintained by the owner for the life of the project in accordance with §6.11 Ownership and Management of Common Open Spaces and Facilities.
4. Common open space and other permitted uses may require additional parking, beyond the required number of parking spaces per unit as determined by the City Engineer.
5. The Common Open Space shall not include steep grades, areas with poor drainage or other constraints to its recreational use.

§5.5. R-3 Single family (Affordable Housing) Residential District

Intent. To provide areas suitable for medium density detached single family residences, along with manufactured homes, duplexes and selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.5.1. Use Regulations. Refer to Table 5.1 and the provisions herein:

1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in §3.5.3 unless approved by the Commission as a Conditional Use.

5.5.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 10,000 sf
2. Minimum Lot Width: Seventy (70) ft
3. Minimum Yard Setbacks:
 - a. Front: Thirty (30) ft
 - b. Secondary front (for Standard Corner Lots only): 20 ft
 - c. Rear: Thirty (30) ft
 - d. Side: Ten (10) ft
 - e. Alternative setback provisions for new subdivisions: When required parking is provided within a structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See Figure 5-2.
4. Maximum Height: Thirty-five (35) ft or 2 1/2 stories
5. Minimum Floor Area:
 - a. One story: 1,500 sf
 - b. More than one story: 1,500 sf on first floor, 2,200 sf total
6. For non-standard Corner Lots, front yard setbacks shall be the same on both streets.

§5.6. R-3A Manufactured Home Subdivision District

Intent. To provide areas for Manufactured Home Subdivision Development, free from other uses which are incompatible with the character and intent of this district.

5.6.1. Use Regulations. Refer to Table 5.1.

5.6.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 7,500 sf [15,000 sf if septic tanks and field lines are required]
2. Minimum Lot Width: Sixty (60) ft
3. Minimum Yard Setbacks:

- a. Front: Thirty-five (35) ft
- b. Rear: Thirty-five (35) ft
- c. Side: Ten (10) ft
- d. Corner Lots: Setbacks shall be the same on both streets

5.6.3. Manufactured Home Standards

- 1. Only Class A Manufactured Homes, as defined in §3.5 Uses Defined, shall be permitted.
- 2. Each manufactured home shall be provided with two (2) off-street parking spaces, with all streets and parking spaces in complete compliance with the Calera Subdivision Regulations relative to street standards.
- 3. All manufactured homes shall be installed according to all requirements of the City Building Code and shall be completely skirted within thirty (30) days from the date the home is moved on a lot with weather resistance material. Skirting shall be adequately vented.

5.6.4. Procedure for Plat Approval. Layout plans for all manufactured home subdivisions shall be prepared by a Registered Engineer and submitted to the Commission for review and approval of construction. This site plan shall include the following:

- 1. Area and dimensions of the site
- 2. Number of lots, dimensions and layout of all lots
- 3. Location, size and layout of all utilities and streets
- 4. Assessment of drainage conditions by a Registered Engineer, including all proposed measures needed to rectify problems, where they exist
- 5. Street plan, including all off-street parking
- 6. Assessment of traffic conditions, including all proposed measures needed to rectify problems where they exist
- 7. Location and type of all street lighting
- 8. Location of all fire hydrants

5.6.5. Additional Regulations

- 1. All manufactured homes shall be individually owned.
- 2. The subdivisions shall be in accordance with all applicable Sections of the City's Subdivision Regulations.
- 3. All access points shall be as approved by the City Engineer in accord with the Public Works Manual.
- 4. The subdivision shall be served with water, sanitary facilities, and adequate drainage facilities and such plans shall be submitted to both the City Engineer and the Commission for review and approval.

§5.7. R-3-B Manufactured Home Park District

Intent. To provide areas for Manufactured Home Parks, free from other uses which are incompatible with the character and intent of this district.

5.7.1. Use Regulations. Refer to Table 5.1 and the provisions herein:

- 1. The following uses shall be permitted: Class A and B Manufactured Homes, management office, manager's residence, service facilities such as laundromats, garbage pick-up areas, accessory structures and buildings, outdoor storage yards, recreational areas and facilities along with retail convenience sales intended to serve the residents of the park and their guests.

5.7.2. Site Standards. A site plan shall be prepared and submitted for each manufactured home park, and:

- 1. The minimum site area for the manufactured home park shall be twenty (20) contiguous acres of land with access to a public street of not less than fifty (50) ft in width.
- 2. Each manufactured home space shall have a minimum of 7,500 sf and have a minimum width of sixty (60) ft at the front lot line.
- 3. Each manufactured home space shall be set back a minimum of thirty-five (35) ft from any park boundary line and ten (10) ft from any other lot line.

4. Minimum Yard Setbacks:
 - a. Front Yard: Thirty-five (35) ft, or if fronting on undedicated road: sixty (60) ft from the centerline
 - b. Rear Yard: Thirty-five (35) ft
 - c. Side Yard: Twenty (20) ft
5. The maximum density shall be six (6) manufactured homes per gross tract acre, if not served by public water and sewer. A lower density may be required by the County Health Department.
6. Location and type of street lighting as recommended by the Alabama Power Company or comparable engineering data.
7. Each manufactured home park shall be provided with a park and recreational area having a minimum area of 150 sf per manufactured home space. Such areas shall be consolidated into usable areas.
8. Location and type of fire hydrants to be coordinated with City of Calera Fire Department.
9. Each manufactured home park shall be provided with a park and recreational area having a minimum area of 100 sf per manufactured home space. Such areas shall be consolidated into usable areas.
- 5.7.3. Installation. All manufactured homes shall be installed according to all requirements of the City Building Code; and, be completely skirted within thirty (30) days from the date the home is moved into the park with a weather resistant material. Skirting shall be adequately vented.
- 5.7.4. Storage Facilities, Accessory Uses and Structures. A maximum of 100 sf of storage area shall be provided for each space. Alternatively, park management may provide common storage lockers at an equivalent capacity. Permitted accessory structures on manufactured home spaces shall include all accessory structures permitted on the lots of single family residences, except for private swimming pools and satellite dish antennas. Such accessory uses shall not be permitted closer than five (5) ft from the rear and side boundaries of each space. Carports may be permitted in the front yard but shall not be permitted within five (5) ft of the front building line. However, such shall not be permitted within five (5) ft of the rear and side boundaries of each space and twenty-five (25) ft from front lot lines; and, in the case of a corner lot, twenty-five (25) ft from the lot lines adjacent to a street.
- 5.7.5. Off-street parking and Streets. Two-way private, paved streets (maintained by the park management) shall be installed to furnish convenient access to all manufactured home spaces within the park and such streets shall be in complete conformance with City street standards. No manufactured (mobile) home shall have its own access into a public street. Dead-end streets shall have turn-arounds in conformance with City street standards and each manufactured home shall have two (2) paved, off-street parking spaces. In addition, the location of all driveways shall be shown on the required site plan and approved by the Commission.
- 5.7.6. Service Facilities. Common recreational facilities and laundromats shall be provided for the use of park residents and their guests only. Garbage collection and disposal shall be the responsibility of park management and common garbage pick-up points shall be provided and screened as required in §9.4 Screening.
 1. Required park and recreational areas shall be provided in one or more centrally located, usable areas easily accessible to all park residents. Such space shall be maintained in a usable and sanitary condition.
 2. Every Manufactured Home Park of ten (10) or more spaces shall be provided with above- or below-grade storm shelters, which shall:
 - a. have a minimum floor area of ten (10) sf for each Manufactured Home space.
 - b. Be designed by a licensed structural engineer or architect and built in accordance with plans as approved by the Building Official.
 - c. Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of the Building Code, Mechanical Code, Plumbing Code and Electrical Code, where applicable.
 - d. Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
 - e. Be located no farther than 1,320 linear ft from the furthest Manufactured Home space on-site.
- 5.7.7. Buffer Requirements. See §9.2 Buffers.
- 5.7.8. Signs. Internal signs shall be in conformance with park management policy. If no such policy exists, the same signs permitted in other single family districts shall apply.
- 5.7.9. Landscaping. All required yards shall be permanently landscaped and maintained with ground cover, trees and shrubs.

- 5.7.10. Deck/Patio. Each Manufactured Home should be provided with a deck or patio of at least 200 sf.
- 5.7.11. Ownership. All Manufactured Homes are to be leased or rented only and are not to be sold individually.
- 5.7.12. Fences. Fences shall be in accordance with the provisions of §6.4 Fences and Walls.

§5.8. R-4 Multi-family Residential District

Intent. To provide areas for multi-family residential development along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.8.1. Use Regulations. Refer to Table 5.1 and the provisions herein:

- 1. Those institutional uses listed as permitted or as Special Exception Uses shall be limited to low intensity as provided in §3.5.3 unless approved by the Commission as a Conditional Use.

5.8.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also §7.15 Multi-family Dwellings for requirements applicable to all Multiple-family development types):

- 1. Maximum Building Height: three (3) stories
- 2. Regulations for Multi-family Uses, Assisted and Independent Living Facilities:
 - a. Minimum Lot Area: None specified, although the maximum density shall be ten (10) units per acre
 - b. Minimum Lot Width: 200 ft
 - c. Corner Lots shall have the same setbacks on both streets
 - d. Minimum Livable Floor Area:
 - (1) Two-family dwelling – same as the R-2 District
 - (2) Multiple dwellings – 800 sf per dwelling
 - (3) Independent living facility – 500 sf per dwelling unit
 - (4) No minimum floor area for assisted living units
 - e. All principal buildings shall be set back from parking areas and driveways by not less than twenty (20) ft.
 - f. Minimum Open Space shall be as required per §7.7 for Assisted Living Facilities and per §7.15 for Multi-Family developments and Independent Living Facilities.
- 3. For multi-family buildings (one building per lot):
 - a. Yard Setbacks:
 - (1) Front: Fifteen (15) ft minimum, thirty-five (35) ft maximum
 - (2) Rear: Three (3) ft minimum, thirty (30) ft maximum
 - (3) Side: None, except as required by the Building and Fire Code.
 - b. Off-street parking shall be to the side or the rear.
- 4. For multi-family complexes, assisted living facilities and independent living facilities:
 - a. No building shall be nearer a dedicated street than thirty-five (35) ft.
 - b. All multiple dwelling buildings shall be separated by not less than 20 ft, unless a more restrictive separation is required to comply with the International Building Code, as amended, and the International Fire Code.
 - c. Sidewalks, of at least five (5) ft, shall be provided throughout the development for interconnectivity of buildings, parking areas and common areas.
- 5. Requirements for Other Uses.
 - a. Public Buildings. See §7.16.
 - b. Places of Assembly, Group Care Homes, Boarding Houses and Duplexes shall comply with the following setbacks:
 - (1) Front: Twenty-five (25) ft
 - (2) Rear: Thirty (30) ft
 - (3) Side: Ten (10) ft

5.8.3. Additional Regulations

1. For multi-family complexes and any other permitted use with multiple buildings, A Site Development Plan is required, which provides for:
 - a. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas, and no undue interference with through traffic in gaining ingress and egress from the proposed site
 - b. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewerage and water supply prepared by a Registered Engineer
 - c. Suitable entrance and exit points adjoining public streets serving the proposed development, which shall be properly illuminated to reduce traffic safety hazards
 - d. Garbage and refuse collection facilities shall be the responsibility of apartment management and shall be screened as required in §9.4 Screening.
2. Building Facades.
 - a. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material and shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

§5.9. RG Residential Garden Home District

Intent. To provide areas suitable for the development of residential garden homes along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.9.1. Use Regulations. Refer to Table 5.1.

5.9.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Area: 7,000 sf
2. Minimum Lot Width: seventy (70) ft
3. Yard Setbacks:
 - a. Front: Twenty-five (25) ft minimum, thirty-five (35) ft maximum
 - b. Rear: Twenty-five (25) ft
 - c. Side: Ten (10) ft one side, twenty (20) ft to accommodate a driveway
 - d. Corner Lots shall have the same setbacks on both streets.
 - e. No building in an RG District shall be located less than twenty-five (25) ft from any boundary of the RG Development abutting single family residential zoning districts.
 - f. Alternative setback provisions for new subdivisions: When required parking is provided within a detached structure to the rear of the dwelling, the front yard setback may be reduced by five (5) ft. In such cases and when front-loaded, a minimum building spacing of twenty (20) ft shall be required instead of a side yard setback. See Figure 5-2.
4. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
5. Minimum Livable Floor Area:
 - a. One story: 1,500 sf
 - b. More than one story: 1,500 sf on first floor, 2,200 total
6. Building Facades.
 - a. All buildings shall maintain a public entrance, accessible by public sidewalk along the street on which the building fronts. Additional entries are permitted, as necessary.
 - b. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material and shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

5.9.3. Parking Standards.

1. Parking shall be located to the side or rear of the unit. Vehicle should use an alley for access where available.
2. There shall be four (4) paved, off-street parking spaces for each unit. Spaces in garages do not count toward this requirement. Parking spaces shall be located off the public right of way and shall have a minimum space of 200 sq. ft. per space (10'x20').

5.9.4. **Common** Open Space Requirements.

1. The following uses are permitted:
 - a. Environmental Corridors/ greenways
 - b. Pocket parks
 - c. Neighborhood parks
 - d. Playgrounds
 - e. Storm water retention/detention facilities (where incorporated into one of the above)
2. No less than fifteen (15) percent of the site area shall be improved and maintained as Common Open Space for the recreational use of tenants. Such space shall be no less than forty (40) ft in width along its narrowest dimension. Shade must be provided for 1/3 of the area at minimum.
3. **Common** Open space must be built when the final plat is approved. Amenities provided within the open space, such as benches, planters, art, and water features will be maintained by the owner for the life of the project in accordance with §6.11 Ownership and Management of Common Open Spaces and Facilities.
4. Common open space and other permitted uses may require additional parking, beyond the required number of parking spaces per unit as determined by the City Engineer.
5. The Common Open Space shall not include steep grades, areas with poor drainage or other constraints to its recreational use.

5.9.5. Additional Regulations (When Applicable)

1. No fence shall be permitted forward of the front corner of the house.
2. No Garden Home site shall share the same block frontage with detached single-family dwellings or duplexes unless separated by an alley, watercourse or buffer.
3. All utilities shall be placed underground or in an alley for rear-loaded lots.
4. All lots shall be served by water and sewer.
5. Customary accessory buildings or structures, one (1) per parcel or lot, shall not exceed 200 sf. That portion of a detached accessory structure devoted to required parking shall not be counted against this allowance.

§5.10. RT Residential Townhouse District

Intent. To provide areas suitable for Townhouse Residential Dwellings

5.10.1. Use Regulations. Refer to Table 5.1.

5.10.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Maximum Density: Eight (8) units per gross tract acre, including common area
2. Minimum Lot Width: Twenty-four (24) ft for townhouses; otherwise the minimum lot width shall be as necessary to provide fire separation in accordance with the Fire/Building Code
3. Yard Setbacks:
 - a. Front: Townhouses shall be set back no less than ten (10) ft from the front lot line. Where the front yard is less than fifteen (15) ft, the ground floor of the unit shall be no less than two (2) ft above grade level at the sidewalk. If front-loaded, units shall be setback at least twenty-five (25) ft, but no more than thirty-five (35) ft from the front lot line.
 - b. Rear: For dwellings, the minimum rear yard setback shall be twenty-five (25) ft. Where an alley is present at the rear of the lot, the minimum rear yard setback for accessory buildings shall be twelve (12) ft from the alley centerline.

- c. Side: Zero (0) ft for interior units and ten (10) ft for end units.
 - d. Townhouse dwellings shall be located at least fifteen (15) ft from the RT District boundary as depicted on the site development plan; twenty (20) ft from an E-1, R-1, R-2, R-3 or R-G District.
 - e. Corner Lots: Shall have the same setbacks on both streets.
4. Maximum Height: Thirty-five (35) ft or 2 1/2 stories
 5. Minimum Livable Floor Area:
 - a. One (1) story Townhouse: 1,500 sf
 - b. More than one story: 1,500 sf on first floor, 2,200 sf total
 6. Building Groups. No less than three (3) nor more than eight (8) Townhouses shall be located within a continuous building group and no interconnection or overlapping between individual dwelling units shall be permitted.
 7. Building Facades. Where in conflict, these standards superseded those of Article 6 Supplemental Regulations.
 - a. Eave Overhangs: Cornices or eaves may extend into adjoining property when allowed by properly executed and recorded covenants between property owners. All such cornices and eaves shall be fire-proof.
 - b. The front façade of each dwelling unit shall have a covered porch, covered stoop, or balcony over the main entrance.
 - (1) Finish floor elevation: eighteen (18) inches above grade at front façade
 - (2) Porch depth: six (6) ft of clear space, exclusive of railings, pillars, columns, or other porch features.
 - (3) Stoop depth: three (3) ft to six (6) ft deep
 - (4) Covered porches and stoops may encroach into the front yard up to six (6) ft.
 - c. All buildings shall maintain a public entrance, accessible by public sidewalk, along the street on which the building fronts. Additional entries are permitted, as necessary.
 - d. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material and shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

5.10.3. Parking Standards.

1. Spaces required. A minimum of two off-street parking spaces shall be provided each unit. In addition, visitor parking spaces must be provided in a paved area within the development site at a rate of 50% of the total number of units in the development.
2. Parking Location: Individual parking may be provided on the lot, or in a commonly owned and maintained parking area accessed at the rear of the units by an alley or common drive; provided that the parking area is easily accessible and of a reasonable distance from the townhouse that it serves.
 - a. For front setbacks less than twenty-five (25) ft, all required parking shall be accessed at the rear of the units by an alley or common drive.
 - b. The minimum depth of off-street parking spaces shall be measured from back of sidewalk, if front-loaded. No parking shall be permitted on a driveway less than twenty-two (22) ft in depth from the sidewalk to the building line. Any lots for semi-detached or detached dwellings less than sixty (60) ft wide shall be rear-loaded.
3. Garages in the RT Residential Townhouse District:
 - a. A detached garage may be placed at the rear of the lot.
 - b. A front-accessed garage attached to a front-loaded townhouse shall be recessed a minimum of two (2) ft behind the front façade (not including porches, stoops, balconies, and other architectural treatments).
 - c. The maximum allowable driveway width facing the street is eighteen (18) ft per dwelling unit.
 - d. If located in the front, two adjacent garages shall share one driveway when individual parking would otherwise be separated by less than twenty (20) feet. When a driveway serves more than one lot, an access and maintenance easement to benefit each lot shall be provided.
 - e. If an alley adjoins a lot, then garage access from the street is prohibited.

5.10.4. **Common** Open Space Requirements.

1. The following uses are permitted:
 - a. Environmental Corridors/ greenways
 - b. Pocket Parks
 - c. Neighborhood parks
 - d. Playgrounds
 - e. Stormwater retention/detention facilities (where incorporated into one of the above)
2. For developments containing more than 10 units, a minimum of fifteen (15) percent of the site area shall be improved and maintained as Common Open Space for the recreational use of tenants. Such space shall be no less than forty (40) ft in width along its narrowest dimension. Shade must be provided for 1/3 of the area at minimum.
3. **Common** Open space must be built when the final plat is approved. Amenities provided within the open space, such as benches, planters, art and water features will be maintained by the owner for the life of the project in accordance with §6.11 Ownership and Management of Common Open Spaces and Facilities.
4. Common open space and other permitted uses may require additional parking, beyond the required number of parking spaces per unit as determined by the City Engineer.
5. The Common Open Space shall not include steep grades, areas with poor drainage or other constraints to its recreational use.

5.10.5. A Site Development Plan is required which provides for:

1. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas, and no undue interference with through traffic in gaining ingress and egress to the proposed site.
2. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewerage and water supply, prepared by a Registered Engineer.
3. Suitable entrance and exit points adjoining public streets serving the proposed development, which shall be properly illuminated to reduce traffic hazards.

5.10.6. Additional Regulations (When Applicable)

1. No Townhouse site shall share the same block frontage with detached single-family dwellings or duplexes unless separated by an alley, watercourse or buffer.
2. Building groups shall be planned so that all units on the same block frontage are either front-loaded or rear-loaded.
3. Adequate provisions for emergency access from the rear of lots may be required by the Fire Marshal for lots less than sixty (60) ft in width.
4. A sidewalk of at least **forty-eight (48)** inches in width shall be provided connecting from the front entrance of each unit to the rear of the building group for unobstructed access to the rear of each unit. Where units are set back no more than twenty (20) ft from the sidewalk along the street, such sidewalk may be used as a part of this required access. Where such access must cross lots, an easement of five (5) ft in width shall be provided.
5. An easement appurtenant across lots shall be provided where a property owner must cross an adjoining property to reach his or her own property with gates provided if fence extends to the property line.
6. The applicant shall provide for and establish an organization or other legal entity for the ownership and maintenance of any commonly owned areas designated as such on the site development plan including front yards and common areas including alleys, common parking areas, fencing, open space, landscaping, amenities and buffers (see also §6.11 Private Swimming Pools and Tennis Courts). Such organization shall be created by covenants running with the land and such deed restrictions or covenants shall be duly recorded in the Office of the Probate Judge.
7. No fences shall be allowed in the front yard for front-loaded units.
8. Private swimming pools are prohibited on individual townhouse lots in the RT District but may be placed in a common area.
9. All utilities shall be placed underground or in an alley for rear-loaded lots.
10. All lots shall be served by water and sewer.

11. Garbage and refuse collection and disposal shall be the responsibility of management and such collection facilities shall be screened as required in §9.4 Screening.

Table 5.1 Permitted Uses for Residential Districts										
	E-1	R-1	R-2	R-2A	R-3	R-3A	R-3B	R-4	RG	RT
<i>Agricultural Uses</i>										
Hobby Farms, <u>§7.2</u>	Y									
<i>Residential Uses</i>										
Accessory Dwellings, <u>§7.17</u>	SE	SE	SE	SE	SE					
Boarding Houses					Y			Y		
Duplexes					Y			Y		
Conservation Subdivisions, <u>§7.19</u>	Y	Y	Y	Y	Y					
Cottage Subdivisions, <u>§7.20</u>				Y	Y					
Family Day Care Homes, <u>§7.21</u>	Y	Y	Y	Y	Y	Y	Y		SE	SE
Garden Homes									Y	
Group Care Home (4 or less residents)			Y	Y				Y		
Group Care Home (10 or less residents)			SE	SE				Y		
Home Occupations, <u>§7.9</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Independent Living Facilities, <u>§7.15</u>								Y		
Manufactured, Modular Homes					Y	Y				
Manufactured Home Parks							Y			
Manufactured Home Subdivisions						Y				
Multi-family Dwellings, <u>§7.15</u>					Y	Y		Y		
Single-family Dwellings, Detached	Y	Y	Y	Y	Y					Y
Single-family Dwellings, Semi-detached										Y
Townhouses										Y

<i>Residential Accessory Uses</i>										
Customary Accessory Structures, <u>§6.6</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garage Sales, <u>§6.9</u>	Y	Y	Y	Y	Y	Y		Y	Y	Y
Private Swimming Pools, <u>§6.10</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Private Tennis Courts, <u>§6.10</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Satellite Dish Antennas, <u>§6.7</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<i>Institutional Uses</i>										
Assisted Living Facilities, <u>§7.7</u>								SE		
Cemeteries, <u>§7.8</u>	Y									
Country Clubs	Y	Y	Y							
Group Care Home (more than 10 residents)								SE		
Parks	Y	Y	Y	Y	Y			Y		
Places of Assembly	SE	SE	SE	SE	SE			SE	SE	SE
Public Buildings, <u>§7.16</u>	Y	Y	Y	Y	Y			Y	Y	Y
Public Utility Facilities	SE	SE	SE	SE	SE			SE	SE	SE
Public Utility Services	Y	Y	Y	Y	Y			Y	Y	Y
Schools	C	C	C	C	C			C		
<i>Commercial Uses</i>										
Bed and Breakfasts, <u>§7.18</u>	SE	SE	SE	SE						
<i>Telecommunications Uses</i>										
Wireless Facilities, <u>§7.11</u>	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE

Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses.

SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations.

C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations.

A use followed by a numeric cross-reference is also subject to the regulations referenced.

A blank cell indicates that the use is not permitted.

§5.11. A-1 Agricultural District

Intent. This district consists primarily of undeveloped lands where agricultural and related pursuits may occur within the City and where agriculture support centers may serve outlying areas beyond the City. Further, the intent of the A-1 District is to preserve these areas in agriculture, forestry, rural residential and other limited, yet compatible land uses until such time as a higher density development pattern may be desired and City services can be expanded to accommodate this development.

5.11.1. Use Regulations. Refer to Table 5.2 and the provisions herein.

1. Those institutional uses listed herein as permitted or as Special Exception Uses shall be limited to medium intensity as provided in §3.5.3 unless approved by the Commission as a Conditional Use.

5.11.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

1. Minimum Lot Size: 3 acres
 2. Minimum Yard Setback:
 - a. Front: Fifty (50) ft
 - b. Rear: Fifty (50) ft
 - c. Side: Fifteen (15) ft
 3. Maximum Height: Thirty-five (35) ft or 2-1/2 stories
 4. Minimum Livable Floor Area:
 - a. One story: 1,500 sf
 - b. More than one story: 1,500 sf on first floor, 2,200 sf total
 5. In the A-1 Agricultural District, no structure housing livestock or fowl of any kind shall be located any closer than 100 ft from any property line of a district other than an A-1 Agricultural District. In any event, no such structure shall be located any closer than 300 ft from the nearest then existing residence other than that of the owner of the property.
 6. Regulations for Manufactured Homes. Manufactured homes shall be permitted subject to the following requirements:
 - a. All manufactured homes, as located on the proposed site, shall be at least seventy-five (75) ft from the nearest residential structure, excluding another such home.
 - b. Water and sanitary facilities must be approved by the City, as well as the County Health Department.
 - c. Site Requirements:
 - (1) Minimum Lot Width: 100 ft
 - (2) Minimum Lot Area: 15,000 sfYard
- Requirements:
- (3) Front: Thirty-five (35) ft
 - (4) Undedicated street: Sixty (60) ft from centerline
 - d. Side: Fifteen (15) ft
 - e. Rear: Thirty-five (35) ft
 - f. Parcel and adjacent property, under the same ownership, will allow the following:
 - (1) One (1) home: 15,000 sf
 - (2) Two (2) homes: One (1) acre minimum
 - g. Only two additional homes, three including the principal structure, shall be permitted.

§5.12. O&I Office and Institutional District

Intent. To provide areas suitable for office and professional buildings, along with selected institutional and commercial uses which are deemed compatible with the professional office environment.

5.12.1. Use Regulations. Refer to Table 5.2.

5.12.2. Area and Dimensional Requirements. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also §4.12 General Regulations for Non-Residential Districts):

1. Minimum Yard Setbacks:

- a. Front: 10 ft if all parking and vehicular areas are located to the side or rear (may be reduced to 0 ft subject to approval of City Engineer, Public Works Director and Inspections Department), otherwise thirty-five (35) ft
- b. Rear: fifteen (15) ft
- c. Side: 0 ft and/or as required by the Building and Fire Codes
- d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by §9.2 Buffers.

2. Maximum Building Height: Forty-five (45) ft or 4 stories

3. Corner Lots: Setbacks shall be set back the same from each street.

5.12.3. Additional Regulations (When Applicable)

1. A site development plan is required which provides for:

- a. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic in the parking areas, as well as in adjacent areas and no undue interference with through traffic in gaining ingress and egress from the proposed site.
- b. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewers and water supply prepared by a Registered Engineer.
- c. Suitable entrance and exit points adjoining public streets serving the proposed development.
- d. The location, size, number and character of all exterior signs and lighting.
- e. The type and location of all buffers to be employed (if required).

§5.13. B-1 Neighborhood Commercial District

Intent. To establish and preserve areas for those commercial uses which are especially useful in close proximity to residential areas, along with selected institutional uses, while minimizing the possible undesirable impact of such uses on the neighborhoods they serve.

5.13.1. Use Regulations. Refer to Table 5.2 and the provisions herein:

- 1. Gasoline sales shall only be permitted together with convenience store with a GFA of at least 1,000 sf.

5.13.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also §4.12 General Regulations for Non-Residential Districts):

1. Minimum Yard Setbacks:

- a. Front: 10 ft if all parking and other vehicular areas are to the side or rear (may be reduced to 0 ft subject to approval of City Engineer, Public Works Director and Inspections Department), otherwise Twenty (20) ft, which shall apply to both frontages of corner lots
- b. Rear: fifteen (15) ft
- c. Side: 0 ft and/or as required by the Building and Fire Codes
- d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by §9.2 Buffers.

2. Maximum Height: thirty-five (35) ft or 2 stories.

3. Maximum Floor Area:

- a. No commercial use shall exceed 5,000 sf GFA.
- b. No multi-tenant development may exceed 15,000 sf of GFA.
- c. Permitted institutional uses shall be limited to those of Low or Medium Intensity as defined in §3.5.3.

