



Zoning Ordinance

Draft Date: November 13, 2018*

* Includes a modification to §6.3.F.2.c regarding street light spacing in TND developments approved as part of the recommendation on the comprehensive revision of the Zoning Ordinance from the Guntersville Planning Commission to the City Council following a public hearing on November 13, 2018.

**Zoning Ordinance of the
City of Guntersville, Alabama**

Ordinance No. XXXX

DATE: XX XX, 2018

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Article 1. General Provisions

1-1. Authority and Enactment Clause

The City Council of Guntersville, Alabama, under authority granted by Title XI, Chapter 52, Article 4, Sections 70-84 inclusive, Code of Alabama, 1975, hereby ordains that the “Zoning Ordinance of the City of Guntersville, Alabama”, Ordinance No. 231, adopted on April 17, 1939, as subsequently amended from time to time, is hereby amended to read as follows:

1-2. Title

This ordinance is known as the “Zoning Ordinance of Guntersville, Alabama”.

1-3. Purpose

The zoning regulations and districts in this Ordinance have been made in accordance with a comprehensive plan and are designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

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 building and encouraging the most appropriate use of land throughout the city.

1-4. Scope

No building, structure, or land may hereafter be used, occupied, and no building, structure or part thereof may hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with this ordinance.

1-5. Interpretation

In interpreting and applying the provisions of this Ordinance, they are to be held minimum requirements for the protection, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community.

1-6. Conflict with other Requirements

It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties.

Wherever there is a conflict between the provisions of this Ordinance, and those of any statute, local law, regulation, easement, covenant or other agreement between parties, the most restrictive provisions govern.

1-7. Severability

In the event a court of competent jurisdiction holds any article, section, clause or provision of this Ordinance invalid, it will not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared to be invalid.

1-8. Establishment of Districts

To achieve the purpose of this Ordinance, the City of Guntersville is hereby divided into the following districts:

- A. **E-1 Estate District.** The purpose of this district is to provide and preserve land for detached single-family dwellings on lots of two acres and larger in areas where density should be limited because of neighborhood living patterns, limited availability of municipal infrastructure and the character of the natural environment.
- B. **RS-1 Single-Family Residential District.** The purpose of this district is to provide and preserve land for detached single-family dwellings at relatively low densities.
- C. **RS-2 Single-Family Residential District.** The purpose of this district is to provide and preserve areas for detached single-family dwellings at moderate densities.
- D. **RS-3 Single-Family Residential District.** The purpose of this district is to provide and preserve areas for detached, semi-detached and attached single-family dwellings, including patio homes and townhouses, at relatively high densities.
- E. **RM-1 Multifamily District.** The purpose of this district is to enable a transition in to areas where moderate density housing is already established, or to undeveloped areas where moderate density housing would include detached and attached single-family dwellings, including patio homes and townhouses, and multifamily dwellings. Densities differ between the various housing types permitted but the maximum density will not exceed ten dwelling units per acre.
- F. **RM-2 Multifamily District.** This district is applied primarily to areas where higher density housing, including multifamily structures, would be appropriate. Generally, areas included within this district would be relatively undeveloped and would offer scenic views of the lake and surrounding mountains. The district may also be applied to certain older transitional areas having similar locational advantages. As more retired people and seasonal residents are attracted to the City, the availability of multifamily development will meet the need of households who desire their security and amenities.
- G. **INST Institutional District.** This district is intended to provide locations for institutional uses that can exist compatibly with adjoining development. It will have particular application where nearby development is primarily residential in character. It may also be used to provide locations for institutional uses on relatively small sites within residential areas provided that the institutional uses can blend harmoniously into their surroundings with appropriate architectural treatment of buildings and the provision of open spaces and other amenities.
- H. **BL Local Business District.** This district is intended to provide locations for limited business uses that serve the needs of surrounding neighborhoods and having trade areas generally less than citywide in extent. Businesses may be within a unified center or on individual parcels.
- I. **BG-1 General Business District.** This district is intended to provide locations for lodging, restaurants, retail trades, personal services and other uses. Trade areas for these businesses are generally citywide or greater. Regulations are designed to establish an appropriate environment for those businesses which require an attractive appearance of building and premises for the successful conduct of business.

- J. **BG-2 General Business District.** The district is intended to provide locations for a broad range of commercial activities serving the needs of residents, businesses, industry, and travelers. In addition to retail trades and services, permitted uses include commercial services, warehousing, wholesaling, and some light industrial operations which are not characterized by frequent heavy trucking activity, unenclosed storage areas for materials or equipment, or the generation of dust, odor, vibration or noise. The district is intended for use typically along major thoroughfares or highways where similar uses now exist or are planned to exist.
- K. **BC Central Business District.** This district is intended to accommodate a mix of uses within Guntersville’s two original commercial centers. Development within these centers is characterized by abutting buildings placed near the street. This development pattern accommodates little or no off-street parking to serve individual establishments. Regulations recognize the historic compact development pattern of the areas and eliminates off-street parking requirements for lots developed in the characteristic manner of the old commercial centers. It is not intended that this district extend beyond the original commercial centers.
- L. **BW Waterfront Business District.** This district is intended to provide locations for marinas, boat sales and service, piers, sale of boating and fishing supplies, and other related businesses and recreational activities.
- M. **I-1 Light Industrial District.** This district is intended to provide suitable locations for light industrial activities that are clean, quiet, free from hazardous or objectionable emissions, and do not generate heavy truck traffic. Industrial parks and industries desiring attractive surroundings are encouraged in this district.
- N. **I-2 Heavy Industrial District.** This district is intended for industrial activities which require special locations resulting from the employment of heavy equipment or machinery; emission of odors, noise, vibration, glare or other nuisances; appearance of premises and structures; generation of heavy truck traffic; and site requirements.
- O. **PUD Planned Unit Development District.** This district is intended to allow flexibility in the development of large tracts of land and/or of multiple uses or tenants on one tract in accordance with an approved Master Development Plan in order to enable more innovative development and redevelopment options.
- P. **MHP Mobile Home Park District.** This district is intended to provide opportunities at appropriate locations for the establishment of mobile home parks.
- Q. **TND Traditional Neighborhood Development.** This district is intended to allow the development and redevelopment of land consistent with the traditional neighborhood design characteristics as described in [§6-3 Traditional Neighborhood Development \(TND\) District](#).
- R. **RVP Recreational Vehicle Park District.** This district is intended to provide opportunities at appropriate locations for the establishment of recreational vehicle parks.

1-9. Zoning Map

Said districts are bounded as shown on map entitled “Zoning Map of Guntersville, Alabama”, adopted herewith, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance. The original zoning map, properly attested, is and shall remain on file in the office of the Zoning Official of the City of Guntersville, Alabama.

If because of error or omission in the zoning maps, any property in the City is not shown as being in a zoning district, the classification of such property shall be RS-1 unless changed by amendment to the zoning map or by subsequent zoning ordinances.

1-10. Interpretation of District Boundaries

The boundaries of zoning districts are established as shown on the Zoning Map. Unless otherwise shown, district boundaries are intended to follow lot lines, centerlines of streets or alleys, the centerline of railroad tracks, or the corporate limit lines as they exist at the time of enactment of this ordinance or amendments thereto. Where uncertainty exists with respect to district boundaries as shown on the map, the Board of Adjustment will determine the location of any boundaries.

1-11. Effect upon Outstanding Building Permits

Nothing herein will require any change in the plans, size, construction or designated use of any building, structure or part thereof for which a building permit has been granted before the effective date of this Ordinance. However, when construction has not begun under the outstanding permit within 60 days after passage of this Ordinance or where it has not been completed within 18 months after passage of this Ordinance, any further construction must conform to the provisions of this Ordinance.

Article 2. Definitions

2-1. Word Usage

For purposes of this Ordinance, certain terms and words are hereby defined. Words used in the present tense include the future; the singular include the plural and the plural the singular; and the word “must” is mandatory and directory. The word “person” includes an individual, firm, association, organization, partnership, trust, company or corporation.

2-2. Interpretation

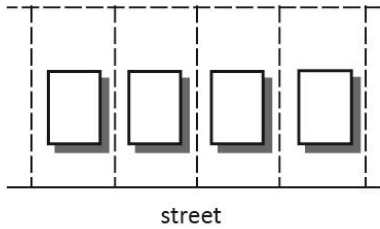
When not defined in this Ordinance, the conventional meaning of a term applies or the definition provided in the Alabama State Code, where applicable. The Zoning Official is authorized to determine the meaning of any undefined term for which the conventional definition conflicts with its usage in this Ordinance.

2-3. Terms

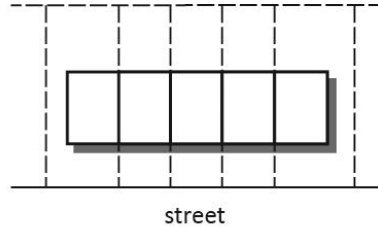
1. *Abutting or Adjoining.* Touching along a common side, boundary or property line. Properties that are separated by a right of way are “adjacent,” but not “abutting” or “adjoining.”
2. *Accessory Structure or Use.* A subordinate structure or use customarily incident to and located upon the same lot occupied by the principal use or structure.
3. *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.
4. *Adjacent.* Either abutting or on the opposite side of a street, right-of-way or easement that separates other properties from the subject property.
5. *Alley.* A public way which affords a secondary means of access to abutting property and which is not intended for general traffic circulation.
6. *Alteration and Altered.* Any addition to the height, width or depth; change in the location of any exterior walls; or any increase in the interior accommodation of a structure. A structure is considered altered when it is repaired, renovated or rebuilt at a cost in excess of 50% of its value prior to the commencement of such repairs, renovation or rebuilding.
7. *Antenna.* A structure which is designed to receive or transmit electromagnetic waves including radio and television signals. An antenna which is not the principal structure on a lot is an accessory structure.
8. *Applicable District.* That zoning district in which a structure, property or subdivision, for which a zoning application is submitted or permit is sought, is located.
9. *Applicant.* A person submitting an application for development, a Variance, administrative appeal, Special Exception or rezoning.
10. *Arts and Crafts Shop:* The manufacture and sale of products of artists and craftsmen, including, but not limited to, candy, leather goods, fabrics, china, glass, pottery, antiques and specialty foods prepared predominately by hand. Establishments may include areas for the production of such items as follows:

- a. Major: retail or wholesale establishment with a production area greater than 400 sf but no more than 2,000 sf
 - b. Minor: retail establishment with a production area of 400 sf or less.
11. *Awning*. A detachable framework covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.
12. *Basement*. A portion of a building located wholly or partially below grade and having a floor-to-ceiling height of at least 6.5 feet.
13. *Bed and Breakfast*. A residential structure occupied by the owner or operator thereof consisting of not more than six sleeping rooms and breakfast for hire to any occupant for not more than fourteen consecutive days.
14. *Block*. The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream, or between any of the foregoing and any other barriers to the continuity of development.
15. *Block Frontage*. All the property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended, than all of the property abutting on one side between an intersecting street and the dead end of the street.
16. *Boarding House*. An establishment other than a hotel, motel, or restaurant, where lodging and meals are provided for compensation to six or more persons. Lodging is temporary and meals are not served on an individual basis.
17. *Buffer*. A strip of land that is improved to provide separation between incompatible uses, promote visual harmony, reduce glare or noise and divert emissions. Buffers may consist of existing or newly planted trees, shrubs or vegetation, fences, walls or berms.
18. *Building*. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.
19. *Building Coverage*. The percent of total lot area covered by buildings and structures but excluding roof overhangs.
20. *Building Height*. The vertical distance of a building measured from the average grade at the front building line to: 1) the highest point of the roof's surface for flat roofs; 2) to the deck line of mansard roofs; or 3) to the mean height level between eaves and ridge for hip, gambrel and gable roofs.
21. *Building Line, Front*. A line extending across the width of a lot coincident with the front-most plane of the building.
22. *Building Spacing*. The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, ornamental features, cornices and eaves.
23. *Business Support Services*. Printing, engraving, mailing, telephone answering service, telegraph or messenger services.
24. *Caliper*. A measurement of the size of a tree equal to the diameter of its trunk measured 4.5 feet above natural grade.

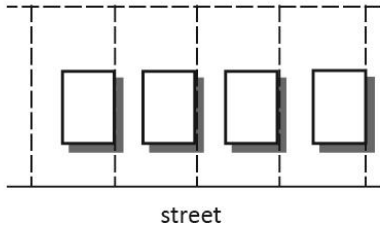
25. *City*. The City of Guntersville, Alabama.
26. *Cultural Facilities*. Libraries, museums, art galleries, performing arts centers and similar activities carried on by a government or nonprofit organization.
27. *Day Care Center*. An establishment designed to offer care and/or training to children or adults unrelated to the owner or director for any part of a day on some kind of a regular basis, whether or not operated for profit.
28. *Density, Maximum*. The maximum number of dwelling units allowed in a given zoning district and generally stated in number of dwelling units per acre.
29. *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, filling, grading, paving, excavation, drilling or disturbance of land; and, any use or extension of the use of the land.
30. *Dwelling or Dwelling Unit*. A room or group of rooms including a kitchen and sanitary facilities designed and used exclusively or occupied as separate living quarters by not more than one family. Does not include recreational vehicles, hotels, motels, boarding houses, tents, hospitals or nursing homes.
31. *Dwelling, Duplex*. A building containing two independent dwelling units separated by a common wall and sharing a common roof and foundation.
32. *Dwelling, Multifamily*. A building containing three or more dwelling units so arranged that their occupants live independently of each other.
33. *Dwelling, Single-Family Attached*. A single-family dwelling in a row of at least three 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 by one or more vertical common fire-resistant walls. Commonly referred to as "townhouses."
34. *Dwelling, Single-Family Detached*. A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract.
35. *Dwelling, Single-Family 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.
36. *Dwelling, Zero Lot Line*. A single-family dwelling located on a lot so that one of the dwelling's sides rests on a lot line.



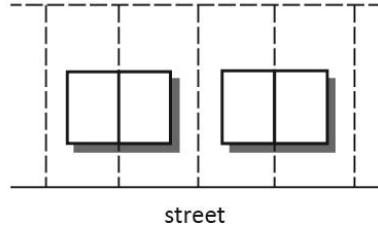
Single-family Detached Dwelling



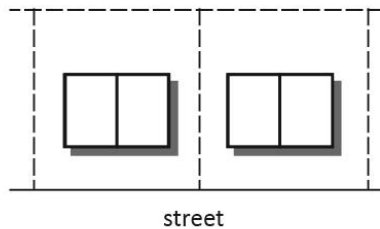
Single-family Attached Dwelling



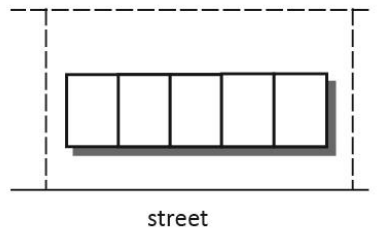
Single-family Zero Lot Line Dwelling



Single-family Semi-detached Dwelling



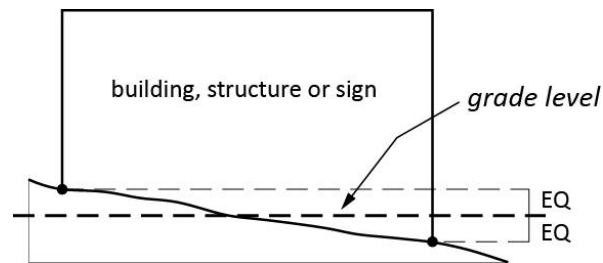
Duplex Dwelling



Multifamily Dwelling

37. *Easement.* Authorization by a property owner of the use of a designated part of their property by another for a specified purpose.
38. *Engineer.* A professional engineer registered and in good standing with the Alabama Board of Engineers and Land Surveyors.
39. *Entertainment, Indoor.* A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, etc.
40. *Entertainment, Outdoor.* A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including but not limited to sports arenas, racing tracks, drive-in theaters and amusement parks.
41. *Essential Services.* Public utility facilities related to water, sanitary sewers, storm drainage, solid waste disposal, telephone, cable television, gas and electrical distribution systems, but not including buildings housing employees, or public safety facilities such as fire or police stations.
42. *Family.* An individual or two or more persons living together as a single housekeeping unit in a dwelling unit.

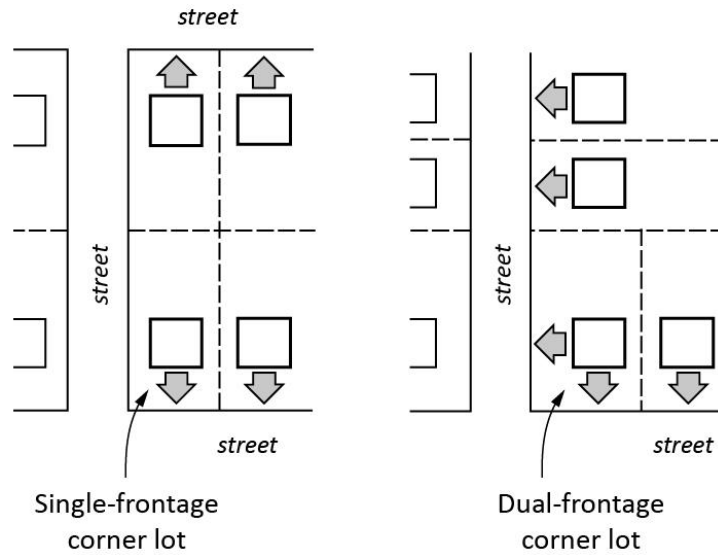
43. *Family Care Home*. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired persons in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 *Regulation as to housing of mentally retarded or mentally ill persons in multifamily zone, Code of Alabama, 1975* as amended.
44. *Family Day Care Home*. A licensed service operated from a single-family dwelling by the resident, providing care for part of a 24 hour day to children.
45. *Fence*. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
46. *Floor Area, Gross*. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement, measured from the exterior faces of exterior walls and/or supporting columns.
47. *Garage, Private*. A building or space used as an accessory to or part of a principal building permitted in any residential district for the purpose of storing not more than four motor vehicles and in which no business, occupation, or service for profit is in any way conducted.
48. *Garage, Public*. Any building or premises, other than a private garage used exclusively for the temporary parking or storage of motor vehicles.
49. *Grade Level*. For buildings, the average level of the finished grade at the front building line or front lot line (refer also to "Building Height"). For trees, landscaping, and light fixtures, the level of finished grade at the base of the tree, plant or fixture.



