ZONING

AND

SUBDIVISION REGULATIONS

CITY OF

GREENVILLE, ALABAMA

This pamphlet is a reprint of Appendix A, Zoning, and Appendix B, Subdivision Regulations, of the Code of Ordinances of the City of Greenville, Alabama, published by order of the City Council.

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1997

Reprinted 1997

THIS COPY OF THE *ZONING ORDINANCE OF THE CITY OF GREENVILLE, ALABAMA* IS CURRENT THROUGH SUPPLEMENT NO. 13

DATED JUNE, 2003

APPENDIX A

ZONING*

Art. I. Preamble and Enactment Clause
Art. II. Short Title
Art. III. Definition of Certain Terms Used Herein, §§ 301, 302
Art. IV. Establishment of Districts, §§ 401—403
Art. V. Use Provisions for Residential Districts, §§ 501—506
Art. VI. Use Provisions for Business Districts, §§ 601—603
Art. VII. Use Provisions for Industrial Districts, §§ 701, 702
Art. VIII. Application of Regulations, §§ 801—807
Art. IX. Area, Yard and Height Requirements
Art. X. Off-Street Parking and Loading Areas, §§ 1001, 1002
Art. XI. General and Supplemental Provisions, §§ 1101—1110
Art. XII. Nonconforming Uses, §§ 1201—1203
Art. XIII. Administration and Enforcement, §§ 1301—1304
Art. XIV. Board of Adjustment, §§ 1401—1407
Art. XV. Amendments, §§ 1501—1503
Art. XVI. Legal Status Provisions, §§ 1601—1604

TITLE

An ordinance of the City of Greenville, Alabama, regulating the location, height, bulk, number of stories and size of buildings and other structures; the size of yards; the density and distribution of population; and the uses of buildings, structures, and land for trade, industry, residence, recreation, transportation, agricultural, conservation, public activities, and other purposes; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, amendment, and appeal, and providing for the imposition of penalties for the violation of the provisions of this ordinance.

ARTICLE I. PREAMBLE AND ENACTMENT CLAUSE†

Whereas Title 37, Chapter 16, Articles 1 and 2, Sections 772 to 785 inclusive, Code of Alabama, 1940 (recompiled 1958), empowers the City of Greenville to enact a zoning ordinance and to provide for the administration, enforcement and amendment thereof, and

---

***Editor's note**—The zoning ordinance is derived from Ord. No. 1975-7, adopted by the city council on April 14, 1975. Amendatory ordinances are identified in parentheses following the amended section; where no history note appears the section remains as enacted by the basic zoning ordinance. Any provisions in brackets [ ] were added by the editors for purposes of clarity. References to a "map" or "zoning map" refer to the zoning map on file in the office of the city clerk.

Cross references—Administration, Ch. 2; alcoholic beverages, Ch. 3; animals, Ch. 4; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; subdivisions, App. B; location of retail alcoholic beverage establishments, § 3-4; buildings under subdivision regulations to conform to zoning ordinance, App. B, § 26.

State law reference—Zoning, Code of Ala. 1975, § 11-52-70 et seq.

†Editor's note—The statutes cited in this article are now found in Code of Ala. 1975, §§ 11-52-70—11-52-84. This note also applies to similar references in other articles of this appendix.

Whereas the city council deems it necessary, for the purpose of promoting the public health, safety, convenience, order, prosperity, and general welfare of the city to enact such an ordinance, and

Whereas the city council has appointed the planning commission to recommend the boundaries of the various districts, and

Whereas the planning commission has divided the town [city] into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the stability of neighborhoods; to protect property against blight and depreciation; to conserve the value of buildings; and to encourage the most appropriate use of land, buildings and structures throughout the municipality, and

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

Whereas the planning commission has prepared a preliminary report and held public hearings thereon, and submitted its final report to the city council, and

Whereas the city council has given due public notice of hearings related to the adoption of zoning districts, regulations, and restrictions, and has held such public hearings, and

Whereas all requirements of Title 37, Chapter 16, Articles 1 and 2, Sections 772 to 785 inclusive, Code of Alabama, 1940 (recompiled 1958), with regard to the preparation of the report by the planning commission and subsequent action of the city council, have been met:

Now, therefore, the public welfare requiring it, the mayor and council of the City of Greenville, Alabama, do ordain and enact into law the following articles and sections:

ARTICLE II. SHORT TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance of the City of Greenville, Alabama.

ARTICLE III. DEFINITION OF CERTAIN TERMS USED HEREIN

The purpose of this article is to clarify the meaning of certain words as they are used in this ordinance.

Section 301. Interpretation of certain terms and words.

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms are to be interpreted as follows.

Words used in the present tense include the future tense.

Words used in the singular include the plural and words used in the plural include the singular.

Building includes the word "structure."

Lot includes the word "plot" or "parcel."

Map or *zoning map* means the "Zoning Map, City of Greenville, Alabama."

Person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Shall is always mandatory.

Used or *occupied*, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

Section 302. List of definitions.

For the purpose of this ordinance, certain words are defined as follows:

Accessory use or *building:* A use of building customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use or building.

Airport: The Greenville Municipal Airport.

Airport elevation: The established elevation of the highest point on the usable landing area.