5.13.3. Additional Regulations (When Applicable)

- 1. All buildings shall maintain a public entrance, accessible by sidewalk, along the street on which the building fronts.
- 2. Drive-through facilities shall be located to the side or rear of the building only.
- 3. All vehicle and outdoor storage areas, other than accessory parking, shall be located behind the front building line and screened, as necessary, from public view.

4. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with §9.4.

§5.14. B-2 General Business District

Intent. To establish and preserve a retail business district convenient to the public and attractive for a wide range of retail and service uses usually found along major thoroughfares.

5.14.1. Use Regulations. Refer to Table 5.2.

5.14.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also §4.12 General Regulations for Non-Residential Districts):

1. Minimum Yard Setbacks:
 - a. Front: Thirty-five (35) ft
 - b. Rear: fifteen (15) ft
 - c. Side: 0 ft and/or as required by the Building and Fire Codes
 - d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by §9.2 Buffers.
2. Maximum Building Height: Sixty-five (65) ft or 5 stories
3. Corner Lot setbacks shall be the same on both streets.

5.14.3. Additional Regulations (When Applicable)

1. All vehicle and outdoor storage areas, other than accessory parking, shall be located behind the front building line and screened, as necessary, from public view.
2. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with §9.4.

§5.15. B-3 Downtown District

Intent. This district is intended to promote the development and redevelopment of downtown Calera with a diverse mix of land uses that are consistent and compatible with the unique elements of the downtown area. The district regulations are designed to encourage the rehabilitation and re-use of existing historic and/or older buildings and structures to allow upper-story dwellings in mixed-use buildings.

5.15.1. Use Regulations. Refer to Table 5.3 Permitted Uses for B-3 and MXD Districts and the provisions herein:

1. Any existing single-family dwellings shall be permitted and may be altered or expanded though no new single-family dwellings shall be permitted.
2. Bed and breakfasts may be permitted in an existing dwelling.

5.15.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply (see also §4.12 General Regulations for Non-Residential Districts):

1. Minimum Yard Setbacks.
 - a. Front: All commercial and mixed-use buildings shall be located within ten (10) ft of the front lot line, with the exception of subsection 4 below.
 - (1) Institutional buildings shall be located within twenty (20) ft of the front lot line.
 - (2) No parking, gas pumps, drive-through facilities or other vehicular areas shall be permitted forward of the front building line.
 - (3) Buildings shall be set back as necessary to accommodate a sidewalk of at least twelve (12) ft, measured from the curb to the front building line. Such setback may be in the form of an easement or may be dedicated as part of the adjoining street right-of-way.
 - b. Side: 0 ft and/or as required by the Building and Fire Codes
 - c. Rear: five (5) ft
2. Building Standards.
 - a. Maximum Building Height: Sixty-five (65) ft or 5 stories

3. Building Facades.

- a. All buildings shall maintain a public entrance, accessible by public sidewalk, along the street on which the building fronts.
- b. At least 15% of each story of the facade must be glass. Each story is calculated independently from finish floor to finish ceiling.
- c. At least 70% of the first story of commercial use buildings must be clear, un-tinted glass. Area is calculated between two feet and ten feet above the adjacent sidewalk. Any existing historic building is exempt from this requirement.
- d. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, cementitious siding, wood, slate, metal roofing, tile, metal may be used as an accent material. Vinyl is not considered a durable material.

5.15.3. Parking Standards.

1. Parking Location.

New parking on the site must comply with the following:

- a. Parking is required to be behind the building, with the exception of on-street parking.
- b. Sites with alley access must use the alley for parking access.

2. Parking Requirements.

Table 8.3.4 Required Off-Street Parking Spaces for B-3 and MXD Districts regulates parking requirements per use in the B-3 district, with the following exemption: No minimum parking requirements apply in the City's Main Street District bounded by 13th Street, 18th Avenue, State Route 25, and the CSX Railroad [to the north and east].

5.15.4. Sign Regulations.

This section sets a higher standard than the City of Calera Sign Ordinance and replaces those standards when in conflict.

1. No sign will be regulated for content or type as assigned by content. Signs will only be regulated for size, structural type, number, and location.
2. Signs permitted in the B-3 district are regulated by Table 5.5 B-3 Downtown District Sign Regulations, where the notations have the following meanings:
 - a. "P" means the sign is permitted subject to the size restrictions.
 - b. "X" means the sign is prohibited.
3. Awning signs and projecting signs may extend into the public right-of-way to within two feet of the curb. Awning and projecting signs within the right-of-way must maintain an eight foot clearance above the sidewalk.
4. Sandwich board signs are permitted in B-3 districts between the hours of 9 AM and 9 PM and must maintain a clear pedestrian area a minimum of five feet in width. Sandwich board signs must be constructed of durable materials.

Table 5.5 B-3 Downtown District Sign Regulations			
Sign	Number	Area	Copy Height
Awning	1 sloping plane & 1 valence per awning	75% of awning area	18 in. on sloping plane, 6 in. on valence
Banner	1 per tenant	32 sq. ft.	n/a
Canopy	1 per canopy	2 sq. ft. per linear ft.	24 in.
Monument	1 per street facade	48 sq. ft., 6 ft. high max.	12 in.
Sandwich Board	1 per tenant	9 sq. ft.	n/a
Projecting	1 per tenant	6 sq. ft.	12 in.
Suspended	1 per tenant	6 sq. ft.	n/a
Facade	1 per tenant	3 sq. ft. per linear ft.	16 in.
Window	1 per window	20% of glass area	12 in.

5.15.5. Additional Regulations (When Applicable).

1. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with §9.4.
2. Utilities. All outdoor electrical, plumbing, and mechanical equipment must be located behind the front facade or concealed from street view with a screen or wall. These facilities may not encroach into any setback.

§5.16. M-1 Light Industrial District

Intent. This district consists of areas where limited industrial uses are permitted. The district encourages employment centers with a low degree of environmental impact. Principal industrial activities light manufacturing, light industry, warehousing, wholesaling, distribution, services and other limited impact activities. The M-1 Light Industrial District also allows for selected commercial and institutional uses which are supportive of industrial centers.

5.16.1. Use Regulations. Refer to Table 5.2 and the provisions herein:

1. Wholesale and warehousing operations shall not engage in the storage of dangerous or offensive items of an explosive or toxic nature.

5.16.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also §4.12 General Regulations for Non-Residential Districts):

1. Minimum Yard Setbacks:
 - a. Front: Seventy-five (75) ft
 - b. Rear: fifteen (15) ft
 - c. Side: 0 ft and/or as required by the Fire and Building Codes
 - d. Rear and/or side yard setbacks shall be increased to include a Buffer if required by §9.2 Buffers.
2. Maximum Building Height: Forty-five (45) ft or 3 stories
3. Corner Lot setbacks shall be the same on both streets.

5.16.3. Additional Regulations (When Applicable)

1. All repair services, including any permitted vehicular repair, shall be within an enclosed building or within a side or rear yard screened in accordance with §9.4.

§5.17. M-2 Heavy Industrial District

Intent. To provide suitable areas where heavy industrial uses are permitted. This district encourages employment centers where a potentially high to moderate degree of environmental impact uses can be located, including general and heavy manufacturing and industry.

5.17.1. Use Regulations. Refer to Table 5.2.**5.17.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also §4.12 General Regulations for Non-Residential Districts):**

1. Minimum Yard Setbacks:
 - a. Front: None specified, the Commission shall determine setback requirements during the site plan review process.
 - b. Rear: Same as front requirement above.
 - c. Side: Same as front requirement above.
2. Corner Lot setbacks shall be the same on both streets.

§5.18. M-3 Heavy Industrial District

Intent. To provide suitable areas where heavy industrial uses are permitted. This district encourages employment centers where a potentially high to moderate degree of environmental impact uses can be located, including general and heavy manufacturing and industry.

5.18.1. Use Regulations. Refer to Table 5.2.**5.18.2. Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required (see also §4.12 General Regulations for Non-Residential Districts):**

1. Minimum Yard Setbacks:
 - a. Front: None specified, the Commission shall determine setback requirements during the site plan review process.
 - b. Rear: Same as front requirement above.
 - c. Side: Same as front requirement above.
2. Corner Lot setbacks shall be the same on both streets.

Table 5.2 Permitted Uses for Non-Residential Districts							
	A-1	O&I	B-1	B-2	M-1	M-2	M-3
<i>Agricultural Uses</i>							
Farms, §7.1	Y						
Farm Support Business	SE				Y		
Hobby Farms, §7.2	Y						
Livestock Sales and Auctions	SE						
Stables	Y						
<i>Residential Uses</i>							
Family Day Care Homes, §7.21	Y						
Home Occupations, §7.9	Y						
Live-Work/Upper Story Dwellings, §7.22			Y				
Manufactured, Modular Homes	SE						
Single-Family Detached Dwellings	Y						
<i>Commercial Uses</i>							
Airports	C				C		
Bakeries, Major					Y		
Bakeries, Minor				Y			
Banks or Financial Services		Y	Y	Y			
Bed and Breakfasts, §7.18	Y						
Broadcast Studio		Y					
Businesses or Professional Offices		Y	Y	Y	Y		
Business Support Services		Y	Y	Y	Y		
Campgrounds	Y			C			
Car Washes				Y			
Clinics		Y	Y	Y			
Commercial Parking		Y		Y			
Commercial Schools		Y		Y			
Convenience Stores			Y	Y			
Day Care Centers, §7.21		Y	Y	Y			
Entertainment, Indoor				Y			
Entertainment, Outdoor	C						
Funeral Homes		Y		Y			
Garages, Repair					Y		
Garden Centers or Nurseries				Y			
Gasoline Service Stations, §7.4			Y	Y	Y		
General Retail, Enclosed			Y	Y			
General Retail, Unenclosed				Y			
Grocery Stores / Supermarket				Y			
Home Improvement Centers				Y	Y		
Hotels				Y			
Inns			Y				
Kennels	SE				Y	Y	
Liquor Lounges				Y			
Manufactured Home Sales				C			
Medical Support Services				Y			
Mini-warehouses, §7.10					Y		
Motels				Y			
Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses. SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations. C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations. A use followed by a numeric cross-reference is also subject to the regulations referenced. A blank cell indicates that the use is not permitted.							

	A-1	O&I	B-1	B-2	M-1	M-2	M-3
<i>Commercial Uses (cont.)</i>							
Personal Services		Y	Y	Y			
Pet Services	Y		SE	Y	Y	Y	
Printing Establishment, Minor				Y			
Restaurants, Fast Food, <u>§7.5</u>				Y			
Restaurants, Fast Food, with no drive-thru							
Restaurants, Standard				Y			
Seasonal Sales, <u>§7.14</u>			Y	Y			
Shopping Centers, <u>§7.3</u>			Y	Y			
Studios		C		Y			
Truck Stops				C			
Vehicle Repair, Major				SE	Y		
Vehicle Repair, Minor			Y	Y	Y		
Vehicle Sales or Rental				Y			
<i>Institutional Uses</i>							
Animal Shelters	Y				Y	Y	
Cemeteries, <u>§7.8</u>	Y						
Clubs	Y						
Country Clubs	Y						
Hospitals, <u>§7.6</u>		C					
Military Installations	C				C		
Nursing Care Facilities, <u>§7.7</u>		Y					
Parks	Y	Y	Y	Y	Y		
Penal Institutions	C						
Places of Assembly	SE	SE	SE	SE	SE		
Public Buildings, <u>§7.16</u>	Y	Y	Y	Y	Y		
Public Utility Facilities	SE	Y		Y	Y	Y	Y
Public Utility Services	Y	Y	Y	Y	Y	Y	Y
Schools	Y	Y	C				
<i>Industrial Uses</i>							
Construction Services				SE	Y	Y	Y
Industrial Uses, General						Y	Y
Heavy Industries						Y	Y
Industrial Parks, <u>§7.12</u>					Y	Y	Y
Maintenance Services					Y		
Manufacturing, Heavy						Y	Y
Manufacturing, Light					Y	Y	Y
Outdoor Storage						SE	SE
Warehousing, wholesaling and distribution					Y	Y	Y
Quarters for a watchman or custodian					Y	Y	Y
Recycling Plants						C	Y
Research Laboratory					Y		
Resource Extraction and Processing						Y	Y
Salvage Yards						C	Y
Sanitary Landfills						C	C
Truck Terminal					Y		
Vehicle and Equipment Sales, Major					Y		
Wrecker Service				SE	SE	Y	Y
<i>Telecommunications Uses</i>							
Satellite Dish Antennas, <u>§6.7</u>	Y	Y	Y	Y	Y	Y	Y
Transmission Towers (Commercial), <u>§7.13</u>	SE			SE	SE	SE	SE
Wireless Facilities, <u>§7.11</u>	Y	Y	Y	Y	Y	Y	Y
Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to <u>§2.6</u> Interpretation of Uses and <u>§2.7</u> Unclassified Uses. SE – Special Exception Use, requires approval by ZBA (see <u>§2.8</u>). May also be subject to district limitations. C – Conditional Use, requires approval by the Commission (see <u>§2.9</u>). May also be subject to district limitations. A use followed by a numeric cross-reference is also subject to the regulations referenced. A blank cell indicates that the use is not permitted.							

Table 5.3 Permitted Uses for B-3 and MXD Districts		
	B-3	MXD
<i>Residential Uses</i>		
Accessory Dwellings, §7.17	SE	SE
Duplexes		Y
Cottage Subdivisions, §7.20		Y
Home Occupations, §7.9	Y	Y
Live-Work/Upper Story Dwellings, §7.22	Y	Y
Multi-family Dwellings, §7.15	R	R
Mixed-use building	Y	Y
Single-family Dwellings, Detached		Y
Single-family Dwellings, Semi-detached		Y
Townhouses		Y
<i>Commercial Uses</i>		
Adult-Oriented Services		
Alternative Financial Services		
Bakeries	Y	Y
Banks or Financial Services	Y	Y
Bed and Breakfasts, §7.18	Y	
Businesses or Professional Offices	Y	Y
Business Support Services	Y	Y
Brew Pubs	Y	Y
CBD Shops	SE	SE
Clinics	SE	SE
Commercial Schools	Y	Y
Consignment Stores		R
Convenient Stores		
Day Care Centers, §7.21	Y	Y
Entertainment, Indoor	Y	Y
Funeral Homes	SE	SE
Garages, Repair		
Garden Centers or Nurseries	Y	Y
Gasoline Service Stations, §7.4		Y
General Retail, Enclosed	R	R
General Retail, Unenclosed	C	C
Grocery Stores / Supermarket	R	R
Home Improvement Centers	R	R
Hotels	R	Y
Inns	Y	Y
Liquor Lounges	Y	Y
Massage Parlors		
Microbrewery	Y	Y
Medical Support Services	Y	Y
Mini-warehouses		
Motels		
Personal Services	Y	Y
Pet Services, without boarding	SE	Y
Printing Establishment, Minor	Y	Y
Restaurants	R	R
Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses. SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations. C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations. R - means the use is allowed upon meeting the conditions set forth in Table 5.4 Use Restrictions for B-3 and MXD Districts A use followed by a numeric cross-reference is also subject to the regulations referenced. A blank cell indicates that the use is not permitted.		

	B-3	MXD
<i>Commercial Uses (cont.)</i>		
Seasonal Sales, §7.14	Y	Y
Secondhand Stores		
Self-storage Facilities		
Studios	Y	Y
Tattoo and/or Body Art Establishments		
Thrift Stores		
Tobacco and/or Vape Shops		
Vehicle Repair, Minor		Y
Vehicle Sales or Rental		C
<i>Institutional Uses</i>		
Cultural, including libraries, museums, galleries and auditoriums	R	Y
Parks	Y	Y
Places of Assembly	SE	SE
Public Buildings, §7.16	R	R
Public Utility Facilities		
Public Utility Services	SE	SE
Schools	R	
<i>Industrial Uses</i>		
Industrial Uses, General		
Industrial Parks, §7.12		
Manufacturing, Artisan		Y
Manufacturing, Light		SE
Warehousing, wholesaling and distribution		R
Salvage Yards		
<i>Telecommunications Uses</i>		
Satellite Dish Antennas, §6.7	SE	SE
Transmission Towers (Commercial), §7.13	SE	SE
Wireless Facilities, §7.11	SE	SE
Y – The use is permitted by right subject to any limitations of the applicable district. Similar uses to those listed may also be permitted subject to §2.6 Interpretation of Uses and §2.7 Unclassified Uses. SE – Special Exception Use, requires approval by ZBA (see §2.8). May also be subject to district limitations. C – Conditional Use, requires approval by the Commission (see §2.9). May also be subject to district limitations. R - means the use is allowed upon meeting the conditions set forth in Table 5.4 Use Restrictions for B-3 and MXD Districts A use followed by a numeric cross-reference is also subject to the regulations referenced. A blank cell indicates that the use is not permitted.		

Table 5.4 Use Restrictions for B-3 and MXD Districts		
Use	B-3	MXD
Residential Uses	20 units or rooms max.	32 units or rooms max.
Commercial Use	30,000 sq.ft. max	30,000 sq.ft. max
Hotels	50 rooms max.	
Drive-up facilities	Must meet the requirements in §7.23 Drive-through Facilities	
Institutional Uses	On-site parking may not exceed 30 spaces.	On-site parking may not exceed 50 spaces.
Industrial Uses		25,000 sq.ft. max

§5.19. MR Municipal Reserve District

Intent. This district serves an interim zone for newly annexed areas of the municipality. The MR District seeks to protect newly annexed property prior to the time comprehensive zoning can be applied to the area(s).

- 5.19.1. Zoning of Annexed Area. On the effective date of annexation, all newly annexed property shall be zoned MR Municipal Reserve District.
- 5.19.2. Rezoning from the MR District. As soon as practicable following annexation, the Commission shall initiate a petition to rezone property annexed into the City from the MR District to any other district contained within this Ordinance. In making this determination, the Commission shall consider the following items, among others.
 1. The Comprehensive Land Use Plan and/or a Commission Study of the area(s).
 2. The desires of property owners in the area(s) subject to rezoning.
 3. Compatibility with surrounding development and availability of utilities.
 4. The purposes and considerations of zoning as contained in this Ordinance as well as Code of Alabama, 1975, Section 11-52-72 and as same may be amended.
- 5.19.3. Permitted Uses and Development Standards. All uses in existence at the time of annexation may lawfully continue under the provisions of the MR District. However, at such time as rezoning is accomplished, all applications shall be subject to the uses permitted in the zone or zones assigned to the subject property along with all criteria and requirements.
- 5.19.4. Action on Annexation Ordinances. All annexation ordinances enacted by the City shall include the provision that the property shall be temporary zoned MR. A copy of the annexation ordinance shall be transmitted to the Zoning Administrator and the Commission for action.

§5.20. PUD Planned Unit Development District

Intent. Planned Unit Development (PUD) is a method of development which permits more than one use to be developed on a tract of land, in part or whole, in accordance with an approved master development plan; the intent of which is to:

- Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units such as industrial or office parks or complexes, commercial uses, service centers, residential developments of multiple or mixed housing, including multi-family dwellings, attached and detached single-family dwellings, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
- Permit higher densities of land in conjunction with provisions for functional open space and community services;
- Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, circulation systems and utilities;
- Combine and coordinate uses, building forms, building relationship, and architectural styles within a PUD,
- Promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible, and utilize such features in a harmonious fashion;
- Except a development from the conventional zoning regulations regarding setbacks, minimum yard size, minimum greenbelts, off-street parking regulations, minimum floor areas, and other regulations so as to achieve the intent described herein;
- Provide the Commission and the Council the flexibility to negotiate and plan with the Developer multiple residential lot size categories and subsequent varying home sizes;
- ~~Give the Provide a developer reasonable assurance of ultimate approval before expending complete design monies while providing city officials with reasonable assurance that the development will retain the character envisioned at the time of concurrence original approval.~~

5.20.1. Application and Requirements for a PUD

1. Submission of Application. In lieu of the provisions of §2.9.3 Petition for Amendment herein, the owner (or ~~his~~ the owner's duly appointed representative) of a tract of land shall submit an application for approval of a PUD to the Zoning Administrator a minimum of twenty-one (21) days prior to a regularly scheduled Commission meeting. ~~an application for approval of a PUD. At the time of submission of the application, Aa \$500 150.00 fee shall be paid by the applicant to defray the cost of processing the application. is required at the time of filing.~~

2. Area Requirements. ~~Except when the master development plan of an existing approved PUD is amended by the original applicant, successor or assigns, to include additional area as provided in §5.20.6,~~ Any tract of land to be zoned PUD shall have a minimum of 50 acres.

3. Contents of Application. The application submitted in accordance with this §5.20.1 shall contain the following:

- a. Name and address of the applicant.
- b. Current zoning of the property under consideration.
- c. List of owners of the property together with disclosure of name(s) and address(es) of the applicant(s) and/or owner(s):
 - (1) If corporation, principal officers and members of the Board of Directors;
 - (2) If partnership, general and managing partners; and
 - (3) Any material change to the above shall be submitted within 60 days of such changes.
- d. A Master Development Plan of the PUD and any maps necessary to show the following minimum information:
 - (1) The direction of North, exact location of the site in relation to the vicinity in which it is located, appropriate scale and topography (in not greater- than 5 ft contour intervals) water ways, and forest cover.
 - (2) The location of the various land uses by PUD land use districts as listed in §5.20.4.
 - (3) Location of any existing streets and general outlines of the interior roadway system, greenbelts, natural or man-made open spaces, schools, parks and community service areas within and adjacent to the project area.
- e. The Planning Criteria of the PUD. The application shall include the following written statements and other matters:
 - (1) A legal description of the total site proposed for the PUD.
 - (2) A general description identifying the ~~surrounding~~ area within 500' of the proposed PUD, including current zoning and/or land uses.
 - (3) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant and how they are consistent with the City's Comprehensive Plan. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made by the applicant in relation to the overall community growth.
 - (4) If the development is to be staged, a general indication, of how the staging is to proceed, including an estimated date when construction of the PUD will begin.
 - (5) Delineation of the various land use districts, indicating for each such area its general extent, size and composition in terms of total number of acres. In residential use districts the total number of dwelling units and approximate percentage allocation by dwelling unit type (i.e. townhouses, garden homes, single family detached, condominiums or duplexes) shall be provided, and for non-residential use districts, the gross square footage of non-residential uses.
 - (6) A calculation of the total acreage for the proposed PUD and a calculation of the residential density in dwelling units per gross acre including interior roadways, including maximum density in units per acre.
 - (7) Development criteria which shall include setbacks or other location methods, minimum finished floor areas, sign criteria, loading areas, greenbelts, buffers, and ~~off-street~~off-street parking requirements for each land use district proposed, and/or any other development criteria which the owner/developer may propose.
 - (8) The interior open space system.
 - (9) Principal ties to the community at large with respect to transportation, water supply and sewage disposal.
 - (10) General statement as to how common open space is to be owned and maintained.
 - (11) Protective and/or restrictive covenants, homeowner or business associations and architectural review committees and their function.
 - (12) A general statement concerning any planned street/subdivision sign designs, including street, traffic and informational signs or other standards.
 - (13) Any planned interim uses.
 - (14) A traffic study shall be required.
 - (15) Landscaping criteria.
 - (16) Tree Preservation Plan.
 - a. A scaled plan of the site with all deciduous ~~tree~~ trees of ~~fifteen~~eighteen (15)18 inches or greater at diameter breast height

4.5 feet above ground level ("DBH") or greater located thereon.

(15) b. No healthy deciduous tree with a caliper of ~~fifteeneighteen~~ (1518) inches (DBH) shall be removed from the site unless such trees are replaced. Such trees shall be shown as an existing condition on a site plan at the time of the permit submittal. No replacement trees shall have a caliper of less than three (3) inches, measured six (6) inches from the ground, at the time of planting, and the total caliper of replacement trees shall equal or exceed the total caliper of trees fifteen (15) inches or greater DBH, removed from the site. These replacement trees shall be in addition to any other landscaping requirement(s). However, such trees may be removed without replacement within the area of any road (minimal construction limits), stormwater management structure, utility easement on site, or of the footprint of the building, and within (20) feet of the foundation of the structure and within ten (10) feet of the ~~preimeter~~perimeter of the driveways.

4. Building Facades.

- a. All buildings shall maintain a public entrance, accessible by public sidewalk along the street on which the building fronts. Additional entries are permitted, as necessary.
- b. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material ~~and~~ but shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.

5. Parking Standards

- a. Parking shall be located to the side or rear of the unit. Vehicles should use an alley for access where available.
- b. There shall be four (4) paved, off-street parking spaces for each unit. Spaces in garages do not count toward this requirement. Parking spaces shall be located off the public right of way and shall have a minimum space of 200 sq. ft. per space (10'x20').

6. Townhomes

Any proposed townhomes within a PUD development shall conform to the standards set forth in Section 5.10.

5.20.2. Other Regulations not Applicable.

It is the intent of this §5.20 that the PUD application shall set forth development criteria applicable to the property and that flexibility be allowed in the construction of improvements thereon. Accordingly, subject to the terms herein for the purposes of this §5.20, Articles 6, 7, 8 and 9 shall not apply to this §5.20. The development criteria submitted with the application for the PUD will set forth sign, off-street parking and loading requirements, and supplemental regulations (including standards for specific uses as provided in Article 7). If the application does not contain such information, or if the Commission finds that the criteria is insufficient or incompatible with the Comprehensive Plan and the intent of these regulations, then the provisions of Articles 6, 7, 8 and 9 shall apply.

5.20.3. Review Procedure.

1. General. The PUD Application and any application for major change shall be reviewed by the Commission in the same manner as provided in §2.9 in relation to the review process for review of a Conditional Use.
2. Approval. Approval of the application for the PUD by the Council shall be an approval of the Master Development Plan and Planning Criteria of the application (the "Plan")- Approval of the application for major change by the Council shall be an approval of an amendment to the Plan. Upon receipt of such approval, the developer of the PUD may proceed with the development of the property in accordance with the Plan or amended Plan, and no further approvals shall be required, except as set forth in §5.20.5 and §5.20.6.
3. Special Exceptions not Applicable. §2.8.3 Special Exception Uses shall not apply within areas having a PUD designation as provided in this §5.20. Special exception uses may be submitted as part of the original application and be reviewed by the Commission, and a recommendation issued and approved by the Council without being heard by the ZBA.

5.20.4. PUD Land Use District. It is intended that the flexibility of the PUD will allow, in appropriate circumstances, mixed uses on any particular parcel within the PUD, taking into consideration the compatibility of the intended uses with the surrounding use(s). "Mixed Use", as used herein, shall be defined as a combination of principal permitted use(s) and special exception use(s) and shall be considered as a "special exception use" under each land use district. For the purposes of this §5.20, §4.4 Joint Occupancy shall not apply. The following PUD land use districts shall apply to all or part of a PUD-:

1. Planned Single-Family (PR-1)

- a. Intent. To provide for maximum flexibility in the development of single family residences and to coordinate with appropriate community services;

- b. Permitted Uses. Uses shall be permitted as shown in Table 5.2.
- c. Maximum Building Height. Buildings in the PR-1 District shall not exceed three (3) stories in height and shall conform to the City Building Code, Fire Code and Fire Prevention Code;
- d. The total average density of all residential areas within the PUD shall not exceed 3.5 dwelling units per acre;
- e. Open space. At least ~~ten (10%)~~ twenty (20%) percent of the gross acreage must be common open space. ~~At least twenty-five (25%) percent of the open space shall be Common common Open open Space space dedicated for public use. Common open space will be left in its natural state, except those for recreational trails and associated facilities that may be constructed along with surface water detention and retention facilities. Common open space may include environmentally sensitive areas such as slopes in excess of 25% and 100-year floodplains, natural or man-made bodies of water, buffers between uses, and active and passive recreational uses. Common space must be legally and practicably accessible to the residents and/or users of the development out of which the required common open space is taken. No designated common open space area may be subdivided in the future, nor may it be used for any purpose other than those permitted by definition. No re-arrangement or alteration to any approved common open space that would result in a reduction of the original amount of open space, not in its proportion to the overall development shall be permitted. Maintenance provisions shall be made by the Developer for the maintenance, repair, upkeep of all common open space areas such that the governing Association(s) and thereafter the PUD property owners shall be responsible for the maintenance, repair and upkeep of all common open space areas not left in a natural state.~~
- f. Buffer Regulations. All uses shall provide a buffer which is at least **thirty-five (50)** feet wide along all rear and side property lines which abut an existing residential or agriculture districts subdivision/neighborhood. The minimum buffer shall not be considered "common open space" under § 5.20.8.2.d.
- g. With the exception of townhouses, lots shall be equal to or greater than forty-seventy (70) ft in width;
- h. When a proposed PUD abuts an existing subdivision/neighborhood, whether inside the city limits or not, the section of the proposed PUD that is adjacent to said existing subdivision/neighborhood shall, at a minimum, match the existing subdivision/neighborhood with an equivalent residential lot size a like residential zoning.