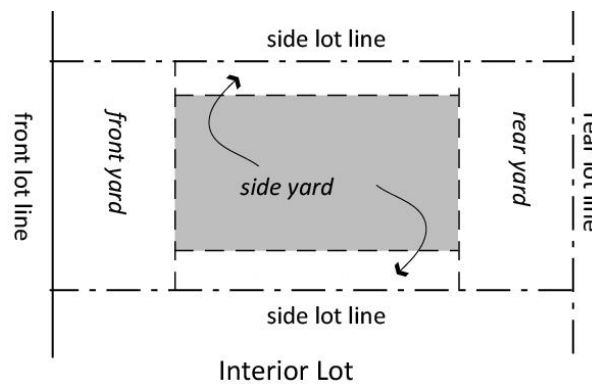
50. *Home Improvement Services*. Furniture and appliance repair, home improvements company, interior decorator, upholsterer and general contractors with all storage of goods and materials and all processing and manufacturing kept within a completely enclosed building.
51. *Home Occupation*. Any business, profession, occupation or trade carried on for gain or support as an incidental activity within a dwelling.
52. *Hospital*. An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient department, training facilities, central service facilities and staff offices.
53. *Hotel*. A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. Hotels contain at least ten individual guest rooms, maintain an inner lobby and furnish services such as room cleaning, linens supply, telephone,

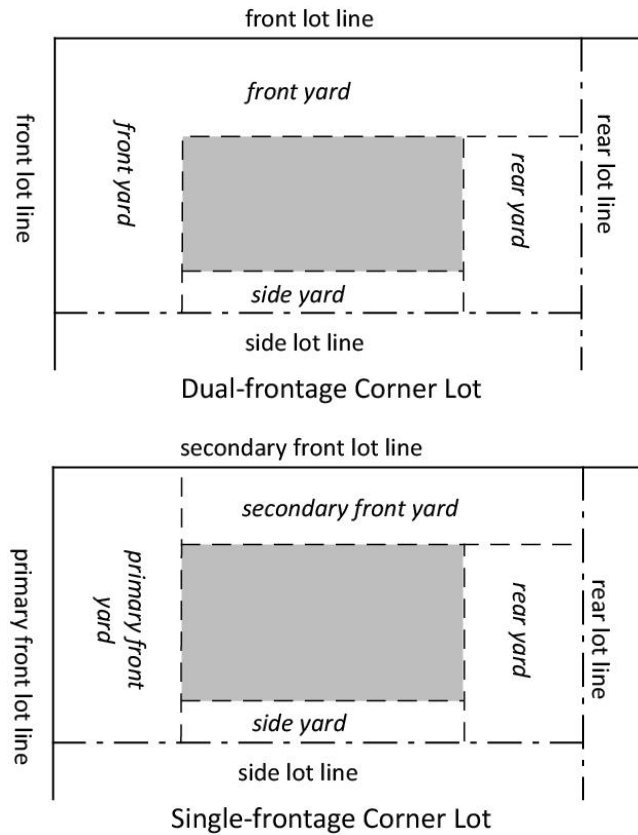
and furnishing. Hotels are distinguished from motels in that individual guest rooms are only accessible from the interior of the building.

54. *Improvement*. Any permanent item that becomes a part of, is placed upon or is affixed to real estate.
55. *Incidental accessory retail uses and services*. Food service, gift or novelty shops, barber and beauty shops, children's day care facilities, and similar activities, conducted primarily for the convenience of employees, patients, patrons, or visitors. These activities are carried on wholly within a principal building and are not advertised to the general public by exterior signage.
56. *Industry, Small-scale*. Manufacturing or industrial operations employing no more than 20 workers and occupying no more than 15,000 sf of gross floor area.
57. *Institutional uses*. Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. This does not include institutional facilities which involve on-premises garages, repair or storage yards, or warehouses. Institutional uses are categorized as follows:
 - a. Low intensity institutional uses: government and nonprofit cultural facilities up to 4,000 sf; places of assembly up to 200 seats; day care centers; group care homes; assisted living facilities and other homes for the aged up to 10,000 sf.
 - b. Medium intensity institutional uses: government and nonprofit cultural facilities up to 7,000 sf; health institutions up to 35,000 sf; elementary and junior high/middle schools; places of assembly up to 500 seats; other institutions up to 35,000 sf.
 - c. High intensity institutional uses: government and cultural facilities greater than 12,500 sf; health institutions greater than 35,000 sf; places of assembly greater than 500 seats; high schools, universities, colleges, junior colleges; stadiums and arenas up to 3,000 seats; other institutions greater than 35,000 sf.
58. *Kennel*. Any lot or premises on which three or more dogs, four months or more old, are kept either permanently or temporarily for commercial or breeding purposes.
59. *Lot*. Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having frontage upon a public street or officially approved place. A lot is that land area designated by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control. Such lot may or may not coincide with a "lot of record" and may contain two or more lots of record.
60. *Lot, Corner*. A lot abutting upon two or more streets at their intersection or upon two parts of a street which form an interior angle of less than 135 degrees.
 - a. Dual Frontage Corner Lot. A residential corner lot that abuts an interior lot on each side.
 - b. Single-Frontage Corner Lot. A residential corner lot that abuts an interior lot on one side and a corner lot on the other side.



61. *Lot, Double Frontage.* A lot, other than a corner lot, which has frontage on more than one street.
62. *Lot Frontage.* Lot width measured at the front lot line.
63. *Lot, Interior.* A lot other than a corner lot.
64. *Lot Line.* A line bounding a lot, which divides it from another lot or from a street or from any other public or private place.
 - a. *Lot Line, Front.* The lot line separating a lot from a street right-of-way. In the case of single-frontage corner lots, there is a primary and secondary front line. The shorter of the two is the primary front lot line. All other corner lots are considered “dual-frontage” corner lots, in which case, both lot lines along streets are considered front lot lines.
 - b. *Lot Line, Rear:* That lot line which is parallel to and most distant from the front line. In the case of a triangular or irregularly shaped lot, a line 10 ft in length, entirely within the lot, parallel to and at the maximum distance from the front lot line.
 - c. *Lot Line, Side:* Any lot line other than a front lot line or a rear lot line.





65. *Lot of Record*. A lot which is part of a recorded plat or plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.
66. *Lot Width*. The distance between the side lot lines measured at the front building line. For corner lots, lot width is measured between the side lot line and the opposite lot line.
67. *Lounge*. An establishment operated by a person of good reputation in which alcoholic beverages of all types may be offered for sale but that is not classified as a Restaurant-Lounge, Restaurant-Pub, or Private Club Lounge as defined in this Ordinance. Refer also to [§7-8 Lounge](#).
68. *Lounge, Accessory*. A lounge that is accessory to a motel or hotel having at least 40 guest rooms and which is located within or is attached to the principal structure.
69. *Marina*. A place for docking pleasure boats and, where appropriate under provisions of this ordinance, servicing and repairing such boats and providing services to the occupants thereof. A boat dock or pier serving a residential property is not considered to be a marina if it does not conduct commercial activities or provide slips or spaces for more than four pleasure boats.
70. *Mobile Home*. A structure constructed on or after June 15, 1976, according to the rules of the US Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight feet wide or at least 40 ft long or, when erected on site, at least 320 sf; includes the plumbing, heating, air conditioning, and electrical systems of the home.

71. *Mobile Home Park*. Land used or designed as a mobile home community containing multiple spaces for rent or lease.
72. *Mobile Home Space*. A space designed for the placement of a mobile home within a mobile home park.
73. *Monument Sales*. An establishment engaged in the sale of gravestones, markers and other monuments, including outdoor display and incidental processing to order, but excluding the shaping of stones and similar processing.
74. *Motel*. A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. Motels contain at least ten individual guest rooms, maintain an inner lobby and furnish services such as room cleaning, linens supply, telephone, and furnishing. Motels are distinguished from hotels in that individual guest rooms may be accessed from the exterior of the building.
75. *Nonconforming Building or Structure*. A building or structure that does not conform to the area or dimensional requirements of the applicable district.
76. *Nonconforming Lot*. A lot which does not conform to the area and dimensional requirements of the applicable district.
77. *Nonconforming Use*. A use that does not conform to the regulations of the applicable district.
78. *Nonresidential*. Land uses including agricultural, institutional, commercial, lodging and industrial activities. Developments containing residential and nonresidential uses within the same building are considered nonresidential uses.
79. *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 the provisions of this Ordinance to insure that it remains in such uses.
80. *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, or their authorized designee.
81. *Parking Space, Off-Street*. An all-weather surfaced area not in a street or alley and having an area of not less than 180 sf exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.
82. *Personal Repair Services*. A business engaged in repairs or adjustments to bicycles, small appliances, shoes, watches, locks, musical instruments, guns, and similar items, conducted wholly within a building with no outside storage of materials or equipment.
83. *Personal Services*. Barber and beauty shops, travel agencies, photographers, tailors, dressmaker, artist studio, picture framing and similar services.
84. *Place of Worship*. A church, synagogue, temple, mosque or other facility used for prayer by persons of similar beliefs, including accessory uses such as day care facilities, meeting rooms, schools and residences of clergy.

85. *Planned Unit Development (PUD)*. An area planned, developed, operated and maintained as a single entity and containing one or more structures subject to the procedures set forth in [§6-1 Planned Unit Development \(PUD\) District](#).
86. *Portable Building*. A building which is not a dwelling unit and which has dimensions and weight permitting transport by motor vehicle. It is typically used as a temporary or accessory structure.
87. *Principal Building*. A building in which the principal use of the lot is contained.
88. *Printing and Engraving*. Blueprinting, printing, engraving and other reproduction services, classified as follows:
 - a. *Major*: Floor area greater than 2,500 sf.
 - b. *Minor*: Floor area of 2,500 sf or less.
89. *Private Club Lounge*. A corporation or association formed in good faith by authority of law to promote national, social, patriotic, political, or athletic purposes, or the like, but not operated for pecuniary gain.
90. *Recreational Vehicle*. A vehicle less than 40 ft in length and used for temporary or recreational living, or sleeping purposes, and standing on wheels, whether self-propelled or requiring a separated vehicle for power. Includes the terms “travel trailer” and “camper.”
91. *Restaurant, Fast Food*. An establishment whose principal business is the sale of quickly prepared food and non-alcoholic beverages which may be served at a counter for consumption on-premises or served at a pick-up window for consumption in an automobile or off-premises. A fast food restaurant delivers food and beverages in disposable wrappers, bags, cups, bags or containers along with disposable utensils for eating and drinking.
92. *Restaurant, Lounge*. An establishment whose principal business is the sale of food and beverages, including liquor and other alcoholic beverages. Refer also to [§7-10 Restaurant Lounge](#).
93. *Restaurant, Pub*. An establishment in which food, refreshments, and malt or brewed beverages and/or table wines (but not liquor) are offered for sale for consumption on-premises. Refer also to [§7-11 Restaurant Pub](#).
94. *Restaurant, Standard*. An establishment where food and drink are prepared, served and consumed, mostly within the principal building.
95. *Rooming House*. A dwelling where lodging is provided for compensation for from six to ten persons, who are not members of a family occupying that dwelling unit, who do not occupy the dwelling as a single housekeeping unit, and who do not take their meals on the premises.
96. *Special Exception*. A use or characteristic of development that would not generally be appropriate in a zoning district without restriction, but which if controlled as to number, area, location or relation to the area, would not be detrimental to the public health, safety and general welfare. Special exceptions require approval by the Board of Adjustment. See [§12-5 Special Exceptions](#).
97. *Specialty Store*. Establishments selling or renting goods predominantly at retail on the premises, including but not limited to: tobacco, news, books, stationary, gifts, cards, novelties, flowers,

- jewelry, luggage, optical goods, sporting goods, bicycles, pets, toys, coins, stamps, photo or art supplies, works of art, music, musical instruments, hobby goods.
98. *Structural Alterations.* Any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, or the rearrangement of any interior partitions affecting more than five percent of the floor area of the building.
 99. *Subdivision Regulations.* The Subdivision Regulations of the City of Guntersville, Alabama.
 100. *Upper-Story Dwelling.* A dwelling located in the upper story of a building where the ground floor is devoted to nonresidential uses.
 101. *Use.* Any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on or intended to be carried on in a building or other structure or on land.
 102. *Variance.* A relaxation of the terms of this ordinance as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.
 103. *Veterinary Hospital.* A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.
 104. *Yard.* An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width or depth of a yard, the minimum distance between the lot line and the main building is used. A required yard means a yard the depth of which is specified in the “Area and Dimensional Regulations” for the applicable district. Refer also the “Lot Line” and accompanying diagrams.
 - a. *Yard, Front.* A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
 - b. *Yard, Rear.* A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.
 - c. *Yard, Side.* A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.
 105. *Zoning Official.* That official of the City of Guntersville designated to administer and enforce the provisions of this Zoning Ordinance, including his or her designee.

2-4. Abbreviations used in this Ordinance

1. ac- acre
2. ADEM – Alabama Department of Environmental Management
3. amp – ampere (unit of electric current)
4. ft- feet
5. max.- maximum

6. MDP – Master Development Plan
7. min.- minimum
8. n/a – not applicable
9. NFPA – National Fire Protection Association
10. PUD – Planned Unit Development
11. RV – recreational vehicle
12. sf – square feet
13. TND – Traditional Neighborhood Development
14. TVA – Tennessee Valley Authority

Article 3. General Regulations

3-1. Uses

No land may be used nor building erected, enlarged, reconstructed, moved, structurally altered or used except for a use permitted by right or approved by the Board of Adjustment as a Special Exception in the applicable district. Uses are permitted within each district as specified in [Articles 4, 5 and 6](#).

If a use is not specifically referred to in this Ordinance, its status is determined by the Zoning Official by reference to the most clearly analogous use in the applicable Table of Permitted Uses and as authorized by the Board of Adjustment. Once the status of an unlisted use has been determined, that determination will thereafter apply to all uses of the same type.

3-2. Lots

- A. Existing Lots of Record. A structure may be constructed on a nonconforming lot if the lot has less than the required area or width with the following limitations:
 - 1. No structure may be constructed on any nonconforming lot if the owner of said lot owns any adjoining vacant land on the effective date of this ordinance that could create a conforming lot if the vacant land were combined with the nonconforming lot.
 - 2. No structure may be constructed on a nonconforming lot unless it has front, rear, and side yards conforming to the requirements of the applicable district or a Variance to yard requirements is granted.
- B. Lot Frontage. No detached single-family or duplex dwelling may be constructed on a lot unless it has lot frontage of at least 40 ft. No nonresidential or multifamily structure may be constructed on a lot unless it has lot frontage of at least 50 ft. If construction is permitted on an unimproved street, the lot must be within 500 ft of an approved fire hydrant, have lot frontage as required herein and emergency access as approved by the Fire Department.
- C. Through Lots. The minimum front yard setback must be observed on each frontage.

3-3. Corner Visibility

On a corner lot, no structure or planting may materially obstruct traffic visibility between the height of two feet and ten feet above grade level, within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the right-of-way lines 15 ft from their intersection.

3-4. Yards

- A. No lot may be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.
- B. Projections into Yards. Every part of a required yard must be open from its lowest point to the sky and unobstructed unless otherwise provided by this Ordinance. Sills, belt courses, cornices, eaves, ornamental features, chimneys, awnings, canopies, and similar features must comply with yard setbacks with the following exceptions:
 - 1. Accessory structures conforming to requirements of [§3-7 Accessory Structures](#).

2. An uncovered deck more than 30 inches above grade level at the rear wall not projecting more than ten feet into any required rear yard.
 3. Terraces, steps, and uncovered porches not higher than 30 inches above grade level of the building wall to which they are attached and not located nearer than four feet to any property line.
 4. A private swimming pool located within a rear yard.
- C. **Reduced Front Yard Setback.** A required front yard may be reduced when the average setback of existing buildings within 200 ft on either side of a proposed building lot, and within the same block, is less than the required front yard. In such case, the setback may be less than the required front yard, but not less than the average of the established setbacks on the developed lots. However, a building may not extend beyond the average front yard of the buildings on either side of the concerned lot.
- D. **Side Yards.**
1. In districts where side yards are not required, if a side yard is provided, it must be at least ten feet wide.
 2. Side yards containing driveways must be at least 15 ft wide.

3-5. Height

Each structure hereafter erected or altered may not exceed the heights specified in the district requirements. Height limitations do not apply to church steeples, hospitals, sanitariums, barns silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers, water tanks, and industrial structures when required by manufacturing process.

3-6. Buildings to be Moved

Any building or structure to be moved to any location within the city limits is considered a new building under construction and must conform to all applicable provisions of this Ordinance.

3-7. Accessory Structures

- A. Accessory structures may not be within the required front yard of any single-family or duplex dwelling. This does not include arbors, trellises, pergolas and similar open structures intended only for decorative purposes but does include solid-roof structures such as gazebos.

For multifamily and nonresidential uses, accessory structures proposed in a required front yard must be approved through Site Plan Review.

- B. Storm and fallout shelters are permitted as principal or accessory structures in any district, subject to yard and lot coverage regulations.

3-8. Walls and Fences

Walls or fences may be erected, placed, maintained, or grown along a lot line on residentially zoned property or abutting a residential district, to a height not exceeding six feet above grade level. Where the lot line abuts a nonresidential district, walls or fences may be erected, placed, maintained, or grown to a height not exceeding eight feet. These height limitations do not apply to retaining walls.

3-9. Mountainside and Steep Slope Development Regulations

In areas of steep slopes a site plan adequately addressing soil erosion, landslides and storm water drainage is required for all developments. The site plan must be prepared by an Alabama Licensed Engineer and approved by the Planning Commission. The following standards apply:

- A. Slopes of 18% to 30%: not more than 40% of such areas may be developed, regraded or stripped of vegetation with the exception that not more than 30% of such areas may be disturbed in the case of erosion-prone soils, as defined by the Natural Resources Conservation Service.
- B. More than 30% slope: no more than 30% of such areas may be developed, regraded or stripped of vegetation with the exception that no more than 20% of such areas may be disturbed in the case of erosion-prone soils, as defined by the Natural Resources Conservation Service.
- C. Minimum Distance for Slope Calculations. In calculating steep slope the vertical rise in the horizontal interval of 50 ft is to be used.
- D. Engineer Certification. As part of the approval process, the Planning Commission requires a report by a licensed professional Engineer that the proposed development is designed to prevent any adverse effect on surrounding properties in terms of soil erosion, landslides or storm water drainage.
- E. All foundations for structures in mountain side and steep slope development areas as defined above are to be designed by an Alabama registered architect or engineer and submitted to the Zoning Official for approval prior to construction.

3-10. Public Utilities

Utility poles, wires, cross-arms, transformers attached to poles, guy wires, insulators, conduits and other utility structures necessary for electric power, telephone or telegraph service, distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district of the City.

3-11. Common Open Spaces and Facilities

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

- A. If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.
- B. Management Plan. The applicant must 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
- C. 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. Costs will become a lien on all involved properties.

Article 4. Residential Districts

4-1. Permitted Uses

See Table 4-1 Permitted Uses, Residential Districts and the following:

- A. No parking facility for nonresidential uses may be permitted in a residential district unless it is accessory to a use permitted in the district.
- B. For Zero Lot Line Dwellings, where permitted, a maintenance easement of at least five feet in width must be secured on the adjoining lot along the side where the zero setback is proposed. As an alternative, the dwelling unit may be set back from the side lot line not less than five feet and a use easement granted to the adjoining lot. In either case, the easement must be secured before building permit approval.
- C. Portable buildings and mobile homes are permitted only where expressly provided in this Ordinance or upon approval of a temporary permit by the City Council. This restriction does not apply to parking of recreational vehicles on residential lots.

4-2. Area and Dimensional Standards.