2. Planned Multi-Family (PR-2)

- a. Intent. To provide for maximum flexibility in the development of multi-family residences and to coordinate with appropriate community services.
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.20.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.
- d. Open space. At least twenty (20%) percent of the gross acreage must be common open space. At least twenty-five (25%) percent of the open space shall be common open space dedicated for public use. Common open space will be left in its natural state, except for recreational trails and associated facilities that may be constructed along with surface water detention and retention facilities. Common open space may include environmentally sensitive areas such as slopes in excess of 25% and 100-year floodplains, natural or man-made bodies of water, buffers between uses, and active and passive recreational uses. Common space must be legally and practicably accessible to the residents and/or users of the development out of which the required common open space is taken. No designated common open space area may be subdivided in the future, nor may it be used for any purpose other than those permitted by definition. No re-arrangement or alteration to any approved common open space shall be permitted. Maintenance provisions shall be made by the Developer for the maintenance, repair, upkeep of all common open space areas such that the governing Association(s) and thereafter the PUD property owners shall be responsible for the maintenance, repair and upkeep of all common open space areas.
- e. Buffer Regulations. All uses shall provide a buffer which is at least **thirty-five (50)** feet wide along all rear and side property lines which abut an existing residential or agriculture districts subdivision/neighborhood. The minimum buffer shall not be considered "common open space" under § 50.20.4.2.d.

3. Planned Office (PO)

- a. Intent. To provide for maximum flexibility in the development of areas for coordinated employment activity, services and compatible residential uses which do not materially detract from nearby residential areas.
- b. Permitted Principal Uses. Uses shall be permitted as shown in Table 5.20. In addition, offices used exclusively for

office purposes shall be permitted in structures, wherein retail or wholesale trade or business is not conducted or wherein no merchandise or products are manufactured, stored, handled, conveyed, sold or otherwise disposed of; together with usual related support businesses (such as, but not limited to, restaurants and food service restaurants, drug stores, barber shops, beauty parlors, and like uses), provided that such related support uses are physically located inside the structures devoted to the permitted principal uses set forth above.

- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

4. Planned Commercial (PC)

- a. Intent. To provide for maximum flexibility in the development of retail business districts and other compatible uses.
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.20. On-premise and off-premise sale of alcoholic beverages, including private clubs, night clubs; liquor stores and lounges ~~shall be approved~~ is allowed only upon approval by the Council.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

5. Planned Business (PB)

- a. Intent. To provide for maximum flexibility in the establishment of areas compatible with the office, commercial and limited light industrial uses which are performed inside buildings with limited outside storage or operations that may be adjacent to residential districts.
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.20.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

6. Planned Light Industrial (PI)

- a. Intent. To provide for maximum flexibility in the establishment of areas compatible with commercial and light industrial uses.
- b. Permitted Uses. Uses shall be permitted as shown in Table 5.20.
- c. Maximum Building Height. When a building is within 300 ft of a single family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than 500 ft from a single family residential district boundary, said building shall not exceed six (6) stories in height, unless approved as a special exception use. All buildings shall conform to the City Building Code, Fire Code and Fire Prevention Code.

5.20.5. Building Permit.

1. General. The developer of the PUD shall proceed with the development of the property in accordance with the plan and no further approvals shall be required except as set forth in this §5.20.5. If plans are submitted for the construction of improvements on any particular parcel within the PUD, a Building Permit shall be approved or ~~disapproved denied~~ according denied according to the procedure set forth in this §5.20.5.
2. Issuance of Permits for Permitted Principal Uses. Upon application for a Building Permit for the construction of improvements on any parcel within the PUD, if the Building Official shall determine that the intended use of the improvements is a "principal permitted use" within the applicable land use district of the PUD, then a Building Permit shall be issued in accordance with the provisions of §2.2.
3. Subdivision Plats and Roads. Nothing in this §5.20 shall be construed to require a Building Permit for approval of subdivision plats or road designs. The construction of roads within the PUD requires s approval of preliminary and final subdivision plats and all required design drawings according to the Subdivision Regulations of the City to build roads and infrastructure.

5.20.6. Amendment to the Plan.

1. Intent. It is the intent of this §5.20 to provide for flexibility in the development of the property submitted for the PUD, and to

approve minor changes administratively. Accordingly, additional approvals shall be required only for major changes as defined in §5.20.6.2.

2. Major Change. A "major change" in the plan shall be defined as an increase in the number of lots or parcels within the approved PUD, the decrease in size of any lot or parcel in the approved PUD, the decrease in the square footage of common open space in the approved PUD, any decrease in the amount or form of buffer within the approved PUD, a change in the boundaries of any land use district reflected on the master development plan, and/or any changes in the planning criteria submitted with the master development plan, including a change in an approved use from one that is permitted to one that is categorized as a "special exception" within the applicable PUD land use district. No segment, tract, lot or parcel of land within the approved PUD shall be processed for a change of land use districts, to other PUD land use district or conventional zoning districts unless the total PUD is submitted along with the rezoning request. Any other changes shall be considered "minor changes" and shall not require any additional approvals, other than the plat approval which shall be obtained through the typical plat approval procedures of the City and all said plats for a PUD will be reviewed and approved on the basis of the approved planning criteria of the PUD only.

3. Approval of Major Changes: A major change is not permitted unless it receives review by the Commission and additional approval by the Council. Whenever the developer of the PUD shall request a major change in the plan, the developer shall file an application for major change with the Commission which shall be reviewed in accordance with the provisions of §5.20.3.

5.20.7. Time Limit for Development of the Plan. The development shall meet the following time limit schedule beginning from the date (herein referred to as the *PUD Effective Date*) that the City Council approves the PUD's Master Development Plan and Planning Criteria, as indicated by §5.20.1.3.e(4):

1. Engineering and permitting shall begin within six (6) months of the PUD Effective Date;
2. Initial Preliminary Plat submittal within twelve (12) months of the PUD Effective Date;
3. Begin physical construction (i.e. clearing and grubbing, grading, utilities, road work, storm drainage, etc.) of the approved Preliminary Plat within eighteen (18) months of the PUD Effective Date;

If the preceding time schedule is not met, the PUD Master Development Plan and Planning Criteria approval shall lapse and be of no further effect. The Planning and Zoning Commission, upon showing of good cause by the developer, may extend the individual parts of the schedule for period(s) not to exceed three (3) months upon written request by the Developer/Applicant. Prior to the PUD being allowed to progress after the PUD Master Development Plan and Planning Criteria approval expires, the Developer/Applicant shall restart the approval process in accordance with 5.20.3.

The Developer/Applicant shall include in the PUD Master Development Plan and Planning Criteria an anticipated development schedule with an anticipated development completion date.

The Developer/Applicant shall submit a Development Status Update to the Planning Commission on or before the PUD Effective Date on a yearly basis. This report shall summarize the current status and progression of the Development and shall also revise the anticipated development schedule. Failure to submit the Development Status Update shall render the Development temporarily halted until the reports are submitted to the Planning Commission.

If a PUD goes for a period of one (1) calendar year or greater without the continuation of development activity (development activity being defined as issuing building permits and/or submitting preliminary plat and/or submitting final plat) then the Developer/Applicant must request a time extension for the Development of the PUD from the Planning Commission. Failure to maintain continuation of development activity for a period of one year shall render the Development temporarily halted until a time extension is granted by the Commission.

If a PUD goes for a period of five (5) three (3) calendar years or greater without the continuation of development activity (development activity being defined as selling-issuing building permits and/or submitting preliminary plat and/or submitting final plat) then the PUD Master Development Plan and Planning Criteria approval shall lapse and be of no further effect. Prior to the PUD being allowed to progress after the PUD Master Development Plan and Planning Criteria approval lapses, the Developer shall restart the approval process in accordance with §5.20.3. Under this condition, the new the PUD Master Development Plan and Planning Criteria must conform to the Zoning Ordinance and regulations in effect at the time of resubmittal.

Development of a Plan requiring subdivision plat approval shall comply with time limits in the subdivision regulations, including §2.4.2.

5.20.8. Definitions.

1. Intent. The intent of this §5.20.8 is to clarify terms of this §5.20. For the purpose of this §5.20, certain terms used herein are

herewith defined, and if any terms defined herewith in this §5.20.8 shall contradict or conflict with any terms defined in Article 3 or in any other Section of this Ordinance, those terms as defined in Article 3 or other Sections shall not apply to this §5.20.

2. Definitions.

- a. ATTACHED SINGLE FAMILY DWELLING Those buildings so designed and arranged to provide separate sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy of two or more families ~~more than two families~~ where by the living units are built for sale, fee simple, and not for lease, including condominiums and townhouses.
- b. DETACHED SINGLE FAMILY DWELLING A detached building so designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet ~~facilities~~ for occupancy by one family only, and is ~~are~~ built for sale, fee simple, and not for lease.
- c. MULTI-FAMILY DWELLINGS A structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen facilities or dining facilities, and which is leased in part or whole, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, or similar housing types, but not including hotels, motels, hospitals, or nursing homes.
- d. GREEN OPEN COMMON OPEN SPACE: Land area within a development that is held in common ownership and maintained by a propertyowner's association for all of the owners for recreation, protection of natural land features, amenities; is freely accessible to all owners of the development; and, is protected by covenant or deed restriction to insure that it remains in such uses. Common open space does not include retention or detention ponds that serve only a storm sewer purpose, land occupied by non-residential buildings, common driveways, or parking areas or street right-of-way; nor does it include lots for single family or multi-family dwellings. Common open space may include environmentally sensitive areas such as slopes in excess of 25% and 100 year floodplains, natural or manmade bodies of water, active and/or passive recreational uses. Common Open Space shall be legally and practicably accessible to the residents and/or users of the development. No rearrangement or alteration to any approved common open space shall be permitted. Maintenance provisions shall be made by the Developer/HOA for the maintenance, repair and upkeep of all common open space areas such that the governing association(s) and thereafter the PUD property owners shall be responsible for the maintenance, repair and upkeep of all common open space areas. * NEED TO DEFINE *
- d. ~~Any greenbelt, park, lake, river, walking trail or recreational development or area which is owned in common or private, devoid of any buildings and other physical structures, except where accessory to the provision of recreation opportunities, and which is developed, located and/or maintained so as to provide relatively permanent recreation opportunity either in the passive sense (such as the viewing of pleasant vista, gardens, etc.) or in the active sense, (such as the participation in athletic endeavors, playground activities, etc.) to the general public or may be restricted to use for a homeowner or business association membership or segment thereof.~~
- e. INTERIM USES Any temporary use of land in any area of a PUD, which has been approved as a part of the PUD development plan and criteria. An interim use can be any use and may or may not be a principal permitted use or a special exception use of the applicable district.
- f. PLAT Any drawing or drawings and related written material indicating the proposed manner or layout of a road, parcel, and/or subdivision to be submitted to the City for approvals and/or recording purposes.

5.20.9. Changes to Zoning Ordinances. No amendment or modifications of this Zoning Ordinance shall be effective as to any PUD approval issued prior to such amendment or modification, it being intended that the PUD shall continue to be developed in accordance with the Zoning Ordinance in effect ~~erect at~~ the time of such prior approval.

5.20.10. Repealer. All ordinances or parts of ordinances previously ~~heretofore~~ adopted by the City Council of the City of Calera, Alabama which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

5.20.11. Severability. If any part, Section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

5.20.12. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

Table 5.20 PUD Land Use District Table of Permitted Uses						
	PR-1	PR-2	PO	PC	PB	PI
<i>Agricultural Uses</i>						
Farm machinery and farm supply sales						P
<i>Residential Uses</i>						
Accessory Dwellings	Y	Y				
Attached single-family dwellings (condominiums and townhouses)	Y	SE	SE			
Detached single-family dwellings (including garden homes)	Y	SE				
Semi-detached single-family dwellings	Y	SE				
Duplexes	Y	SE				
Live-Work/Upper Story dwellings		SE	SE	SE	SE	
Multi-family dwellings		Y	SE	SE	SE	
Residential accessory structures and buildings	Y	Y				
<i>Institutional Uses</i>						
Assisted living care facilities		SE	SE	Y	SE	SE
Child day-care centers	SE	SE	SE	Y	SE	SE
Places of Assembly	SE	SE	SE	SE	SE	SE
Libraries, museums and art galleries	SE	SE	SE	SE	SE	SE
Nursing homes		SE	SE	Y	Y	
Public buildings			Y	Y	Y	Y
Public and Private schools (not providing residential accommodations)	SE	SE	SE	Y	Y	Y
<i>Commercial Uses</i>						
Animal kennels, Domestic						Y
Appliance and small engine repair				Y	Y	Y
Art supply and frame shops				Y	Y	Y
Audio/video stores				Y	Y	Y
Auto dealerships				Y	Y	Y
Auto parts stores				Y	Y	Y
Auto repair/renovation facilities (not housed with auto sales establishment)						Y
Bakeries (for baked goods sold at retail on-premises only)				Y	Y	Y
Banks and other lending institutions			Y	Y	Y	Y
Bicycle shops (including repair)				Y	Y	Y
Building materials sales (no outside storage yards)				Y	Y	Y
Building materials sales (with outside storage yards) and lumber yards						Y
Card, gift and florist shops and drug stores				Y	Y	Y
Convenience commercial uses	SE	SE	SE	Y	Y	Y
Craft and hobby shops, toy and sporting goods stores				Y	Y	Y
Dance studios				Y	Y	Y
Department and jewelry stores				Y	Y	Y
Duplicating and copying services				Y	Y	Y
Furniture and interior decorating stores				Y	Y	Y
Gasoline service establishments (including muffler, tire, battery, brake and transmission services) and car washes				Y	Y	Y
Grocery and health food stores				Y	Y	Y
Hardware stores and domestic equipment rental				Y	Y	Y
Heavy equipment sales and service						Y
Home occupations	SE	SE	SE			
Hotels, inns and motels				Y	Y	Y
Y – The use is permitted by right. SE – Special Exception Use, requires approval pursuant to <u>§5.20.3</u> . A blank cell indicates that the use is not permitted.						
Table continued on following page						

Table 5.20 PUD Land Use District Table of Permitted Uses cont.						
	PR-1	PR-2	PO	PC	PB	PI
Commercial Uses (cont.)						
Indoor sports facilities (bowling, health club or spa, racquet club, skating rink)				Y	Y	Y
Indoor recreational and amusement uses				SE	SE	SE
Medical clinics and opticians				Y	Y	Y
Motion picture theaters				Y	Y	Y
Neighborhood service facilities				Y	Y	Y
Personal services (barber and beauty shops, cosmetic studios, dry cleaning outlets and coin-op laundromats, tanning salons, shoe repair, etc.)				Y	Y	Y
Photographic studios				Y	Y	Y
Pet Services (with no outside runs)				Y	Y	Y
Radio and TV stations (no antennae)				Y	Y	Y
Research laboratories					Y	Y
Residential information offices	SE	SE	SE			
Restaurants				Y	Y	Y
Sales showrooms for appliances, furniture, carpet, lighting fixtures, medical and office equipment				Y	Y	Y
Shopping centers, factory outlet stores				Y	Y	Y
Industrial Uses						
Bakeries						Y
Bottling plants						Y
(Bulk) Distribution facilities					Y	Y
Clothing, textile or dyeing plant						Y
Cold storage and ice plants						Y
Construction yards, highway maintenance yards and buildings						Y
Janitorial and maintenance services					Y	Y
Laundry and dry cleaning plants						Y
Light industrial, fabricating, processing assembling and manufacturing uses					Y	Y
Plumbing, heating and cooling, electrical and other supply and service facilities					Y	Y
Printing establishments						Y
Recycling collection point						Y
Sanitary sewage treatment facilities						Y
Truck or bus terminals						Y
Warehouses (including mini-warehouses, self-storage facilities and office/warehouses)					Y	Y
Water or liquid storage tanks						Y
Woodworking shops					Y	Y
Recreational and Open Space Uses						
Recreational facilities operated on a non-profit basis	SE	SE	SE	SE	SE	SE
Golf courses	SE	SE	SE	SE	SE	SE
Golf courses (if shown on Master Development Plan)	Y	SE	SE	SE	SE	SE
Open spaces	Y	SE	SE	SE	SE	SE
Outdoor amusements and recreation facilities (carpet golf, par-3 golf, go-carts, batting cages, bumper boats, water slides, etc.)				Y	Y	Y
Parks (playgrounds, tot-lots, ball fields, picnic areas, etc.)	SE	SE	SE	SE	SE	SE
Swimming pools and tennis courts	SE	SE	SE	SE	SE	SE
Y – The use is permitted by right.						
SE – Special Exception Use, requires approval pursuant to §5.20.3.						
A blank cell indicates that the use is not permitted.						

§5.21. TND Traditional Neighborhood Development District

5.21.1. Purpose and Intent. The purpose of this section is to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods. A Traditional Neighborhood Development (TND):

1. Is compact and designed for the human scale;
2. Provides a mix of uses in close proximity to one another within the neighborhood;
3. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
4. Incorporates a system of relatively narrow, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments; and
5. Incorporates significant environmental features into the design.

5.21.2. Applicability. This section is an alternative set of standards for development for: 1) new development of thirty (30) acres or more; 2) fifteen (15) acres or more for development contiguous to existing development; or 3) five (5) acres or more for development of areas designated as neighborhood centers in the Comprehensive Plan.

5.21.3. Definitions. The following definitions shall be observed and applied, except when the context clearly indicates otherwise.

1. BUILDING SCALE The relationship between the size of a building and its surroundings, including street width, open space, and surrounding buildings.
2. PLAZA A civic space, predominantly hardscaped, and enclosed on at least two or three sides by building facades. Plazas may be publicly or privately owned but, in either case, are designed and maintained for public use.
3. SQUARE A Common Open Space that serves as the focal point for a traditional neighborhood development. It is typically surrounded by commercial or mixed-uses and may include a landmark structure or building.

5.21.4. Procedures.

1. TND Plans shall be submitted, reviewed and if appropriate, approved as described for PUDs in §5.20.1, §5.20.3, and §5.20.5.1 except as provided following:
2. Initial Conference. Before submitting an application, the applicant shall schedule an appointment and meet with City staff to discuss procedures for approval, submittal requirements and design standards.
3. Master Development Plan Submittal Requirements. The purpose of the general implementation plan is to establish the intent, density, and intensity for a proposed TND development. In addition to the submittal requirements of §2.10 Amendments, any request for approval of a Master Plan of a TND shall also include the following items:
 - a. A conceptual storm water management plan identifying the proposed patterns of major storm water runoff, location of storm water infiltration areas, and other significant storm water best management practices.
 - b. A pattern book representing the site design and architectural patterns of typical residential and non-residential buildings. Design patterns shall be conveyed with illustrations of typical proposed elevations including building heights, widths and façade treatments.
 - c. the location of sidewalks, trails, passages and other pedestrian and bicycle circulation elements;
 - d. typical street cross sections including streetscape elements (street and pedestrian lighting, street trees, paving patterns, etc.);
 - e. A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas telecommunications, etc.
4. Amendments to the Master Plan. Amendments to the TND Master Plan shall follow the procedure in §5.20.6 except that minor amendments to the Master Plan may be approved by the Zoning Administrator provided that the changes do not involve:
 - a. an increase of more than 10% of the floor area of structures other than single family detached dwellings;
 - b. an increase of more than 10% of the number of dwelling units; or
 - c. an alteration of any conditions or modifications to the Master Plan required by the Commission or Council.

5.21.5. Ownership and Maintenance of Public Space. See §6.11.

5.21.6. Permitted Uses and Arrangements. A TND should consist of a mix of residential areas, one or more neighborhood center(s), and common open space(s).

1. Open Spaces. The open space uses identified below should be incorporated into the development as appropriate.
 - a. Environmental corridors/greenways
 - b. Protected natural areas
 - c. Neighborhood or community parks
 - d. Streams, ponds and other water bodies
 - e. Storm water detention/retention facilities
2. Residential Areas. A mix of the following residential land uses may be located with flexibility throughout the site. Higher density residential uses should be located nearest a neighborhood center. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the development.
 - a. Single-family detached dwellings, duplexes and row houses
 - b. Townhouses
 - c. Multi-family dwellings, including independent and assisted living and group living quarters
 - d. Accessory dwelling units on a single-family lot
3. Neighborhood Centers. A TND will include a neighborhood center composed of a mix of commercial, residential, civic or institutional, and open space uses as identified herein. The development should be laid out such that all residential blocks are within a ten (10) minute walk (approximately 2,800 ft measured along pedestrian routes) from a neighborhood center.
 - a. Commercial Uses. The interior square footage of individual businesses should not exceed 6,000 sf, but may be larger for specialty and bulk sales stores. In addition, the following active, pedestrian-oriented uses are permitted and encouraged:
 - (1) Food services, including but not limited to neighborhood grocery stores; butchers and bakeries; restaurants; cafes; coffee shops; neighborhood bars or pubs
 - (2) Retail uses, including but not limited to florists; nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artists; apparel shops and home décor stores
 - (3) Services, including but not limited to day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning
 - (4) Accommodations, including but not limited to bed and breakfasts, small hotels or inns
 - b. Residential Uses. The following are permitted:
 - (1) Single-family attached dwellings, including duplexes, townhouses, and row houses
 - (2) Multi-family dwellings, including independent and assisted living and group living quarters
 - (3) Residential units located on upper floors above commercial uses or to the rear of storefronts;
 - c. Civic or Institutional Uses. The following are permitted:
 - (1) Municipal offices, fire stations, libraries, museums, and post offices
 - (2) Transit shelters
 - (3) Places of assembly
 - (4) Educational facilities
 - d. Open Space Uses. The following are permitted:
 - (1) Central squares
 - (2) Plazas
 - (3) Pocket parks
 - (4) Neighborhood parks
 - (5) Playgrounds
 - (6) Storm water retention/detention facilities (where incorporated into one of the above)

5.21.7. Density Standards

1. Open Space. At least ten (10%) percent of the gross acreage must be open space. At least twenty-five (25%) percent of the open space shall be Common Open Space dedicated for public use. Ninety (90) percent of the lots within residential areas shall be within 1,400 ft from a Common Open Space.
2. Density in Residential Areas. Maximum residential shall be as follows:
 - a. Single family, attached or detached: 8 dwelling units **du** per acre
 - b. Multi-family dwellings: 15 dwelling units **du** per acre
 - c. 1 accessory dwelling per single family lot
3. Density in Neighborhood Centers:
 - a. Single family, attached: 10 dwelling units **du** per acre
 - b. Multi-family dwellings: 20 dwelling units **du** per acre.
4. Non-residential GFA. The total ground floor area of non-residential uses, including off-street parking areas, shall not exceed twenty-five (25%) percent of the development except where the TND is oriented around and integrated with, through the interconnection of vehicular, bicycle, and pedestrian ways, adjacent residential development.

5.21.8. Design Standards

1. Lot and Block Standards.
 - a. Blocks shall be 200-400 ft deep by 400-800 ft long. Where topography averages over a twenty (20%) percent slope and cross streets are not practical, longer blocks may be provided.
 - b. A variety of lot sizes should be provided that allow for diverse housing types.
2. Building Frontage Standards.
 - a. All non-residential buildings should abut a public sidewalk or a plaza. Civic or institutional buildings may also front on squares, lawns or similar landscaped frontages.
 - b. Single-family detached dwellings, duplexes and row houses shall have a front yard setback (measured to sidewalk) between eight (8) and twenty-five (25) ft. Unenclosed porches shall not extend closer than eight (8) ft to the sidewalk.
 - c. Townhouses and multi-family dwelling buildings shall be built to within eighteen (18) ft of the sidewalk. If located closer than twelve (12) ft to the sidewalk, the floor level of ground level dwellings shall be at least two (2) ft above or at least three (3) ft below sidewalk level.
 - d. The front yard setback in residential areas with slopes averaging over twenty (20%) percent may be greater than specified above provided that there is a plan for the landscaping treatment of the setback area.
3. Rear Setbacks.
 - a. Single-family dwellings, attached and detached, shall be set back no less than thirty (30) ft from the rear lot line.
 - b. **Specific rear setbacks are not required for other uses.** Where a multi-family or non-residential use abuts, at the rear, a single-family lot, a buffer, pedestrian passage, alley or similar separation of at least twenty (20) ft in width is required.
 - c. Accessory structures shall be set back from rear lot lines as required in §6.6.
 - d. Except as set forth in §5.21.8.3, specific rear setbacks are not required for other uses.
4. Side Setbacks.
 - a. A minimum, aggregate side yard of ten (10) ft shall be provided between detached dwellings, duplexes and row houses. No side setbacks shall be required for townhouses.
 - b. No side setbacks are required for multi-family and non-residential uses. However, where a multi-family or non-residential use abuts a single-family detached dwelling, duplex or row house along a side lot line, a minimum building separation of twenty (20) ft shall be required.
 - c. Accessory structures shall be set back from side lot lines as required in §6.6.

- 5.21.9. Circulation Standards. The circulation system shall provide for different modes of transportation; shall provide links within and between residential areas, neighborhood center(s), and open spaces; and shall be connected to existing and proposed

external development. The circulation system shall provide adequate traffic capacity, provide property access from streets of lesser classification, and promote safe and efficient mobility throughout the TND.

1. Pedestrian Circulation. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. Sidewalks shall be provided as follows:
 - a. Public sidewalks shall be provided on both sides of any street within a neighborhood center or medium or high-density residential area and only on one side of any street within low-density residential areas in accordance with the following:
 - (1) Neighborhood centers: sidewalks shall be at least ten (10) ft and maintain a clear pedestrian zone of at least six (6) ft
 - (2) Medium and high density residential areas (4 or more dwelling units ~~du~~ /acre): sidewalks shall be at least five (5) ft wide and buffered from the street by a planting strip at least four (4) ft wide
 - (3) Low density residential areas (less than 4 dwelling units ~~du~~ /acre): sidewalks shall be at least five (5) ft ~~four (4) ft~~ wide and buffered from the street by a planting strip at least six (6) ft wide
 - b. Residential Sidewalks. Clear and well-lighted sidewalks shall connect residential building entrances to the adjacent public sidewalk. Shared sidewalks are acceptable.
 - c. Neighborhood Center Sidewalks. Clear and well-lighted ~~h~~ walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five (5) ft in width.
 - d. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - e. Crosswalks. Crosswalks shall be well-lighted ~~h~~ and clearly marked with contrasting paving materials at the edges or with striping.
 2. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as "yield flow" streets, curb extensions, roundabouts and traffic circles, and medians may be used to encourage slow traffic speeds.
 3. Street Layout. The TND should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
 - a. Corner Radii should be kept to the minimum practicable given the size of vehicles expected to use the particular intersection and the intended rate of speed at which turns will be taken.
 - b. All streets shall terminate at other streets or at public land, with the following exceptions:
 - (1) Local streets may terminate in stub streets when such streets act as connections to future development;
 - (2) Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus;
 - (3) Where topography prevents the local street from terminating at another street or public land and the exceptions under Items (1) and (2) above are not practical, the local street may terminate in a cul-de-sac or "close" in accordance with the standards contained in the Public Works Manual.
- 5.21.10. Parking Standards. Parking areas for shared or community use should be encouraged. In addition:
1. In multi-family and non-residential areas, parking lots shall be located at the rear or side of buildings and landscaped as required in §9.3.
 2. Parking lots and garages shall be separated from intersections by a building containing another use.
 3. Adjacent on-street parking, if created as a part of the TND, may apply toward minimum parking requirements.
 4. In residential areas, parking shall be provided on-site.
 5. Parking shall be provided in the following amounts:
 - a. Commercial uses: no less than one (1) space for every 500 sf of gross building area but no more than one (1) space for every 300 sf of gross building area provided that parking can be shared with other uses
 - b. Other non-residential uses and residential uses: as provided in Art. 8;
 - c. Mixed-uses: for vertically or horizontally mixed uses, parking requirements shall be determined as provided in Art. 8;

- d. For multi-family and non-residential uses, a minimum of one (1) bicycle parking space for every ten (10) motor vehicle parking spaces shall be provided.

6. Paving shall be as normally required by the City except as follows:

- a. Ribbon driveways may be used for single-family detached dwellings, duplexes, and row houses to reduce impervious surfaces;
- b. To reduce impervious surfaces, interlocking pavers, grid pavers, sand set paving blocks or other such paving systems may be required for remote parking lots and parking areas for periodic uses.

7. Outdoor lighting. Street lighting shall be provided along all streets. Generally more, smaller lights as opposed to fewer, high-intensity lights should be used. Street lights shall be installed on both sides of the street at intervals of no greater than eighty (80) ft. Exterior lighting shall be cut-off type or directed downward to reduce glare onto adjacent properties.

5.21.11. Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

1. Guidelines for Existing Structures. If existing structures are determined to be historic or architecturally significant, they shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

2. Guidelines for New Structures.

- a. Height: New structures within a TND shall be no more than three (3) stories, forty-five (45) ft for single-family residential or four (4) stories, sixty-five (65) ft for commercial, multi-family residential or mixed use.
- b. The architectural features, materials, and the articulation of a facade shall be continued on all sides visible from a public street or common area.
- c. Principal buildings shall face onto a public street (except as provided for cottage subdivisions in §7.20) and shall not face directly toward a parking lot.
- d. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall be used to define the front entrance to residences.
- e. For commercial buildings, a minimum of fifty (50%) percent of the street level facade shall be window or door openings.
- f. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.

5.21.12. Signage. A comprehensive sign program is required for the entire TND to establish a cohesive wayfinding system.

- 1. Signs for commercial uses shall be attached (wall signs or blade signs). Blade signs shall be mounted perpendicular to the building face and shall not exceed eight (8) sf. Wall signs shall be sized and placed to fit within the architectural elements of the facade.
- 2. Signs for multi-family buildings may be attached or detached. Such signs shall not exceed sixteen (16) sf.
- 3. Signs for institutional or civic uses may be attached or detached. Such signs shall not exceed twenty (20) sf.
- 4. Signs for live-work buildings shall be as provided for commercial uses in Paragraph 1 above.

5.21.13. Landscaping and Screening Standards.

- 1. Street trees. A minimum of one deciduous canopy tree per forty (40) ft of street frontage, or fraction thereof, shall be provided and evenly spaced. Street trees shall be located in the planting strip between the sidewalk and curb or in tree wells adjacent to the curb. In the case of existing overhead utility lines, understory trees may be used or trees may be planted within the front yard setback adjacent to the sidewalk.
- 2. Parking lot landscaping and screening shall be provided as required in §9.3 and as follows.
 - a. Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or pedestrian or vehicular circulation shall be provided and maintained with vegetative ground cover, including turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include benches, kiosks or bicycle parking.

- b. In parking lots containing more than 200 spaces, a landscaped area of at least 300 sf shall be provided for each twenty-five (25) spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

5.21.14. Storm Water Management. The design and development of the TND should minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be protected/maintained to the maximum extent practicable. TNDs shall be subject to the following, in addition to any other applicable regulations:

1. Untreated, direct storm water discharges to wetlands or surface waters are not allowed.
2. Post development peak discharge rates should not exceed predevelopment peak rates.
3. Erosion and sediment controls must be implemented to remove eighty (80%) percent of the average annual load of totalsuspended solids.
4. Redevelopment storm water management systems should improve existing conditions and meet standards to the extent practicable.
5. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.

§5.22. MXD Mixed-Use District

5.22.1. Purpose and Intent. The purpose and intent of the Mixed-Use District is to allow market-driven development that is compact, diverse and walkable and that enhances character and form through appropriate design. It allows for a mix of compatible uses that are either mixed horizontally within a site or vertically within individual buildings. The Mixed-Use District prioritizes the form of development rather than the uses. This makes it possible to create special destinations with a "sense of place" and appeal. It also:

1. Encourages the development of mixed-use centers and/or buildings that combine restaurants, offices, housing, live-work spaces, civic buildings, cultural buildings and other complementary uses arranged in an environment that is convenient for customers, employees, residents and tourists;
2. Promotes new infill residential and non-residential development;
3. Promotes site design that accommodates and enhances pedestrian activity along the street, that is not dominated by parking and that reduces conflicts between pedestrians, bicycles and vehicles;
4. Provides unique places for people to live, work, shop, play and learn; and
5. Encourages appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.

5.22.2. Permitted Uses. Uses are subject to Table 5.3 Permitted Uses for B-3 and MXD Districts and uses may be further restricted according to Table 5.4 Use Restrictions for B-3 and MXD Districts.

5.22.3. Area and Dimensional Regulations. Where in conflict, these standards superseded those of Article 6 Supplemental Regulations.

1. Blocks and Streets.
 - a. Development utilizing the existing city blocks must meet the following standards for street construction:
 - (1) Streets must have a sidewalk on both sides of the street, and it must be a minimum of ten (10) feet in width.
 - (2) Streets must have a landscaped buffer or planting strip with street trees between the sidewalk and the curb, where applicable. The buffer strip must be a minimum of four (4) feet in width.
 - b. Development that vacates existing streets and alleys must meet the following standards:
 - (1) Dimensional platting requirements of this article supersede those of Section 4.3.1 of the City of Calera Subdivision Regulations. These regulations supersede the dimensional requirements of Section 5.2 of the City of Calera Subdivision Regulations and Article 2 of the City of Calera Public Works Manual.
 - (2) Block perimeters are limited to 2,400 feet in total length of all sides except blocks abutting natural waterways and slopes greater than 10% are exempt. Blocks abutting county, state, or federal roadways where access is limited are exempt.

- (3) Streets must connect to other streets, forming a network. The city engineer is authorized to permit a deviation to this requirement, permitting a dead-end street terminating in a cul-de-sac. Cul-de-sacs must provide connectivity for bicycles and pedestrians. No cul-de-sac may exceed 300 feet to the center of the bulb.
- (4) Sight distance requirements, according to Article 2 Section 3 of the City of Calera Public Works Manual are not required for mixed-use zone intersections controlled by a traffic signal or stop sign.
- (5) Streets must have a sidewalk on both sides of the street, and sidewalks must be a minimum of ten (10) feet in width.
- (6) Streets must have a landscaped buffer or planting strip with street trees between the sidewalk and the curb, where applicable. The buffer strip must be a minimum of four feet in width.
- (7) Streets must have parallel parking on at least one side of the street, and it must be a maximum of eight feet in width. This width supersedes Article 8. Section 3.2 and Article 2. Section 1 of the City of Calera Public Works Manual.
- (8) Intersection curb radii of 15 feet is required at intersections. ~~On-street parking creates an actual turning radius of 23 feet.~~

2. Site Standards.

The requirements of this section apply to all site plans and building permit applications.

- a. Setbacks. Buildings must be set back from lot boundaries according to Table 5.7 Development Standards for MXD Districts. Mixed-use districts have minimum and maximum setbacks.
- b. Buffers. Buffers are not required within or between mixed-use districts, except as specifically required by Table 5.7 Development Standards for MXD Districts.
- c. Parking location. New parking on the site must comply with the following:
 - (1) Parking is required to be behind the building;
 - (2) Parking must be accessed from an alley for applications larger than three (3) acres; and
 - (3) Open parking areas must be screened from the street by a building or a streetscreen. Streetscreens must comply with §9.4.1.
- d. Outdoor dining areas. Outdoor seating is permitted within any setback area and temporary seating may be permitted within rights-of-way, provided the sidewalk remains clear to a width of five (5) feet. String lights are permitted for outdoor dining areas.

3. Building Standards.

The requirements of this section apply to all building permit applications.

- a. Building height. Maximum building heights are regulated according to Table 5.7 Development Standards within MXD.
- b. Building width. Maximum building widths are regulated according to Table 5.7 Development Standards within MXD.
- c. Building facades. Facades facing public rights-of-way must conform to the following regulations:
 - (1) The main building entrance must face a street;
 - (2) One functional entry must be provided for every 80 feet of façade and must lead to habitable space;
 - (3) Building facades facing side streets are exempt from entry frequency requirements if the side facade is under 50 feet in length;
 - (4) At least 15% of each story of the facade must be glass. Each story is calculated independently from finish floor to finish ceiling;
 - (5) At least 30% of the first story of commercial use buildings must be clear, un-tinted glass, except manufacturing uses must have 15% clear, un-tinted glass. Area is calculated between two (2) feet and ten (10) feet above the adjacent sidewalk; and
 - (6) Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, cementitious siding, wood, slate, metal roofing, tile, metal may be used as an accent material. Vinyl is not considered a durable material.

Table 5.7 Development Standards for MXD Districts	
<i>Setbacks</i>	
Front	0 ft minimum., 12 ft maximum
Side Street	8 ft minimum, 20 ft maximum
Side	0 ft minimum and/or as required by the Building and Fire Codes
Rear	3 ft minimum, no maximum
<i>Encroachments</i>	
Porch, stoop, terrace	10 ft maximum
Balcony, bay window	4 ft maximum
Awnings	May encroach right-of-way to within 2 ft of the curb
<i>Building Dimensions</i>	
Maximum Height	45 ft or 3 stories
Maximum width, facing street	200 ft
<i>Landscaping</i>	
Buffers	A 10 ft landscaped buffer abutting residential districts.
Street trees	A minimum of one deciduous canopy tree per 40 feet of street frontage, or fraction thereof, shall be provided and evenly spaced. May be adjusted for sign visibility.

5.22.4. Parking Standards. Refer to §8.3 Required Off-street Parking Spaces and §8.5 Off-Street Loading and the following requirements:

1. Required parking. Minimum required vehicular parking may be fulfilled in the following locations:
 - a. Parking spaces provided on-site, or between multiple connected sites with a recorded shared use parking agreement.
 - b. Parking spaces that are provided on-street corresponding to the lot frontages.
 - (1) On-street parking may be restricted in proximity to intersections, driveways, fire hydrants, and other utilities.
 - c. Parking spaces leased from a public or private parking facility.
 - (1) A shared parking agreement with the parking facility owner is required.
2. Access. Parking access must meet the following requirements:
 - a. Driveways are limited to twenty (20) feet in width; and
 - b. Sites with alley access must use the alley for parking access.
3. Delivery vehicle access. Businesses requiring delivery vehicles must have a separate area for these vehicles, with no parking allowed in the required parking spaces for customers, in accordance with the requirements for specific uses set forth in §8.5 Off-Street Loading.

5.22.5. Landscaping and Screening Standards. Landscaping must be provided in accordance with the requirements for specific uses set forth in Table 5.7 Development Standards for MXD Districts and Article 9 Landscaping Regulations. When in conflict, this article supersedes §9.2 Buffers and §9.5 Design Standards for Fences.

1. Fences must comply with the following requirements:

- a. No wall or fence will exceed six (6) feet in height for rear yards or three (3) feet in height for front yards.
- b. Prohibited materials include chain link, barb wire, or temporary materials. Construction sites with temporary fencing are exempt.
- c. Hedges abutting in-fences must be evergreen.
- d. Wood fences must be painted or stained.
- e. When erected on a lot line, all of the fence and any of its supporting structures must be contained within the lot.
- f. The supporting members and posts must be on the inside, and the smooth or flat faces on the outside. If two faces are used, each face must be of the same type and finish.

5.22.6. Signage. This section sets a higher standard than the City of Calera Sign Ordinance and replaces those standards when in conflict.

1. No sign will be regulated for content or type as assigned by content. Signs will only be regulated for size, structural type, number, and location.
2. Signs permitted in the MXD district are regulated by Table 5.8 MXD Mixed-Use District Sign Regulations, where the notations have the following meanings:
 - a. "P" means the sign is permitted subject to the size restrictions.
 - b. "X" means the sign is prohibited.
3. Awning signs and projecting signs may extend into the public right-of-way to within two (2) feet of the curb.
4. Sandwich board signs are permitted between the hours of 9 AM and 9 PM and must maintain a clear pedestrian area a minimum of five (5) feet in width. Sandwich board signs must be constructed of durable materials.

Table 5.8 MXD Mixed-Use District Sign Regulations			
Sign	Number	Area	Copy Height
Awning	1 sloping plane & 1 valence per awning	75% of awning area	18 in. on sloping plane, 6 in. on valence
Banner	1 per tenant	32 sq. ft.	n/a
Canopy	1 per canopy	2 sq. ft. per linear ft.	24 in.
Monument	1 per street facade	48 sq. ft., 6 ft. high max.	12 in.
Sandwich Board	1 per tenant	9 sq. ft.	n/a
Projecting	1 per tenant	6 sq. ft.	12 in.
Suspended	1 per tenant	6 sq. ft.	n/a
Facade	1 per tenant	3 sq. ft. per linear ft.	16 in.
Window	1 per window	20% of glass area	12 in.

5.22.7. Additional Regulations.

1. All outdoor storage areas shall be located behind the front building line and screened, as necessary, from public view.

2. All outdoor electrical, plumbing, and mechanical equipment must be located behind the front facade or concealed from street view with a screen or wall. These facilities may not encroach into any setback.
3. Loading and service areas. Building orientation shall be such that loading and service areas do not face the street right-of-way, except in the case of double frontage lots, where such areas must be located in a rear or side yard which faces the right-of-way. All loading and service areas shall be screened from view from off the premises.

4. Artisan Manufacturing Standards.

- a. Outdoor storage. Any activity storing materials outdoors shall construct an opaque fence to screen the ground-level view from any public right-of-way or of any residential or retail use. Materials shall not be piled or staked higher than the opaque fence.
- b. Loading docks. Where the site abuts a residential or retail use, the building wall facing such lots shall not have any service door openings or loading docks oriented toward the residential or retail use.

5. Performance Standards.

All manufacturing uses shall conform to the following performance standards, and any **Any** violation of these standards is a violation of the Zoning Ordinance:

- a. Noise or vibration. No noise or vibration, other than related to transportation activities and temporary construction work, shall be discernible without instruments at any point on a lot line of the building site.
- b. Radioactivity. No activity shall result in the emission of radioactivity in any amounts.
- c. Electrical disturbance. No activity shall cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- d. Inflammable or explosive materials. No inflammable or explosive materials shall be produced, used, stored, or handled unless provided at all points with adequate safety devices and procedures against hazards of explosion and all equipment and devices for fire prevention and fire-fighting approved by the Calera Fire Department.
- e. Air pollution. No air pollution or smoke shall be produced which is in violation of the requirements of the Alabama Department of Environmental Management.
- f. Glare or heat. No direct or sky-reflected glare or heat shall be produced which is discernible without instruments at any point on a lot line of the building site.
- g. Odorous gases. No emission of any odorous gases or matter shall occur in quantities that are discernible without instruments at any point on a lot line of the building site.
- h. Dust, dirt or particulate matter. No discharge into the air of any dust, dirt or particulate matter shall occur from any activity or from any products stored on the building site that is discernible without instruments at any point on a lot line of the building site.
- i. Liquid contaminants. No discharge into any public sewer, private sewage disposal system, stream, or into the ground of any liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment, or in any way causes the emission of dangerous or offensive materials shall occur.
- j. Adjacency. Manufacturing uses in MXD shall be subject to a 50 foot separation in place of the required setback. The separation shall be landscaped with shade trees, understory trees, and evergreen shrubbery to provide a visual and sound barrier.

5.22.8. Procedures.

1. General.

Applications vary in scale and requirements from the adaptive reuse of a building to the creation of new mixed-use blocks. Table 5.9 Procedures Summary for MXD Districts specifies the applications required for each scale. The scales are described below.

- a. Building. The building scale refers to any changes to existing buildings or new buildings that require a building permit according to the provisions of §2.2 Building Permit Required.
- b. Block. The block scale involves any development that includes lot consolidations or subdivision, either minor or major.

Table 5.9 Procedures Summary for MXD Districts		
Application	Building	Block
Rezoning	X	X
Master Development Plan		X
Building Permit	X	X

2. Application Process.

- a. Rezoning. All applications for rezoning shall be reviewed according to the provisions in §2.10 Amendments to the Zoning Ordinance or the Zoning Map and the rezoning application requirements listed in Appendix A.
- b. Master Development Plan. The Master Development Plan process requires the following procedure:
 - (1) Initial Conference. Before submitting an application, the applicant shall schedule an appointment and meet with City staff to discuss procedures for approval, submittal requirements and design standards.
 - (2) Approval. Approval of the application for MXD by the Council shall be an approval of the Master Development Plan and the Planning Criteria of the application (the "Plan"). All approved materials become part of the zoning designation for the property. In the case of differing regulations between the master development plan and the zoning ordinance of the City of Calera, the regulations of this article apply to the development. The developer may proceed with the development of the property in accordance with the Plan, and no further approvals will be required except as set forth in §5.22.8.2.c Building Permit below.
 - (3) Special Exceptions not Applicable. §2.8.3 Special Exception Uses shall not apply within areas having MXD designation as provided in §5.22. Special exception uses may be submitted as part of the original application and be reviewed by the Commission and approved by the Council without being heard by the ZBA.
- c. Building Permit.
 - (1) General. The developer of the mixed-use building or parcel may proceed with the development of the property in accordance with the Plan and in accordance with any subdivision approval, and no further approvals will be required except as set forth in this section. If plans are submitted for the construction of improvements on any particular parcel, a Building Permit shall be approved or disapproved according to the procedure set forth in this section.
 - (2) Issuance of Permits for Permitted Principal Uses. Upon application for a Building Permit for the construction of improvements on any MXD parcel, if the Building Official shall determine that the intended use of the improvements is a "principal permitted use" within MXD, then a Building Permit may **shall** be issued in accordance with the provisions of §2.2 Building Permit Required.
- d. Subdivision Plats and Roads. Nothing in this subsection shall be construed to require a Building Permit for approval of subdivision plats or road designs. The construction of roads within MXD require approval of preliminary and final subdivision plats and all required design drawings according to the Subdivision Regulations of the City to build roads and infrastructure and the requirements of §5.22.3 4.

3. Master Development Plan Submittal Requirements.

Master Development Plan applications must include drawings clearly indicating the information specified below:

- a. Date, title, north arrow, graphic scale, and written scale provided on each drawing. The maximum drawing scale shall be 1" = 500'.
- b. Vicinity Map showing all existing subdivisions, streets and tract lines and parcels. Scale shall be 1" = 1,000'.
- c. Location of the development.
- d. Name and registration of engineer (with signature and seal).

- e. Existing and proposed zoning of the site.
- f. Adjoining property zoning, owners and tax parcel identification numbers within 100 ft.
- g. Topography based on US Geological Survey or U.S. Coast and Geodetic Survey, maximum contours of 2 feet.
- h. Street names and rights-of-way widths – within 100 feet.
- i. Dimensioned property lines, including bearings.
- j. New lots – dimensioned.
- k. Location, dimensions and purposes of all easements.
- l. Location of waterways and water bodies, 100-year floodplain limits (note Flood Insurance Rate Map Panel Number), steep slopes or mined areas, bridges, ditches, and all other prominent site features.
- m. Location of storm drainage, storm water detention and floodplain management controls, if applicable.
- n. Natural features to be preserved or removed.
- o. Location of streets, alleys, and sidewalks – dimensioned.
- p. Natural or man-made open spaces, including area in acres – dimensioned.
- q. Location of existing or proposed utilities (public and private), including sewage disposal system and water system.
- r. Phasing and construction traffic.
- s. Grading plan and monuments.
- t. Sequencing and erosion and sedimentation control.
- u. Necessary fire hydrants and fire lanes.

4. Planning Criteria.

The Master Development Plan shall include the following written statements and other matters and shall be included on site plan(s) where locations are requested:

- a. List of owners of the property together with disclosure of name(s) and address(es) of the applicant(s) and/or owner(s):
 - (1) If corporation, principal officers and members of the Board of Directors;
 - (2) If partnership, general and managing partners;
 - (3) Any material change to the above shall be submitted within 60 days of such change.
- b. Property legal description.
- c. A general description of the surrounding area, including current zoning and/or land uses.
- d. A statement of planning objectives to be achieved by the applicant and how the request is consistent with all applicable provisions of the Calera Comprehensive Plan.
- e. If the development is to be staged, a general indication, of how the staging is to proceed, including an estimated date when construction of the site will begin.
- f. A statement of compliance with the standards in §5.22.
- g. Principal ties to the community at large with respect to transportation, water supply, utilities, sewage disposal, and locations thereof, conditional to the approval of the appropriate regulatory authority.
- h. A general statement as to how common open space is to be owned, used and maintained.
- i. Existing and proposed deed restrictions and/or covenants.
- j. A conceptual storm water management plan identifying the proposed patterns of major storm water runoff, location of storm water infiltration areas, and other significant storm water best management practices.
- k. A copy of any best management practices (BMP) application or certificate, stamped, signed, and dated by a professional engineer licensed by the State of Alabama.
- l. Description of the materials with which the parking, driveway and sidewalk areas will be covered.
- m. A general statement concerning any planned street/subdivision sign designs, including street, traffic and informational signs or other standards.
- n. Any planned interim uses.

- o. Typical street cross sections including streetscaping elements (sidewalks, street trees, street and pedestrian lighting, parking etc).
- p. A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas telecommunications, etc.
- q. If walls and fences are proposed for the development, a plan shall be provided showing these items.

5. Building Permit Application Requirements.

Building permit applications must include the information specified below. These application requirements supersede those set forth in §2.2.1 Plot Plan and §2.2.2 Site Plan Review.

- a. Address of the property under consideration.
- b. Name, signature and address of the property owner or authorized agent of the property owner.
- c. Date, title, north arrow, graphic scale, and written scale provided on each drawing. The maximum drawing scale shall be 1" = 50'.
- d. Vicinity map showing the location of the property.
- e. Property legal description.
- f. Topography.
- g. Existing zoning and proposed land use of the site.
- h. Actual shape, proportion and dimensions of the lot to be built upon.
 - i. Use, location, size, and height of all existing and proposed structures.
 - j. All easements and rights-of-way.
- k. Dimensioned setbacks of structures in compliance with §5.22.3 and Table 5.7 Development Standards
 - l. Typical proposed elevations of buildings facing street indicating height, entries and glass in compliance with §5.22.3.
- m. Location of new parking in compliance with §5.22.3.
- n. Location and number of parking spaces in compliance with §5.22.4.
- o. Driveway access in compliance with §5.22.4.
- p. Dimensioned landscaping and screening in compliance with §5.22.5 and Table 5.7 Development Standards.
- q. Location, dimensions, and types of all exterior signage in compliance with §5.22.6.
- r. Location of necessary fire hydrants with adequate water flow.
- s. Deed restrictions and/or covenants – provide copies to the Zoning Administrator where necessary.

6. Amendments to the Plan.

- a. Intent. It is the intent of this §5.22 to provide for flexibility in the development of the property submitted for the Master Development Plan, and to approve minor changes administratively. Accordingly, additional approvals are required for major changes as defined below.
- b. Major change. A "major change" in the plan shall be defined as a change in the boundaries of any mixed-use district reflected on the Master Development Plan that exceed a 20% difference in land area, and any changes in the planning criteria submitted with the Master Development Plan, including a change in an approved use from one that is permitted to one that is categorized as "special exception" within the applicable MXD land use district. No segment, tract, lot or parcel of land within the approved MXD shall be processed for a change of land use districts, to other MXD land use district or conventional zoning districts unless the total MXD is submitted along with the rezoning request. Any other changes shall be considered "minor changes" and shall not require any additional approvals, other than the plat approval which shall be obtained through the typical plat approval procedures of the City. All plats for MXD will be reviewed and approved on the basis of the approved planning criteria of the MXD only.
- c. Approval of Major Changes. A major change in the Plan requires an application for change which shall be reviewed in accordance with the provisions of §5.22.8.2 Application Process.

Subdivision Plats and Roads. Nothing in this §5.22 shall be construed to require a Building Permit for approval of subdivision plats or road designs. The construction of roads with the MXD development requires approval of preliminary and final subdivision plats and all required design drawings according to the City of Calera Subdivision Regulations to build roads and infrastructure and compliance with the requirements of §5.22.3 4.

Article 6 SUPPLEMENTAL REGULATIONS

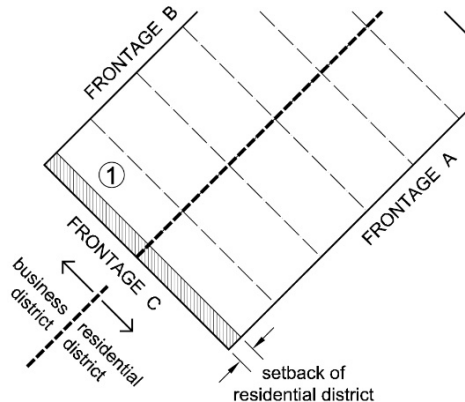
§6.1. Area Modification for Lots of Record

The ZBA shall approve all proposed development involving non-conforming lots of record. See §4.6.2 Nonconforming Lots of Record.

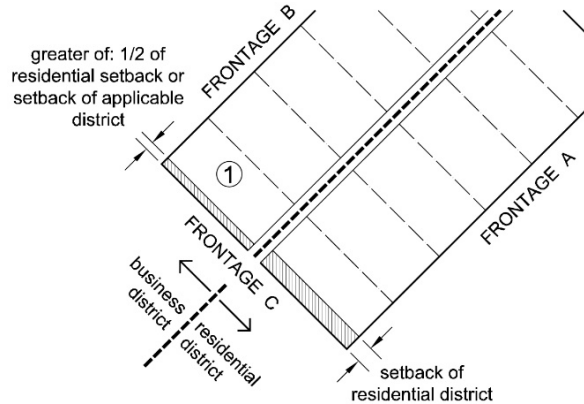
§6.2. General Yard Requirements

This section is not applicable to the B-3 and MXD Districts.

- 6.2.1. Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof, and, unoccupied for storage, servicing or similar uses, except as provided for herein.
- 6.2.2. More than one (1) multiple dwelling, office, institutional, industrial or public building may be located upon a lot or tract of land, but such dwellings shall not encroach upon the front, side or rear yards required by the district regulations.
- 6.2.3. In certain cases the Building Official can reduce either the front or rear yard requirement by no more than (5) five ft in any district. A greater reduction may only be approved by the ZBA through a variance. However, the side yards must meet the requirements for the applicable district.
- 6.2.4. Front Yard Modifications
 1. Where new development is proposed on the same block face as abutting, previously developed lots located within the same district with front yards less than required in such district, the following modifications shall apply:
 - a. Where a building is to be erected on a parcel that is within 100 ft of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings
 - b. Where a building is to be erected on a parcel that is within 100 ft of an existing building on one (1) side only, such building may be erected as close to the front lot line as the existing building.
 2. Contextual Setbacks. The minimum front yard setback for all lots along a block face that includes multiple zoning districts shall be the most restrictive front yard setback required among the districts occurring along that block face (see Figure 6-2, Example 1). This shall be considered the contextual setback. However, in the case of a block face wherein a district with a greater setback requirement is separated from a district with a lesser setback requirement by an alley, watercourse, buffer, or similar physical transition, the contextual setback within the less restrictive district shall be half (1/2) of the setback required in the abutting district or the normally required setback of the abutting district, whichever is greater (see Figure 6-2, Example 2). These adjustments shall also apply to secondary front yards.



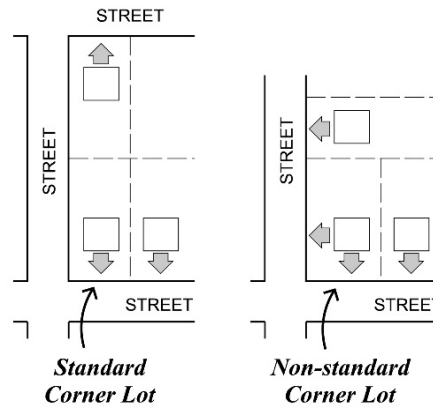
Example 1: Where the Lots along Frontage A are in a district with more restrictive Setbacks than those Lots along Frontage B, the Setback along Frontage C for Lot 1 is subject to the more restrictive Setback, except as shown in the Example 2.



Example 2: Where the Lots along Frontage A and those along Frontage B are separated by a public Alley ROW, the "Contextual Setback" along Frontage C for Lot 1 shall be the greater of: the normal Setback of the Applicable District for or half of the Setback in the Abutting residential district.

Figure 6-2: Contextual Setbacks

3. Through lots shall provide the required front yard on both sides.
4. Standard corner lots for detached single-family and duplex dwellings in the R-2, R-2A and R-3 Districts, shall have a primary (greater) front yard setback and a secondary (lesser) front yard setback. Corner lots, in all other cases, shall provide a front yard on each street.



Standard and Non-Standard Corner Lots

6.2.5. Rear Yard Modifications. Where a lot abuts an alley, one-half (1/2) of the alley width may be considered as part of the required rear yard.

§6.3. Height Modification

- 6.3.1. Any limitation on the number of stories shall not apply to buildings used exclusively for storage purposes, with the exception of Mini-warehouses provided such buildings do not exceed the height in feet permitted in the applicable district.
- 6.3.2. Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, steeples, penthouses, stacks, stage towers or scenery, lofts, tanks, water towers, ornamental towers or necessary appurtenances, where permitted, may be erected to any height not in conflict with existing or hereafter adopted ordinances of the City, except that where permitted in connection with residential uses, such structures shall be limited to a height of twenty-five (25) ft above the average height of structures permitted in that district. [See §7.13 Transmission Towers (Commercial)]

§6.4. Fences and Walls

- 6.4.1. No fence shall be allowed within the front yard setback in any single family residential district (see Figure 6-4). However, for corner lots, the Zoning Administrator may approve an encroachment of not more than five (5) ft into the secondary front yard

(standard corner lots) or into the front yard corresponding with the longer of the two street frontages (for non-standard corner lots). In such cases, fences shall not exceed forty-two (42) inches in height.