See Table 4-2 for E-1, RS-1 and RS-2 Districts. See Table 4-3 for RS-3, RM-1 and RM-2 Districts.

4-3. Parking and Loading Standards.

- A. See [Article 8 Parking and Loading](#).
- B. For permitted nonresidential uses, off-street parking may not extend forward of the front building line.

4-4. Landscaping, Screening and Buffers.

Where permitted, multifamily and nonresidential uses are subject to [Article 9 Landscaping Standards](#).

4-5. Supplemental Standards.

- A. Number of Principal Buildings on a Lot.
 - 1. Only one principal building may be erected on any lot in an E-1, RS-1, RS-2 or RS-3 District.
 - 2. Multifamily structures must have frontage on a public street or be directly accessible from an unobstructed fire lane.
- B. Yards of Corner Lots. Single-frontage corner lots must have a primary front yard along the street to which the residence is addressed and a secondary front yard along the other street. Dual frontage corner lots must have a front yard along both street frontages.
- C. Walls and Fences. All walls and fences within required yards are subject to the following:
 - 1. Within required front yards, that portion of a wall or fence above three feet in height must be at least 80% open for the passage of light and air.
 - 2. The maximum height of a wall or fence within a required side or rear yard is six feet.

3. Walls and Fences for Residential Subdivisions and Multifamily Developments. Where the Planning Commission finds that there will be no adverse effect on adjoining properties or on visibility at street intersections, the Planning Commission may approve walls and fences not more than eight feet in height to enclose part or all of a housing project, or to enclose all or portions of yards around individual residential structures within such developments.

D. Accessory Structures.

1. No accessory structure may be constructed on a lot until construction of the principal building has been commenced. No accessory structure may be used unless the principal building on the lot is also being used.
2. Accessory structures may not exceed two stories.
3. Unattached Accessory Structures
 - a. An unattached accessory structure may be constructed in a rear yard but must be set back at least ten feet from any property line and may not occupy more than 15% of the required rear yard.
 - b. Accessory swimming pools and tennis courts may be constructed in a rear yard only, subject to the following:
 - i. No part of the swimming pool or court may be nearer than ten feet to any property line.
 - ii. No part of a pool deck, platform, or screen enclosure is located nearer than six feet to any property line.
 - iii. The combined area of a swimming pool, tennis court, screened enclosures, decks, platforms, and all unattached accessory structures does not occupy more than 30% of a required rear yard.
4. When an accessory structure is located less than 10 ft from a principal structure, it must comply with the yard requirements that apply to the principal structure.
5. Dwelling units or guest accommodations are prohibited in accessory structures except that on lots greater than 60,000 sf, one dwelling unit for permanent occupancy or guest accommodation in an accessory structure may be approved as a Special Exception in accordance with [§12-5 Special Exceptions](#).
6. Pier Houses and Boat Houses. A partially enclosed, roofed structure may be built on a pier or pilings over a body of water provided that the structure contains no permanent facilities for toilets, bathing or cooking and meets all applicable TVA requirements.

Table 4-1 Permitted Uses, Residential Districts						
	E-1	RS-1	RS-2	RS-3	RM-1	RM-2
Single-family Detached Dwelling	R	R	R	R	R	R
Single-family Zero Lot Line Dwelling				R	R	R
Single-family Semi-detached Dwelling				R	R	R
Single-family Attached Dwelling				R	R	R
Duplex Dwelling					R	R
Multifamily Dwelling					R	R
Bed & Breakfast Inn, see §7-1		SE	SE	SE	R	R
Conservation Subdivision, see §7-13	R	R	R	R		
Home Occupation, see §7-3	R	R	R	R	SE	SE
Assisted living facilities, homes for the aged					SE	SE
Day Care Center					SE	SE
Family Day Care Home (on lots of at least 10,500 sf)		SE	SE		SE	SE
Family Care Home					R	R
Transitional Care Home					SE	SE
Boarding House				SE	SE	SE
Short Term Rental (subject to §XX Code of Ordinances)	R	R	R	R	R	R
Essential Services	R	R	R	R	R	R
Park or playground	R	R	R	R	R	R
Country clubs, common open spaces and facilities	SE	SE	SE	SE	SE	SE
Cemeteries and mausoleums (excluding funeral parlors)	SE	SE	SE	SE	SE	SE
Low and medium intensity institutional uses (except as listed)	SE	SE	SE	SE	SE	SE
R – The use is permitted by right SE – The use requires action by the Board Adjustment as a Special Exception per §12-5 . A blank cell in the Table indicates that the use is not permitted.						

Table 4-2 Area and Dimensional Requirements, E-1, RS-1 and RS-2 Districts							
District	Maximum Bldg. Height (stories)	Minimum Lot Area (sf)	Minimum Lot Width (ft)	Minimum Yard Setbacks			
				Front / Primary Front	Secondary Front	Side	Rear
E-1	2 ½ or 35 ft	43,560	150	75	30	25	75
RS-1	2½ or 35 ft	15,000	100	40	20	15	30
RS-2	2½ or 35 ft	10,500	75	35	20	10	30

Table 4-3 Area and Dimensional Requirements, RS-3, RM-1 & RM-2 Districts							
		Lot Area (sf)	Lot Width (ft)	Minimum Yard Setback (ft)			
				Front / Primary Front	Secondary Front	Side	Rear
Single-Family Detached Dwelling	RS-3	7,000	40	15	15	5 ¹	20
	RM-1	6,000					
	RM-2	5,000					
Zero Lot Line Dwelling	RS-3	7,000	40	15	15	0/10 ²	20
	RM-1	6,000					
	RM-2	5,000					
Semi-Detached Dwelling	RS-3	6,500	40	15	15	0/10 ³	20
	RM-1	5,500	40				
	RM-2	4,500	35				
Attached Dwelling	RS-3	3,000	25	15	15	0/10 ³	20
	RM-1	3,000	25				
	RM-2	2,400	20				
Duplex Dwelling	RM-1	7,200	60	15	15	5 ¹	20
	RM-2	6,500	55				
Multifamily Dwelling	RM-1	21,000	100	25	15	10	30
	RM-2						
Nonresidential Uses (when permitted)		7,500	50	25	15	10	30
Maximum Density (dwelling units/acre)			RM-1		RM-2		
Single-family detached and zero-lot line dwellings			6		7		
Single-family semi-detached dwellings			6.5		7.5		
Single-family attached dwellings			10		12		
Duplex dwellings			10		11.5		
Multifamily dwellings			10		14		
Maximum Building Height			2 stories or 30 ft		4 stories		
Multifamily dwellings					2 stories or 30 ft		
All other uses							
Maximum Floor Area (multifamily dwellings)			40% of lot area				
Maximum Building Coverage			25% of lot area				
Minimum Building Spacing for Multifamily Dwellings, RM-1 and RM-2 Districts			50 ft between two front walls 40 ft between a front and a rear or side wall 30 ft between two rear walls 30 ft between a rear and side wall 20 ft between two side walls				
<ol style="list-style-type: none"> 1. The minimum setback on one side is 5 ft. The sum of the width of both side yards must be at least 15 ft. 2. The greater value is the minimum side yard setback on the side opposite the zero lot line condition. 3. The greater value is the minimum side yard setback along the unattached side. 							

Article 5. Nonresidential Districts

5-1. Permitted Uses.

See Table [5-1 Permitted Uses](#), Nonresidential Districts and the following:

- A. Motor Vehicle Repair Uses. Repair work must be carried on completely within a structure. There may be no outside storage of vehicles or parts of vehicles except those to be serviced or repaired for retail customers. Outside storage of vehicles must be clearly incidental to the repair business. No vehicle may be stored outside for more than 10 consecutive days.
- B. Enclosed Entertainment. The building must be constructed with sound absorbing materials installed in all exterior walls and the ceiling. The sound material is to be of a quantity that the sound produced inside does not exceed the requirements of the sound ordinance. The building must be set back at least 300 ft from any residential district.
- C. Amusement and Recreation Services. Establishments must be arranged so that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened, or otherwise mitigated so that the use will not unduly interfere with the use and enjoyment of adjoining properties.
- D. Portable Buildings. Portable buildings may be permitted by Special Exception in the BG-1, BG-2 and BC Districts. When approved for other than temporary use during construction, portable buildings must meet the following standards. Additional requirements may be imposed as part of Special Exception Approval (see [§12-5](#)) and Site Plan Review (see [Article 10](#)).
 - 1. Axles, wheels, tires, trailer tongues, tail lights or license plates must be removed.
 - 2. Portable buildings must conform to applicable local, city, county, and state building code regulations.
 - 3. A portable building may be no smaller than 24 ft wide at the shortest measurement of the structure, excluding garages, carports, decks, or utility/storage areas.
 - 4. A permanent foundation or skirting must be provided.
 - 5. The roof must have a minimum 2:12 roof pitch and a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the Building Official.

5-2. Area and Dimensional Standards.

Refer to [Table 5-2](#) and the following.

- A. Buildings Exceeding Two Stories. The site plan of any building exceeding two stories in height must be approved by the Fire Department with regard to building access, which may result in increased side yard setbacks.
- B. Atriums. The floor space occupied by an atrium is not included in determining ground coverage or floor space of a building provided that the atrium floor is treated as open space, open and unobstructed from the floor to the roof of the building or the sky, and provided that the floor space is not divided by walls or partitions and is used only for landscaping, art display, pedestrian promenade, informal assembly, facilities for public convenience such as serving areas for food and beverages (excluding food preparation areas) benches, seats, and advertising of events and facilities.

Not more than 25% of the atrium floor space may be used for serving food and beverages. Food and beverage service areas may be partially enclosed by a decorative fence or protective barrier no more than 40 inches in height. Food preparation areas may not extend onto that portion of the atrium floor excluded from the determination of building coverage.

- C. Residential uses in the BL, BG-1 and BG-2 Districts are subject to the requirements in [Table 5-2](#) and [Table 5-3](#). Where there is any conflict, the requirement in Table 5-3 applies.
- D. Upper story dwellings may not exceed the following maximum densities:
 - 1. BL: 10 dwelling units per acre
 - 2. BG-1, BG-2 and BC: 14 dwelling units per acre

5-3. Parking and Loading Standards.

See [Article 8 Parking and Loading](#).

5-4. Landscaping, Screening and Buffers.

See [Article 9 Landscaping Standards](#).

5-5. BL Business Local District Regulations.

- A. Lodging and commercial uses may not exceed 10,000 sf per tenant space.
- B. Any development in the BL District requires Planning Commission approval as follows:
 - 1. Applications must be filed with the Zoning Official and must be accompanied by sketches, drawings, photographs, descriptions or other information that would enable the Planning Commission to determine the nature of proposed improvements including but not limited to new buildings, alteration of existing buildings, signs, driveways, trees to be retained or removed and landscaping. To be considered the application must be filed at least 15 days prior to the next regular meeting of the Commission.
 - 2. The applicant must demonstrate that both the use and related construction, reconstruction, alterations, and site improvements will be compatible with the character of existing development within the Business Local District and with nearby residential uses.
 - 3. After review of the application, the Commission will approve, approve with modification, or disapprove the application. If the application is disapproved, the reasons for disapproval will be provided in writing. Appeals may be submitted to the Board of Adjustment.
- C. Tree Preservation Standards
 - 1. No tree with a caliper of ten inches or more may be cut down or otherwise destroyed without the approval of the Commission. It is considered a violation of this Ordinance for any person to cut down or destroy any tree with a caliper of ten inches or more without express written approval of the Commission.
 - 2. After a site plan has been approved by the Commission, the developer may remove trees only from those areas on the site specifically authorized by the Commission.
 - 3. The developer or owner is responsible for the protection of tops, trunks and roots of trees that are to remain. Existing trees subject to construction damage must be boxed, fenced or otherwise

protected before any work is started. Interfering branches must be removed without injury to trunks. The area of the cut must be covered with tree paint.

4. When trenching occurs around trees to remain, the tree roots may not be cut. The trench must be tunneled under or around the roots by careful hand digging and without injury to the roots.
5. When the existing grade at a tree to be retained is below the new finished grade, and fill not exceeding 12 inches is required, clean washed gravel graded from 1- inch to 2-inch size must be placed directly around the tree trunk. The gravel must extend out from the trunk on all sides at least 18 inches and finish approximately 2-inches above finished grade at the tree trunk. Gravel must be installed before any earth fill is placed. New earth fill may not be left in contact with the trunks of any trees requiring fill.
6. Trees to be retained that are buried in fills over 12 inches deep must have an open dry well of durable masonry (without mortar) situated at least 12 inches from the tree trunk. All wells are to be properly drained.
7. Trees to be retained in areas where the new finished grade is to be lowered must have regrading work done by hand to elevation as indicated on the grading plan. Roots, as required, must be cut cleanly 3-inches below finished grade and scars covered with tree paint.
8. Trees marked for preservation that are located more than six inches above proposed grades must stand on broad rounded mounds and be graded smoothly into the lower level. Exposed or broken roots must be cut clean and covered with topsoil.

5-6. I-1 and I-2 Industrial Districts

Manufacturing and industrial operations may not emit detectable dust, odor, smoke, gas or fumes beyond the property line and may not generate noise or vibrations perceptible in frequency or pressure above the ambient level of noise in areas adjacent to the zoning district in which the uses are located.

Heavy Industrial Uses, including the manufacture, compounding processing, packaging or treatment of the products listed in Table 5-1, having accompanying nuisances or hazards, such as fire, explosion, noise, glare, vibration, dust, or the emission of smoke, odor, or toxic gases, may be located in the I-2 Industrial District after Site Plan Approval under [Article 10](#) and upon a determination by the City Council that the use will not adversely affect the public health, safety, morals and general welfare and that necessary safeguards will be provided for the protection of surrounding property, persons, and areas of critical environmental concern.

Table 5-1, Permitted Uses, Nonresidential Districts								
Use	INST	BL	BG1	BG2	BC	BW	I-1	I-2
RESIDENTIAL								
Single-family Detached Dwelling		SE						
Single-family Zero Lot Line Dwelling		SE						
Single-family Semi-detached Dwelling		SE						
Single-family Attached Dwelling		SE						
Duplex Dwelling		SE						
Multifamily Dwelling		R	R	R				
Upper-story Dwelling		R	R	R	R			
Family Care Home		R	R	R				
Boarding House		R	R	R	SE			
Portable Buildings, see §5-1.D			SE	SE	SE			
LODGING								
Bed and Breakfast Inn, see §7-1		R	R	R	SE	R		
Hotel			R	R	SE	R		
Motel			R	R		R		
INSTITUTIONAL								
Day care center	R	R	SE	SE		SE	SE	SE
Park or playground	R	R	R	R	R	R	R	R
Institutional uses (low, medium and high intensity)	R	R	R	R	R	R	R	R
Institutional uses with garages, repair or storage yards, warehouses	SE						R	R
Essential services	R	R	R	R	R	R	R	R
Convention facility	R		R	R			R	R
Assisted living facilities, homes for the aged	R		R	R				
Hospital	R		R	R				
Civic and social organizations	R	R	R	R	R			
Penal and correctional institutions	SE							
Places of worship	R	R	R	R	R			
Landfill							SE	SE
COMMERCIAL								
1. Food, Drink and Drugs								
Grocery stores, delicatessens		R	R	R	R	R		
Standard restaurants		R	R	R	R	R		

R – The use is permitted by right

SE – The use requires action by the Board Adjustment as a Special Exception per [§12-5](#).

A blank cell in the Table indicates that the use is not permitted.

Table 5-1, Permitted Uses, Nonresidential Districts								
Use	INST	BL	BG1	BG2	BC	BW	I-1	I-2
Fast food restaurants			R	R	R			
Restaurant, carry-out only		R	R	R	R			
Alcohol sales for off-premise consumption only		R	R	R	R	R		
Accessory lounges, restaurant lounges, restaurant pubs		R	R	R	R			
Lounges, private club lounges, taverns		R	R	R	R			
Drugs or cosmetic store			R	R	R			
2. Personal and Household Goods								
Department stores, variety stores			R	R	R			
Specialty stores		R	R	R	R	R		
Apparel, clothing and shoe store		R	R	R	R	R		
Hardware and household goods			R	R	R			
Sale of second-hand goods excluding materials held only for discard or reprocessing		R	R	R	R			
3. Farm and Garden Supplies								
Commercial greenhouse and/or plant nursery			SE	SE			R	R
Farmer’s market	R		SE	SE	SE			
Farm and garden supplies, including nursery stock, feed and grain			R	R			R	R
4. Automotive, Marine								
Automotive supply sales			R	R				
Gas stations, see §7-2			R	R			R	R
Car and light truck rental			R	R	SE		R	R
Car and light truck sales			R	R		R	R	R
Car wash			R	R	R		R	R
Heavy trucks, recreational vehicles, and heavy equipment rental				R			R	R
Heavy trucks, recreational vehicles and heavy equipment sales			SE	R			R	R
5. Other Retail								
Art galleries		R	R	R	R	R		
Arts and crafts shop, Major		SE	R	R	SE		R	R
Arts and crafts shop, Minor		R	R	R	R	R		
Monument sales			SE	R				
Office, restaurant and medical equipment & supplies			R	R	R			

R – The use is permitted by right

SE – The use requires action by the Board Adjustment as a Special Exception per [§12-5](#).

A blank cell in the Table indicates that the use is not permitted.

Table 5-1, Permitted Uses, Nonresidential Districts								
Use	INST	BL	BG1	BG2	BC	BW	I-1	I-2
Pre-fabricated home sales							R	R
6. Personal and Consumer Service								
Personal services		R	R	R	R			
Health club, fitness center		R	R	R	R			
Laundromats, laundry or dry cleaning pickup stations, dyer, clothing storage		SE	R	R	R			
Funeral parlors, mortuaries			R	R				
Caterers		R	R	R	R	R		
Broadcast studios with transmission towers	SE		SE	SE	SE		R	R
Broadcast studios, excluding transmission towers	R		R	R			R	
Music, dancing and athletic instruction, enclosed		R	R	R	R			
7. Amusement and Recreation Services (see §5-1G)								
Indoor theater			R	R	R?			
Drive-in theater				R			R	
Skating rink			R	R				
Pool hall, bowling alley			R	R		SE		
Amusement park, amusement arcade	R		R	R		R		
Miniature golf courses and driving ranges	R		R	R		SE		
Golf course	R		R	R		SE	R	
Indoor tennis or racquetball establishments	R		R	R		R	R	
8. Financial, Professional, Business and Administrative Services								
Banks and financial institutions		SE	R	R	R		R	
Business and professional offices		R	R	R	R		R	
Offices incidental to a permitted use	R	R	R	R	R	R	R	R
Home and business security services		R	R	R	R		R	
Medical and dental clinics	R	R	R	R	R			
Veterinary clinics			R	R		R		
Business support services		R	R	R	R		R	R
Offices of nonprofit, charitable and philanthropic organizations	R	R	R	R	R		R	
9. Repair, Decorating, Construction Services								
Personal Repair Services			R	R	R		R	R

R – The use is permitted by right

SE – The use requires action by the Board Adjustment as a Special Exception per §12-5.

A blank cell in the Table indicates that the use is not permitted.

Table 5-1, Permitted Uses, Nonresidential Districts								
Use	INST	BL	BG1	BG2	BC	BW	I-1	I-2
Home Improvement Services			R	R	R		R	R
Motor vehicle repair				R			R	R
Building, electrical and plumbing contractors				R			R	R
10. Boat Storage, Service and Repair								
Dockage and wet storage of pleasure craft	R		R	R		R	R	R
Dry storage of pleasure boats						R	R	R
Dockage of commercial vessels subordinate to an adjoining hotel or multifamily use with 30 or more dwelling units			R	R		R		
Sale of boat fuels, bait, fishing equipment and supplies and sports diving equipment			R	R		R	R	R
Sale and repair of pleasure craft and pleasure craft motors and associated equipment			R	R		R	R	R
Construction, repair and storage of commercial vessels						SE	R	R
Sales of water craft, equipment and supplies			R	R		R	R	R
One dwelling unit for use by owner or lessee of a marina						SE	R	R
11. Wholesale, Distribution and Other Services								
Wholesaling or distribution				R			R	R
Mini storage facilities, §7-4			R	R			R	R
Cleaning, laundering, dyeing plant							R	R
Animal boarding and sales, §7-7				R			R	R
Printing and engraving, Major		SE	SE	SE	SE		R	R
Printing and engraving, Minor		R	R	R	R		R	
Building, plumbing and electrical supplies			R	R	R		R	R
Newspaper publishing			R	R	R		R	R
Newspaper or magazine distribution racks	R	R	R	R	R	R	R	R
Newspaper or magazine distribution				R			R	R
12. Transportation								
Taxi dispatching station			R	R			R	R
Taxi terminal				R			R	R
Bus passenger station (intercity)				SE	R			
Storage of commercial vehicles (where not accessory to a permitted use)				R			R	R
Barge or truck terminal							R	R
Heliport	R		SE	SE		SE	R	R

R – The use is permitted by right

SE – The use requires action by the Board Adjustment as a Special Exception per [§12-5](#).

A blank cell in the Table indicates that the use is not permitted.

Table 5-1, Permitted Uses, Nonresidential Districts								
Use	INST	BL	BG1	BG2	BC	BW	I-1	I-2
Shipping office		H	R	R	R		R	R
Airport	R							
LIGHT INDUSTRIAL								
Candy products manufacturing				R			R	R
Bottling works and soft drinks				R			R	R
Dairy processing, bottling and distribution, cream manufacture							R	R
Food processing excluding vinegar and yeast and slaughtering of meat or poultry							R	R
Clothing, textile and leather goods manufacture							R	R
Furniture manufacturing, woodworking and planing mill							R	R
Industrial research and educational facilities				R			R	R
Pharmaceutical, optical and scientific instrument manufacture				R			R	R
Plumbing shops				R			R	R
Machine shops				SE			R	R
Sign manufacture							R	R
Tire recapping and retreading				R			R	R
Electrical equipment assembly				R			R	R
Ceramic and pottery manufacture							R	R
Plastic products manufacture							R	R
Paint, oil, shellac and lacquer manufacture							R	R
Grain processing							R	R
Electroplating or battery making							R	R
Small-scale industries which meet the conditions in §5-6			SE	SE			R	R

R – The use is permitted by right

SE – The use requires action by the Board Adjustment as a Special Exception per [§12-5](#).

A blank cell in the Table indicates that the use is not permitted.

Table 5-1, Permitted Uses, Nonresidential Districts								
Use	INST	BL	BG1	BG2	BC	BW	I-1	I-2
HEAVY INDUSTRIAL, refer also to §5-6								
<i>Chemical, Petroleum, Coal and Allied Products</i> Acids and derivatives- Acetylene, generation and storage- Ammonia- Caustic soda- Cellulose and cellulose storage- Chlorine- Coke oven products (including fuel gas) and coke oven products storage- Creosote- Distillation, manufacture, or refining of coal, tar asphalt, wood, and bones- Explosives (including ammunition and fireworks) and explosives storage, Fertilizer (organic)- Fish oils and meal- Glue, gelatin (animal)- Hydrogen and oxygen- lamp black, carbon black- Nitrating or cotton or other materials- Nitrates (Manufactured and natural) of an explosive nature, and storage- Petroleum, gasoline, and lubrication oil refining, and wholesale storage- Plastic materials and synthetic resins Potash- Pyroxylin- Rendering and storage of dead animals; offal, garbage, or waste products- Turpentine and resin.								SE
<i>Clay, Stone, and Glass Products</i> Brick, firebrick, refractories, and clay products (coal fired)- cement, lime, gypsum or plaster of paris- minerals earths; quarrying, extracting, grinding, crushing, and processing.								SE
<i>Food and Beverage</i> Fat rendering- Fish curing- Slaughtering of animals- Starch manufacture								SE
<i>Metals and Metal Products</i> Aluminum powder and paint manufacture- blast furnace, cupolas- Blooming mills- metal and metal ores; reduction, refining, smelting, and alloying- Scrap metal reduction								SE
<i>Wood and Paper Products</i> Match manufacture- Wood pulp and fiber, reduction and processing.								SE
<i>Other Heavy Industrial Uses</i> Cotton ginning- Cotton seed oil refining- Hair, hides, and raw fur; curing, tanning, dressing, dyeing, and storage- shell dredging- Stockyard.								SE

R – The use is permitted by right

SE – The use requires action by the Board Adjustment as a Special Exception per [§12-5](#).

A blank cell in the Table indicates that the use is not permitted.

Table 5-2 Area and Dimensional Requirements, Nonresidential Districts						
	Max. Bldg. Height (stories)	Min. Lot Area (sf)	Min. Lot Width (ft)	Minimum Yard Setback(ft)		
				Front	Side	Rear
INST	3	10,000	50	25	5	25
BL	2	7,000	50	25	5	10
BG-1	4	7,000	50	25	5	20 ¹
BG-2	4	7,000	50	25	5	20
BC ²	2	2,500	25	n/a	n/a	n/a
BW	3	40,000	200	25	20	25
I-1	n/a	10,000	100	25	15	30
I-2	n/a	15,000	100	25	20	40

1. For lots with access from an alley along the rear line, the rear yard setback is five ft.
 2. Buildings may exceed two stories in height provided that parking requirements in [Article 8 Parking and Loading](#) are met.

Table 5-3 Area and Dimensional Requirements for Residential Uses in BL, BG-1 and BG-2					
Residential Use	Min. Lot Area (sf)	Min. Lot Width (ft)	Minimum Yard Setback (ft)		Max. Density
			Side	Rear	
Single-family Detached Dwelling, Family Care Home, Boarding House			5 ¹	20	n/a
Single-family Zero Lot Line Dwelling			0/10 ²	20	n/a
Single-family Semi-detached Dwelling		35	0/10 ³	20	n/a
Single-family Attached Dwelling	2,400	20	0/10 ³		n/a
Duplex Dwelling			5 ¹	20	n/a
Multifamily Dwelling			10		see §5-2D
Minimum Building Spacing for Multifamily Dwellings					
50 ft between two front walls	40 ft between a front and a rear or side wall	30 ft between two rear walls	30 ft between a rear and side wall	20 ft between two side walls	

In the case of a blank cell, the corresponding requirement in Table 5-2 applies.
 1. The minimum setback on one side is 5 ft. The sum of the width of both side yards must be at least 15 ft.
 2. The greater value is the minimum side yard setback on the side opposite the zero lot line condition.
 3. The greater value is the minimum side yard setback along the unattached side.

R – The use is permitted by right

SE – The use requires action by the Board Adjustment as a Special Exception per [§12-5](#).

A blank cell in the Table indicates that the use is not permitted.

Article 6. Special Districts

6-1. Planned Unit Development (PUD) District

- A. Intent. Planned Unit Development is a regulatory method that allows flexibility in the development of large tracts of land and/or of multiple uses or tenants on one tract in accordance with an approved Master Development Plan. The intent is to enable more innovative development and redevelopment options, the purpose of which is:
1. To permit flexibility in zoning standards to allow more creative and harmonious designs to accommodate planned associations of uses such as industrial or commercial uses, residential developments, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
 2. To permit higher densities of land in conjunction with provisions for functional open space, amenities and community services;
 3. To promote economy in the arrangement of uses, buildings, circulation systems and utilities;
 4. To coordinate uses, building forms, building relationships and architectural styles;
 5. To promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible and to utilize such features in a harmonious fashion.
- B. Minimum Area. A PUD District may be established on tracts of at least five acres in area whose development may be undertaken as an integral unit under single ownership or control.

All properties in an approved PUD are bound by the standards in an approved Master Development Plan, even if subsequently sold, unless and until the Master Development Plan is voided by the City on request of the owner. However, to maintain continuity of the Master Development Plan, in no case will any portion of a PUD become nonconforming solely as a result of a portion of the tract being rezoned.

- C. Definitions. For the purpose of the PUD District, the following definitions apply whenever they are used in relation to a PUD. If any terms defined herein contradict or conflict with any terms defined in any other section of this Ordinance, the definitions in this Section apply as related to a PUD District:
1. *Common Open Space*. Open space within a development held in common ownership and maintained by the developer or by a property owners' association of all residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this Ordinance to ensure that it remains in such use.
 2. *Development*. The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement or demolition of any structure, portion of a structure, or sign; any change in use of a property, building, structure or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any excavation, filling, grading, paving or land disturbance; and any act of subdivision of land.

D. Application Procedure

1. Pre-application Conference. Before filing an application, the prospective applicant must present a concept plan to the Zoning Official. All information listed below must be submitted at least 10 working days prior to the conference:
 - a. Relationship between the proposed development and adjacent, existing development
 - b. Proposed land use arrangement for the development
 - c. Concept for provision of open spaces
 - d. Total net acreage devoted to any attached, semi-detached or attached single-family dwellings, multifamily, commercial, institutional, industrial and open space uses
 - e. Number of dwelling units and density for each Land Use District or smaller division of the development to contain residential uses

2. Application. After the pre-application conference, the applicant may file a rezoning application together with the proposed Master Development Plan. If the property is already zoned PUD, the applicant must submit the proposed Master Development Plan (MDP) for review by the Commission.

The MDP includes a written document, which may include supporting graphic materials, and a site plan or plan set illustrating the intents of the development, all subject to the submittal requirements in the Appendix. The site plan or plan set must be prepared by an Alabama registered engineer, land surveyor, architect, or landscape architect. The applicant must submit 12 copies of the written document, 3 copies of the site plan or plan set, and an electronic version of said materials in a format approved by the Zoning Official.

3. Review and Approval
 - a. After holding a public hearing on the application for rezoning and/or approval of the MDP, the Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, postpone its recommendation to allow time for further review or for the applicant to make requested changes.
 - b. If the proposal is deemed by the Commission to be unacceptable, the reasons for such determination will be set forth in its recommendation to the Council.
 - c. Any changes approved by the Commission are considered binding on all subsequent development, unless otherwise modified or waived in writing by the Council.
 - d. Once the Commission has rendered its decision, the MDP and all related materials, including any changes made thereto, are forwarded to the Council. The Council will approve, approve with changes, or disapprove the rezoning following a public hearing on the matter.
 - e. No excavation, demolition or construction is permitted until the MDP has been approved by Council. Upon approval of the MDP, the applicant may then apply for preliminary approval of any required resurvey or subdivision plat.
4. Fees. An administrative fee, as set from time to time by the Council, must be paid with the filing of the application as well as any costs incurred for public notice. For each additional public hearing, extension request, or re-application, the applicant is required to pay such fee to defray

the costs of processing and public notice. Said reimbursement is remitted immediately upon notice of amount due by the City.

E. Additional Provisions

1. Changes to Master Development Plan (MDP). To facilitate minor adjustments to the approved MDP as may be necessary, the Building Official may approve changes that are incidental or minor in scope. The following changes must be referred to the Commission; changes greater in scope require approval by the Commission and Council:
 - a. A change in land use district boundaries, provided the effect on the number of dwelling units or amount of open space, commercial or multifamily areas does not exceed the limits in items b or c below
 - b. An increase in the overall number of dwelling units or land devoted to multifamily development greater than five percent but less than 10%
 - c. A reduction in the amount of open space or land designated for commercial use by more than five percent but less than 10%
 - d. Rearrangement of streets, or reduction in the number of pedestrian or bicycle facilities
 - e. Changes to the Development Schedule

Any deviation from the MDP, which is not approved as provided herein, constitutes a violation of this Ordinance.

2. Construction must commence within 365 calendar days from the date of approval by the Council. Construction is deemed to have started with the actual construction of a principal building and does not mean site preparation or excavation of the site. Failure to begin construction within this time period, unless an extension is granted by the Commission, voids the MDP. No building permit may be issued without a valid MDP
3. The Board of Adjustment may not grant Variances that would have the effect of amending an approved MDP.
4. No amendment of this Ordinance affects a PUD approved prior to the amendment. The PUD may continue in accordance with the Zoning Ordinance in effect at the time of the prior approval. Should the PUD approval expire or be voided, any newly submitted MDP must conform to the regulations in effect at the time of the new submittal.

F. Development Standards. Development standards must be proposed in the Master Development Plan and must be consistent with the developmental policies of the Comprehensive Plan. All provisions of this Ordinance and the Subdivision Regulations apply except where specifically addressed in this Section or within the approved MDP. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the MDP.

1. Development must be compatible with site topography. Scenic assets and natural features, such as trees, streams, and topographic features, must be protected and preserved to the extent possible.
2. Structures and open space must be arranged in such a way as best to serve the needs of residents and to minimize any adverse effects on neighboring properties.

3. Harmonious design, incorporating a variety of building types and variations in building styles, is encouraged.
 4. Area and dimensional standards must be as provided in [Table 6-1](#).
 5. The development may not adversely affect property in the vicinity and must be compatible with adjacent properties with regard to density, scale, character and use. Buffers, landscaping, setbacks for buildings along the perimeter of the site, or a combination of these may be required for the protection of adjoining properties.
 6. Adequate streets and other facilities and utilities must be available to the PUD or there must be a definite proposal for making them available at the expense of a party other than the City. The Commission may impose such reasonable conditions that it finds necessary to protect and promote the public health, safety, and welfare of the City.
- G. Permitted Uses. A PUD must comprise one or more PUD Land Use Districts. Uses in each Land Use District are subject to [Table 6-2](#). Final approval of uses is contingent on approval of the Master Development Plan.

After approval of the Master Development Plan but prior to development of a conditional use, its site plan must be reviewed and approved by the Commission consistent with the procedure in [Article 10 Site Plan Review](#).

H. Circulation Standards

1. Vehicular access must be from streets capable of supporting existing traffic and the traffic to be generated by the planned development. Access points must be located and designed in accordance with accepted access management practices to separate through and local traffic, maintain capacity, and enhance safety of motorists, pedestrians and bicyclists. Streets, driveways and parking, loading and service areas must be designed to provide safe, convenient access to all uses and facilities.
2. Pedestrian facilities must be arranged to provide safe and convenient routes to, from and within a PUD. Pedestrian facilities need not always be along streets, particularly in low density residential areas and in areas with difficult terrain.

Recreational facilities, schools and places of worship, must be accessible to residential areas with a minimum of street crossings. Where possible, such uses must be accessible from a common, interconnected pedestrian system.

3. There must be adequate access to all structures for emergency response purposes.

Table 6-1 Area and Dimensional Requirements, PUD Land Use Districts					
Use	District	Minimum Yard Setback (ft)			
		Front / Primary Front	Secondary Front	Side	Rear
Single-Family Detached Dwelling	PR-1 PR-2, PM-1	30 25	15	5 ¹	20
Zero Lot Line Dwelling	PR-1 PR-2, PM-1	30 25	15	0/10 ²	20
Semi-Detached Dwelling	PR-1 PR-2, PM-1	30 25	15	0/10 ³	20
Attached Dwelling	PR-2, PM-1, PM-2	15	15	0/10 ³	20
Duplex Dwelling	PR-2, PM-1	25	15	5 ¹	20
Multifamily Dwelling	PR-2, PM-1, PM-2	15	15	10	20
Nonresidential and Mixed-use Buildings	PR-1 PR-2, PM-1, PM-2	25 n/a	15 n/a	10 n/a	20 n/a
Maximum Density (dwelling units/acre)		PR-1		PR-2, PM-1, PM-2	
Single-family detached and zero-lot line dwellings		6		7	
Single-family semi-detached dwellings		6.5		7.5	
Single-family attached dwellings		10		12	
Duplex dwellings		10		11.5	
Multifamily dwellings		10		14	
Maximum Building Height		2 stories or 30 ft		4 stories	
Maximum Building Coverage		40% of lot area		80% of lot area	
Minimum Building Spacing for Multifamily Dwellings		50 ft between two front walls 40 ft between a front and a rear or side wall 30 ft between two rear walls 30 ft between a rear and side wall 20 ft between two side walls			
Minimum Common Open Space (percentage of gross area of each land use district)		PR-1	PR-2	PM-1	PM-2
		20%	30%	20%	20%
<p>1 The minimum setback on one side is 5 ft, however, the sum of the width of both side yards must be at least 15 ft.</p> <p>2 The greater value is the minimum side yard setback on the side opposite the zero lot line condition.</p> <p>3 The greater value is the minimum side yard setback along the unattached side.</p>					

Table 6-2 PUD Land Use District Permitted Uses
LIMITED RESIDENTIAL 1 (PR-1)
<p>Permitted Residential Uses: residential accessory structures, detached, zero lot line and semi-detached single-family dwellings</p> <p>Permitted Nonresidential Uses: common open space, public building, public facilities and services</p> <p>Conditional Uses: bed and breakfast inn, country club, day care center, golf course, group day care home, place of assembly, public or private school</p>
GENERAL RESIDENTIAL 2 (PR-2)
<p>Permitted Residential Uses: residential accessory uses and structures, detached, zero lot line, semi-detached and attached single-family dwellings, duplex dwellings, and multifamily dwellings</p> <p>Permitted Nonresidential Uses: common open space, public building, public facilities and services, country club, outdoor recreation</p> <p>Conditional Uses: bed and breakfast inn, boarding home, day care center, group home, assisted living facility, place of assembly, public or private school</p>
LIMITED MIXED USE DISTRICT (PM-1)
<p>Permitted Residential Uses: residential accessory uses and structures, detached, zero lot line, semi-detached and attached single-family dwellings, duplex dwellings, upper-story dwellings and multifamily dwellings</p> <p>Permitted Nonresidential Uses. The following uses are permitted subject to a maximum gross floor area of 15,000 sf per establishment within an enclosed building, unless such limit is expressly waived or modified as part of the approved Master Development Plan: accessory structures, bakery (minor), bank or financial service, business or professional office, clinic, clubs, common open space, entertainment (enclosed), garden center or nursery, general retail (enclosed), gyms and health clubs, liquor lounge, nursing care facility, personal services, place of assembly, printing (minor), product repair and services, public building, public facilities and services, recreation (outdoor), restaurant (standard), studio</p> <p>Conditional Uses: animal hospital, car wash, entertainment (unenclosed), gas station, liquor store, recording studio, fast food and take-out only restaurants</p>
GENERAL MIXED USE DISTRICT (PM-2)
<p>Permitted Residential Uses: residential accessory structures, single-family attached dwellings, upper-story dwellings and multifamily dwellings</p> <p>Permitted Nonresidential Uses: accessory structures, animal hospital, bakery (minor), bank or financial service, business or professional office, clinic, clubs, commercial parking, commercial school, common open space, entertainment (enclosed), garden center or nursery, gas station, general retail (enclosed), gyms and health clubs, liquor lounge, liquor store, night club, personal services, place of assembly, printing (minor), product repair and services, public building, public facilities and services, recording studio, recreation (enclosed and unenclosed), restaurant (standard), studio, vehicle repair (minor), vehicle sales and rental</p> <p>Conditional Uses: car wash, mini-warehouse, fast food and take-out only restaurants, entertainment (outdoor)</p>

- I. Open Space Standards. Common Open Space must be provided in each Land Use District in the amounts shown in [Table 6-1](#). The area of Common Open Spaces in each development phase must meet these requirements unless otherwise approved as part of the Master Development Plan. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any purpose other than as set out in the Master Development Plan.
 1. The following are excluded from calculation of common open space:
 - a. land within individual lots;
 - b. land encumbered by any substantial structure or enclosure or parking facility;

- c. land within eight feet of any building;
 - d. land within a roadway, except a median that is at least 50 ft wide at its narrowest point and is designed for use as a recreational space; and
 - e. land to be used as or be in any required drainage area or easement, unless such area is designed and maintained as open space.
2. Maintenance provisions must be included in the Master Development Plan, consistent with [§3-11 Common Open Spaces and Facilities](#), for all common open spaces not left in a natural state. Common open space dedicated to the City or other governmental agency for operation and maintenance may not be for the exclusive use of the residents or patrons of the PUD.
- J. Exterior Materials. An Architectural Review Committee representing the interests of property owners within a PUD is recommended. Standards for exterior building materials must be incorporated into the Master Development Plan consistent with the following guidelines to govern the design of buildings. The Commission may require as part of the Master Development Plan that design plans for multifamily and nonresidential buildings be reviewed by the Commission prior to approval of building permits.
- 1. Cement block may only be used on residential building exteriors at the foundation up to a height of three feet. Cement block foundations along front facades must be screened with shrubs or other landscaping. Cement block may only be used on nonresidential building exteriors along rear and side elevations but may not exceed 50% of each such elevation.
 - 2. Vinyl siding is discouraged for use on dwellings and is prohibited for nonresidential buildings.
 - 3. Metal siding is discouraged but may be accepted for use on multifamily and nonresidential buildings upon express approval of the Commission.
- K. Landscaping. The standards of [Article 9 Landscaping Standards](#) apply unless other standards are approved with the Master Development Plan to address buffering, screening and landscaping for vehicular areas.