- 6.4.2. Fences in any single family residential district shall not exceed a height of six and one half (6.5) ft as measured from the topmost point of the fence to grade level at the fence line.

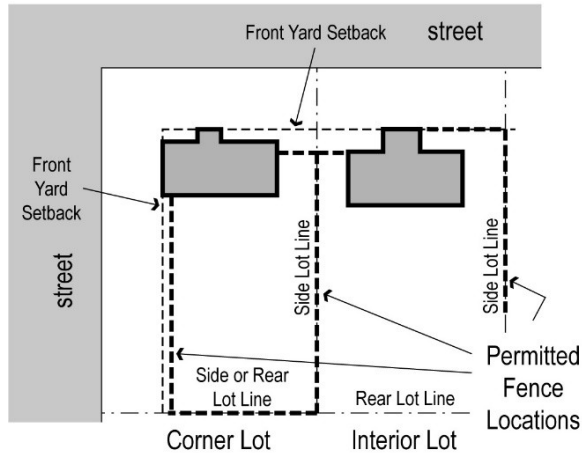


Figure 6-4: Permitted Fence Locations

- 6.4.3. The following types of fences are permitted in Residential Districts: masonry walls, ornamental (iron), woven wire (chain link), wood or other man made materials designed specifically for such use, and hedges. The following type of fences are prohibited: any fence carrying electric current, any fence that utilizes spikes, nails, barb wire or other pointed materials in its construction. However, when warranted, those fence types listed as prohibited above may be permitted in the A-1 Agricultural, M-1 Light Industrial and M-2 Heavy Industrial Districts.
- 6.4.4. No fence of any material shall encroach into the Clear Sight Triangle where a thoroughfare intersects a driveway, alley, or another thoroughfare, as determined by the City Engineer in accordance with the Public Works Manual. No fence, hedge or any type of planting shall be placed or constructed in any location that would hinder access to fire hydrants, including ornamental or split-rail fences.
- 6.4.5. The following exceptions should be noted: fences used for guard railing, around depressed ramps, tops of retaining walls along driveways and adjacent to residential sidewalks, not to exceed forty-two (42) inches in height.
- 6.4.6. The finished side of the fence, if applicable, shall face adjoining properties or public areas.
- 6.4.7. For non-residential Districts, all fence construction shall be subject to site plan approval with no height or setback restriction(s) except those deemed, necessary and reasonable by the Commission unless otherwise stipulated elsewhere in this Ordinance. [See Use Specific Regulations, if applicable]

§6.5. Porches, Terraces, Balconies, Cornices and Eaves

- 6.5.1. Sills or ornamental features of a structure may project into any yard not to exceed six (6) inches.
- 6.5.2. Cornices or eaves may project into any required yard not to exceed twenty-four (24) inches, except as otherwise provided by the Building Code.
- 6.5.3. Terraces, unenclosed porches, underground fallout shelters or ornamental features (which are constructed as part of a single family or two-family dwelling) may project into a required yard, provided such projections shall not extend into the required front yard more than five (5) ft and shall not extend closer than twenty-five (25) ft to the rear lot line. The said terraces, porches, shelters and ornamental features (when constructed as part of a multi-family dwelling) shall not encroach more than five (5) ft into the side yards.
- 6.5.4. In single family and two-family residential districts, an unenclosed balcony, deck, porch or fire escape may project into a required rear yard, provided such structures be located not closer than twenty-five (25) ft from the rear property line and ten (10) ft from either side lot line.

- 6.5.5. In multi-family residential districts, an unenclosed balcony, porch, deck or fire escape may project into a required rear yard for a distance not to exceed twelve (12) ft and may project into a required side yard for a distance not to exceed eight (8) ft; but, in no instances, shall the said structures be located within a required buffer.

§6.6. Accessory Buildings and Structures

- 6.6.1. Accessory buildings or structures up to twelve (12) ft in height shall be permitted within five (5) ft of any side or rear property line. Accessory buildings above twelve (12) ft in height shall be set back one (1) additional foot for each four (4) ft in height above twelve (12) ft up to the maximum building height of the applicable district.
- 6.6.2. Accessory buildings and structures shall be constructed of materials compatible with other buildings in the same district to ensure that the aesthetic value and appearance of the area is retained.
- 6.6.3. Accessory buildings and structures and attached and detached carports and garages on residential lots shall meet the following requirements:
1. In the A-1 District, the lot coverage of detached accessory structures, in aggregate, shall not exceed twenty-five (25) percent of the established rear yard (as measured from the rear building line of the principal structure). In the E-1 and R-1 Districts, the lot coverage of detached accessory structures, in aggregate, shall not exceed fifteen (15) percent of the established rear yard and the gross floor area shall not exceed fifty (50) percent of that of the principal building. In all other cases, the maximum floor area of detached accessory structures shall be twenty-five (25) percent of the gross floor area of the principal building.
 2. Accessory buildings and structures shall not exceed the principal building height.
 3. Such structures and additions shall be subject to the front yard setback of the applicable district.
 4. Attached accessory buildings and structures, such as, carports and garages shall conform with the side yard setback for the applicable district.
 5. When the lot abuts an alley, detached accessory structures may be closer than five (5) ft to the lot line at the alley, but not closer than twelve (12) ft to the alley centerline.
 6. Accessory structures shall not be built prior to construction of the primary structure, nor shall such be used for non-residential purposes which are not normally incidental to residential use.
 7. All electrical power service to accessory buildings on residential lots shall originate from the main power service at the main building and not a separate metered service. However, after review, the Zoning Administrator may approve a separate meter for utilities in the A-1 and E-1 Districts only.

§6.7. Satellite Dish Antennas

- 6.7.1. Satellite dish antennas and other ground mounted antennas shall not be permitted in the front yard. Setbacks shall be from all lot lines, a distance equal to the height of the antenna. The setback shall be measured from the closest edge of the dish to the lot line. Satellite dishes are subject to the district's maximum building height.
- 6.7.2. Satellite dish antennas shall be neutral in color and to the greatest extent possible, compatible with the appearance and character of the neighborhood in which located.
- 6.7.3. If the required placement prevents satisfactory reception or other problems of a unique nature, such may be referred to the ZBA for a variance.

§6.8. Temporary Structures and Building Material Storage

Temporary buildings may be permitted for storage of materials connected with construction projects and such buildings may also be permitted as temporary offices until such time as the construction projects are completed and permanent buildings are ready for habitation. However, no such buildings or structures shall be permitted until appropriate Building Permits have been approved and issued.

§6.9. Garage or Yard Sales

- 6.9.1. Garage or yard sales on the same lot shall not be conducted for more than three (3) days (whether consecutive or not) during any ninety (90) day period.

- 6.9.2. All posters and/or signs, display tables, stands, racks, etc. shall be removed immediately after such sale by the person conducting the garage or yard sale and such items shall be stored inside an enclosed building or screened from public view.

§6.10. Private Swimming Pools and Tennis Courts

6.10.1. Private Swimming Pools. Where permitted, private swimming pools shall comply with the following requirements:

1. Permanent swimming pools which are wholly or partially above grade level shall be located in the rear yard of a single or two-family residential district no closer than twenty-five (25) ft from any lot line. No mechanical appurtenance shall be located within ten (10) ft of any lot line.
2. Private Swimming Pools constructed below grade level shall be:
 - a. Located, including mechanical appurtenances, no closer than ten (10) ft from any lot line.
 - b. Enclosed at the time of construction by a fence of not less than four (4) ft in height (measured from grade level to the highest point on the fence) as per the City's adopted building code. Fences and gates shall be constructed of such materials so as to prevent unauthorized entry. Moreover, gates shall be provided with permanent self-latching devices which shall be locked at all times when the pool is not in use.
 - c. Above-ground pools shall be subject to the requirements of the Standard Swimming Pool Code, 1991 and any future amendments thereto.
 - d. All exterior lighting fixtures shall be constructed to direct the beam of light below the horizontal plane of the fixture, reflecting away from any adjacent property. Said fixtures may not extend higher than twenty-five (25) ft in height.
 - e. Swimming pools for multi-family and commercial uses shall meet minimum standards deemed appropriate by the Commission upon review of each specific proposal.

6.10.2. Private Tennis Courts. Where permitted, all tennis courts constructed in single family or two family residential districts shall meet the following minimum standards:

1. The tennis court shall be located in the rear yard.
2. The tennis court may not be located any closer than twenty-five (25) ft from any lot line and residential structure.
3. All fences shall meet the requirements of §6.4 Fences and Walls.
4. Tennis courts for multi-family and commercial uses shall meet the standards deemed appropriate by the Commission during the review of each specific proposal, including but not limited to required buffers.
5. If lighted, all exterior lighting fixtures shall be constructed in a manner so as to direct the beam of light toward the facility itself and away from any adjacent areas. Said fixtures shall not exceed twenty-five (25) ft in height.

§6.11. Ownership and Management of Common Open Spaces and Facilities

For all proposals involving the creation of open spaces or facilities to be owned and maintained by a homeowner, property owner, or condominium association, the following shall apply:

- 6.11.1. Owner's Association. An association representing the owners shall own the common open space or facility in perpetuity. Membership in the association shall be mandatory and automatic for all owners of the subdivision or condominium and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities located thereon shall be borne by the association.
- 6.11.2. Management Plan. The applicant shall submit a plan for management of open space and/or common facilities that:
 1. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including provisions for ongoing maintenance and for long-term capital improvements;
 2. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which such funding will be obtained or provided;
 3. provides that any changes to the plan be approved by the Commission; and
 4. provides for enforcement of the plan

- 6.11.3. In the event the party responsible for maintenance of the Common Open Space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Such costs shall become a lien on all involved properties.

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Article 7 USE-SPECIFIC REGULATIONS

§7.1. Farm

7.1.1. The minimum land area shall be ten (10) acres

7.1.2. The following farming activities shall be permitted:

1. Forage and sod crops
2. Grain and seed crops
3. Dairy animals and products
4. Livestock, such as beef cattle, swine, sheep, goats or any similar livestock; including the breeding and raising of such animals but excluding commercial meat processing operations
5. Poultry, including egg production but excluding commercial poultry processing operations
6. Nursery operations involving the raising of plants, shrubs and trees for sale and transplantation, including greenhouses and the incidental sale of items customarily associated with a nursery operation
7. Bees and apiary products
8. Fisheries, excluding commercial fish processing operations
9. Fruit and vegetables of all kinds, including the growing and harvesting of such fruit and vegetables, but excluding commercial food processing operations

7.1.3. Area and Dimensional Regulations.

1. In the A-1 Agricultural District, the minimum setback of livestock barns and commercial chicken (fowl) houses from adjoining property lines shall be 100 ft; and from street right-of-way lines shall be 300 ft; provided, however, that no livestock barn or chicken houses shall be built closer than 300 ft to the nearest then existing residence other than that of the owner. Swine, (hogs) to be housed, fed and watered not nearer than 100 ft to any adjoining property line or within 300 ft of any street right-of-way.
2. Temporary sawmills and chippers (used in connection with timber cutting operations) shall be set back at least 200 ft from any lot line.
3. Non-farm related single family residences and subdivisions are permitted, provided that the recording of lots in this district contains a minimum of half (1/2) an acre and is in complete conformance with the City subdivision regulations. Applicants should also be apprised of the fact that a two (2) acre minimum lot is required for a hobby farm, in case the intent is to utilize the lot for that purpose.

7.1.4. A booth or stall (farm stand) from which farm produce grown on the same premises and sold to the general public shall be permitted subject to the following:

1. Sales areas shall be set back from all lot lines so as to meet the district yard requirements.
2. Sales areas shall not occupy any part of a required off-street parking or loading area.

7.1.5. Incidental structures and activities commonly associated with a farm may include: barns, silos, animal pens, loading and unloading platforms, chutes and other accessory uses.

§7.2. Hobby Farms

7.2.1. The minimum lot area shall be two (2) acres.

7.2.2. Unless otherwise provided for in this Ordinance, the keeping of farm animals and fowl (livestock and fowl) shall be limited to the following types:

1. Poultry (shall not include chicken houses or other facilities to house fowl), horses, donkeys and ponies are permitted.
2. The keeping of goats, sheep and swine in a hobby farm is prohibited.

7.2.3. The use shall be subject to the following setback and area requirements:

1. Farm animals shall be housed not less than 200 ft from any adjacent lot not zoned A-1 Agricultural District.
2. At least one (1) acre of lot area shall be required for each small livestock animal and a maximum of twenty (20) poultry for every 8,000 sf of lot area shall be permitted.
3. Offensive animal odors shall not be detectable at the property line.

§7.3. Shopping Centers

Where permitted, a shopping center shall consist of a building group that is unified in accordance with the following:

7.3.1. A site development plan shall be required which provides for:

1. An integrated parking area and vehicular loading spaces as specified in Article 8.
2. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic throughout the parking areas and no undue interference with through traffic in gaining ingress and egress from the proposed site.
3. The location, size and character of all exterior signs.
4. A buffer strip if required in accordance with §9.2 Buffers.
5. Convenient and safely located pedestrian walkways.
6. A traffic analysis indicating the estimated effect of the proposed shopping center on adjacent street traffic, including volume flows to and from the proposed facility. This analysis should be prepared by a Registered Engineer.
7. A preliminary plan or engineering report providing for site grading, storm drainage, sanitary sewers and water supply prepared by a Registered Engineer.
8. Copy of any Deed Restrictions intended for the property upon which the shopping center is to be constructed.

§7.4. Gasoline Service Stations

Where permitted, Gasoline Service Stations shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama, as well as provisions contained herein:

- 7.4.1. All permanent storage of materials, merchandise and equipment shall be within the principal building or within the setback lines and screened as required in §9.4 Screening.
- 7.4.2. Drains located on the premises without the approved separators in the trap shall be prohibited. Gasoline storage tanks shall be in full compliance with Alabama Department of Environmental Management (ADEM) requirements and local regulations.
- 7.4.3. Applicable Only To New Service Stations:
 1. Minimum site of 12,000 sf
 2. Frontage on a public street of at least 120 ft
 3. All islands shall have a minimum of a twenty (20) ft setback from the street.
 4. All driveways shall as approved by the City Engineer in accordance with the access standards of the Public Works Manual.
 5. A minimum of 1,600 sf of lot area is required for each triple pump island after the first three. A lot area of 1,200 sf shall be provided for each service bay or car wash and 150 sf for a separate pay station.
- 7.4.4. Applicable Only To Construction of Gasoline pumps and facilities to existing establishments. The following minimum standards shall apply to the gasoline dispensing area, including pump islands and approach drives:
 1. One triple island, 2,700 sf
 2. One pay station and one triple island, 5,200 sf
 3. A minimum of 1,600 sf of lot area shall be provided for each additional triple pump island and a minimum of 1,200 sf of lot area shall be provided for each bay and car wash.
- 7.4.5. The following are prohibited uses at Gasoline Service Stations:

1. Storage of vehicles on the premises for purposes other than maintenance and repair. This shall not include wrecked motor vehicles left on the premises temporarily for insurance inspection and estimates of repair. However, such vehicles shall not be parked or stored on the premises longer than seventy-two (72) hours.
2. Major vehicle repair activities as defined in §3.5.4
3. Buying or offering for sale of new or used motor vehicles
4. Any use performed inside the principal building or on the premises which is offensive or dangerous or which constitutes a nuisance to the occupants of adjacent properties by reason of smoke, fuels, dust, odor, vibrations, noise or unsightliness

§7.5. Fast Food Restaurants

Where permitted, Fast Food Restaurants shall comply with the following:

7.5.1. Submission of a site development plan, which provides for:

1. A landscaping strip shall be provided along any frontages in accordance with §9.3.
2. A preliminary plan or engineering feasibility report providing for the site grading, storm drainage, sanitary sewers and water supply shall be prepared by a Registered Engineer.
3. Fixed lighting shall be arranged so as not to shine, reflect or glare onto surrounding properties or public streets.
4. The outside premises shall be cleared of all used paper, trash, refuse and other waste materials at least once every six (6) hours prior to closing.
5. Fast Food Restaurants shall not be permitted to install and maintain loud speakers or jukeboxes in a manner which allows emanating sounds to be heard outside the restaurant building. This shall not, however, include microphones and speakers necessary for ordering food.
6. Each Fast Food Restaurant shall be provided with a dumpster pad which shall be located in the rear of the establishment and screened as required in §9.4 Screening.

§7.6. Hospitals

Where permitted, Hospitals shall comply with the following regulations:

7.6.1. Submission of a site development plan which provides for:

1. A preliminary plan or engineering feasibility report providing for site grading, storm drainage, sanitary sewers and water supply, prepared by a Registered Engineer
2. Where deemed necessary, by the City Engineer, a traffic analysis indicating the estimated traffic flows to and from the hospital prepared by a Registered Engineer
3. For each bed in a hospital there shall be 100 sf of outdoor open space, exclusive of required front yards, side yards, buffer areas, parking areas, loading spaces or other purposes. The said outdoor space shall be open and unobstructed from the ground upwards.

§7.7. Assisted Living and Nursing Care Facilities

Where permitted, Nursing Care and Assisted Living Facilities shall comply with the following requirements:

7.7.1. Submission of a site development plan which provides for:

1. A preliminary plan or engineering feasibility report providing for the site grading, storm drainage, sanitary sewers and water supply, prepared by a Registered Engineer.
2. Where deemed necessary by the City Engineer, a traffic analysis indicating the estimated traffic flows to and from the nursing care facility prepared by a Registered Engineer.
3. For each bed in the facility there shall be 200 sf of outdoor open space, exclusive of require front yards, side yards, buffer areas, parking areas, loading spaces or other purposes. The said outdoor open space shall be open and unobstructed from the ground upwards.

§7.8. Cemeteries

Where permitted, Cemeteries shall comply with all applicable State regulations and the following requirements:

- 7.8.1. A site development plan which depicts the boundaries of the cemetery, existing zoning, adjacent land uses, topography, drainage and buffers
1. No part of a Cemetery shall be located closer than 200 ft from any residential district, nor closer than 500 ft from any hospital or nursing care facility.
 2. A six (6) ft high protective wall or fence shall be constructed on all property lines, except at points of ingress and egress. Cemeteries shall be exempt from any required screening along public rights of way. The facility shall have installed gates with locks at points of ingress and egress.
 3. No grave site shall be located closer than 150 ft from a water line or underground water supply.
 4. Mausoleum, crematorium or any other building or structure, accessory to or incidental to a cemetery, shall not be closer than 200 ft from any property line.

§7.9. Home Occupations

Where permitted, Home Occupations shall comply with the following requirements:

- 7.9.1. The Home Occupation shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the uses permitted in the applicable district. No Home Occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased traffic or any other conditions which would constitute an objectionable use of residentially zoned property.
- 7.9.2. Home Occupations shall be limited to:
1. an office or a business of a personal service nature.
 2. Instruction of music, art, dancing and similar activities limited to two (2) students at a time. Any noise created by the activity shall not be detectable outside the premises.
- 7.9.3. The Home Occupation shall be confined to twenty-five (25) percent of the principal dwelling and, no outside storage shall be used in connection with the Home Occupation. In addition, no additional buildings or structures may be constructed in connection with the Home Occupation.
- 7.9.4. Employment shall be limited to members of the family residing in the dwelling.
- 7.9.5. No display of products shall be visible from the street and only articles made on the premises may be sold.
- 7.9.6. The activity carried on as a Home Occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
- 7.9.7. Procedure. An application for a Home Occupation Permit shall be filed with the Zoning Administrator. The Building Inspector and a representative of Public Safety Department, shall be permitted to make an inspection upon receipt of the initial application; and, in addition, make inspections at any time, upon reasonable request, to enter and inspect the premises for compliance purposes.
- 7.9.8. The Building Inspector and/or representative of the Public Safety Department shall file with the Zoning Administrator, or ZBA when a Special Exception is required, a written report of any inspection to determine if the licensee is in compliance with this Section or, if not in compliance, to set out any area of non-compliance.
- 7.9.9. Signs shall be in accordance with the specifications set forth in the City Sign Regulations.

§7.10. Mini-warehouses

7.10.1. Where permitted mini-warehouses shall comply with the following requirements:

1. No outdoor storage shall be permitted on the site.
2. No storage of volatile, toxic or explosive materials shall be permitted, either inside the structure(s) or on the premises.
3. Use shall be limited to storage of personal property items and the pickup and deposit of goods or property in dead storage, except a manager's office which is clearly incidental to the principle use. The facility or site shall not be used for wholesale or

retail sales operations or activities. However, this shall not include periodic auctions which are held on the premises to dispose of items which have been abandoned and/or for which the lease time has expired.

4. A minimum lot size of three (3) acres shall be required for a mini-warehouse development.
5. Screen fencing shall be installed around the perimeter of the development. Said fencing shall be a minimum of eight (8) ft in height. The points of access to the facility shall be provided with gates which shall be locked when the facility is not open for business.
6. All outdoor lighting shall be shielded to direct light and glare only onto the mini-warehouse premises and may be of sufficient intensity to discourage vandalism and theft. The said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
7. A limit of thirty (30) mini-warehouses or 15,000 sf of mini-warehouse floor area per acre is required.

7.10.2. A site development plan is required, which provides for:

A preliminary plan or engineering feasibility report which addresses site grading, storm drainage, water run-off, the availability of required utilities, and the identification of areas to be buffered. A buffer shall be provided as required in §9.2 Buffers.

§7.11.

§7.12.

§7.13. Wireless Facilities

7.13.1. General Requirements. Applications for wireless facilities shall include the following:

1. A network design plan for all of the service provider's existing and planned sites in the City and surrounding jurisdictions. The network design plan shall indicate the location of existing and proposed facilities and the service area covered by each site.
2. A qualified electrical engineer licensed by the state of Alabama shall prepare an evaluation of the radio frequency (RF) field exposure conditions of the facility demonstrating that the radiation levels generated by the facility meet Federal standards and that interference to consumer electronic products is unlikely to occur.
3. Visual representations sufficient to accurately show the appearance of the proposed facility, such as photomontages, mock-ups, and story poles.
4. The City may require a co-location agreement binding the applicant and property owner to make the facility available in the future for the installation of additional communication equipment by other wireless communication providers.
5. If the facility is abandoned in the future, the applicant shall be required to remove the wireless antennae and equipment from the site within 180 days.
6. Wireless facilities and all equipment shall be designed to be in compliance with the City noise ordinance.
7. All applications shall include a notarized letter of intent committing the antenna support structure owner or lessee on behalf of themselves and their successors in interest that the antenna support structure shall be shared with additional users if the additional user(s) agrees to meet reasonable terms and conditions of shared use.
8. No transmissions from a wireless facility shall interfere with any existing public safety communications.

7.13.2. Design Requirements. The following specific design requirements shall apply to each type of wireless facility:

1. General Design Standards.
 - a. Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure shall not be illuminated.
 - b. No signs or advertising shall be placed upon an antenna support structure and associated equipment buildings or structures.
 - c. All wireless facilities shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of at least two additional service providers.

- d. In considering a wireless facility for approval by Special Exception, the ZBA shall have the authority to impose conditions on the placement and/or concealment of the facility as necessary to achieve the intents of the regulations herein.

2. Building-Mounted Facilities.

- a. Building-mounted wireless facilities shall not exceed ten (10) feet above the building surface on which they are located. An additional one (1) foot of height may be added for every ten (10) feet the antenna is set back from the building parapet. Distributed, repeater, or microcell antenna systems mounted on buildings within non-residential districts shall conform to the height limit of the applicable zoning district.
- b. Building mounted antennae shall be integrated with the building design so as to be visually unobtrusive.
- c. Building mounted antenna equipment shall be screened from public view.

3. Structure-Mounted Facilities. Wireless facilities, including distributed, repeater and microcell antenna systems, mounted on a utility pole/structure shall be subject to the following:

- a. An antenna system mounted on a structure within the public right-of-way shall be limited in height to the height of that particular structure.
- b. Antenna systems shall be located and designed to minimize their visibility on utility poles or other structures.
- c. Antenna systems' equipment shall be screened from public view.
- d. If proposed to be located in a district in which above-ground utilities are prohibited, the ZBA may approve such installation by Special Exception provided the structure on which it is to be mounted may be located out of public view, such as within an alley or wooded area.

§7.14. Industrial Parks

Where permitted, Industrial Parks shall comply with the following requirements:

- 7.14.1. An Industrial Park shall, for the purpose of this Ordinance, include all land forty (40) acres or more in size, subdivided and platted into two (2) or more parcels, and used or intended to be used for predominately industrial or commercial purposes of an Industrial character.
- 7.14.2. A site development plan shall be required for each Industrial Park which provides the following:
 - 1. Access to an Industrial Park shall be by way of a major thoroughfare.
 - 2. All streets within an Industrial Park shall have a minimum right-of-way width of seventy (70) ft, a maximum gradient of five (5) percent and shall conform to the City standards for commercial streets or as otherwise approved by the reviewing authority.
 - 3. Off-street parking and loading shall be provided in accordance with Article 8.
 - 4. Outdoor storage in an Industrial Park shall be permitted only when accessory to a permitted principal use and only when storage areas are suitably screened by either landscaping, fences or walls, and are located at least 100 ft from any property line and at least 150 ft from any street lines. Such storage areas shall not cover more than fifteen (15) percent of the site areas. The reviewing authority shall approve plans for the location and screening of all outdoor storage areas before a Building Permit shall be issued for their construction.
 - 5. Buffers shall be provided as required in §9.2 Buffers.
 - 6. Cul-de-sac streets shall not be permitted in Industrial Parks. Dead end streets; however, are permitted when no more than 500 ft in length, as measured from the terminal point of the dead-end street to the closest intersection, and when such terminal point is provided with a paved vehicle turnaround area having a minimum right-of-way radius of seventy (70) ft.
 - 7. Street lighting shall be provided in accordance with the City street lighting standards with the location of street lights in conformance with Alabama Power Company recommendations.
 - 8. The vehicular approach to an Industrial Park site from a public street shall be so designed that uncontrolled left hand turns from the street shall be eliminated or reduced either by a frontage roadway or other suitable means deemed adequate by the reviewing authority.

9. Sight distances at all points of ingress and egress to public streets shall not be less than 1000 ft, except where a traffic signal light is installed at the entrance to or exit from the Industrial Park site unless otherwise determined by a study conducted by the City Engineer or other persons qualified in this field.
10. Where points of ingress and egress to Industrial Parks from public streets or highways having speed limits in excess of thirty (30) miles per hour are located, there shall be provided on the public thoroughfare acceleration and deceleration lanes, the length of which shall be determined in accordance with Table 7.12 or other standard adopted by the City, whichever is more restrictive:

Table 7.12 Minimum Length of Acceleration/Deceleration Lanes for Industrial Parks				
Speed Limit (in Miles per Hour)	30	40	50	55
Distance (in Feet)	100	200	300	350

11. A report of subsurface soil conditions shall be provided to the reviewing authority by a Registered Engineer as evidence of suitable bearing for foundations in the construction of industrial structures of a nature intended to be used within the proposed Industrial Park.
12. A preliminary plan or engineering feasibility report shall be submitted to the reviewing authority, which provides for the site grading, storm drainage, sanitary sewerage and water supply, prepared by a Registered Engineer.
13. A copy of any deed restrictions shall be provided to the Commission.

§7.15. Transmission Towers (Commercial)

Where permitted, the distance between the base of the tower and property lines abutting urban residential districts, public parks and roads must equal twenty (20) percent of the tower height; property lines adjacent to other uses (e.g. agricultural, industrial) require a setback equal to the rear yard setback established for the underlying zone.

- 7.15.1. All applicants for such towers shall submit an engineering report to both the Zoning Administrator and to the Commission, documenting all of the following:
 1. Height, design and building materials selected, including pertinent technical, engineering, economic and other factors influencing the final design.
 2. Total anticipated capacity of the structure, including the number and types of antennas that can be accommodated.
 3. Evidence of structural integrity.
 4. Failure characteristics of the tower and demonstration that the site and setbacks are of adequate size to contain debris.
 5. Mitigation measures for ice and other hazards, including setbacks and de-icing equipment.
- 7.15.2. Where applicable, adequate parking shall be provided, along with buffers where such tower site abuts any residential zone district. Such towers shall be prohibited in any residential district.
- 7.15.3. In all zones permitted, a security fence, six (6) ft in height, around the tower base or along the perimeter of the site, shall be required to prevent unauthorized entry, vandalism and injuries.
- 7.15.4. In addition, all such structures shall be in full compliance with all applicable local, State and Federal Regulations.