6-2. MHP Mobile Home Park District

- A. Permitted Uses
- 1. Mobile home park
 - 2. Mobile home park office
 - 3. Recreation buildings and playgrounds
 - 4. Service facilities for the exclusive use of mobile home park residents including self-service laundry.
- B. Site Plan Approval. No person may construct, add to or alter a mobile home park or facilities therein, until the site plan has been approved by the Zoning Official. Refer to Appendix for site plan submittal requirements.
- C. Application for Building Permit. After approval of the site plan, the applicant may apply for a building permit which shall be processed in accordance with established procedures.

D. Certificate of Occupancy. Application for a certificate of occupancy must be made in writing to the Zoning Official. The certificate of occupancy may not be issued for any portion of a partially developed mobile home park unless the applicant has posted with the City a performance bond satisfactory to the City Attorney and guaranteeing completion of development within two years of the date of the certificate of occupancy.

E. Development Standards

1. Spaces may be leased or rented. Spaces to be sold must be subdivided and filed as a regular subdivision plat in accordance with the Subdivision Regulations.
2. The minimum area for any mobile home park is five acres.
3. The maximum density is 10 mobile home spaces per acre.
4. The mobile home park must be surrounded on all sides by a 35 ft wide buffer landscaped as required in [§9-1 Buffers](#).
5. The number and location of access points to external streets must be approved by the Zoning Official.
6. The mobile home park must be served by water and sanitary sewer facilities meeting all requirements of the Marshall County Health Department and the City of Guntersville.
7. All mobile home spaces must front on a paved internal street at least 20 ft wide. All internal streets must be paved, marked, and lighted in a manner consistent with standards established by the City of Guntersville.
8. Mobile home parks must include one or more recreation areas of 100 sf for each mobile home space. Such areas must be consolidated into usable areas.

F. Mobile Home Space Standards

1. Minimum front, side and rear yard setbacks shall be:

Table 6-3 Area and Dimensional Requirements, Mobile Home Spaces			
Minimum Area	3,200 sf	Minimum Yards Front Yard Rear	15 ft 10 ft 10 ft
Min. Average Area	3,600 sf		
Minimum Width	30 ft		
Minimum Average Width	40 sf	Minimum Spacing between mobile homes	20 ft

2. All required yards must be permanently maintained with ground cover, trees and shrubs.
3. Each mobile home space must have a deck or patio of at least 200 sf.
4. Each mobile home space must have two off-street parking spaces.

G. Responsibilities of Park Owner for Tie-Downs, Anchors and Underpinning Skirting. No person including, but without limitation, owners of mobile home parks and owners and/or occupants of mobile homes within such park, may place, maintain, or occupy any mobile home unless it is equipped with tie-downs or anchors and underpinning skirting meeting or exceeding standards of the City Building Code. Mobile home park owners must notify the Zoning Official of the placement

of any mobile home on his property. The park owner must also notify the Zoning Official of the existence of any mobile home in his park, which, by visual inspection, appears not to comply with the tie-down or anchor and under skirting standards of the City Building Code. Such notification must be written, contain a statement of the nature of the possible violation, the location of the mobile home, and the name and address of the mobile home owner. It is the responsibility of the owner of the mobile home park to notify owners of all mobile homes within the park of the requirements of this section.

6-3. Traditional Neighborhood Development (TND) District

- A. Intent. Traditional Neighborhood Development is a regulatory method for planned development that allows flexibility in the development of large tracts of land and/or of multiple uses or tenants on one tract in accordance with an approved Master Development Plan. The intent is to enable more innovative development and redevelopment options that result in:
1. Compact, human-scale design
 2. A mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another
 3. A mix of housing types and sizes to accommodate households of all ages, sizes, and incomes;
 4. An interconnected system of streets and pedestrian and bicycle facilities that offer multiple routes within the development and outside of it
 5. Historic preservation
 6. Conservation and integration of significant environmental features.
- B. Applicability. This section is an alternative set of standards for development within the City for:
1. new development of 15 acres or more
 2. 10 acres or more for development contiguous to existing development
 3. redevelopment or infill development within areas designated for TND Centers.
- C. Definitions. The following definitions apply, unless the context clearly indicates otherwise.
1. *Building Scale*. The relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.
 2. *Central Square*. A common open space that serves as the focal point for a Neighborhood Center. It is typically surrounded by commercial uses and may include a landmark structure or building.
- D. Application Procedure. TND Districts follow the same application procedure as outlined in [§6-1D Planned Unit Development Districts](#). Refer to the Appendix for Master Development Plan Submittal Requirements.

Minor amendments to the Master Development Plan may be approved by the Zoning Official provided that the changes do not involve:

1. an increase of more than 10% of the floor area of structures other than single family detached dwellings

2. an increase of more than 10% of the number of dwelling units
 3. an alteration of any conditions or modifications to the Master Development Plan made by the Commission.
- E. Use Standards. A TND should consist of a mix of residential areas, Neighborhood Centers, and open space in close proximity to afford walkability. Refer to [Table 6-4](#) and the following:
1. *Residential Areas*. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the TND.
 2. *Neighborhood Centers*. Residential blocks should be within 2,000 ft of a Neighborhood Center. Individual businesses should not exceed 6,000 sf in floor area. Larger business spaces must be expressly approved in the Master Development Plan.
 3. *Open Space*. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations.

Provisions must be made for the ownership and maintenance of squares, parks, open space and other public spaces in accordance with [§3-11 Common Open Spaces and Facilities](#).

Table 6-4 Permitted Uses, TND District	
RESIDENTIAL AREAS	
Residential	Single-family detached, semi-detached, zero lot line and attached, duplex and multifamily dwellings; boarding houses, assisted living facilities
Nonresidential	Essential services
Open Space	Playgrounds, pocket and neighborhood parks
NEIGHBORHOOD CENTER	
Residential	Single-family zero lot line and attached, duplex and multifamily dwellings; upper-story dwellings and live-work units; boarding houses, assisted living facilities
Commercial	Food services including, but not limited to, butcher shops, bakeries, standard restaurants, coffee shops, lounges Retail uses including, but not limited to, grocery stores, florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans; apparel shops and home décor stores Services including, but not limited to, day care centers, music, dance or exercise studios, professional, business and medical offices, and personal services Lodging including, but not limited to, bed and breakfast establishments, small hotels or inns
Institutional	Government offices, government and nonprofit cultural facilities, fire stations, libraries, museums, places of assembly, post offices, transit stations, places of worship, schools
Open Space	Central square, playgrounds, pocket and neighborhood parks
OPEN SPACE AREAS (outside of Residential Areas and Neighborhood Centers)	
Environmental corridors and protected natural areas; pocket, neighborhood and community parks; streams, ponds and other water bodies; stormwater detention/ retention facilities	

- F. Circulation Standards. The circulation system must provide for different modes of transportation. The circulation system should provide street connectivity within and between residential areas and Neighborhood Centers and should be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), limit

access onto streets of lower traffic volume classification, and promote safe and efficient mobility through the development.

1. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts must be provided throughout the development. Where feasible, any existing pedestrian routes through the site should be retained and enhanced. All streets must have sidewalks in accordance with Table 6-6. The following provisions also apply:
 - a. Residential Sidewalks. Clear and well-lit sidewalks of at least five feet in width must connect all designated entrances to residential buildings to public sidewalks. Shared sidewalks are acceptable.
 - b. Neighborhood Center Sidewalks. Clear and well-lit walkways of at least five feet in width must connect building entrances to public sidewalks and associated parking areas.
 - c. Disabled Accessibility. Sidewalks must comply with the applicable requirements of the Americans with Disabilities Act.
 - d. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.

2. Motor Vehicle Circulation. Motor vehicle circulation must be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” on-street parking, curb extensions and medians may be used to reduce traffic speeds.
 - a. Street Hierarchy. See [Table 6-5](#) for street design standards and the following:
 - i. Collectors may provide access to commercial or mixed-use buildings. On-street parking, whether diagonal or parallel, help to slow traffic. Additional parking is provided in lots to the side or rear of buildings.
 - ii. Local Streets provide primary access to individual residential properties. Traffic volumes are relatively low with a maximum design speed of 20 mph.
 - iii. Alleys provide access to parking for residential properties where lots are narrow and provide a less conspicuous location for overhead utility lines and garbage collection. Alleys in Neighborhood Centers provide delivery and parking access.
 - b. Street Layout. The TND should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
 - i. Intersections must be at right angles whenever possible, but in no case less than 75 degrees.
 - ii. The corner radius may not exceed 15 ft for local streets and 20 ft for intersections involving collector or higher classification streets. The corner radius at the intersection of a local street and a driveway or alley may not exceed 10 ft.
 - iii. Curb cuts for driveways to individual residential lots are prohibited along arterial streets.
 - iv. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, and minimize street grades. All streets shall terminate at other streets or at public land, with the following exceptions:

- a) Local streets may terminate in stub streets when such streets act as connections to future phases of the development;
 - b) 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.
 - c) Where topography prevents the local street from terminating at another street or public land and the exceptions under paragraphs “a” and “b” above are not practical, the local street may terminate in a cul-de-sac or square in accordance with the standards contained in the Subdivision Regulations.
- c. Street lighting must be provided along all streets. Generally more, smaller lights should be provided rather than fewer, high-intensity lights. Street lights must be installed on both sides of the street at intervals of no greater than 300 ft.

Table 6-5 Street Design Standards, TND District			
	COLLECTOR	LOCAL STREET	ALLEY
Right-of-way	60 ft min.	40-60 ft	20 ft
Travel lane width	10-12 ft	10-11 ft	12 ft for one-way traffic or two 8 ft lanes for two-way traffic
On-street parking width	8 ft	8 ft	None
Curb and gutter	Required	Required	None
Planting strip ¹	5 ft min. width	5 ft min. width	None
Sidewalks			
Residential Areas	6 ft min. both sides	5 ft min. both sides	None
Neighborhood Centers	10 ft min. both sides	8 ft min. both sides	

1. On block faces where the dominant use is open space or single-family detached dwellings or where there is no on-street parking, the planting strip may be a continuous grassed strip planted with street trees. In denser residential areas and in Neighborhood Centers, the planting strip should be an extension of the sidewalk to the curb with a concrete or paver surface and regularly spaced tree wells.

G. Density, Height and Dimensional Standards.

- 1. Density and Height Limitations. See [Table 6-6](#).
- 2. Open Space. At least 10% of the gross acreage of the TND must be open space. At least 25% of the open space must be common open space dedicated to the public for parkland. 90% of the lots within residential areas must be within 2,000 ft of common open space.
- 3. Commercial Space. The total land area devoted to nonresidential uses, including mixed-use buildings and off-street parking areas, may not exceed 25% of the TND acreage.
- 4. Lot and Block Standards
 - a. Street layouts should create blocks that are in the range of 200-400 ft deep by 400-800 ft long. Where topography averages over a 20% slope and cross streets are not practical, longer blocks may be provided, however, in no case may blocks exceed the standards in the

Subdivision Regulations. In such cases, long blocks must be divided by pedestrian ways in common open space or easements.

- b. A variety of lot sizes should be provided that allow for diverse housing choices.
- 5. Setbacks. Refer to [Table 6-6](#) and the following:
 - a. Nonresidential buildings should generally extend to front lot lines.
 - b. Side Setbacks. For zero lot-line single-family dwellings, an access easement must be secured for abutting lots.
 - c. Residential Areas with Steep Slopes. The front yard setback may not exceed the amounts in [Table 6-7](#), provided there is a plan for the landscaping and treatment of the streetscape.

Table 6-6 Density, Height and Dimensional Standards, TND District						
Maximum Density	Residential Areas			Neighborhood Centers		
Single-family dwellings of any type	8 du/net acre			8.8 du/net acre		
Multifamily dwellings	14 du/net acre			15.4 du/net acre		
Accessory dwellings	1 per single-family dwelling			n/a		
Maximum Building Height						
Single-family dwellings of any type				3 stories or 45 ft		
Accessory dwellings				2 stories		
Multifamily, nonresidential and mixed-use buildings				4 stories or 65 ft		
Yard Setbacks	Residential Areas			Neighborhood Centers		
	Front	Side	Rear	Front	Side	Rear
Single-family detached dwellings	0-25 ft	5 ¹	30 ft	n/a	n/a	n/a
Zero lot line dwellings	0-25 ft	0/10 ft ²	30 ft	n/a	n/a	n/a
Single-family semi-detached, attached and multifamily dwellings	0-15 ft	0/10 ft ³	30 ft	0-15 ft	0/10 ft ³	0 ft
Nonresidential buildings	n/a	n/a	n/a	0-15 ft	0/10 ft ³	0 ft
1 The minimum setback on one side is 5 ft, however, the sum of the width of both side yards must be at least 15 ft. 2 The greater value is the minimum side yard setback on the side opposite the zero lot line condition. 3 The greater value is the minimum side yard setback along the unattached side.						

Table 6-7 Front Yard Setbacks in Residential Areas with Steep Slopes			
Lots with Street Access Only		Lots with Alley Access	
Elevation ¹	Maximum Setback	Elevation ¹	Maximum Setback
Rise		Rise	
0 – 10 ft	25 ft	0 – 30 ft	25 ft
10 – 21 ft	50 ft	30 – 50 ft	50 ft
21 – 26 ft	75 ft	50 to 70 ft	75 ft
Over 26 ft	100 ft	Over 70 ft	Submit specific solution
Fall		Fall	
0 – 5 ft	25 ft	0 – 15 ft	25 ft
5 – 21 ft	50 ft	15 – 30 ft	50 ft
21 – 26 ft	75 ft	30 – 50 ft	75 ft
Over 26 ft	Submit specific solution	Over 50 ft	100 ft

¹ Elevation of rise or fall is measured at the center of the lot, 50 ft back relative to the edge of the roadway surface.

H. Parking Standards

1. Shared parking facilities are encouraged.
2. A parking lot or structure may not be placed along a street intersection.
3. In Neighborhood Centers, parking may be provided on- or off-site. Off-street parking must be located at the rear or side of a building. If located at the side, parking lots must be screened from the sidewalk.
4. Parking and loading areas must be provided as required in [Article 9 Parking](#) except as follows:
 - a. Adjacent on-street parking may apply toward minimum parking requirements.
 - b. For commercial uses, one parking space must be provided per 500 sf of gross building area but no more than one parking space per 300 sf when parking is shared with other uses.
 - c. At least one bicycle parking space must be provided for every 10 vehicle parking spaces serving multifamily, nonresidential and mixed-use developments.
5. The use of pervious paver systems may be required for remote parking lots and parking areas for periodic uses to reduce impervious surfaces.
6. Parking lot lighting must be shielded to reduce glare on adjacent properties.

I. Architectural Standards. A variety of architectural features and building materials are 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 must be protected from demolition or encroachment by incompatible structures or landscape development. The US Secretary of the Interior’s Standards for Rehabilitation of Historic Properties will be used as the criteria for renovating historic or architecturally significant structures.
2. Guidelines for New Structures

- a. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street, courtyard or any common area.
 - b. The facade of any principal building must face the street. It may not be oriented toward a parking lot.
 - c. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements should define the front entrance to all residences.
 - d. At least 50% of the ground floor facade of commercial buildings must be window or door openings.
 - e. New structures on opposite sides of the street should follow similar design guidelines. This does not apply to institutional uses, which should have a unique design.
 - f. Garages and Accessory Dwelling Units. On single-family lots, garages and accessory dwellings may be part of the principal building or in an accessory structure provided that the accessory dwelling unit does not exceed 1,000 sf.
 - g. Exterior signage. A comprehensive sign program is required to establish a uniform theme. Signs must share a common style (e.g., size, shape, material). In Neighborhood Centers, signs must be wall signs or cantilever signs. Cantilever signs are mounted perpendicular to the building face and may not exceed 8 sf. Wall signs must be sized and placed to fit within the architectural elements.
- J. Landscaping Standards. Overall composition and location of landscaping must complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas are preferred to smaller, disconnected areas. Landscaping must be maintained in accordance with [§9-7 Maintenance and Irrigation](#).
- 1. Screening. See [§9-2 Screening](#).
 - 2. Street trees. At least one deciduous canopy tree per 40 ft of street frontage is required. Trees should be evenly spaced and located within a planting strip or tree wells located between the sidewalk and the curb. Where overhead utility lines must be placed within the street right-of-way, understory trees may be used or canopy trees may be planted within adjoining front yards at the back of sidewalk.
 - 3. Parking Area Landscaping.
 - a. All parking and loading areas adjacent to the front lot line and those abutting residential lots must provide a landscaped area at least six feet wide along the front lot line or lot line shared with residential lots, as applicable. Landscaping, which may include a fence or wall, must provide a 50% opaque screen to a height of at least three feet. At least one tree must be provided for each 35 ft of lot line.
 - b. Interior landscaping. Areas within a parking lot not used for parking or vehicular circulation must be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Landscape areas may also contain benches, kiosks or bicycle parking. In parking lots containing more than 200 spaces, an additional landscaped area of at least 300 sf must be provided for each 25 spaces or fraction thereof. One canopy tree must be planted within each such area with the remainder covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

- K. Stormwater Management Standards. The design and development of the TND should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained to the maximum extent practicable. New development and redevelopment are subject to [§3-9 Mountainside and Steep Slope Development Regulations](#), when applicable, Stormwater Management Ordinance (No. 963) as amended and the following requirements:
1. Flush curbs, rather than vertical curbs, may be used to allow stormwater infiltration from parking areas into landscaped areas.
 2. Untreated, direct stormwater discharges to wetlands or surface waters are prohibited.
 3. Post development peak discharge rates should not exceed pre-development peak rates.
 4. Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids.
 5. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
 6. All treatment systems or best management practices must have operation and maintenance plans to ensure that systems function as designed.