§7.16. Seasonal Sales

Unless otherwise specified in this Ordinance, the seasonal sale of farm produce, firewood, Christmas trees and similar items shall be conducted either from motor vehicles or premises. Such items shall not be sold from permanent structures/locations and the use of structures or buildings in conjunction with said activity shall be temporary as specified by the City and subject to the City's conditions at the time a business license is issued. Nothing herein shall prohibit seasonal sales as a temporary activity on the premises of and associated with an otherwise existing use and the permanent building in which such existing use is housed.

§7.17. Multiple-family Dwellings

This section is not applicable to the B-3 and MXD Districts.

Multiple-family developments shall comply with the area and dimensional regulations of the applicable district except as otherwise indicated herein. For the purposes of these regulations, Independent Living Facilities shall be considered a type of multi-family development.

7.17.1. Requirements applicable to all Multiple-family development types.

1. All buildings shall maintain a public entrance, accessible by public sidewalk along the street on which the building fronts. Additional entries are permitted, as necessary.
2. Parking areas for tenants are required to be placed to the side or to the rear of the building.. A sidewalk of no less than five (5) ft in width shall be provided between the building and parking area.
3. Building facades must use durable materials. Durable materials include brick, stucco (EIFS is not permitted within 36 inches of finished grade), heavy timber, wood, slate, metal, and tile roofing. Vinyl and cementitious siding may be used as an accent material and shall be limited to thirty percent (30%) of all exterior walls. The percent calculation shall be based on the total area of all exterior walls, excluding openings for windows and doors.
4. All utilities shall be placed underground; all multiple-family dwellings shall be served by public water and sewer.
5. Min. Front Yard Setback: as required by the R-4 District except when abutting a single-family dwelling or duplex or a property zoned for such uses. In such case, the minimum front yard setback for the multiple-family dwelling shall be no less than that established or required by the abutting single-family dwelling or duplex district along the same frontage.
6. Min. Side and Rear Yard Setbacks: as required by the applicable district or by §9.2 Buffers, whichever is greater

7.17.2. Requirements for Multi-Family Buildings. The following shall apply only to multiple-family developments with no more than one (1) dwelling building be constructed on the lot.

1. Entrances to individual units shall be from the interior of the building. Mailboxes and laundry rooms shall also be within the same Building.
2. Open space requirements:
 - a. The following uses are permitted:
 - (1) Environmental corridors/ greenways
 - (2) Pocket parks
 - (3) Playgrounds
 - (4) Storm water retention/detention facilities (where incorporated into one of the above)
 - b. No less than fifteen (15) percent of the site area shall be improved and maintained as Common Open Space for the recreational use of tenants. At least twenty-five (25) percent of the Open Space shall be dedicated, designed, and improved as a Common Open Space for the recreational use of residents. Such space shall be no less than forty (40) ft in width along its narrowest dimension. Shade must be provided for 1/3 of the area at minimum.
 - c. Open space must be built when the final plat is approved. Amenities provided within the open space, such as benches, planters, art and water features will be maintained by the owner for the life of the project in accordance with §6.11 Ownership and Management of Common Open Spaces and Facilities.
 - d. Common open space and other permitted uses may require additional parking, beyond the required number of parking spaces per unit as determined by the City Engineer.
 - e. The Common Open Space shall not include steep grades, areas with poor drainage or other constraints to its recreational use.

7.17.3. Requirements for Multi-Family Complexes. The following shall apply to any multiple-family developments with more than one (1) dwelling building to be constructed on the lot.

1. Two (2) or more principal buildings shall be permitted per Lot.
2. Spacing shall be provided between buildings in accord with §5.9 R-4 District.
3. Open space requirements:

- a. The following uses are permitted:
 - (1) Central squares made of pervious pavement, landscaping, or combination.
 - (2) Plazas made of pervious pavement, landscaping, or combination.
 - (3) Environmental Corridors/ greenways
 - (4) Pocket parks
 - (5) Neighborhood parks
 - (6) Playgrounds
 - (7) Storm water retention/detention facilities (where incorporated into one of the above)
- b. No less than twenty (20) percent of the site area shall be reserved as Open Space. At least twenty-five (25) percent of the Open Space shall be dedicated, designed and improved as a Common Open Space for the recreational use of residents. Such space shall be no less than forty (40) ft in width along its narrowest dimension. Shade must be provided for 1/3 of the area at minimum.
- c. Open space must be built when the final plat is approved. Amenities provided within the open space, such as benches, planters, art and water features will be maintained by the owner for the life of the project in accordance with §6.11 Ownership and Management of Common Open Spaces and Facilities.
- d. Common open space and other permitted uses may require additional parking, beyond the required number of parking spaces per unit as determined by the City Engineer.
- e. The Common Open Space shall not include steep grades, areas with poor drainage or other constraints to its recreational use.

§7.18. Public Buildings

This section is not applicable to the B-3 and MXD Districts.

Area and Dimensional Regulations. The following requirements shall apply to all public buildings located in any Residential District.

- 1. Front yard: As required in the applicable district.
- 2. Rear yard: Thirty-five (35) ft
- 3. Side yard: Thirty-five (35) ft
- 4. Maximum height: Forty-five (45) ft or 3 stories
- 5. Maximum area: Fifty (50) percent

§7.19. Accessory Dwellings

Accessory dwellings shall only be permitted as an accessory use to a permitted single-family detached dwelling.

7.19.1. Area and Dimensional Requirements.

- 1. Minimum lot area: Accessory dwellings shall only be permitted on lots with a minimum lot size of 8,000 sf.
- 2. The minimum habitable floor area shall be 300 sf and the maximum habitable floor area shall be thirty (30) percent of the gross floor area of the principal dwelling. For instance, a principal dwelling with a gross floor area of 1,500 sf shall be permitted an accessory dwelling no larger than 450 sf.
- 3. Setbacks. If detached from the principal dwelling, accessory dwellings shall be to the rear of the principal dwelling or within the upper floor of a detached garage or similar permitted accessory structure and shall be set back as otherwise required of accessory structures.

7.19.2. Additional Requirements.

- 1. Utilities shall not be separate or separately metered from that of the principal dwelling. However, in the A-1 and E-1 Districts, the ZBA, upon a recommendation by the Zoning Administrator, may approve separate meters as part of the Special Exception approval.

2. No more than two (2) persons, regardless of their relationship to the owner of the principal residence, shall reside in the accessory dwelling at any time.
3. One (1) parking space, in addition to that required for the principal dwelling, shall be provided. Access to such space shall not conflict with the parking area for the principal dwelling; however, an additional driveway shall not be permitted for the accessory dwelling.
4. Accessory dwellings, whether attached to the principal structure or contained within an accessory structure, shall maintain the appearance of the principal dwelling, including colors, materials, and style, and shall not create additional entrances toward the front of the property.

§7.20. Bed and Breakfasts

Bed and breakfasts shall only be permitted in single-family detached dwellings, shall only be operated by the owner and resident of the dwelling, and shall comply with the following provisions:

7.20.1. Use Regulations.

1. Intensity of Use. All guest rooms shall be located within the principal structure.
2. Length of stay. The maximum length of stay shall be limited to two (2) consecutive weeks.
3. The only meal provided to guests shall be breakfast, which may be served only to registered guests. Individual guest rooms shall contain no cooking facilities, and no food preparation or cooking shall be allowed.

7.20.2. Parking. For each and every guest room as approved by the City, there shall be provided one (1) parking space, in addition to the spaces required for the residence. Such additional required parking spaces shall be screened from adjacent properties and arranged so that each space has direct access to a driveway, whether from a public street or an alley. Such parking areas shall be designed and arranged on the site so as to not detract from the character of the neighborhood. Recreational vehicle parking shall be prohibited.

7.20.3. Signs. Only one (1) non-illuminated sign, attached to the front facade, shall be allowed. Such signs shall not exceed eight (8) sf in size.

7.20.4. Building Design Standards.

1. Interior. Only minimal interior modifications shall be allowed whenever it is necessary to meet Building Code or Health Department requirements.
2. Exterior. Aside from any alterations necessary to ensure the safety of the structure, no exterior modifications shall be allowed (other than provision for a separate entrance). Approved exterior modifications should not detract from the residential character of the dwelling or the neighborhood.

§7.21. Conservation Subdivision/Development

7.21.1. Intent.

1. To provide flexibility to achieve the most effective development on lands constrained by natural hazards or by environmental regulations, which may limit the amount or type of development;
2. To enhance quality of life by promoting the creation of accessible green space;
3. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;
4. To reduce erosion, sedimentation, land disturbance, and removal of vegetation;
5. To encourage interaction within the community by allowing clustering of homes and orienting them closer to the street, thereby providing gathering places as focal points within the community;
6. To encourage street systems that tend to reduce traffic speeds and reliance on main arteries.
7. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and
8. To reduce perceived density by providing access to and views of open space.

- 7.21.2. **Applicability.** The Conservation Subdivision/Development option is available as a use by right for any residential development of ten (10) or more acres. The applicant shall comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.
- 7.21.3. **Ownership of Development Site.** The tract to be subdivided and/or developed may be held in single, separate, or multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.
- 7.21.4. **Density Determination.** The maximum number of lots shall be determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by City and/or County Health Department standards for septic tanks, or by other density limitations, such as watershed protection requirements, as applicable to the site. In making this calculation, the following shall not be included in the total area of the parcel:
1. The 100-year floodplain;
 2. Bodies of open water over 5,000 sf of contiguous area; and
 3. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act.
- 7.21.5. **Application Requirements.**
1. **Site Analysis Map.** Concurrent with the submission of a Site Plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. The preliminary Site Plan shall include the following:
 - a. Property boundaries;
 - b. All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;
 - c. All boundaries of applicable regulated buffer areas, easements, and ROWs;
 - d. Topography at 5-ft or smaller intervals;
 - e. All Primary and Secondary Conservation Areas labeled by type, as described in §7.19.6;
 - f. General vegetation characteristics;
 - g. General soil types;
 - h. Planned location of protected Open Space;
 - i. Existing roads and structures; and
 - j. Potential connections with existing greenspace and trails.
 2. **Conservation Subdivision Plan.** The developer shall prepare a conservation subdivision plan which yields no more lots than identified under §7.19.4. The conservation subdivision plan shall identify open spaces to be protected in accordance with §7.19.6 and may include lots which do not meet the size and setback requirements of the applicable district. The Conservation Subdivision Plan shall include an open space management plan, as described in §7.19.6, and shall be prepared and submitted prior to the issuance of a grading permit.
 3. **Instrument of Permanent Protection.** An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in §7.19.7, shall be placed on the open space at the time of issuance of a grading permit.
 4. **Other Requirements.** The Applicant shall adhere to all other applicable requirements of the applicable district and the Subdivision Regulations.
- 7.21.6. **Open Space Management Plan.** For the purposes of Conservation Subdivisions, “open space” is defined as the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney.
1. **Standards to Determine Open Space.**
 - a. The minimum restricted open space shall comprise at least twenty-five (25) percent of the gross tract area.

b. The following are considered Primary Conservation Areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the conservation subdivision:

- (1) The 100-year floodplain;
- (2) Riparian zones of at least seventy-five (75) ft width along all perennial and intermittent streams;
- (3) Slopes above twenty-five (25) percent of at least 10,000 sf contiguous area;
- (4) Wetlands, as defined by the Corps pursuant to the Clean Water Act;
- (5) Existing trails that connect the site to neighboring areas; and
- (6) Archaeological sites, cemeteries and burial grounds.

c. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:

- (1) Important historic sites;
- (2) Existing healthy, native forests of at least one acre contiguous area;
- (3) Individual existing healthy trees greater than eight (8) inches caliper; and
- (4) Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.

d. Utility ROWs and small areas of impervious surface may be included within the protected open space but cannot be counted towards the twenty-five (25) percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.

e. At least thirty-three (33) percent of the open space shall be suitable for passive recreational use.

f. At least seventy-five (75) percent of the open space shall be in a contiguous tract, which may be divided by a local street whose area shall be excluded from the open space. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

g. The open space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots shall be provided with safe, convenient access to the open space.

2. Permitted Uses of Open Space:

- a. Conservation of natural, archeological or historical resources;
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Walking or bicycle trails constructed of porous paving materials;
- d. Passive recreation areas, such as open fields;
- e. Active recreation areas, provided that they are limited to no more than ten (10) percent of the total open space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
- f. Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
- g. Easements for drainage, access, and underground utility lines;
- h. Other conservation-oriented uses compatible with the purposes of this Section.

3. Prohibited Uses of Open Space:

- a. Golf courses;
- b. Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections;
- c. Agricultural and forestry activities not conducted according to accepted best management practices;
- d. Impoundments; and
- e. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

4. Ownership and Management of Open Space. See §6.11.

7.21.7. Legal Instrument for Protection of Open Space. The open space shall be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection shall include clear restrictions on use of the open space, including all restrictions contained in this Section, and any restrictions the applicant chooses to place on the open space. The instrument shall be one of the following:

1. A permanent conservation easement in favor of either:
 - a. a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - b. a governmental entity with an interest in pursuing goals compatible with the purposes of this Section, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.
2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
3. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

7.21.8. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor shall be requested to reassess the open space at a lower value to reflect its more limited use.

§7.22. Cottage Subdivision

Cottage Subdivisions shall only be permitted on sites served by public water and sewer and in accordance with the following:

7.22.1. Number of Units. Cottage Subdivisions shall include a minimum of four (4) to a maximum of twelve (12) homes.

7.22.2. Frontage Conditions. Lots within Cottage Subdivisions are exempt from the requirement for each lot to have street frontage, as follows:

1. Each Lot shall front on and have a main entry facing the Common Open Space, except those Lots, nearest the fronting street, may front on the street and/or Common Open Space. In no case shall the rear of a unit front on a street.
2. Where a Cottage Subdivision is to be developed on an existing reverse frontage lot, the rear of cottage lots may face the street of higher classification provided that such lots are separated from the street by one of the following: 1) an Alley/Driveway and a twenty (20) ft Buffer or 2) a forty (40) ft Buffer.

7.22.3. Area and Dimensional Requirements.

1. Minimum Common Open Space: 250 sf per unit and not less than forty (40) ft in width at any point.
2. Permitted Total Floor Area per Dwelling.
 - a. One-Story units: 800 - 1,000 sf
 - b. Two-Story units: 1,200 – 1,400 sf
3. Maximum Height: two (2) stories
4. Minimum Building Setbacks.
 - a. No unit shall be less than twenty (20) ft from an exterior lot line nor less than the contextual setback from any street ROW.
 - b. No setback is required between a unit and the Common Open Space; however, no building projections may extend into or over the Common Open Space.
5. Minimum Parking Setback. Forty (40) ft from a street ROW and twenty (20) ft from exterior Lot Lines.
6. Alley Setback. Where located along an existing Alley, structures and parking shall be set back from the alley centerline no less than twelve (12) ft. Where a new alley is constructed for the Cottage Subdivision, there shall be a minimum setback of twenty (20) ft between the alley and any rear or side lot line of abutting properties. Within this setback shall be provided a natural buffer consisting of evergreen trees spaced no greater than twenty-five (25) ft on center and a continuous, evergreen hedge. Existing natural vegetation may be counted toward this requirement.

7.22.4. Ownership and Management of Open Space. See §6.11.

7.22.5. Parking. Parking shall be required as per single-family detached dwellings. Parking shall be accessed by a common driveway or alley of a width necessary to accommodate turning into parking spaces. Parking spaces shall:

1. be clustered together or provided individually at the rear of each home;
2. be separated from the common area by landscaping, wall or architectural screen; and
3. be screened from streets and adjacent residential uses by landscaping, wall or architectural screen.

§7.23. Day Care Facilities

Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the following requirements:

7.23.1. Application of Regulations. The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24) hour day for children under sixteen (16) years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include family day care homes, group day care homes, and day care centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.

7.23.2. General Provisions.

1. State regulation. All child day care facilities shall comply with all applicable State regulations.
2. Inspections. The Building Official shall have the right to enter and inspect the premises for compliance purposes after advance notice to the property owner.
3. Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the front yard.
4. Sewage facilities. Day care facilities using, or proposing to use, an on-site sewage disposal system shall obtain a written statement from the County Health Department certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure.
5. Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and adjacent streets. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.
6. Expansion to Day Care Center. The care of more than twelve (12) individuals at a time constitutes a Day Care Center, which may require, in the case of expansion of a Family Day Care Home, to a district in which Day Care Centers are permitted. When applying for rezoning, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), on-lot sewage disposal facilities, parking spaces, and the drop-off circulation pattern.
7. Application and permitting procedure. Any individual proposing a family day care home shall submit an application for a Day Care Home Permit to the Building Official. If the application demonstrates compliance with this Section, the Building Official shall grant the permit. Group day care homes shall only be permitted as Special Exception Uses in accordance with §2.8 and the provisions of §7.21.3 below.

7.23.3. Family Day Care Homes and Group Day Care Homes.

1. Family Day Care Homes shall:
 - a. only be permitted in single-family detached dwellings
 - b. have a current State registration certificate (proof of registration renewal must be supplied to the City every two (2) years)
 - c. have no external signage
 - d. be limited to the care of no more than six (6) children
 - e. not receive children for care before 7:00 am nor continue care after 7:00 pm.
2. Group Day Care Homes shall be permitted only by Special Exception and shall be limited to no more than twelve (12) individuals receiving care in accordance with applicable state regulations.

7.23.4. Day Care Centers. In addition to the other provisions of this Section, Day Care Centers shall comply with the following:

1. The facility shall have an approved and currently valid State license. Proof of State annual license renewal must be supplied to the City every year.
2. A fence with a minimum height of four (4) ft shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.
3. On corner lots, access shall only be from the street of lesser classification.
4. Play equipment shall be located at least ten (10) ft from all lot lines.
5. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

§7.24. Upper-story Dwellings

Upper-story dwellings in mixed-use buildings shall be located on a floor level above a use of another type. In all cases, provision of emergency egress and fire separation shall comply with all requirements of the Building and Fire Codes.

- 7.24.1. Live-Work. Single-family dwellings in mixed-use buildings are normally intended for the occupancy of the proprietor of the associated use(s) within the building. In such cases, the dwelling unit may be accessible from within the associated use. If the dwelling is to be occupied by other than the proprietor of the associated use, the dwelling shall have an entrance separate from the associated use.
- 7.24.2. Multi-family Dwellings in a Mixed-Use Building. Multi-family dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed in the upper floors of the building. Dwelling units shall not be accessible directly from another unit or use within the building.

§7.25. Drive-Through Facilities

This section applies to all drive-through facilities in the B-3 and MXD Districts.

Drive-through facilities are subject to the following requirements:

1. Drive-through facilities and lanes must be located behind the principal building.
2. Queuing lanes must not interfere with pedestrian circulation.
3. Drive-through canopies and other structures, where present, must be constructed from the same materials as the primary building, and with a similar level or architectural quality and detailing.

Article 8 OFF-STREET PARKING AND LOADING REQUIREMENTS**§8.1. Purpose of Off-street Parking and Loading Requirements**

The primary purpose of these provisions is to reduce traffic congestion on public streets of the City by requiring certain minimum parking and loading areas be provided off street. Further, these provisions insure safe and convenient access to and from each site, as well as safe and efficient on-site traffic circulation and encourage the design of attractive, efficient and harmonious facilities.

§8.2. Off-street Parking and Loading Terms

The following off-street parking and loading terms, when used in this Article, shall have the meanings defined in this Section:

- 8.2.1. ACCESS BOUNDARY That portion of the parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.
- 8.2.2. BR Bedroom or guest accommodations.
- 8.2.3. DU Dwelling unit.
- 8.2.4. EMPLOYEE The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.
- 8.2.5. GROSS LEASABLE AREA (GLA) The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- 8.2.6. INOPERATIVE MOTOR VEHICLE A motor vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.
- 8.2.7. ABANDONED MOTOR VEHICLE Any motor vehicle which is permanently dismantled, inoperative, or wrecked which is left at any place on a public street within the City for a period of seventy-two (72) consecutive hours.
- 8.2.8. LOADING AREA That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
- 8.2.9. LOADING SPACE An off-street space or berth used for the unloading or loading of commercial vehicles.
- 8.2.10. OCCUPANCY LOAD The maximum number of persons which may be accommodated by the use as determined by its design or by fire code standards.
- 8.2.11. PARKING AISLE That portion of the parking area consisting of lanes providing access to parking spaces.
- 8.2.12. PARKING AREA An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.
- 8.2.13. PARKING SPACE That portion of the parking area set aside for the parking of one (1) vehicle.
- 8.2.14. SF Square feet
- 8.2.15. STACKING SPACE An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

§8.3. Required Off-street Parking Spaces

Unless otherwise provided for, all uses shall conform with the minimum parking space requirements outlined in [Table 8.3.1](#) and [Table 8.3.4](#). In situations where the required number of parking spaces is not readily determinable by [Table 8.3.1](#) or [Table 8.3.4](#), the Zoning Administrator is authorized to determine the parking space requirements using the table as a guide.

- 8.3.1. Shared parking for mixed-use developments. Subject to approval by the Commission, minimum parking requirements for a mixed-use development may be reduced by calculation of shared parking requirements for the development utilizing the shared parking demand information in [Table 8.3.2](#) and the Worksheet shown in Figure 8.3.2. These parking reductions shall not be available to lodging or residential uses unless such uses are part of a development also including non-lodging, non-residential uses.

Parking reductions may be allowed as part of site plan approval only if it is demonstrated to the satisfaction of the Commission that a combination of the following factors or measures are proposed by the development plan, including but not limited to:

1. There are no material adverse impacts on parking conditions in the immediate vicinity.
2. The development plan mitigates vehicular traffic impacts by proposing limited access to and from public streets.
3. The development plan proposes the creation of new or upgraded sidewalks to help foster non-vehicular accessibility.

8.3.2. Off-street Parking Design Requirements

1. The minimum Parking Space dimensions shall be as shown in [Table 8.3.3](#).
2. In large parking areas of twenty (20) or more parking spaces, up to twenty (20) percent of the Parking Spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of eight (8) ft width and sixteen (16) ft length. These spaces shall be conspicuously marked for compact cars only.
3. Stacking Space shall contain a minimum rectangular area of ten (10) ft in width and twenty (20) ft in length and be separated from parking aisles and spaces.
4. Handicapped Parking Spaces shall be provided and designed in accordance with the applicable provisions of the Standard Building Code, 1994, Chapter 11, and as such may be amended with regard to Accessibility for the Physically Disabled and/or Handicapped.
5. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one (1) or two (2) dwelling units; although, backing into arterials shall be prohibited.
6. All lighting fixtures used to illuminate parking areas shall not direct lights on adjoining streets or properties.

Table 8.3.1 Required Off-Street Parking Spaces by Use	
<i>Agricultural Uses</i>	
Farm	1 per 1.05 employees
Farm Stand	1 per 250 sf of retail floor area
Farm Support Business	1 per 1.05 employees, plus 1 per company vehicle
Stable	1 per 3 persons of occupancy load plus 1 per 1.05 employees
<i>Residential Uses</i>	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Garden Home	4 per DU
Independent Living Facility	2 per 3 DUs plus 1 space per employee
Manufactured Home	2 per Manufactured Home
Multi-family Developments	1 per studio, efficiency or 1-BR unit 1.75 per 2-BR unit 2.0 per 3+ BR unit
Single-family Dwelling (attached/detached)	2 per DU
Townhouse	2 per DU, plus 0.5 visitor parking space per unit
<i>Institutional Uses</i>	
Assisted Living Facility	1 per 4 residents plus 1 per employee

Table 8.3.1 Required Off-Street Parking Spaces by Use	
Club	1 per 100 sf of non-storage and non-service floor area
Community Center	1 per 300 sf of GLA
Country Club	1 per 3 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 3 seats in the main assembly space
Public Facility	1 per 300 sf of GLA
Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	1 per 5 students plus 2 per 3 employees
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 3 seats in the main assembly space (whichever is greater)
Table continued on following page	
School, High	1 per 8 students of occupancy load, plus either 2 spaces per classroom or 1 per 3 seats in the main assembly space (whichever is greater)
School, Vocational	1 per 3 students of occupancy load plus 1 per employee
<i>Commercial Uses</i>	
Animal Hospital	1 per 300 sf of GLA
Appliance Store	1 per 400 sf of GLA
Art Gallery	1 per 350 sf of GLA
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 250 sf of GLA

Table 8.3.1 Required Off-Street Parking Spaces by Use	
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	2.5 per chair
Bowling Alley	3.5 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Convenience Store	1 per 200 sf of GLA
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 3 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Gasoline Service Station	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island
Gas Station/ Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	Under 50,000 sf: 1 per 200 sf of GLA 50,000-99,999 sf: 1 per 250 sf of GLA 100,000+ sf: 1 per 300 sf of GLA
Home Improvement Center	1 per 400 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Liquor Lounge (free standing)	1 per 100 sf of GLA
Mini-Warehouse	5 spaces adjacent to leasing office (if any)
Office, business or professional	1 per 250 sf of GLA
Movie Theater	1 per 3 seats
Open Air Market	1 per 500 sf of display area plus 1 per employee
Outdoor Recreation	
Golf Course:	4 per hole
Miniature Golf:	2 per tee
Golf Driving Range:	1 per tee
Other:	1 per 3 persons of occupancy load

Table 8.3.1 Required Off-Street Parking Spaces by Use	
Pool Hall	1 per table
Restaurant, Carry-Out and/or Delivery	1 per employee plus 1 per 300 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 100 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 3 seats of occupancy load
Shopping Center	see General Retail, plus requirements for other uses
Tourist Home, Bed and Breakfast	1 per guest bedroom plus 2 spaces
<i>Industrial Uses</i>	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1 employee plus 1 per company vehicle but not less than 1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA

Table 8.3.2: Typical Shared Parking Demand by Use and Time of Day*

Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Movie Theater	40%	80%	10%	80%	100%	10%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

* Different parking demands may be used than the typical shown here if documented in a parking demand study.

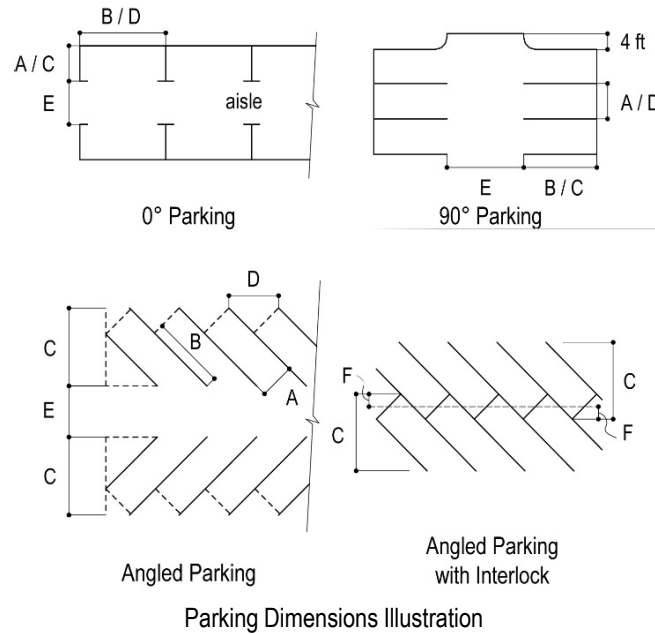
Figure 8.3.2: Shared Parking Reduction Worksheet Example 1*

Shared vs. Conventional Demand	Conventional parking demand	A	B	C	D	E	F
		Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
1 - Residential	100	60	100	100	80	100	100
2 - Office	100	100	20	5	5	5	5
3 - Commercial	100	90	80	5	100	70	5
4 - Lodging	100	70	100	100	70	100	100
5 - Restaurant	100	70	100	10	70	100	20
6 - Total Parking Needed	500	390	400	220	325	375	230
Conventional Demand = <u>500 spaces</u>							
Shared Parking Demand (greatest value from Line 6 Columns A-F) = <u>400 Spaces</u>							
Shared Parking Reduction = <u>100 Spaces</u>							
* Figures in italics are sample calculations only.							