6-4. RVP Recreation Vehicle Park District

The RVP District is intended for the development of recreational vehicle parks only. The following standards are intended to assure a clean, safe and healthy environment in recreational vehicle parks.

- A. All site plans must comply with all onsite sewage disposal and tourist court development standards of the ADEM.
- B. Permitted Uses
1. Recreational vehicles
 2. Tents and cabins
 3. Park office, restroom and shower facilities and other accessory uses
 4. Playgrounds and other accessory recreational areas
- C. Locational Requirements. All recreational vehicles must be within approved recreational vehicle spaces. The storage of unoccupied recreational vehicles is permitted only in those areas designated for storage on the approved site plan.

E. Development Standards

Table 6-8, Recreational Vehicle Park Development Standards	
Min. site area	3 acres
Min. lot width	60 ft
Min. perimeter setback	20 ft
Min. front yard setback	50 ft
Min. open space (exclusive of perimeter setback)	10%
Min. area for RV spaces	2,100 sf
Min. width of RV spaces	35 ft

1. Tent and cabin sites may be provided at the discretion of park owner.
2. Vehicular access to a recreational vehicle park may not be through a residential subdivision.
3. Parking
 - a. Each RV space must contain a stabilized, level parking pad of a suitable all-weather surface. The parking pad may not extend closer than five feet to another RV space.
 - b. Vehicle parking must be designed to ensure the smooth flow of traffic. Parking spaces must contain a stabilized, level area suitable for all-weather usage, improved with gravel, asphalt or a suitable grass turf. Two parking spaces per RV space must be provided which can be part of the RV parking pad. Parking spaces must be at least nine feet by 18 ft in size. No parking is allowed on internal or external streets.
 - c. Paved parking spaces for service buildings or recreational facilities at a rate of one parking space for every five RV spaces.
4. Utilities must be provided as follows:
 - a. Sanitary facilities must be provided as required by the ADEM. The location of sanitary facilities must be indicated on the plan and marked on the site.
 - b. Individual service lines or a common service area line delivering potable water must be provided. In addition, each RV space must have an individual electrical service mounted on a pole or pedestal and a disconnecting means consisting of a circuit breaker or a switch and fuses housed in a panel approved for exterior use. A minimum combination of 30 amps must be provided for each RV space.
5. Central trash collection points must be provided and screened as required in [§9-2 Screening](#).
6. Soil, groundwater, drainage, flooding and topographic conditions may not create hazards to the property or safety of the occupants. RV spaces shall not be exposed to objectionable smoke, noise, odors, or other adverse conditions, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. All RV spaces located in a designated flood zone shall conform to the Flood Plain Management Ordinance.

7. RV spaces must be clearly staked off and marked.
 8. Each RV space must be permanently numbered with minimum 2-1/2 inch high numbers and/or letters.
 9. Facilities and Equipment: All facilities and equipment on site must meet the Fire Safety Standards latest edition, NFPA 510D Standards for Recreational Vehicle Parks and Campgrounds.
- F. Internal streets must be clearly marked as to circulation and direction of travel. Pavement widths must be approved by the Commission or, if applicable, by the Board of Adjustment.
- G. Use Restrictions
1. Removal of the vehicle tag, wheels, tongue, hitch or A-frame, gas tanks or other vehicle equipment from an RV is prohibited and is considered prima facie evidence of permanent occupancy.
 2. Attachments to RVs are prohibited, with the sole exceptions of pop-out units and similar structures which are integral to the RV as originally manufactured.
- H. After all required improvements have been completed or an approved construction stage of the park, the engineer must certify completion of all improvements in accordance with construction drawings and the Zoning Official will certify the completed RV spaces as being approved for occupancy. Until an RV space is approved for occupancy, no recreational vehicle may be placed thereon.
- I. A site plan must be submitted to the Commission in accordance with [Article 10 Site Plan Review](#) and, if applicable, to the Board of Adjustment for approval. After satisfactory review the plan must be submitted to the Building Official for the issuance of a building permit.
- J. In the event that TVA requirements for Recreational Vehicle Parks are in conflict with this Section and the Commission finds that the TVA requirements meet the intent of this Section, the Commission may grant approval based on the TVA standards.

Article 7. Use Specific Regulations

7-1. Bed and Breakfast Inns

- A. At least one off-street parking space for each sleeping room must be provided.
- B. Food service is limited to special events and overnight guests of the Bed and Breakfast. No dining facilities may be open to the general public.
- C. One ground mounted or wall mounted non-illuminated or externally illuminated sign no larger than 20 sf is permitted for the sole purpose of identifying the Inn. If the Inn has frontage on more than one street, a maximum of two signs is permitted.
- D. Special events must be pre-booked and involve at least eight persons. One special event is permitted per dining period. No more than two special events are permitted per day.
- E. Parking for special events during regular working hours, Monday through Friday, may be provided on the premises or on abutting streets. Parking for special events held after regular working hours, Monday thru Friday, and on weekends, must be accommodated on the premises and on adjoining or nearby property. The owner or operator must submit copies of written agreements with adjoining property owners allowing the use of their property for overflow parking after regular working hours and on weekends.

7-2. Gas Stations

All gas stations must comply with the following standards:

- A. Gas stations must be located on a lot of at least 15,000 sf and have a minimum frontage of 100 ft.
- B. Driveways must be set back at least 20 ft from the intersection of any two street right-of-way lines. Gas pump islands must be set back at least 15 ft from any street right-of-way line.
- C. Gas stations may not include painting, body work or other major repair; dismantling for the recovery of parts; or storage of vehicles for more than five days unless specifically permitted in the district.
- D. Exterior lighting must be arranged, designed and shielded so as not to unreasonably disturb occupants of neighboring dwellings or interfere with traffic.

7-3. Home Occupations

All home occupations must comply with the following standards:

- A. There may be no group instruction, assembly or activity of more than two persons (except up to six persons for a family day care operation).
- B. No signage, display of merchandise or other articles of any kind may indicate from the exterior that the building(s) is utilized for any purpose other than that of a dwelling, unless required by state or federal licensing requirements in which case the sign is limited to one square foot in size. Home occupations may not display any commodity for advertising purposes or for sale upon the premises.
- C. Home occupations may not include use of chemicals, matter or energy that may create or cause to be created noises, noxious odors or hazards that will endanger the health, safety or welfare of the community.

- D. No person may be employed other than a resident of the premises.
- E. The home occupation must be clearly incidental and subordinate to the residential use. No more than one third of the gross floor area of the dwelling may be used in the conduct of the home occupation.
- F. Traffic generated by the dwelling and home occupation altogether may not exceed twenty trips per day.
- G. The following businesses are not permitted as home occupations: barber shop, beauty parlor, restaurant, office of a physician or dentist, mortician, dancing studio, nursery school, animal hospital, boarding kennel, nursing home, clinic, tea room, tourist home, or retail business or trade (other than on-line or mail order) or similar occupation.

7-4. Mini Storage Facilities.

- A. Storage buildings must be subdivided by permanent partitions into individual storage compartments with no single storage compartment having a floor area exceeding 300 sf.
- B. The use of storage compartments is limited to the storage of personal property. No other use is permitted except a manager's office.
- C. There may be no outside storage of goods or materials of any type.
- D. Building coverage may not exceed 40% of total lot area.
- E. No part of any fence enclosure may be located within any required front yard.
- F. The design of facades and landscaping of premises must be compatible with the purposes of applicable district.

7-5. Sale of new or used vehicles, mobile and prefabricated homes, and heavy equipment

- A. Only commodities used for display may be located within any required front yard.
- B. For every four square feet of unenclosed or unscreened display area, there must be at least one square foot of landscaped area within or bordering the display area. Landscaping within the bordering and display area must be planted with grass, shrubs, and/or trees and maintained in a healthy condition.
- C. All commodities not on display must be within an enclosed building, screened from public view by an approved fence of uniform construction at least six feet in height, or by other approved screening method.

7-6. Animal Boarding and Sales

Unenclosed boarding areas may not be located closer than 500 ft to any residential district or closer than 50 ft to any property line.

7-7. Lounge

- A. A lounge must have at least 1,000 square feet of floor area on one floor in one room, which is equipped to seat at least 50 persons.

- B. Entertainment may be permitted by Special Exception subject to [§5-1B Enclosed Entertainment](#).

7-8. Private Club Lounge

- A. The serving of alcoholic beverages to members and guests is permitted subject to the following:
 - 1. The private club has at least 100 paying members.
 - 2. The private club holds regular meetings and conducts its business through officers regularly elected.
 - 3. The private club admits members only by written application, investigation and ballot and charges and collects dues from elected members.

7-9. Restaurant Lounge

- A. Restaurant Lounges must have a dining area of at least 800 sf in area equipped to seat at least 50 people at one time and a kitchen separate from the dining area in which food is prepared for consumption on the premises.
- B. At least one meal must be served per day for at least five days each week excluding those periods during which the business is closed.
- C. During any 90-day period, the gross receipts from the serving of meals and non-alcoholic beverages must constitute over 50% of gross receipts of the restaurant's business.
- D. Entertainment may be permitted by Special Exception subject to [§5-1B Enclosed Entertainment](#).

7-10. Restaurant Pub

- A. Restaurant Pubs must have a kitchen separate and apart from the dining area, in which food is prepared for consumption on the premises;
- B. At least one meal must be served per day for at least six days each week excluding those periods during which the business is closed.
- C. The business must be duly licensed by the ABC Board of the State of Alabama for the sale of malt or brewed beverages and/or table wines for on-premises consumption.
- D. During any 90-day period, the gross receipts from the serving of food and non-alcoholic beverages must constitute over 50% of the gross receipts of the business.
- E. Entertainment may be permitted by Special Exception subject to [§5-1B Enclosed Entertainment](#).

7-11. Conservation Subdivision

- A. Intent
 - 1. To provide flexibility to achieve the most effective development on lands constrained by natural hazards that may limit the amount or type of development
 - 2. To promote the creation of accessible green space
 - 3. To protect sensitive, environmental land features to promote the public health and safety
 - 4. To reduce erosion, sedimentation, land disturbance, and removal of vegetation

5. To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers
 6. To reduce perceived density by providing access to and views of open space.
- B. Applicability. The Conservation Subdivision option is available, upon approval by the Commission, for single-family detached residential development of at least three acres in any residential district. The applicant must comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.
- C. Ownership of Development Site. If held in multiple ownership, the site must be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.
- D. Density Determination
1. The maximum number of lots is 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, applicable to the site. In making this calculation, the following may not be included in the total area of the tract:
 - a. Designated floodway
 - b. Bodies of open water over 5,000 sf of contiguous area
 2. The above notwithstanding, the maximum permitted density is nine units per gross acre.
 3. The minimum total area for front, rear and side yards is 2.5 times the ground floor area of the dwelling unit. A minimum 15 ft of space between dwellings must be provided.
- E. Application Requirements
1. Site Analysis Map. The applicant must prepare and submit a site analysis map concurrently with the development plan and/or preliminary plat. The purpose of the site analysis map is to ensure that important site features have been identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. For specific submittal requirements, refer to the Appendix.
 2. Conservation Subdivision Plan. The applicant must prepare a Conservation Subdivision Plan, which yields no more lots than identified under §7-12D Density Determination. The Conservation Subdivision Plan must identify open spaces to be protected and include an open space management plan (see §7-12G), and must be submitted prior to the issuance of a grading permit.
 3. Instrument of Permanent Protection. An instrument of permanent protection, as described in §7-12H, must be placed on the open space at the time of issuance of a grading permit.
- F. Other Requirements. The Applicant must adhere to all other requirements of the applicable district and the Subdivision Regulations.
- G. Open Space Management Plan. For the purposes of this Section, “open space” is defined as the portion of a 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

- a. The minimum open space must comprise at least 25% of the gross tract area.
- b. The following priority conservation areas must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
 - i. The 100-year floodplain
 - ii. Riparian zones of at least 75 ft width along all perennial and intermittent streams
 - iii. Slopes above 25% of at least 10,000 sf contiguous area
 - iv. Wetlands, as defined by the Corps
 - v. Existing trails that connect the site to neighboring areas
 - vi. 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:
 - i. Important historic sites
 - ii. Existing healthy, native forests of at least one-acre contiguous area
 - iii. Individual existing healthy trees greater than eight inches caliper
 - iv. Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.
- d. Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are excluded from calculating open space.
- e. At least 25% of the open space must be suitable for passive recreational use.
- f. At least 50% of the open space must be in a contiguous tract, which may be divided by a local street whose area is excluded from the open space. The layout of open space should allow connection to neighboring areas of open space.
- g. The open space must be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots must be provided with safe, convenient access to the open space through sidewalks or off-street walkways.

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. Passive recreation areas, such as open fields, walking or bicycle trails
 - d. Active recreation areas, provided that they are limited to no more than 20% of the total open space and are not located within priority 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.
 - e. Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities must be located outside of Primary Conservation Areas.
 - f. Easements for drainage, access, and underground utility lines
 - g. 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. Other activities as determined by the applicant and recorded on the legal instrument for permanent protection.
4. Ownership and Management of Open Space. See [§3-11 Common Open Spaces and Facilities](#).
- H. Legal Instrument for Protection of Open Space. The open space must be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection must include clear restrictions on use of the open space, including all restrictions contained in this Subsection, and any restrictions the applicant chooses to place on the open space. The instrument must be one of the following:
1. A permanent conservation easement in favor of either:
 - a. a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must 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 Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must 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.

- I. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor may be requested to reassess the open space at a lower value to reflect its more limited use.

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Article 8. Parking and Loading

8-1. Required Off-street Parking

Except as otherwise provided this Ordinance, there must be, at the time of the erection of any building or before conversion from one type of use or occupancy to another, permanent off-street parking and loading space as required in this Article.

- A. Definitions. Certain terms, when used in this Article, have the following meanings:
1. *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.
 2. *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.
 3. *Occupancy Load*. The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
 4. *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.
- B. Permit. Unless included within a building permit, a parking area permit approved by the Zoning Official is required for any parking area with a design capacity of 12 or more vehicles.
- C. Collective and Remote Parking
1. All required parking spaces must be located on the same lot or an abutting lot under the same ownership as the concerned use, except as follows:
 - a. Parking within multifamily, attached single-family dwelling, conservation subdivision, planned unit and traditional neighborhood developments may be provided in common parking areas.
 - b. If all required parking spaces cannot reasonably be provided on the same premises, remote parking within 400 ft of the concerned premises may be permitted as part of Site Plan Approval. Refer to [Article 10 Site Plan Review](#).
 2. Collective parking areas may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking required for all uses calculated individually. If, however, the combined uses will make use of the same spaces at different times, the same spaces may be credited to each separate use. Collective parking facilities must be approved as part of Site Plan Review. Refer to [Article 10 Site Plan Review](#).
 3. For collective and remote parking facilities, a written agreement assuring the continued availability of the concerned parking spaces must be approved by the City Attorney and filed with the building permit application.

D. Minimum Off-Street Parking

1. The approving authority uses the parking standards in [Table 8-1](#) as a guide in reviewing development applications and has the authority to require parking spaces be provided as shown in the table. A lesser amount may be approved when evidence is presented showing the concerned use(s) will require less parking than shown in the table.
2. No off-street parking spaces are required for nonresidential uses in the BC Downtown Business District except where the building exceeds two stories.
3. Parking requirements for a mixed-use development may be reduced by calculation of shared parking demand using [Table 8-2](#). Parking must be provided in the amount required to accommodate that time period with the highest parking demand.

E. Design Standards

1. Parking spaces must comply with the minimum dimensions shown in [Table 8-3](#).
2. Parking spaces must be paved to standards established by the City of Guntersville. All parking areas must be surfaced with dust-free materials and maintained in good condition, i.e. free of pot holes, weeds, trash, refuse, etc..
3. In parking areas of 20 or more parking spaces, up to 20% of the spaces may be reserved for compact cars. Compact spaces have a minimum rectangular area of eight feet width and 16 ft length. These spaces must be clearly marked for compact cars only.
4. Stacking space must have a minimum rectangular area of 10 ft in width and 20 ft in length and be separate from parking aisles and spaces.
5. Accessible parking spaces must be provided in accordance with the Americans with Disabilities Act.
6. Parking areas for multifamily and nonresidential developments must be designed so that vehicles may exit without backing onto a public street.
7. Fire lanes may be required by the Fire Code.
8. Unless expressly waived by the Zoning Official, parking spaces for multifamily and nonresidential premises must be demarcated with painted lines or other markings.
9. Drainage in parking areas must direct stormwater back into the site from adjacent properties toward adequate drainage channels. Parking areas of 20 or more spaces may be required to provide on-site stormwater detention to mitigate the sudden discharge of high volumes of stormwater into the public drainage system.
10. Refer to [§9-3 Landscaping for Vehicular Areas](#).

Table 8-1 Parking Standards by Use	
AGRICULTURAL USES	
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
RESIDENTIAL USES	
Accessory Dwelling	1 per DU
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	2 per 3 DUs plus 1 space per employee
Mobile Home	2 per Mobile Home
Multifamily Developments	1 per studio, efficiency or 1-BR unit 1.75 per 2-BR unit 2.0 per 3+ BR unit 1 visitor space per 5 DU
Single-family Dwelling (any type)	2 per DU
INSTITUTIONAL USES	
Assisted Living or Nursing Care Facility	1 per 4 residents plus 1 per employee
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 or Rehabilitation Facility	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
Place of Assembly	1 per 3 seats in the main assembly space
Public Facility	1 per 300 sf of GLA
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)
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
COMMERCIAL USES	
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

Table 8-1 Parking Standards by Use	
Bank	1 per 300 sf of GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	2.5 per chair
Bowling Alley	2 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)	2 stacking spaces per approach lane plus 1 drying space 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
Automotive Repair	2 per service bay plus 1 per company vehicle plus 1 per employee
Gas Station/Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	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
Lounge	1 per 100 sf of GLA
Mini-Storage Facility	5 spaces (adjacent to 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
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 200 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 4 seats of occupancy load
Shopping Center	see General Retail, plus requirements for non-retail uses
Tourist Home, Bed and Breakfast Inn	1 per guest bedroom plus 2 spaces
INDUSTRIAL USES	
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

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 (other than place of worship)	100%	20%	5%	10%	10%	5%
Place of worship	10%	5%	5%	100%	50%	5%

* Different parking demands may be used than the typical shown if documented in a parking demand study.

Angle of Parking	Stall Width (ft)	Stall Length (ft)	Stall Depth (ft)	Aisle Width (ft)		Interlock (ft)
				One-way	Two-Way	
0	8	22	8	12	20	n/a
30	8.5	20	17.4	15	20	3.9
45	8.5	20	20.2	15	20	3.2
60	8.5	19	21	20	24	2.3
90	9	19	19	20	24	n/a

8-2. Off-Street Loading

In any district, in connection with every building, or building group or part thereof having a gross floor area of 4,000 sf or more, which is to be occupied by commercial or industrial uses requiring the receipt or distribution of goods by trucks, there must be provided off-street loading berths in accordance with Table 8-4:

Gross Floor Area	Number of Berths
4,000- 25,000 sf	1 berth
25,001- 40,000 sf	2 berths
40,001- 60,000 sf	3 berths
For each additional 50,000 sf	1 berth

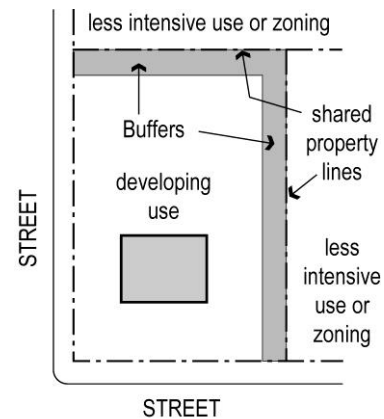
Loading berths must be at least 12 ft in width, 30 ft in length, and 14 ft in height, and may occupy all or any part of a required side or rear yard; provided, however, that loading berths must be screened from views from adjoining streets.

Article 9. LANDSCAPING STANDARDS

This Article establishes standards for buffers required between incompatible land uses; screening of certain activities from public views, and landscaping associated with vehicular areas in multifamily and nonresidential developments. For the purposes of this Article, “fences” and “walls” have the same meaning.

9-1. Buffers

- A. Applicability. Buffers must be provided as required in [Table 9-1](#) and as described in this Section. Buffers are the responsibility of the developing land use. A Landscaping Plan must be provided in accordance with [§9-5 Landscaping Plan](#). Buffer requirements are based on the developing land use and the existing, abutting use.
- B. Required yards, where corresponding with the buffer area, may overlap and may be counted toward buffer width requirements.
- C. Buffer requirements may be modified by the approving authority as follows:
1. 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, the buffer may be modified to be consistent with the planned use of the neighboring property.
 2. If the land use relationship between two abutting lots changes so that a lesser buffer would be required, the previously provided buffer may be reduced.
 3. Whenever the proposed use abuts vacant land, buffer requirements are based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser buffer.
 4. Buffers may not be used for parking, recreational use or any other purpose, except as provided herein. The approving authority may permit a walkway through a buffer where appropriate. Public utilities and storm drainage facilities may be constructed in a buffer provided the buffer otherwise complies with this Section.
- D. Design Standards
1. Prior to occupancy of the premises, the buffer must provide a visually impervious barrier, from the ground to five feet above grade level throughout the length of the buffer. Within one year after installation, the buffer must be at least six feet above grade level throughout the length of the buffer.
 2. Required plantings must be evergreen and may be supplemented with other plant materials.
 3. The buffer width may be reduced as shown in Table 9-1 when a fence is provided that is five to seven feet tall and that meets the requirements in [§9-4 Design Standards for Fences](#).



Buffer Illustration

Table 9-1 Buffer Requirements By Use									
Developing Land Use	Existing Abutting Uses or Zoning								
	Single-family		Multi-family	Lodging	Institutional			Business	Parks & greenways
	detached	attached			low/medium/high				
Residential and Lodging	Buffer Class Required								
Detached, single-family	n/a	n/a	A	A	A			A	n/a
Attached, single-family	A	n/a	A	A	A			A	n/a
Multifamily	B	A	n/a	n/a	n/a			n/a	n/a
Lodging	B	B	A	n/a	n/a			n/a	n/a
Mobile home/RV parks	B	B	B	B	A			B	A
Institutional									
Low intensity	A	A	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Medium intensity	A	A	A	n/a	n/a	n/a	n/a	n/a	A
High intensity	B	B	B	A	A	n/a	n/a	n/a	A
Business/Commercial									
Offices up to 50,000 sf	A	A	A	n/a	A	n/a	n/a	n/a	A
Offices greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Amusement; outdoor entertainment	B	B	B	A	B	A	n/a	n/a	A
Retail, shopping centers, and restaurants up to 50,000 sf	B	B	A	A	A	A	n/a	n/a	A
Retail, shopping centers, and restaurants greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	n/a	n/a	A
Industry									
Warehousing, storage, 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 ft		
	With fence/wall			Without fence/wall					
A	10 ft			15 ft			8		
B	15 ft			25 ft			10		
C	25 ft			35 ft			12		

9-2. Screening

Screening provides visual separation of certain site elements from public areas and adjoining properties.

A. *Applicability.* For all multifamily, nonresidential and mixed use developments, the following require screening:

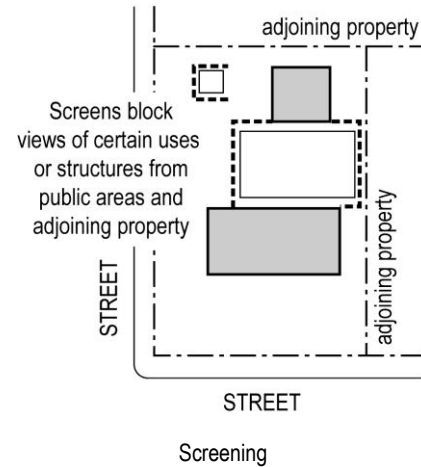
1. Garbage collection, recycling and refuse handling areas
2. Maintenance areas, boilers, chillers and similar building appurtenances
3. Outside runs for veterinary clinics, animal shelters, and kennels
4. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair), not including retail display
5. Any other uses for which screening may be required by the reviewing authority

B. *Design Requirements.* Screening must comply with the following and as may otherwise be approved by the reviewing authority:

1. Location should be the first consideration in screening applicable site elements. The reviewing authority may lessen screening requirements when the location of the site element obscures it from public view and from neighboring properties.
2. Screening may not impede any drainage way or block access to any above-ground utility or fire hydrant.
3. The method of screening, including height and materials, must sufficiently screen the site element from view. The minimum height needed is preferred.
4. Multiple site elements may be screened together.
5. Site elements that produce objectionable noise or odors must be located to minimize any nuisance to the public and abutting properties.
6. Shrubs must be evergreen and spaced no more than five feet on center. If used in combination with a fence, shrubs may be deciduous and may be spaced no more than eight feet on center.
7. Trees, when used, must be evergreen and, in the absence of a fence, must be supplemented with shrubs to create a continuous, opaque screen.

C. Requirements for specific uses

1. Refuse and recycling containers may not be located forward of the front building line. These containers must be screened on three sides with an opaque gate for access. The fence must be at least two feet taller than the container.
2. Outdoor storage must be screened to a height of two feet taller than the material or equipment to be screened.



3. Service areas, 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 location on site is insufficient to screen the element, required screening must be at least six feet in height.

9-3. Landscaping for Vehicular Areas

- A. Applicability. These regulations apply to vehicular areas serving nonresidential, multifamily or mixed-use development of 12 or more spaces used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels. If the size of an existing vehicular area is increased by more than 20% or by 12 or more spaces, the new vehicular area must comply with this Section.

These standards do not apply to vehicular areas under or within a permanent structure or to parking areas in the I-1 Industrial District more than 50 ft from any street right-of-way.

- B. Landscaping and Stormwater Management. Landscaped areas should be designed as an integral part of the development's stormwater management system. To that end, it is desirable for landscaped areas to be at a level to allow flow of stormwater from vehicular areas.
- C. Requirements
 1. Interior Landscaping. Each vehicular area must have interior landscaping, such as islands and peninsulas, covering at least 5% of the total vehicular area.
 - a. Each separate landscaped area must be a minimum of 16 sf in area to be counted toward this requirement.
 - b. There must be at least one tree for each 24 parking spaces. Trees must be a minimum of six feet in overall height immediately upon planting and have a minimum caliper of 1.5 inches in diameter. Trees should be evenly distributed and their locations may not interfere with visibility at intersections.
 - c. Interior landscaping must be protected from vehicular encroachment through curbing or wheel stops. The design should allow for stormwater drainage from paved areas into landscaped areas.
 2. Perimeter Landscaping. Where the vehicular area abuts a side or rear lot line, a landscaping strip at least five feet wide must be provided and planted with evergreen shrubs and one tree per 50 ft of lot line. Where this overlaps or conflicts with other landscaping requirements, the greater requirement governs.

Vehicular and pedestrian connections between adjacent businesses and other compatible uses are encouraged and are subtracted from perimeter landscaping requirements.
 3. Street Frontage Landscaping
 - a. A landscaped strip at least six feet wide must be located between any vehicular area and an adjoining street.
 - b. Shrubs must be evergreen and spaced no more than five feet on center. At least one tree per 50 ft of street frontage must be planted.

- c. The landscaping strip may be reduced to five feet and no shrubs are required when a fence is provided that meets the requirements of §9-4 and that is between 2.5 to 3.5 ft tall.

9-4. Design Standards for Fences

Fences used to meet the buffering, screening and any other landscaping requirements of this Article are subject to the following:

- A. Fences must be masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire fencing cannot be used to meet landscaping requirements. No more than 25% of the fence surface may be left open. The finished side of the fence must face abutting property or public views.
- B. Shrubs and trees must be planted on the exterior side of the fence.
- C. If a fence extends more than 100 ft in one direction, it must have columns of wood or masonry, which project outward from the fence surface. Columns must be spaced no greater than 50 ft on center.

9-5. Landscaping Plan

A Landscaping Plan must be submitted with development applications involving required buffers, screening or landscaping. The plan must be drawn to a scale no larger than one inch equals 50 ft and contain the information listed in the Appendix.

9-6. Modifications

Planting requirements may be modified in any of the following circumstances, as determined by the approving authority:

- A. Existing natural vegetation, which meets, in whole or in part, landscaping requirements, may be counted. However, additional planting may be required to fully achieve the requirement.
- B. Where impending development of adjacent property would make these standards unreasonable or impractical.
- C. Where the view from adjoining properties is blocked by a change in grade or other natural or man-made features.
- D. Where planting will not thrive due to poor soil conditions, intense shade or similar conditions that cannot be reasonably overcome.

9-7. Maintenance and Irrigation

- A. All required fences must be permanently maintained in good condition and replaced or repaired as needed. Plant material must be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- B. Drought-tolerant, native species are recommended; otherwise, an automatic irrigation system may be required.

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Article 10. Site Plan Review

10-1. Site Plan Review Required

Site plan review by the Planning Commission is required for all multifamily and nonresidential development.

10-2. Submission Requirements

Any application for site plan approval must include the materials listed in the Appendix unless the Zoning Official finds that some or all requirements are not essential to a proper decision on the project. The Zoning Official may require additional information to clarify the nature of proposed developments.

10-3. Approval Procedure

- A. **Application for Site Plan Review.** Applications must be submitted to the Zoning Official prior to application for a building permit.
- B. **Appropriateness and Completeness.** Upon receipt of a site plan application, the Zoning Official has ten working days to determine the appropriateness and completeness of the submission and accept or reject the application. This decision does not reflect approval or disapproval of the site plan itself.
- C. **Staff Review.** Within 45 working days after receipt of the application, the Zoning Official refers the application, together with all supporting documentation and staff recommendations to the Planning Commission.
- D. **Consultant's Review.** The City of Guntersville may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review. The cost of retaining said consultants is the responsibility of the applicant.
- E. **Planning Commission Review.** Upon receipt of the application, the Commission will, within 60 working days of the original acceptance date by the Zoning Official, review said site plan and make one of the following recommendations:
 1. Approval as submitted;
 2. Approval with changes and/or special conditions; or
 3. Disapproval if the requirements of the district regulations have not been met. If the application is not approved, the applicant may appeal the Commission's decision to the Board of Adjustment.
- F. **Revision.** The applicant may elect to revise the site plan submission at any time in the review process. The applicant must submit a letter of intent to revise to the Zoning Official who, upon receipt of the letter, will halt the normal review processing. Within 15 days after receiving revised documents, the Zoning Official will review the revisions and forward comments and recommendations to the Commission, which will have 30 working days to act on the revised site plan and the entire review process is similarly extended in time.
- G. **Building Permit.** Following site plan approval, the Zoning Official may, upon application, issue a building permit for a portion or all of the proposed development after he finds that the application is in compliance with all applicable City, County, State, and Federal requirements.

If, within six months of the date of site plan approval, a building permit has not been applied for, the approved site plan becomes null and void; provided, however, that the Commission and applicant may jointly agree to extend the period of approval for an additional six months.

H. **Changes after Approval.** Minor changes to an approved site plan may be authorized by the Zoning Official to overcome unanticipated hardships or conditions provided that the minor changes:

1. Are consistent with provisions of this ordinance;
2. Are consistent with the design concept of the approved site plan;
3. Do not add additional stories in height; and,
4. Do not add additional dwelling units.

Other changes or amendments to an approved site plan must be submitted to the Commission for approval.

10-4. Design Review Committee

To supplement staff review, the City Council may appoint a design review committee made up of individuals having knowledge, training or experience in architecture, landscape architecture, planning, engineering or similar backgrounds related to urban development. The number of members, terms of membership, method of organization, and duties will be prescribed by the City Council in the resolution establishing the design review committee.

10-5. Review Standards

The following standards are used by the City in reviewing any site plan:

- A. **Traffic Access.** All proposed vehicular access ways are adequate but not excessive in number; adequate in grade, width, alignment and visibility, and are adequately separated from other driveways and street intersections, places of public assembly; and similar considerations.
- B. **Circulation and Parking**
 1. There must be adequate, safe and convenient arrangement of vehicular ways, driveways, off-street parking, loading space and pedestrian circulation facilities.
 2. Vehicular ways, pedestrian walks, parking areas and open spaces must be designed as integrated parts of an overall site design. They must be properly related to existing and proposed buildings and appropriately landscaped.
 3. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches and signs, must be of good appearance, easily maintained and indicative of their function.
 4. Parking facilities must be designed with careful regard to orderly arrangement, safety, traffic circulation within and off-premises, landscaping, drainage, ease of access and adequacy.
 5. Any above grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.
- C. **Design and Arrangement of Buildings**

1. Buildings are arranged on site in a manner consistent with the prevailing pattern of development in the immediate area. The Commission may, however, approve exceptions to this standard when it finds the proposed arrangement will improve upon existing patterns or a unique or innovative arrangement is appropriate to the particular site or proposed use.
 2. The design of buildings and parking facilities takes advantage of natural features and site topography, where appropriate.
 3. Adequate provisions are made for light, air, access and privacy in the arrangement of buildings to each other.
 4. Building walls are oriented to ensure adequate light and air exposure to interior rooms. Dwellings have sufficient exterior exposure.
 5. All buildings are accessible to emergency vehicles.
 6. Multifamily developments include adequate laundry facilities within dwellings and/or in conveniently-located common facilities.
- D. Landscaping
1. The site must be properly landscaped, including parking lot landscaping, screening and buffering, if applicable, in accordance with [Article 9 Landscaping Standards](#).
 2. Landscape treatment for plazas, streets, paths, service and parking areas must be designed as an integral part of a coordinated landscape design for the development.
 3. Existing trees should be conserved and integrated into the landscape plan.
- E. Stormwater Drainage. The site plan must comply with applicable requirements of the Stormwater Management Ordinance (No. 963).

10-6. Conformity with Provisions of Codes and Ordinances

All development shown on the site plan must conform to the requirements of this Ordinance, the Subdivision Regulations, the building code, and other applicable ordinances.

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Article 11. NONCONFORMING STRUCTURES AND USES

11-1. General Provisions

- A. Except as otherwise provided in this Article, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment, may continue so long as it remains otherwise lawful.
- B. Nothing in this Article may be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements that do not increase the scope or scale of a nonconformity.
- C. No nonconformity may be moved to any other location on the same or any other lot unless the entire structure will conform, after being moved, to all applicable regulations.
- D. No use or structure that is accessory to a nonconforming principal use may continue after the principal use ceases, unless it thereafter conforms to all applicable regulations.
- E. The burden of establishing the lawful status of a nonconforming structure or use rests with the owner.

11-2. Nonconforming Uses

- A. Nonconforming Uses of Land. Where open land is used as a nonconforming use, and such use is the principal use, the use must be discontinued within two years of the effective date of this Ordinance. During the two-year period, the nonconforming use may not be extended or enlarged on the same or adjoining property. Unless adapted to a conforming use, any building subordinate to the nonconforming use of land must likewise be removed.
- B. Nonconforming Use of Buildings
 - 1. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restrictive classification. Once a nonconforming use has changed to a more restricted use, it may not revert to a less restrictive use nor a permitted use to a nonconforming one. The nonconforming use may extend throughout those parts of the building that were lawfully and manifestly arranged or designed for such use at the effective date of this Ordinance.
 - 2. No building or portion thereof, used for a nonconforming use, which remains unused for a continuous period of six months or for 18 cumulative months during any three-year period may be used except for a permitted use.
- C. Destruction of Nonconforming Uses. Any building, damaged by any cause to the extent of more than 50% of the County tax-assessed value of the building, may not be restored except in conformity with this Ordinance and its lawful nonconforming status will be terminated. However, if the building is used as a dwelling on the effective date of this Ordinance, it may be rebuilt regardless of the extent of damage provided that the nonconformity is not increased.

If a building is damaged by less than 50% of the tax-assessed value, it may be repaired and used as before the time of damage, provided that the repairs or reconstruction are substantially completed within 12 months of the time of such damage.

- D. Intermittent Illegal Uses. The casual, intermittent, temporary, or illegal use of land or buildings is not sufficient to establish lawful status of a nonconforming use.
- E. The existence of a nonconforming use on a part of a lot or tract may not be construed to establish a nonconforming use on the entire lot or tract.

11-3. Nonconforming Structure

A structure nonconforming only in height, area, yards, or bulk requirements may be altered or extended, provided the alteration or extension does not increase the degree of nonconformity in any respect.

11-4. Administration

Challenges to the Zoning Official's determination that a nonconformity exists are decided by the Board of Adjustment after public notice and hearing.

Article 12. BOARD OF ADJUSTMENT

12-1. Creation and Membership

The Board of Adjustment, hereinafter referred to as “the Board,” consists of five members and two supernumerary members appointed by the City Council. Each member is appointed for a term of three years. Members may be removed for cause by the Council upon written charges and after public hearing. Vacancies are filled for the unexpired term of any member whose term becomes vacant.