Table 8.3.3: Parking Lot Dimensional Requirements

Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	8 ft	22 ft	8 ft	22 ft	12 ft	20 ft	na
30°	8.5 ft	20 ft	17.4 ft	17 ft	15 ft	20 ft	3.9 ft
45°	8.5 ft	20 ft	20.2 ft	12 ft	15 ft	20 ft	3.2 ft
60°	9 ft	19 ft	21 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	9 ft	19 ft	19 ft	9 ft	20 ft	24 ft	na

Table 8.3.4 Required Off-Street Parking Spaces for B-3 and MXD Districts	
Residential Uses	1 per dwelling unit
Lodging Uses	1 per room
Retail, including food service, and Services Uses	4 spaces per 1,000 gross square feet
Office Uses	2 spaces per 1,000 gross square feet
Assembly Uses	¼ per each fixed seat
Industrial Uses	2 spaces per 1,000 gross square feet



7. Parking areas for all developments shall be so designed that sanitation, emergency and other public service vehicles can adequately and safely serve such developments without the necessity of backing unreasonable distances or making other dangerous maneuvers. Fire lanes may be required by the Fire Code.
 8. All parking areas shall be surfaced with dust-free materials (asphalt or concrete).
 9. Parking spaces [except those serving one (1) or two (2) dwelling units] shall be demarcated with painted lines or other markings.
 10. All parking areas shall be maintained in good condition, i.e. free of pot holes, weeds, trash, refuse, etc.
 11. Drainage in parking areas shall direct storm water back into the site from adjacent properties toward adequate drainage channels. Parking areas of twenty (20) or more spaces shall provide on-site storm water detention to retard the sudden discharge of high volumes of storm water into the public drainage system. The quantity and rate of runoff after development shall not exceed the quantity and rate of runoff before development, based on a twenty-five year (25) storm frequency. Drainage plans shall be subject to approval by both the Commission and the City Engineer.
- 8.3.3. Location of Required Parking. All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below:
1. Required parking within planned residential developments may be provided in common parking areas.
 2. If the number of required parking spaces cannot reasonably be provided on the same lot as the served use, satellite parking may within 400 ft of the nearest public entrance to the building housing the principal use. If the use is not housed within a building, satellite parking spaces shall be located within 400 ft of the lot. A satellite parking exception requires written legal documentation that the user of such satellite spaces has the right to such spaces.
 3. A joint parking area may contain required parking spaces for more than one (1) use, provided the combined number of spaces complies with the parking for all uses. If, however, the combined uses wish to make use of the same spaces at different times, the same spaces may be credited to each separate use. The applicant for a, combined use facility must present documentation of a combined parking agreement; and, if sharing the same spaces, a time schedule for allocation of such spaces.
- 8.3.4. Parking Prohibitions
1. The keeping of an inoperative motor vehicle in a residential district shall be within a fully enclosed building or structure or be completely screened or shielded from public view. Moreover, no inoperative motor vehicle shall be parked on any public street.
 2. No vehicle exceeding 7,500 pounds gross weight shall be kept within a residential district.

3. The use of off-street parking in any residential district for non-residential purposes, other than those permitted or approved by Special Exception or Conditional Use in the district, is prohibited.
4. The use of any required parking space for the storage of any motor vehicle for sale, or for any purpose other than parking is prohibited.

§8.4. Access Controls

- 8.4.1. Proposed access points within the City shall be reviewed by the Zoning Administrator, Street Department Superintendent, City Engineer and shall be approved by the Commission. The proposed location, width, drainage structure, traffic conditions, site distances and resurfacing shall be addressed in the request for approval.
- 8.4.2. Entrances shall be held to a minimum and be located at points affording maximum sight distances, minimum grades and maximum separation. Combined or shared driveways and entrances or marginal access streets may be required for highway service uses along major thoroughfares.
- 8.4.3. The maximum number of and minimum spacing between entrances, for each site shall be as approved by the City Engineer in accordance with the Access Management Standards established in the Public Works Manual.
- 8.4.4. Entrances shall be located so that the curb openings are a minimum of five (5) ft from the nearest edge of a street drainage inlet.
- 8.4.5. Turning lanes or pavement widening at approaches to entrances may be required if deemed necessary by the City Engineer to provide safe turning movements.
- 8.4.6. Each parking area on a lot shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier in accordance with the Subdivision Regulations and Public Works Standards.

§8.5. Off-Street Loading

This section is not applicable to the B-3 District.

8.5.1. Required Off-Street Loading Spaces

1. Any use with a gross leasable area (GLA) of 4,000 sf or more which requires deliveries and shipments must provide off-street loading spaces in accordance with the following table. In situations where the required number of loading spaces is not readily determinable by the table, the Zoning Administrator is authorized to determine the loading space requirement, using the Table 8.5.1 as a guide.

Table 8.5.1 Required Off-Street Loading Spaces	
GLA of Building	Required Number Of Loading Spaces
6,000 - 24,999	1
25,000 - 79,999	2
80,000 - 127,999	3
128,000 - 198,999	4
199,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
Each additional 72,000 sf	1

Every public assembly use, auditorium, convention hall, exhibition hall, stadium, office building, funeral home, multi-family apartment buildings of twenty (20) or more units, restaurants and hotels of 30,000 sf or more shall provide off-street loading spaces, as shown in Table 8.5.2:

Table 8.5.2 Required Off-Street Loading Spaces	
GLA of Building	Required Number Of Loading Spaces
6,000 - 29,999	1
30,000 - 44,999	2
45,000 - 119,999	3
120,000 - 197,999	4
198,000 - 290,999	5
291,000 - 389,999	6
390,000 - 488,999	7
489,000 - 587,999	8
588,000 - 689,999	9
Each additional 105,000 sf	1

Table 8.5.3 Required Off-Street Loading Spaces for the MXD District	
Residential Uses	1/100 units
Lodging Uses	1/300 rooms
40,000 – 160,000 Square Feet All Other Uses	1
160,001 – 320,000 Square Feet All Other Uses	2
320,001 – 400,000 Square Feet All Other Uses	3
>400,000 Square Feet All Other Uses	1/180,000

8.5.2. Off-street Loading Design Standards

1. Each loading space shall have a minimum rectangular area of twelve (12) ft in width and fifty-five (55) ft in length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of fourteen (14) ft.
2. No loading space shall be located within the front yard or within five (5) ft of any property line.
3. No loading space shall be used to meet the parking space requirement, interfere with the on-site circulation of traffic, nor allow a truck to extend into any right-of-way or over any property line.
4. All lighting fixtures used to illuminate loading areas shall not direct light on adjacent streets or properties.
5. All required loading spaces shall be located on the same lot as the principal use served by the spaces, unless a satellite or joint use loading facility is secured in equivalent as satellite or joint parking facilities, as provided by §8.1.4 Location of Required Parking.

§8.6. Change in Parking and Loading Requirements

Whenever there is an alteration of a structure, an expansion of a use or a change in use which increases the parking and loading requirements, the use shall conform with the off-street parking and loading standards of this Ordinance to the furthest practicable extent.

Article 9 LANDSCAPING REGULATIONS

The intent of this Article is to require a minimum number of trees in residential areas, to establish standards for buffers required between incompatible land uses and to provide for landscaping surrounding and within vehicular areas in high traffic corridors. For the purposes of this Article, "fences" and "walls" shall have the same meaning. Landscaping shall not be planted in a manner or location which causes a hazard to vehicles entering or within the public right-of-way.

§9.1. Landscaping for Dwellings

The following standards shall apply to the construction of single family and two family dwellings and the placement of manufactured homes.

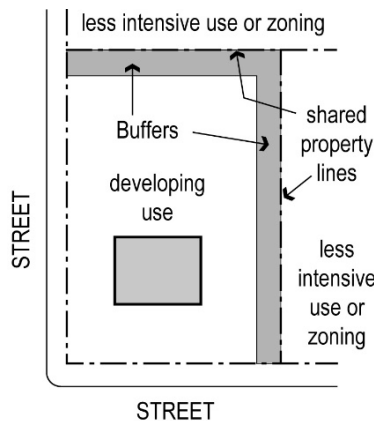
- 9.1.1. Prior to issue of a Certificate of Occupancy for a single family dwelling, two family dwelling, manufactured home, on a lot that is 100 ft or less in width, the owner shall plant at least one shade tree in the front or side yards and at least two shade trees in the rear yard.
- 9.1.2. Prior to issue of a Certificate of Occupancy for a single family dwelling, two family dwelling, manufactured home, on a lot that is more than 100 ft in width, the owner shall plant at least three (3) shade trees in the front or side yards and at least two shade trees in the rear yard.
- 9.1.3. Only shade trees listed in Table 9.1 may be counted toward the requirements of this Section.
- 9.1.4. Existing trees which are at least six (6) inches in diameter may be used toward meeting the requirements of Table 9.1, if the area within the drip line of the trees has been left in its natural condition and no filling, grading, excavation, or parking of vehicles or equipment, or other activity which could damage or kill the tree, has occurred within the dripline of said existing trees.

§9.2. Buffers

This section is not applicable to the B-3 and MXD Districts.

Buffers shall be provided in accord with the requirements of Table 9.2 and as described in this §9.2.

- 9.2.1. Applicability. A Landscaping Plan shall be provided in accordance with §9.6. Except as otherwise provided herein, Buffers shall be required based on the developing land use and the existing, abutting use, regardless of the zoning districts in which they are located.



Buffer Illustration

- 9.2.2. General Standards. In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all required buffers: whether the buffer is comprised of planted, natural, or a combination of planted and natural vegetation.
 1. Required yards, where corresponding with the buffer area, may overlap and may be counted toward a buffer width requirement.
 2. 100 percent of the applicable buffer requirement shall be the responsibility of the developing land use, except when the developing use will abut an existing more intensive use established prior to the adoption of these standards and for which no buffer is in place. In this case, the approving authority may require up to fifty (50) percent of the required buffer width on the developing site. In such case, the applicant shall only be required to

preserve existing vegetation within the buffer width or replace such vegetation with equivalent landscaping.

3. Any required buffer abutting a park or greenway may be reduced, if the owner dedicates land to be set aside for all or part of the required buffer width to the City for incorporation into the park or greenway. Such land dedication shall be deemed acceptable only upon approval of the Council.
4. Buffer requirements may be modified by the approving authority in certain cases as follows (See also §9.7 Modification or Waiver):
 - a. When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Comprehensive Plan *and* is zoned accordingly with said plan, the Buffer may be modified to be consistent with the projected use of the neighboring land.
 - b. If the land use relationships between two abutting lots changes so that a lesser Buffer would be required, the width of the previously provided Buffer may be reduced accordingly.
 - c. Up to one-half (1/2) of the width of an abutting alley may be counted toward the buffer width requirement but the landscaping density requirements shall not be reduced.
 - d. Whenever the proposed use abuts vacant land, buffer requirements shall be based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.
 - e. Golf courses, playfields, stables, swimming pools, tennis courts, and other recreational facilities; parking and other vehicular use areas; buildings, dumpsters, and outdoor storage are prohibited in required Buffers. The approving authority may permit a pedestrian access way through a required Buffer, to allow access between the abutting uses, if desired. Public utilities and storm drainage facilities may be constructed in a required buffer, provided the buffer is installed in compliance with the approved Landscaping Plan. The City may require supplemental evergreen plantings in order to mitigate the effect of land disturbance in the buffer.

9.2.3. Design Standards

1. Prior to occupancy of the building or premises, the buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of five (5) ft above grade throughout the entire length of the buffer. Within one year after installation the buffer shall be at least six (6) ft above grade throughout the entire length of the buffer. The buffer shall be comprised of vegetation which meets or exceeds these minimum standards throughout the calendar year.
2. In the case of planted buffers, the entire surface area of the buffer shall be planted as prescribed in this Section. Only evergreen plant materials may be planted within a required buffer. Trees shall be provided as required in accordance with Table 9.2.
3. The required Buffer width may be reduced as provided in Table 9.2 when a fence is provided that is 5-7 ft tall and that meets the requirements in §9.5. However, this shall not waive or reduce planting requirements.

§9.3. Landscaping for Vehicular Areas

This section is not applicable to the B-3 District.

- 9.3.1. Applicability. These regulations apply to any off-street parking area containing more than forty (40) parking spaces and the vehicular areas of any developments, which are located within or visible from a high traffic corridor, as defined by this Ordinance. For the purposes of this section, vehicular areas shall include: off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels.
- 9.3.2. A Landscaping Plan shall be required as part of every zoning application, Special Exception or Conditional Use application, Variance application and Building Permit application for new construction which includes vehicular areas as herein described. This Section shall apply to new vehicular areas for all uses, except single family dwellings, two family dwellings and manufactured homes. If the size of an existing vehicular area is increased by ten (10) percent or more, the new vehicular area shall be made to comply with the requirements of this Section; except that landscaping in the existing vehicular area shall be exempt from the irrigation requirement.
- 9.3.3. Interior Vehicular Area Landscaping Requirements

1. Each vehicular area shall have interior landscaping covering not less than five (5) percent of the total vehicular area. Such landscaping shall be in addition to all planting within six (6) ft of a building.

2. In addition, a five (5) ft wide landscaping strip shall be provided along the parking lot perimeter and shall be planted with evergreen shrubs (and shade trees (1 per 40 linear ft). Where this overlaps or conflicts with other landscaping requirements, the greater requirement shall govern.
 3. The primary landscaping materials used in vehicular areas shall be trees, which comply with the standards of Table 9.1. Shrubs and other planting materials may be used to compliment the tree planting, but shall not be the sole component of the landscaping.
 4. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.
- 9.3.4. Perimeter Landscaping Requirements adjacent to Public Rights-of-Way
1. Only trees listed in Table 9.1 shall be counted toward these requirements.
 2. A landscaped strip at least ten (10) ft wide, which shall not include a sidewalk or trail, shall be located between the vehicular area and the public right-of-way, except where driveways cross the property line. The width may be reduced to five (5) ft when a fence, meeting the requirements of §9.5 and that is between 2.5-3.5 ft tall, is provided.
 3. The entire width of the strip shall be planted with a double staggered row of shrubs. The shrubs shall be evergreen and a minimum of thirty (30) inches high at installation.
 4. At least one tree for every thirty (30) linear ft of required landscape strip, or portion thereof, shall be planted in the landscape strip.

Table 9.1 Tree List

Only the following trees may be planted to comply with the requirements of §9.1 and §9.3. All such trees shall be at least two and one half (2 and ½) inches in diameter, measured five (5) feet above the root ball of the tree.

Residential Trees

Note: The following includes only a limited number of acceptable tree species that may be used toward the requirements of §9.1. Many other types of trees may be appropriate in residential environments and may be selected.

Willow Oak	<i>Quercus phellos</i>
Zelkova	<i>Zelkova serrata</i>
Chinese Elm	<i>Ulmus parvifolia</i>
American Elm	<i>Ulmus americana</i> 'Liberty'
Ginkgo	<i>Ginkgo biloba</i>
Shumard Oak	<i>Quercus shumardii</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
American Holly	<i>Ilex opaca</i>
Bigleaf Magnolia	<i>Magnolia macrophylla</i>
Okame Cherry	<i>Prunus x incamp</i>
Trident Maple	<i>Acer buergerianum</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Eastern Redbud	<i>Cercis canadensis</i>
Crape Myrtle	<i>Laegerstroemia indica</i>
Bradford Pear	<i>Pyrus calleryana</i> 'Bradford'
Saucer Magnolia	<i>Magnolia x soulangiana</i>
Flowering Dogwood	<i>Cornus florida</i>
River Birch	<i>Betula nigra</i>
Tulip Poplar	<i>Liriodendron tulipifera</i>

Trees for Vehicular Areas

Note: The following are those tree species approved for planting in and around vehicular areas as required by §9.3. Canopy trees should be used wherever possible to maximize shade opportunities. Understory trees are primarily for ornamental purposes.

Canopy Trees

Willow Oak	<i>Quercus phellos</i>
Zelkova	<i>Zelkova serrata</i>
Chinese Elm	<i>Ulmus parvifolia</i>
American Elm	<i>Ulmus americana</i> 'Liberty'
Ginkgo	<i>Ginkgo biloba</i>
Shumard Oak	<i>Quercus shumardii</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
American Holly	<i>Ilex opaca</i>
Bigleaf Magnolia	<i>Magnolia macrophylla</i>

Understory Trees

Okame Cherry	<i>Prunus x incamp</i>
Trident Maple	<i>Acer buergerianum</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Eastern Redbud	<i>Cercis canadensis</i>
Crape Myrtle	<i>Laegerstroemia indica</i>
Saucer Magnolia	<i>Magnolia x soulangiana</i>
Flowering Dogwood	<i>Cornus florida</i>
River Birch	<i>Betula nigra</i>

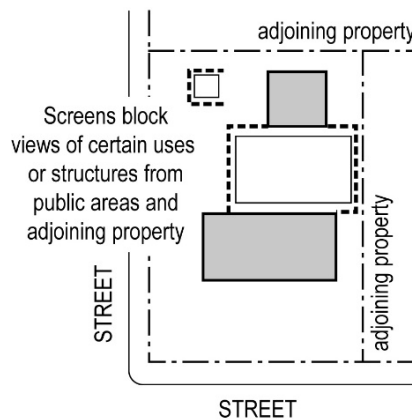
Table 9.2 Buffer Requirements By Use									
Developing Land Use	Existing Abutting Uses or Zoning								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & green-ways
	detached	attached			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, single-family	na	na	na	na	na			na	na
Attached, single-family	A	na	na	na	na			na	na
Multi-family	B	A	na	na	na			na	na
Lodging	B	B	A	na	na			na	na
Manufactured home/RV parks	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	na	na	na	na	na	na	na
Medium intensity	A	A	A	na	na	na	na	na	A
High intensity	B	B	B	A	A	na	na	na	A
Business/Commercial									
Offices up to 50,000 sq. ft.	A	A	A	na	A	na	na	na	A
Offices greater than 50,000 sq. ft.	B	B	B	A	B	A	na	na	A
Amusement; outdoor entertainment	B	B	B	A	B	A	na	na	A
Retail, shopping centers, and restaurants up to 50,000 sq. ft.	B	B	A	A	A	A	na	na	A
Retail, shopping centers, and restaurants greater than 50,000 sq. ft.	B	B	B	A	B	A	na	na	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	na	na	A
Industry									
Warehousing, storage, telecommunications towers and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B
Planting Requirements by Buffer Class									
Buffer Class	Width						Required trees per 100 lf		
	With fence/wall			Without fence/wall					
A	18 ft			25 ft			8		
B	25 ft			35 ft			10		
C	35 ft			45 ft			12		

§9.4. Screening

Screening is intended to provide visual separation of certain uses from public areas and adjoining properties.

9.4.1. Applicability. For all multi-family, non-residential and mixed use developments, the following shall require Screening:

1. Garbage collection, recycling and refuse handling areas.
2. Maintenance areas or utility structures associated with a building or development.
3. Water meters, gas meters, electric meters and air conditioners/mechanical units.
4. Loading areas.
5. Outside runs for pet services, animal shelters, and kennels.
6. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair).
7. Any other uses for which screening may be required by the reviewing authority.
8. Open parking areas must be screened from the street by a building or streetscreen.



Screening Illustration

9.4.2. Safety Provisions. Screening shall not impede or divert the flow of water in any drainage way and shall not block access to any above-ground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.

9.4.3. Design Requirements. The design of screening shall be in accord with the following and as approved by the reviewing authority:

1. Location on site should be the first consideration in screening the uses listed in §9.4.1 above. The reviewing authority may lessen screening requirements when the location of the use to be screened reduces its visibility or other impact to the public and neighboring properties.
2. The method of screening, including height and materials, shall be that which is sufficient to visually screen the use. The minimum height needed is preferred.
3. Fences, berms, or landscaping used for other purposes, but that are proposed as part of a required screen and that meet the requirements of this Section, may count toward these requirements.
4. Uses requiring screening, when co-located, may be screened together.
5. Uses that produce objectionable noise or odors shall be located so as to minimize such impacts to the public and abutting properties.
6. Shrubs shall be evergreen and spaced no more than five (5) ft on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight (8) ft on center.
7. Trees shall be evergreen and, when used in the absence of a fence, should have a low understory and/or be used together with shrubs to provide a continuous, opaque screen.
8. A streetscreen must have openings no wider than the driveway or sidewalk plus a setback of 18 inches at driveway intersections.

9. Streetscreen materials are limited to the following: brick, stone, stucco over masonry, iron, steel or aluminum that appears to be iron. Non-opaque streetscreens require evergreen planting behind to provide opacity.

9.4.4. Requirements for specific uses.

1. Refuse and recycling containers shall not be located forward of the front building line. Such containers shall be screened by a combination of opaque fence and plant material on three (3) sides. Opaque gates, designed to complement the screen, shall be installed for access. The fence shall be at least two (2) ft taller than the container.
2. For restaurants, enclosures shall be sized, as needed, to accommodate the storage of grease containers.
3. For restaurants, enclosures shall be sized, as needed, to accommodate the storage of grease containers.
4. Mechanical equipment on roofs or on site shall be screened so as to not be visible from public streets or adjacent properties. The screening of building-mounted mechanical equipment shall be an integral component of the building design. Mechanical equipment installed on site shall be adequately screened by plant materials and/or fences to blend in with site landscaping.
5. Outdoor storage, where permitted, shall be screened to a height of six (6) ft or two (2) ft taller than the material or equipment to be screened, whichever is greater.
6. Service areas, loading docks, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where their location is insufficient to effectively screen the use, required screening shall be at least six (6) ft in height.

§9.5. Design Standards for Fences

Fences used as a part of any required Buffer, Screen, or Perimeter Landscaping shall comply with the following:

- 9.5.1. Fences shall be of masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire shall not be permitted. No more than twenty-five (25) percent of the fence surface shall be left open. The finished side of the fence shall face abutting property.
- 9.5.2. Required shrubs and trees shall be planted on the exterior side of the fence.
- 9.5.3. If a fence is longer than 100 ft in one direction, it shall have columns of wood or masonry which project outward from the fence surface. Such columns shall be spaced no greater than fifty (50) ft on center.

§9.6. Landscaping Plan

A Landscaping Plan shall be required as part of every zoning application, Special Exception or Conditional Use application, Variance application and Building Permit application for new construction which requires a buffer, screening and/or landscaping in vehicular areas. The Landscape Plan shall be drawn to a scale no larger than one inch equals fifty (50) ft and shall contain the following information:

- 9.6.1. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
- 9.6.2. All dimensions and distances, property lines, easements, rights-of-way and buffers.
- 9.6.3. Existing and proposed buildings and structures, including signs, trash and garbage containers, utility and drainage structures.
- 9.6.4. Existing and proposed buildings and structures on the subject property and on adjacent property affected by the required buffer. When the finished floor elevation of buildings on the subject property differs by ten (10) ft or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include a cross section which accurately shows the comparative elevations of the buildings in relationship to the buffer.
- 9.6.5. Bodies of water including water detention and retention areas.
- 9.6.6. Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas.
- 9.6.7. Sufficient information and detail to demonstrate compliance with the requirements of this Section.

§9.7. Modification or Waiver

The planting requirements of this Article shall be applied equally to similarly classified and situated properties, but may be modified or waived altogether in certain cases where a building site is subject to any of the following circumstances determined by the Planning Commission:

- 9.7.1. Existing natural vegetation, which meets, in whole or in part, buffer or screening requirements, may be applied toward the requirements of this Article. Where natural vegetation (trees and/or shrubs) exist on a piece of property, when application is made for a Building Permit, such natural vegetation shall be left undisturbed until the Zoning Administrator has evaluated it with regard to its suitability as a buffer or screen, as applicable. The Zoning Administrator may require that the developer retain a portion of the natural vegetation, where such already exists, rather than require a man-made planting strip or other methods of buffering or screening. However, additional planting may be required to achieve the requirement.
- 9.7.2. Where impending development of adjacent property would make these standards unreasonable or impractical.
- 9.7.3. Where, after inspection by the City, it is found that the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
- 9.7.4. Where planting cannot, in the professional opinion of an expert, be expected to thrive due to poor soil conditions, intense shade or similar conditions.
- 9.7.5. In special cases where the side and/or rear yards may be inadequate to meet the landscaping requirements, the Planning Commission shall determine, based upon site plan review or other pertinent information requested, an alternative method of buffering, screening or other landscaping as applicable.

§9.8. Maintenance and Irrigation

- 9.8.1. All plantings required in this Article shall be permanently maintained in good growing condition by the party or parties required to provide such plantings and, when necessary, replaced with new growth. All fencing shall be permanently maintained in good condition and whenever necessary, repaired or replaced by the party or parties required to provide such fence.
- 9.8.2. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- 9.8.3. All landscaping required in this Article 9 shall be drought-tolerant, native species or shall be irrigated by an automatic irrigation system.

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Article 10 TRAFFIC IMPACT STUDY REQUIREMENTS**10.1 General**

The transportation impact report shall identify the traffic impacts and potential problems to be generated by a proposed use, and improvements required to insure safe ingress and egress from a proposed development, maintain street capacity, and eliminate hazardous conditions. The following policies and guidelines have been established for the preparation of Traffic Impact Studies (TIS) for development proposals of all land use types. These policies exist to ensure consistent and proper traffic planning and engineering practices are followed when land use actions are being considered. The guidelines provide for a standard process, set of assumptions, set of analytic techniques, and a presentation format to be used in the preparation of the TIS.

10.2 Applicability

Developers and/or property owners shall be required to conduct traffic impact studies, as described herein, for all proposed development that meet any or all of the following:

1. When a development proposes to access a collector or arterial roadway and the proposed development is larger than the thresholds established by the Institute of Transportation Engineers (ITE) as shown in Table 4. This threshold shall be determined by the full buildout of the project, not by individual phases of the project. If a developer completes a project that does not meet the threshold established in **Table 4** and later either builds subsequent phases of that project or builds a separate project on an adjacent or contiguous parcel of land to the previous project, the combined development size shall be used to determine if a traffic impact study is required ; or
2. When in the opinion of the City of Calera City Engineer, significant operational deficiencies, capacity deficiencies, and/or safety concerns on the surrounding roadways and intersections currently exist or would be created as a result of the development's expected project.

Table 4
Traffic Impact Study Thresholds by Land Use*

<i>Land Use</i>	<i>Size (units)</i>
Residential – Single Family	70 dwelling units
Residential – Townhomes/Condos	120 dwelling units
Residential – Apartments	100 dwelling units
Residential – Assisted Living	285 beds
Shopping Center	17,500 sf
Fast Food Restaurant w/drive-thru	1,500 sf
High-Turnover Sit-Down Restaurant	5,900 sf
Quality Restaurant	8,300 sf
Gas/Service Station w/Convenience Market & Car Wash	5 fueling positions
Bank w/drive-thru	2,200 sf
Pharmacy w/drive-in	8,500 sf
Hotel/Motel	95 rooms
General Office	45,500 sf
Medical/Dental Office	21,000 sf
General Light Industrial	102,000 sf

Manufacturing	137,000 sf
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*Institute of Transportation Engineers

The thresholds for land uses that are not depicted in **Table 4** shall be based upon the ITE standard of 100 or more peak hour trips or 750 or more daily trips, whichever is less.

Developers who are proposing projects are strongly encouraged to contact the City of Calera to discuss traffic impact requirements prior to submitting a rezoning application or subdivision/site plans to determine the traffic impact study requirements for each project.

10.3 Applicant Responsibility

The responsibility for conducting a TIS and assessing the traffic impacts associated with an application for development approval rests with the Applicant. The assessment of these impacts shall be contained within a TIS report as specified herein. It shall be prepared under the supervision of, and sealed by, a Licensed Professional Engineer in Alabama with experience in traffic engineering and transportation planning/engineering.

For all State Highways within the study area, the Applicant is required to meet the requirements of the Alabama Department of Transportation (ALDOT) in addition to those of the City of Calera.

10.4 Capacity and Safety Issues

Development of property has a direct impact on transportation, including vehicular, transit, bicycle, and pedestrian traffic. In order to meet capacity and safety needs as they relate to the traffic generated from a particular land use, specific traffic circulation improvements should be made. The goal of the TIS is to address traffic related issues that result from new development and to determine the improvements required to address and mitigate those issues such that street maximum capacities are not exceeded and traffic and pedestrian safety is maintained. The competing objectives of vehicular movement, pedestrians, bicyclists, and others must be balanced in the development review process. The TIS will provide information and guidance as plans are developed and decisions made for the proposed development plan.

10.4.1 Vehicular Traffic Improvements

Examples of traffic capacity and safety improvements to mitigate development impacts include: road widening, turn lanes, deceleration lanes, intersection through lanes, traffic signals, stop signs, design speed adjustments, modifications to access points, roundabouts and other traffic calming techniques as approved by the City.

10.4.2 Pedestrian Traffic Considerations and Improvements

Examples of street conditions that promote safe, comfortable and convenient pedestrian environments include: narrower roadways that promote shorter walking conditions; short blocks; lower prevailing travel speeds; sidewalks; well-defined crosswalks, median refuge areas and islands at street intersections. Walkway tunnels and overhead structures are examples of safety improvements that afford maximum protection for pedestrians.

10.5. Scoping Meeting/Telephone Conference

10.5.1. Purpose

A scoping meeting/telephone conference prior to the submittal of a request for rezoning or site/development plan will be required and used to determine the study area, study parameters and documentation requirements for conducting a Traffic Impact Study (TIS) for specific development proposals. The parameters determined in the scoping meeting/telephone conference represent general agreement between the City and the Applicant's consulting engineer, but they may not be all-inclusive. The City retains the right to require additional information and/or analysis to complete an evaluation of the proposed development project.

10.5.2. Meeting/Telephone Conference Setup and Content

The applicant is required to contact the City to arrange for a Scoping Meeting/telephone conference to discuss the TIS requirements and determine the base assumptions. It is incumbent upon the Applicant to discuss the following:

1. Previous TIS prepared for the site, if any;
2. Location of the site;
3. Proposed access and its relationship to adjacent properties and their existing/proposed access;
4. Preliminary estimates of the site's trip generation and trip distribution at buildout;
5. Identification of proposed year of build-out;
6. Anticipated growth in traffic volumes between current and build-out conditions;
7. Anticipated roadway improvements required to mitigate development impact;
8. Phasing plan proposed, if any;
9. Special analysis needs; and
10. Other developments within the study area

10.5.3. Results of Meeting/Telephone Conference

The Scoping Meeting/telephone conference shall conclude with the City and Applicant in mutual agreement with regard to determining the level of detail and extent to which the TIS will need to address each of the following:

1. Study area for the impact analysis;
2. Other developments within the study area;
3. Existing intersection counts;
4. Intersections and roadway segments to be studied in detail;
5. Existing traffic volume forecasts;
6. Anticipated growth in traffic from existing to build-out conditions;
7. Location of the nearest bicycle and pedestrian facilities; and
8. Special analysis needs (non traditional peak hour volumes for some uses, neighborhood impacts, access management plans, etc.).

10.5.4. Evaluation Elements

The key elements of the project traffic impact assessment shall be specified by the City from the following list:

1. Conformity with the transportation related policies of the City of Calera, including any other adopted access plans.
2. Peak hour intersection and roadway level of service.
3. Appropriateness of access locations;
4. Location and requirements for left turn lanes or deceleration lanes at accesses or intersections. Taper lengths, storage length and deceleration lengths for turn lanes shall be as outlined in Special Drawing LTL-623 of the Alabama Department of Transportation's Special and Standard Highway Drawings, latest edition;
5. Sight distance evaluations and recommendations (intersection, stopping, passing);
6. Continuity and adequacy of pedestrian and bike facilities;

7. Recommended traffic control devices for intersections which may include two way stop control, four way stop control or yield signs, school flashers, school crossing guards, crosswalks, traffic signals or roundabouts.
8. Traffic signal and stop sign warrants.
9. Other items as requested by the City Engineer and agreed to in the Scoping Meeting/telephone conference.
10. Neighborhood and public input issues.

10.5.5 Roadway Traffic Volumes/Traffic Counts

Current morning and afternoon commuter peak hour (7-9 A.M. and 4-6 P.M.) traffic counts as specified by the City Engineer shall be obtained for the roadways and intersections within the study area for one, non-holiday Tuesday, Wednesday, or Thursday. Each peak hour count shall be conducted over the designated hours (or as specified by the City Engineer) and shall include fifteen (15) minute count data to clearly identify the peak hours.

Weekend counts and/or average daily counts may also be required where appropriate and when required by the City Engineer. ALDOT average weekday traffic (AWT) counts may be used when available. Pedestrian counts and bike usage should be obtained. Vehicle classification counts may be required.

In any case, these volumes shall be no more than one year old (from the date of application submittal). The source(s) of each of the existing traffic volumes shall be explicitly stated (ALDOT counts, new counts by Applicant, etc.). Summaries of current traffic counts shall be provided. Based on the impacts to daily and peak hour traffic volumes from both Calera University and Calera City Schools, the City will require the use of adjustment factors for data collected when either of these facilities is not in operation. Adjustment factors proposed for use in any TIS shall be submitted along with all supportive data to the City Engineer for review and approval. If in the opinion of the City Engineer, the proposed adjustment factors will not accurately reflect traffic conditions that would be in place during school operations, traffic count data will be accepted and require collection during those periods when the educational facilities are in operation.

In most cases, the actual completion of developments will occur at some time in the future. As part of the TIS, an annual growth rate of adjacent roadways and intersections will be developed. Growth rates utilized in the preparation of a TIS must be based on historical traffic growth, use of a regional travel demand model or other methods as approved by the City Engineer. Application of traffic growth shall be applied for buildout conditions and other interim development levels as required by and approved by the City Engineer.

10.5.6 Intersection and Approach Level of Service

As a minimum, A.M. and P.M. peak hour intersection and approach levels of service shall be determined for the existing signalized and unsignalized intersections at all study intersections and roadways. Additional intersections should be included in the analysis where post development conditions are considered by the City to be significant. The analysis shall use procedures as described in the latest edition of the *Highway Capacity Manual*. Capacity analyses for intersections shall be based on individual approach levels of service whereas impacts on roadways shall be based on daily traffic volumes and the specific roadway classification.

10.5.7 Trip Generation Rate

Trip generation rates utilized for conducting traffic impact studies in the City of Calera should be taken from actual rates developed and generated from land uses in the Calera area. When data is not available for a proposed land use or for a land use unique to the Calera area (University housing served by transit, etc.) is proposed, the Applicant must conduct a local trip generation study following procedures prescribed in the ITE Trip Generation Manual and provide sufficient justification for the proposed generation rate. This rate must be approved by the City Engineer prior to its use in the TIS written study.

If, in the opinion of the Calera City Engineer, trip generation rates found in the latest edition of the Institute of Transportation Engineers' Trip Generation Manual or other industry publications accurately reflect the trip generation characteristics of a particular land use proposed, that trip generation rate may be used in forecasting traffic to be generated by a development.

10.5.8 Preliminary Land Use Assumptions

The trip generation values contained in studies submitted prior to the establishment of a site-specific development plan shall be based on the maximum number of dwelling units permitted by the Calera Zoning Ordinance for the approved land uses, and/or the maximum trip generation rates for the nonresidential development proposed land use action. When a TIS is being developed for a project with an established site-specific development plan, trip generation shall be based on actual dwelling unit counts and square footage(s).

proposed on the final plan.

10.5.9 Trip Generation Table

The Applicant shall prepare a Trip Generation Table, listing at a minimum, each type of land use within the site at build-out, the size and unit of measure for each land use, trip generation rates (total daily traffic, A.M. and P.M. peaks), and the resultant total trips generated.

10.5.10 Trip Distribution

The distribution of site generated traffic must be documented in the TIS. The procedures and rationale used in determining the trip distributions for proposed developments must be fully explained and documented. It is recommended the Applicant coordinate with the City of Calera to establish an acceptable distribution pattern. Distribution patterns assumed for development shall be illustrated in graphic format and provided to the City Engineer prior to proceeding with the remainder of a traffic impact study.

10.5.11 Requirement for Additional Lanes

Within the study area of a TIS, as established by agreement between the City and the Applicant, additional lanes may be required on streets where minimum levels of service are exceeded for existing cross sections based on post development conditions. If such additional lanes are required, as established as part of the TIS, they can include general purpose through lanes, left turn lanes and right turn lanes. Additional lanes, when determined by a TIS and in the opinion of the City Engineer of the need for such lanes is established, shall be provided by the Applicant. Such improvements must be designed and constructed to city, county or state standards. Generally, the cost of such improvements will be borne entirely by the Applicant.

During the design phase of providing additional lanes on public streets and roadways, if it is determined that additional right-of-way is required to construct such additional lanes; the Applicant shall provide additional right-of-way along their property frontage as directed by the City Engineer. If the construction of such additional lanes requires right-of-way beyond the property frontage of the Applicant, the Applicant shall work with the City to devise a method to provide the additional right-of-way and related roadway improvements or modify their development plan to remove the requirement for such additional lanes.

10.5.12 Intersection Delay

An A.M. and P.M. commuter peak hour intersection level of service analysis shall be conducted for each intersection analyzed in the TIS for existing conditions and those that reflect post development conditions. This analysis shall be based on procedures specified in the most recent release of the Highway Capacity Manual. In those areas adjacent to or in close proximity to City schools or Calera University, additional peak hour analyses shall be conducted for those afternoon hours which reflect the peaks for those facilities. The intent of this analysis is to establish the existing and post development intersection delays and related levels of service for comparison and determination of impacts on operations.

10.5.13 Driveway Access

Driveway plan concepts for a development shall be submitted to the City for approval prior to development of construction plans. Because frequent curb cuts and driveways providing access to numerous adjoining properties are an impediment to the proper functioning of major streets, on-site circulation and cross-access agreements between lots are encouraged. Minimum spacing of driveways and other curb cuts shall conform to the minimum standards outlined in Table 2 of these Guidelines.

Where an intersection contains a left-turn stacking lane, any driveway opposite such lane shall not permit left turns into or from the driveway. Raised islands or other approved methods of restricting these movements will be required as approved by the City Engineer. Limitations on movements from driveways near intersections shall also apply to deceleration lanes.

Required distances between curb cuts and street shall be measured from the edge of the curb cuts to the nearest corner property line of the intersection street.

Various roadways in the City of Calera have center medians that have been constructed for both traffic safety and aesthetic considerations. Any alteration of existing or planned roadway medians shall be allowed at the discretion of the Calera City Council. Alterations to existing medians shall only be considered where such alterations are deemed by the City to be in the public interest. In

those cases where medians are proposed for alterations as part of a development, it will be incumbent on the Applicant to demonstrate through traffic operational analysis in the TIS that such alterations can be implemented and not compromise public safety.

On those routes maintained by the Alabama Department of Transportation, an access permit is required from that agency. The City shall be copied on all ALDOT permit applications within Calera and its planning jurisdiction.

10.5.14 Traffic Signals

1. Proposed and existing access points, proposed intersections, and existing intersections effected by the land use actions being analyzed in the report that have any potential for traffic signalization will be reviewed and discussed during the Scoping Meeting/telephone conference.
2. During the Scoping Meeting/telephone conference an outline of locations for signal warrant analysis will be agreed upon.
3. Signal Warrant Analysis for potential signal locations shall consist of a review of the applicable signal warrants contained in the Manual on Uniform Traffic Control Devices. On roadways controlled by the Alabama Department of Transportation, procedures for meeting traffic signal warrants as established by that Department shall be followed.
4. Alternatives to signalization at potential signal locations will be discussed in the Scoping Meeting/telephone conference and the TIS report. The alternatives to adding new intersections would include added access points, limited movements at access points, frontage roads, joint use access points, roundabouts and other such designs as required and / or approved by the City.
5. If any signal timing and/or phasing changes are proposed as a mitigation measure of a TIS, an appropriate analysis of the intersection where the signal exists shall be conducted to demonstrate the potential implications of the suggested modifications. Such modifications to existing traffic signals in Calera shall require submittal of a request for such change with supportive documentation of analysis and findings and shall not be undertaken without approval from the City Engineer.
6. Sight distance concerns that are anticipated or observed which may impact driveway, intersection, or roadway operation and safety need to be discussed in the TIS. Recommendations regarding stopping sight distance, intersection sight distance, and passing sight distance needs should be provided by the Applicant's traffic engineer for detailing on the final development, site plan, or final construction plans. Intersection sight distance requirements for driveways and intersections shall meet the criteria as set forth in section 6.3.2 (h) of these guidelines.

10.5.15 Mitigation Thresholds and Measures

When a project's vehicular impacts are determined to exceed the minimum acceptable level of service standard as outlined in Section 4 of these *Guidelines*, the TIS shall include feasible measures which would mitigate the project's impacts. The minimum acceptable level of service specified in Section 4 of these Guidelines has established a minimum level of service "D" for intersections, intersection approaches and roadways classified as an arterial or expressway, while the minimum level of service of "C" has been established for intersections, intersections approaches and roadways classified as a collector, local commercial, local residential and alley. Additionally, if the analysis included in a TIS reflects the LOS for an intersection, intersection approach or roadway would drop one level, however, not below the minimum criteria for a specific roadway classification, mitigation will not be required. If for any reason, the TIS illustrates the reduction in level of service for an intersection, intersection approach or roadway drops two(2) levels of service, mitigation will be required. An appropriate measure of traffic mitigation would be the ability of roadway, intersection and traffic control improvements to maintain acceptable levels of service for the impacted facility. Mitigation measures could include the addition of added through lanes (roadway widening), left turn lanes, right turn lanes, improved traffic control, access management and other such measures as deemed appropriate by analysis and concurrence by the City.

10.5.16 Traffic Signal Operations Improvements

Traffic Signal Operational improvements shall include upgrading signals to include additional signal phases and timing plans, signalization of an unsignalized intersection and/or implementation of traffic signal systems. Signal improvements and/or installations on City streets must be approved by the City Engineer. Traffic signals recommended to be installed on ALDOT roadways shall be jointly approved by

the State and City. Generally, the cost of such improvements will be borne entirely by the Applicant.

10.5.17 Street Widening and Other Physical Improvements

Mitigation measures, which include street widening, and other physical improvements must be demonstrated to be physically feasible and must meet minimum City standards and codes for both on-site and off-site improvements. As part of the basic TIS analysis, a determination of the need for left and right turn lanes as a result of development generated traffic should be undertaken. The analysis techniques utilized shall include procedures and methods outlined in the National Cooperative Highway Research Program (NCHRP) report 279 or other methodologies as approved by the City Engineer.

10.5.18 Geometric Improvements

The needs for turn lanes and other auxiliary lanes shall be determined based on the criteria as outlined in Section 8.15 for each development access and study intersection included in the TIS. The basis of design for such devices shall be the City of Calera Zoning Ordinance, AASHTO or ALDOT as applicable. All proposed project entrances onto arterial and collector streets shall be evaluated as to whether they require deceleration lanes as outlined in these *Guidelines*.

10.6 TRAFFIC STUDY REPORT CONCLUSIONS

10.6.1 Recommended Improvements

The findings of the Traffic Impact Study should be provided in summary format, including the identification of any areas of significant impacts and recommended improvements/mitigation measures to achieve the maximum volume standards for all modes.

10.6.2 Geometric Improvements

The TIS shall include recommendations for all geometric improvements such as pavement markings, signs, adding through or turn lanes, adding project access and assorted turn lanes and changes in medians. Sufficient dimensions/data shall be identified to facilitate review. Anticipated right-of-way needs shall also be identified. This information shall be made available to the project civil engineer for use in preparing scaled drawings

10.6.3 Responsibility

The Traffic Impact Study shall describe the location, nature and extent of all transportation improvements required to achieve the required post development levels of service within the study area. The responsibility for implementation of the post development mitigation measures shall rest with the Applicant.

10.7 TRAFFIC STUDY REPORT OUTLINE

1.1 Introduction (Purpose of report and study objectives)

1.2 Proposed Development

- A. Site Description (include small version of site plan in appendices)
- B. Site Location (include site location map)
- C. Zoning (Current and proposed)
- D. Time Frame of Development (include any phasing of development which is anticipated)

1.3 Background Information

- A. Background Traffic Growth Rate (include projected traffic growth rate for the development time frames included in the proposed development and include method for traffic growth projections)
- B. Off-Site Developments (description of other significant development in the vicinity which could impact traffic conditions in the study area)
- C. Planned and Programmed Roadway Improvements (description of any Planned or Programmed Roadway Improvements within the study area which could impact traffic conditions within the study area during the time frame for development of the proposed project)

1.4 Existing Traffic Conditions

- A. Traffic Count Data (introduce and illustrate current traffic counts for the study area roadways and intersections)
- B. Existing Conditions Capacity Analysis (evaluate study area roadways and/or intersections based upon industry standard capacity analysis methods)
- C. Summary of Existing Traffic Conditions in the study area

1.5 Future Traffic Conditions

- A. Background Traffic Growth (apply the background growth rate for the time frame for a given phase of development)
- B. Inclusion of Planned or Programmed Improvements (in the event any of the Planned or Programmed improvements are to be included in the analysis of future traffic conditions, a status of the projects and time frame of the projects should be demonstrated)
- C. Trip Generation Estimates (estimate trip generation potential for each level of development)
- D. Trip Distribution (describe the anticipated routes for traffic expected to be generated by the proposed development and illustrate the findings in graphic format)
- E. Traffic Assignment (assign traffic expected by the proposed development to the study area roadways based upon the distribution patterns established)
- F. Future Conditions Capacity Analysis (evaluate the study area roadways and intersections as well as site accesses with post-development traffic volumes)
- G. Identify Capacity Deficiencies (identify roadways and/or intersections in which capacity deficiencies are expected for future traffic conditions)
- H. Recommended Roadway and Traffic Control Improvements (develop and test potential improvements for the study area roadways and intersections aimed at mitigation of traffic impacts resulting from development traffic)
- I. Internal Circulation (demonstrate the ability of the site's internal circulation pattern to handle site generated traffic that includes trucks)
- J. Capacity Analysis with Recommended Improvements (demonstrate the effectiveness of Recommended Roadway and Traffic Control Improvements and resultant levels of service)

Note: These steps should be taken for each level of development within the corresponding time frame.

Summary and Conclusions (provide a summary of the findings of the study effort to include existing traffic conditions, future traffic conditions for each level of development, and the recommended improvements aimed at mitigating potential traffic impacts resulting from the proposed development for each level of development).

Article 11 LEGAL STATUS PROVISIONS (AMENDMENTS)**§11.1. Interpretation of Uses**

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, conveniences, order, prosperity and general welfare of the City. Where other Ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This Ordinance shall not lower the restriction of plats, deeds or private contracts, if such are greater than the provisions of this Ordinance.

§11.2. Savings Clause

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

§11.3. Amendment to Existing Ordinance

These amendments to the zoning ordinance heretofore adopted and therefore the zoning ordinance in its updated form shall repeal all previous zoning ordinances; provided, however, that nothing in this Ordinance shall be construed to modify or in any manner permit, extend or enlarge any non-conforming property or improvement at the time of adoption of this Ordinance, but such non-conforming use shall continue to be subject to all restrictions and limitations existing at the time of adoption of this amendment related to such non-conforming use. No nonconforming use, existing at the time of amendment of this Ordinance, shall be enlarged, extended, or expanded, unless such use is changed to a use which will conform to the regulations of the district in which such property is located.

§11.4. Effective Date

This Ordinance shall become effective immediately upon its adoption, approval and publication, as provided by law.

AMENDED AND APPROVED this _____ day of _____ 20__.

APPENDIX A
Application Requirements

PLOT PLAN REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS

1. The actual shape, proportion and dimensions of the lot to be built upon
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade
3. The existing and intended use of all 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 required for determining conformance with the provision of this Ordinance.
5. A plan showing the location of necessary fire hydrants with adequate water flow.
6. Where applicable, the applicant shall provide the Zoning Administrator with copies of all deed restrictions and/or covenants which pertain to the subject property.

SITE PLAN APPLICATION REQUIREMENTS

1. Cover Sheet with:
 - a. Name and location of the development; name, address and signature of the owner; and, name, address and seal of the engineer
 - b. Vicinity map
 - c. Existing zoning and proposed land use of the site
 - d. Date, scale, north arrow and number of streets
2. Site layout, including: property dimensions, rights-of-way, easements, topography, location and dimensions of all buildings(existing and proposed), setbacks, driveway access, off-street parking and loading, traffic circulation, screening, buffer yards and landscaping.
3. Drainage; paving; grading and excavation; erosion and sedimentation; and storm water detention and floodplain management controls
4. Public and private utilities, including sewage disposal system and water system
5. Fire lanes and hydrants

VARIANCE APPLICATION REQUIREMENTS

1. Name, signature and address of the property owner and agent of the property owner, if any
2. Address of the property under consideration
3. Zoning and land use of the property under consideration
4. Justification for the variance in accordance with ALL of the criteria in §2.8.3.2a.
5. A vicinity map showing the location of the property
6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted
7. The names and addresses of adjacent property owners, as shown on the most recent records of the Shelby County Tax Assessor's Office
8. An Administrative Fee of fifty dollars (\$50.00) is required from the applicant or agent at the time the application for a variance is made, plus the cost incurred in notification and publication

SPECIAL EXCEPTION APPLICATION REQUIREMENTS

1. Name, address and signature of the property owner and agent of the property owner, if any
2. Address of the property under consideration
3. Existing zoning and land use of the property under consideration
4. Proposed use by Special Exception
5. A vicinity map showing the location of the property
6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and the proposed development layout

7. the names and addresses of adjacent property owners, as shown on the most recent records of the Shelby County Tax Assessor's office
8. An Administrative Fee of seventy-five dollars (\$75.00) is required from the applicant or agent at the time the application is made, plus the cost incurred in the required notification and publication.

REZONING APPLICATION REQUIREMENTS

1. Name, signature and address of the property owner and agent of the property owner, if any
2. Address and legal description of the property under consideration, accompanied, by a copy of the applicable tax maps clearly identifying the property subject to the rezoning request
3. Present and proposed zoning and land use of the property under consideration
4. Reason for the rezoning request
5. Availability of required utilities and methods of storm water drainage and traffic control
6. A vicinity map, drawn to scale, showing the size and location of the subject property
7. A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way and the proposed use and development layout, including topography
8. The names and addresses of all adjacent property owners, as shown on the most recent records of the Shelby County Tax Assessor's Office
9. An Administrative fee of one hundred and fifty dollars (\$150.00), plus the cost incurred in the notification by certified mail and publication

CONDITIONAL USE APPLICATION REQUIREMENTS

1. Name, address and signature of the property owner and agent of the property owner, if any
2. Address of the property under consideration
3. Existing zoning and land use of the property under consideration
4. Proposed use by Conditional Use
5. A vicinity map showing the location of the property
6. Site layout, including: property dimensions, rights-of-way, easements, topography, location and dimensions of all buildings(existing and proposed), setbacks, driveway access, off-street parking and loading, traffic circulation, screening, buffer yards and landscaping.
7. the names and addresses of adjacent property owners, as shown on the most recent records of the County Tax Assessor's office
8. An Administrative Fee of seventy-five dollars (\$75.00) is required from the applicant or agent at the time the application is made, plus the cost incurred in the required notification and publication.

Zoning District Area and Dimensional Regulations Refer to District Regulations for specific requirements.								
	Front Yard	Secondary Front Yard	Rear Yard	Side Yard	Min. Lot Width	Min. Lot Area/ Max. Density	Max. Bldg. Height	Min. Livable Floor Area
E-1 <u>§5.1</u>	75 ft ¹	na	75 ft	25 ft	150 ft	1.0 acre	35 ft or 2-1/2 stories	1 story: 2,400 ft More than one story: 1,800 sf on first floor, 2,800 ft total
R-1 <u>§5.2</u>	50 ft ¹	na	50 ft	15 ft	100 ft	20,000 sf	35 ft or 2-1/2 stories	1 story: 2,000 ft More than one story: 1,500 sf on first floor, 2,400 ft total
R-2 <u>§5.3</u>	35 ft	20 ft	40 ft	10 ft	75 ft	15,000 sf	35 ft or 2-1/2 stories	1 story: 1,600 ft More than one story: 1,500 sf on first floor, 2,200 ft total
R-2A <u>§5.4</u>	35 ft	20 ft	30 ft	10 ft	75 ft	10,000 sf	35 ft or 2-1/2 stories	1 story: 1,600 ft More than one story: 1,500 sf on first floor, 2,200 ft total
R-3 <u>§5.5</u>	30 ft	20 ft	30 ft	10 ft	70 ft	10,000 sf	35 ft or 2-1/2 stories	1 story: 1,500 ft More than one story: 1,500 sf on first floor, 2,200 ft total
R-3A <u>§5.6</u>	35 ft	na	35 ft	10 ft	60 ft	7,500 sf ²	35 ft or 2-1/2 stories	1,200 sf
R-3B <u>§5.7</u>	35 ft	na	35 ft	20 ft	60 ft ³	7,500 sf	na	1,200 sf
R-4 <u>§5.8</u>	15 ft minimum, 35 ft maximum	na	3 ft minimum, 30 ft maximum	None, except as required by the Building and Fire Code, and 20 ft between buildings	200 ft	10 du/acre	3 stories	Two-family dwellings: same as R-2 District; Multiple dwellings: 800 sf per dwelling; Independent living facility: 500 sf per dwelling unit; No minimum floor area for assisted living facility
RG <u>§5.9</u>	25 ft minimum, 35 ft maximum	15 ft	25 ft	10 ft one side, 20 ft to accommodate a driveway	70 ft	7,000 sf	35 ft or 2-1/2 stories	1 story: 1,500 ft More than one story: 1,500 sf on first floor, 2,200 ft total

RT §5.10	10 ft if rear-loaded; 25 ft minimum and 35 ft maximum if front-loaded	na	25 ft	0 ft for interior units and 10 ft for end units	24 ft	8 du/acre	35 ft or 2-1/2 stories	1 story: 1,500 ft More than one story: 1,500 sf on first floor, 2,200 ft total
A-1 §5.11	50 ft	na	50 ft	15 ft	na	3 acres	35 ft or 2-1/2 stories	1 story: 1,500 ft More than one story: 1,500 sf on first floor, 2,200 ft total
O&I §5.12	35 ft ⁴	na	15-35 ft	0-35 ft	na	na	45 ft or 4 stories	na
B-1 §5.13	20 ft ^{4,5}	na	15-20 ft	0 ft	na	na	35 ft or 2 stories	na
B-2 §5.14	35 ft	na	15-35 ft	0-35 ft	na	na	65 ft or 5 stories	na
B-3 §5.15	10 ft	na	5 ft	0 ft	na	na	65 ft or 5 stories	na
M-1 §5.16	75 ft	na	15-35 ft	0-35 ft	na	na	45 ft or 3 stories	na
M-2 §5.17	⁶	na	⁶	⁶	na	na	na	na
M-3 §5.18	⁶	na	⁶	⁶	na	na	na	na
M-3 §5.22	12 ft	na	3 ft and no max.	0 ft	Na	na	45 ft or 3 stories	na
¹ Undedicated Road: Sixty (60) ft from centerline ² 15,000 sf if septic tanks and field lines are required ³ Measured at front lot line ⁴ 10 ft if parking is to side or rear, see District Regulations						⁵ Corner lots shall be set back same from each street ⁶ Subject to Site Plan approval ⁷ Buildings must be within 20 ft of the back of sidewalk.		

PUBLIC NOTICE

PLEASE TAKE NOTICE, that pursuant to a recommendation of the Planning Commission of the City of Calera, which recommendation was made after conducting a public hearing on January 4, 2023 **at the** Calera City Hall. The recommendation being that the Calera City Council consider amendments to the Zoning Ordinance of the City of Calera by adopting the attached amendment.

The City Council of the City of Calera shall conduct a public hearing on

The 6th day of February, 2023 at 6:30 p.m. at the Calera City Hall, to

cause adoption of the amendment recommended by the Planning Commission. All persons who desire shall be given an opportunity to be heard in opposition to the changes or in favor of such Ordinance. The following is the Ordinance which shall be under consideration and determined at the above time and place by the Council of the City of Calera.

Done this 18th day of January, 2023.

Tammy Smith, Zoning Clerk

Mayor Graham introduced the following Ordinance:

ORDINANCE NO. 2023-04

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
CALERA, ALABAMA:**

(1)**WHEREAS**, the Code of Ordinances of the City of Calera, Alabama is hereby amending by deleting the current Zoning Ordinance and substituting therefore the following

Connie Payton

From: noreply@civicplus.com
Sent: Wednesday, February 1, 2023 2:50 PM
To: Connie Payton
Subject: [EXTERNAL]Online Form Submittal: Request to be Added to Council Agenda

If you are having problems viewing this HTML email, click to view a [Text version](#).

Request to be Added to Council Agenda

REQUEST TO BE ADDED TO THE CITY COUNCIL AGENDA

Form must be completed no later than 5:00 p.m. on the Wednesday prior to the council meeting

SPEAKING POLICY REQUIREMENTS

1. All individuals wishing to address the Council must complete the request form.
2. Verbal comments and interruptions from the floor will not be allowed.
3. Each speaker will be limited to five (5) minutes. For groups of individuals that wish to address the Council on the same topic, they will be limited to three (3) minutes per speaker. In cases where there are multiple speakers on the same topic, speakers are encouraged not to repeat the same information presented by previous speakers.

Date of Request*

Meeting Date*

Speaker's Name*

Speaker's Address*

Speaker's Telephone #*

Please give your description of the subject(s) you wish to address. You will not be able to discuss matters that are not listed on your request.

*

2/1/23

2/6/23

Jackie Batson

1048 Pine Valley Dr

404-268-4102

Main Street Update

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:

<http://www.cityofcalera.org/Admin/FormHistory.aspx?SID=5008>

The following form was submitted via your website: Request to be Added to Council Agenda

REQUEST TO BE ADDED TO THE CITY COUNCIL AGENDA

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:

Date of Request: 2/1/23

Meeting Date: 2/6/23

Speaker's Name: Jackie Batson

Speaker's Address: 1048 Pine Valley Dr

Speaker's Telephone #: 404-268-4102

Please give your description of the subject(s) you wish to address. You will not be able to discuss matters that are not listed on your request.

: Main Street Update

Additional Information:

Form submitted on: 2/1/2023 2:50:08 PM

Submitted from IP Address: 47.231.192.9

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