12-2. Procedure

- A. The Board establishes rules for its operation consistent with applicable state statutes or this Ordinance.
- B. The Board elects a chairman and vice-chairman and secretary from among its members. The chairman is the presiding officer and the vice-chairman is the presiding officer in the chairman’s absence or disqualification. The terms of all of officers is one year with eligibility for reelection.
- C. All members of the Board must be residents of the City of Guntersville. Any member who ceases to be a resident of the City must vacate the position immediately.
- D. The Board keeps minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and keeps records of its examinations and of other official actions, all of which is immediately filed in the office of the Board and is a public record.
- E. All meetings of the Board are open to the public.

12-3. Powers and Duties

The Board has the following powers and duties as provided in Title XI Chapter 52 Sec. 80 Alabama Code, as amended.

- A. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an Zoning Official in the enforcement of this Ordinance as set forth in §12-4 Appeals to the Board.
- B. Special Exceptions. To hear and decide request for special exceptions, as set forth in [§12-5 Special Exceptions](#), for uses as shown in [Articles 4, 5](#) and [6](#).
- C. Variances. To hear and decide requests for variances from the provisions of this Ordinance in as set forth in [§12-6 Variances](#).
- D. Modifications. To hear and decide requests for waivers and modifications as provided in [§12-7 Modifications](#).

12-4. Appeals to the Board.

Appeals to the Board may be taken by any person aggrieved or by any officer, department or board of the City affected by any decision of the Zoning Official. Appeals must be made within 30 days after rendition of the order, requirement, decision or determination appealed from in writing to the Board and file same, and two copies of supporting facts and data with the Zoning Official. This does not,

however, restrict the filing of a request for a Special Exception or Variance by any person at any time as provided for elsewhere in this Article.

- A. **Procedure.** The Zoning Official must transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings may not be stayed by other than a restraining order, which may be granted by the Board or by a court of record on application or notice to the Zoning Official and on due cause shown.
- B. **Hearing on Appeal.** Before rendering a decision, the Board must hold a public hearing for which a reasonable time is set. Public notice must be given as well as due notice to the parties in interest. During the hearing any party may appear in person or by agent or by attorney. The Board may require the person appealing to send notice by general mail to the property owners within a reasonable area not to exceed a distance of 300 ft from the property involved and a minimum due notice must be sent to abutting property owners. The mailing requirement to owners is based on the most current county assessment role.

12-5. Special Exceptions

In granting any Special Exception, the Board must find that the grant will not adversely affect the public interest. A decision may be made only after receipt of a written advisory report from the Planning Commission and a public hearing conducted by the Board.

- A. **Criteria.** The Board uses the following criteria in its review of Special Exceptions:
 - 1. That the use is permitted as a Special Exception within the applicable district.
 - 2. That the use is designed, located and proposed to be operated in a manner that the public health, safety, welfare and convenience will be protected.
 - 3. That the use will not cause substantial injury to the value of other property in the adjoining neighborhood.
 - 4. That the use will be compatible with adjoining development and the proposed character of the applicable district.
 - 5. That adequate landscaping, screening and buffers are provided to protect neighboring properties from the nuisance of visual intrusions of activities or structures that would detract from the enjoyment of adjoining properties.
 - 6. That adequate off-street parking and loading is provided, that ingress and egress will cause minimal interference with traffic on abutting streets and that heavy traffic is not introduced on residential streets.
 - 7. That the use conforms to all applicable regulations of the applicable district.
- B. **Conditions.** The Board may prescribe any safeguards or conditions it deems necessary to secure substantially the objectives of the provisions of this Ordinance. Violation of such conditions and safeguards will be considered a violation of this Ordinance. The Board may prescribe a reasonable time limit within which the action for which the Special Exception is required must be started or completed or both.

Board action on a Special Exception, after review by the Planning Commission under [Article 10 Site Plan Review](#), completes all site plan review requirements for the Special Exception.

12-6. Variances

Any property owner may apply for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of exceptional topographic conditions, or other exceptional conditions of such property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of this Ordinance would result in unnecessary hardship.

It is the intent of this Ordinance that Variances be used only to overcome some physical condition of a property, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with this Ordinance.

- A. An application must be filed on forms made available by the City.
- B. The applicant must establish and substantiate that the Variance, if granted, will conform to all the criteria listed below:
 - 1. The variance will not permit the establishment of a use that is not otherwise permitted in the applicable district.
 - 2. There are unique conditions applicable to the land or building that do not apply generally to land or buildings in the vicinity, and which conditions are such that the strict application of this Ordinance would deprive the applicant of reasonable use of such land or buildings.
 - 3. There is proof of an unnecessary hardship suffered directly by the property in question resulting from the application of this Ordinance. The granting of Variances under similar conditions on other properties is not sufficient evidence alone to prove an unnecessary hardship. Nor is it sufficient to show that greater value or profit would result. An unnecessary hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
 - 4. The Variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair the value of adjacent properties.
 - 5. The Variance will not grant the applicant any privilege denied by this Ordinance to other land or structures in the same zoning district.
 - 6. The Variance as requested is the minimum variance that will enable the reasonable use of the property.
 - 7. The Variance will be in harmony with the general purpose and regulations of the district, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- C. The Board may prescribe any safeguards or conditions it deems necessary to secure substantially the objectives of the provisions of this Ordinance.

12-7. Modifications

The Board may modify the strict application of the provisions of this Ordinance and cause a permit to be issued upon such reasonable conditions as it may prescribe in the following cases:

- A. The extension of a district for a distance of not more than 50 ft where the boundary line of a district divides a lot or tract held in single ownership on the effective date of this Ordinance.
- B. The determination of the proper district applicable to particular land in cases of ambiguity or doubt arising from a difference between the street layout actually on the ground and the street layout as shown on the Official Zoning Map.
- C. The reconstruction of a building, the use of which is nonconforming, which has been destroyed, or partially destroyed, by explosion, fire, act of God or the public enemy.
- D. Reduction in the parking and loading requirements of this Ordinance whenever the character or use of a building or premises is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship, such as extreme financial difficulty, structural difficulty or similar conditions, upon the use of the property.
- E. The erection of a temporary building for business purposes incidental to a residential development in a residential district. The permit to be issued may not exceed a period of more than one year unless an extension is granted by the Board.

12-8. Decision

The concurring vote of four members of the Board is necessary to reverse any order, requirement, decision or determination of the Zoning Official or to decide in favor of the applicant on any matter upon which the Board may legally act.

12-9. Judicial Remedy by Circuit Court

Any party aggrieved by a final judgment or decision of the Board may within 15 days thereafter appeal to the circuit court by filing with the Board a written notice of appeal specifying the judgement or decision from which the appeal is taken. In case of an appeal, the Board must cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court will be tried de novo.

Article 13. AMENDMENTS

13-1. Procedure

- A. **City Council.** The City Council may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance as provided by law and upon initiation by one of the following ways:
 - 1. On its own motion.
 - 2. On petition from the owners of the property or their authorized agents or owners of a majority of block frontage in any area proposed for zoning change.
 - 3. On recommendation of the Planning Commission.
- B. **Planning Commission.** Regardless of the source of the proposed change the Planning Commission must first prepare a preliminary report, hold a public hearing thereon, and submit a final report to the City Council.
- C. **Petition by Property Owners.** Whenever the owner of record of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this Ordinance, he shall make written application to the City Clerk on a form provided by the City together with evidence that a deposit of the appropriate fee as set forth in a separate Ordinance to cover cost of notices for required public hearings thereon has been made with the City. Said application shall be accompanied by any necessary information or documentation supporting such request.

13-2. Public Hearings and Notice

- A. **Planning Commission.** The City Council does not hold its public hearing or take actions on any amendment to this Ordinance until it has received a final report on the amendment from the Commission. The Commission must make a preliminary report and hold a public hearing thereon before submitting its final report to the Council. If no recommendation is received from the Planning Commission within 60 days of the date of application, the Council may proceed to hold a public hearing.
- B. **Mailed Notice.** At least 15 days prior to the Commission's public hearing, notice is sent to owners of record of property lying within 300 ft of the concerned property. Notice is served by posting the same, postage paid, in the United States Post Office, to owners of record as their name and address appear on the last approved tax roll of Marshall County.
- C. **City Council.** Within a reasonable time after receipt of the Commission's final report or after 60 days of the date of the application, the Council will take action on the proposed zoning amendment. Prior to enactment of any amendment the Council causes the proposed amendment to be published, and holds a public hearing.
- D. No action may be initiated for a zoning amendment affecting the same parcel more often than once every twelve months; provided, by resolution of the Council that such action may be initiated at any time.

- E. Both the Council and Commission must, at a minimum, consider the following criteria on all amendments to the official zoning map:
 - 1. Whether the rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property
 - 2. Whether the rezoning will adversely affect the existing use or usability of adjoining or nearby property
 - 3. Whether the concerned property has a reasonable economic use as currently zoned
 - 4. Whether the rezoning will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools
 - 5. Whether the rezoning is in conformity with the most recently adopted land use plan
 - 6. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.

13-3. Zoning of Newly Annexed Land

- A. Annexation requests are first reviewed by the Planning Commission which then submits a report to the City Council.
- B. Newly annexed land is zoned at the time of annexation.
- C. The property owner must state in writing in the petition for annexation the zoning classification requested. The property owner must also indicate in the annexation petition whether it will accept a more restrictive zoning classification than the requested classification.
- D. After public notice, the Council will determine whether the zoning classification requested or a more restrictive zoning classification will apply to the concerned property and subject to the provisions of subsection E herein.
- E. If the property owner will not accept a more restrictive zoning classification, then the petition for annexation will be considered by the Council only as to the zoning classification requested.
- F. Any change in the zoning classification after the original classification upon annexation is made as an amendment to this Ordinance in the manner set forth in §13-1 and §13-2.

ADMINISTRATIVE NOTE:

Petitions for annexation must be received by the City Annexation coordinator or other appropriate City Official. The coordinator reviews the petition for completeness. If acceptable, the coordinator submits the petition to the City Attorney for legal review. Upon approval, the coordinator forwards the petition to the Building Official for review by the Planning Commission. The Commission reviews and forwards comments, as appropriate, to the Mayor and Council.

Article 14. ADMINISTRATION

14-1. Enforcing Officer

The provisions of this Ordinance are administered and enforced by the Zoning Official, who has the right to enter any premises at any reasonable time prior to the issuance of a Certificate of Occupancy, for the purpose of making necessary inspections.

14-2. General Sequence of Steps.

All persons desiring to undertake any excavation, new construction, structural alternation, or changes in the use of a building or lot must apply to the Zoning Official for a building permit and Certificate of Occupancy, or statement of zoning compliance, by an appropriate application and required fee. If the proposal requires Site Plan Review no building permit or certificate of occupancy may be issued until the site plan has been approved. Upon receipt of an application, and following site plan approval, when required, the Zoning Official will then either issue or refuse to issue a building permit or refer the application to the Board of Adjustment.

After the building permit has been issued, the applicant may proceed. If the Zoning Official finds that the action of the applicant has been taken in accordance with the building permit, a certificate of occupancy will then be issued allowing the premises to be occupied or a statement of zoning compliance will be issued.

14-3. Building Permit Required

No building or structure may be erected and no existing building may be moved, altered, added to, or enlarged until a permit has been issued by the Zoning Official. Except upon a written order of the Board of Adjustment, no building permit, certificate of occupancy or statement of zoning compliance may be issued where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

14-4. Certificate of Occupancy

No building hereafter erected, converted or structurally altered may be used, occupied or changed in use and no land may be used until the Zoning Official has issued a Certificate of Occupancy for the building.

14-5. Approval of Plans and Issuance of Building Permit

The Zoning Official may not approve any plans or issue a building permit for any excavation or construction until he has inspected plans for the proposed work and has found them in conformity with this Ordinance. Every application for a building permit for excavation, construction, use of land, moving or alteration must be accompanied by a plan or plat drawn to scale and in sufficient detail to enable the Zoning Official to ascertain whether the proposed work is in conformance with this Ordinance. Refer to Appendix for submittal requirements.

14-6. Enforcement

- A. Upon good cause, the Zoning Official may enter at any reasonable time, any building, structure, or premises, to determine whether this Ordinance is being violated. When a violation is found, the Zoning Official is authorized to institute any appropriate action to put an end to the violation.
- B. In addition to the criminal penalties and enforcement procedures provided in §14-7 of this Ordinance, the Zoning Official may institute any lawful civil action or proceeding to prevent, restrain or abate:
 - 1. The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any structure
 - 2. The occupancy of such structure, land or water
 - 3. The illegal act, conduct, business, or use, in or about any structure or premises.
- C. Prior to any criminal prosecution, the Zoning Official must give written notice or citation to the person or other entity violating this Ordinance stating the regulation being violated and notifying the person or entity to cease and desist the violation immediately. Otherwise, the person or entity will be prosecuted as provided herein.

14-7. Violations and Penalties

For any and every violation of this Ordinance, and for each and every day the violation continues, said violation is punishable as a misdemeanor by a fine not to exceed \$100.00, or by imprisonment for not more than ten days, or by both fine and imprisonment.

Persons charged with a violation may include:

- A. The owner, agent, lessee, tenant, contractor, or any other person using the land, building or premises where the violation has been committed or exists
- B. Any person who knowingly commits, takes part or assists in the violation
- C. Any person who maintains any land, building or premises in which such violation exists.

Article 15.
EFFECTIVE DATE

This Ordinance takes effect and will be in force immediately after its adoption by the City Council of the City of Guntersville, Alabama.

ADOPTED on the XX day of XX, XXXX.

(Seal)

Mayor

ATTEST:

City Clerk

I, _____, City Clerk of the City of Guntersville, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1042, which Ordinance was originally adopted at a regular meeting of the City Council on May 18, 22 and 25, 2013. This Ordinance was duly advertised and published as required by Title 11, Chapter 52, Article 4, Section 77.

City Clerk

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Appendix

Submission Requirements, Building Permits

1. The boundaries of the property involved, easements, adjoining street, waterways, and unusual physical features;
2. Location and dimensions of all buildings or other structures to be erected, altered or moved and any building or other structures already on the property;
3. Number of proposed dwelling units;
4. Area of property in sf;
5. Gross floor area of the principal building(s);
6. Design of required off-street parking facilities;
7. Proposed use of land and buildings; and
8. Any other information required by the Zoning Official to determine compliance with this Ordinance.

Submission Requirements, Site Plan Review

1. Signature of the owner or authorized agent with power of attorney of the owner
2. The location and size of the site including its legal description, and a current certified survey map.
3. A vicinity map showing the site in relation to surrounding property.
4. The recorded ownership interests and the nature of the developer's interest if the developer is not the owner.
5. The relationship of the site to existing development in the area including streets, utilities, residential and commercial development, and physical features of the land including significant ecological features.
6. The type and intensity of land use throughout the site including dwelling units per acre, size and location of buildings, percent of land area covered by buildings, and gross floor area.
7. The location, size and character of any common open space, commonly owned facilities, and form of organization which will own and maintain any common open space and facilities.
8. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, structures and facilities including proposed easements or grants
9. Provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
10. In case plans call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
11. As appropriate, architectural renderings, elevations and representative floor plans in preliminary form.
12. Any additional data, plans or specifications which the applicant or City believes is pertinent and will assist in clarifying the application.

Submittal Requirements, PUD and TND Developments

1. Location map of suitable scale which shows the location of the property within the community and adjacent parcels including locations of any public streets, railroads, major streams or rivers and other major features within 1,000 ft of the site.
2. A site inventory and analysis identifying site assets and constraints, including but not limited to floodplains, wetlands and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within 42 inches of the surface, utility easements for high- tension electrical transmission lines (>69KV), and slopes greater than 15%.
3. A conceptual site plan with proposed features and existing features and uses that will remain, including setback/build-to lines, location of streets, drives and parking areas, pedestrian and bicycle paths, service access areas and other impervious surfaces, proposed and existing trees and shrubs and any other significant features.
4. 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.
5. Identification of the architectural style(s) and accompanying site design styles(s). The design style of the TND must be shown with drawings or computer simulations of typical elevations including dimensions of building height, width and façade treatment.
6. A written report that describes site conditions and development objectives and provides general information about the covenants, conservation easements or agreements which will influence the use and maintenance of the proposed development.
7. A site plan with the following information:
 - Location of existing structures that will remain and proposed buildings
 - Proposed maximum building envelope and maximum gross floor area for new structures;
 - Location of proposed open spaces
 - Circulation system including existing and proposed public street right-of-ways and sections, easements and proposed curb cuts, parking and loading areas, service access ways, and all on- and off-street bicycle and pedestrian facilities.
 - Location of all trees, shrubs and ground cover to remain on those portions of the site to be dedicated to the public.
 - Location of street and pedestrian lighting
8. A stormwater management plan for the site. The grading plan shall show existing and proposed ground elevations with contours and spot elevations at significant high points, low points and transition points. The grading plan shall note the finished ground floor elevations of all buildings. The plan shall show the locations of all storm drainage sewers and structures, infiltration or detention/retention structures, and all wetlands on the site.
9. Detailed elevations of all proposed commercial buildings and typical elevations of residential buildings. Scaled elevations should identify all signs; building materials; the percentage of ground floor commercial façade in windows; the location, height and material for screening walls and fences; outdoor trash

storage areas; electrical, mechanical and gas metering equipment; and rooftop equipment. As an alternative to submission of detailed elevations of all proposed commercial buildings, a pattern book may be submitted that represents typical commercial buildings indicating all applicable design features.

10. Utilities plan showing underground and above ground lines and structures for sanitary sewers, storm sewers, electricity, gas, telecommunications, etc.
11. Phasing plans, if applicable.
12. Any other information deemed necessary by the City in order to evaluate plans.

Submission Requirements, Mobile Home Park Development Plan

The site plan shall be drawn to a suitable scale no smaller than one inch equals 200 ft and shall show:

1. the names of the applicant, developer and property owner;
2. legal description of property being developed;
3. name and registration number of licensed surveyor or engineer who prepared or certified the site plan;
4. scale, north arrow, and location key map of the proposed development;
5. widths of proposed rights-of-ways and easements;
6. existing and proposed water supply and sewage disposal systems;
7. layout of all lots with dimensions;
8. parking layout;
9. location of all existing or proposed structures, enclosures and facilities, including required open areas, trash receptacles and fire hydrants.

Submission Requirements, Recreational Vehicle Park Development Plan

Scale of the plans should 1 in=100 ft or as otherwise approved by the Zoning Official.

1. Title, scale, north point, date, and name of site planner.
2. Existing buildings and structures.
3. Streets, layouts.
4. Service and maintenance building, if applicable.
5. Recreational vehicle lots consecutively numbered or lettered.
6. Street (driveways) and parking spaces with dimensions.
7. Recreational facilities, if applicable.
8. Drainage Plan
9. Proposed sanitary sewer system including location of communal sanitary and bathing facilities.
10. Proposed water distribution system and fire hydrants.
11. Proposed street lighting system and other lighting for benefit of safety of resident, if applicable.
12. Proposed electrical plan and the locations and sizes of outlet.
13. Site acreage.