Airport hazard: Any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Automobile parts sales store: A retail establishment where the retail sale of automotive "TBA" and aftermarket parts is carried out, but no repair, maintenance, reconditioning or rebuilding activities are permitted.

Automobile repair garage: A retail establishment where sales and services permitted under Gas Service Stations may be offered, and where general automotive repair is carried out. General automotive repair shall include any combination of the following: rebuilding and reconditioning of automotive vehicles; rebuilding and replacement of automotive systems, including engine rebuilding and replacement; painting and undercoating of automotive vehicles; and collision repair of automotive vehicles.

Automobile sales center: A retail establishment where the retail sale and installation of automotive "TBA" is carried out, but not repair, maintenance, reconditioning, or rebuilding activities are permitted.

Boarding or *rooming house:* Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

Buffer strip: An evergreen buffer which shall consist of a greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedge, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and will eventually grow to not less than ten (10) feet.

Building: Any structure which is permanently affixed to the land, and intended for shelter, housing or enclosure of persons, animals or property.

Business signs: An attached or freestanding structure on which is announced the business use of the premises and/or the name of the operator of the business.

Comprehensive plan: Any officially adopted part or element of the general comprehensive plan of the City or its environs. This may include but is not limited to: The land use plan, the major street plan, the community facilities plan, and the capital improvements program.

Condominium: A multiunit dwelling or group of multiunit dwellings, including townhouses, wherein each unit owner enjoys exclusive ownership of his individual dwelling unit and holds fee simple title thereto, while retaining an undivided interest, as a tenant in common, in the common facilities and areas of the building(s) and grounds which are used by all unit owners.

Dwelling: A building designed or used for living quarters for one (1) or more families.

Dwelling unit: A dwelling or portion thereof arranged, designed or used as permanent living quarters for one (1) family.

Family: One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Flood: An overflow of water onto lands not normally covered by water and results in significant adverse effects in the vicinity.

Floodway: The natural channel and the portion of the floodplain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.

Floodway fringe areas: Areas lying outside the floodway but within the area subject to flooding.

Front yard. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

Gas service station: A retail establishment where engine fuels for sale are stored in underground tanks, and the following business operations may be carried out: (1) engine fuels,

kerosene, motor oil, lubricants or grease for the operation of automobiles, and automotive "TBA" (tires/batteries/accessories) are retailed directly to the public on premises; (2) the above items and other "remove and replace" components are installed on or in vehicles as a retail service, in completely enclosed service bays; and (3) automotive preventive maintenance as prescribed by manufacturers is carried out as a retail service in completely enclosed service bays.

Health officer: The county health officer or his authorized representative; or the state health officer or his authorized representative.

Height: For the purpose of determining the height limits in the airport hazard areas, the datum shall be the mean sea level elevation unless otherwise specified.

Hotel: Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, advertised as, intended for, or held out to the public as, a place where sleeping accommodations are furnished—whether with or without meals—and furnishing accommodations to transient guests, in contradistinction to a boarding, rooming, lodging or apartment house, shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

Junk yard: An area of more than two hundred (200) square feet, that is not inside a completely enclosed building, whether or not operated as a business or associated with a business, where waste and other unserviceable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or otherwise handled, including but not limited to machinery, appliances, vehicles, scrap metals, paper, rags, rubber good, glassware and wood products.

Landing area: The area of the airport used for the landing, takeoff or taxiing of aircraft.

Lot: A parcel of land occupied or capable of being occupied by one (1) or more buildings and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this ordinance.

Lot width: The distance between the side boundaries of the lot measured at the front building line.

Major street plan: The plan for the street system of the City of Greenville as adopted by the planning commission as an element of the comprehensive plan. The terms "major thoroughfare," "major collector street," "minor collector street" and "minor street," when used in this ordinance refer to the classification of the city's street system found in the major street plan.

Mobile home: A detached single-family dwelling unit, whether on wheels or a foundation, with the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels; and

(c) Arriving at the site where it is to be occupied as a complete dwelling ready for occupancy except for assembly operations, location on foundation supports, connection to utilities and the like.

Mobile home park: The term "mobile home park" shall mean any parcel of land within the City of Greenville on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

Mobile home space: The term shall mean a parcel of land within a mobile home park designated for the accommodation of one (1) mobile home.

Mobile home stand: That part of an individual mobile home space which has been reserved for the placement of a mobile home.

Mobile home subdivision: A planned unit development, specifically designed for mobile home occupancy, in which individuals have interest in the development or hold title to mobile home lots through a cooperative or condominium arrangement.

Motel: Lodging primarily for transient guests traveling by automobile with parking spaces on the lot for each lodging unit and with access to each such unit directly from the outside or from an interior hallway having direct access to the outside. The term motel includes buildings designed as auto courts, tourist courts, motor lodges, and similar terms.

Nonconforming use: A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district in which it is located.

Nursing home: Any building in which aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.

Outdoor advertising sign: An attached or freestanding structure conveying some information, knowledge or idea to the public.

Patio-garden home, patio-garden home area: A patio-garden home is a single-family residential building having a minimum of one (1) side yard, which may be attached by a party wall to one (1) other similar single-family residential building, and which together with other patio-garden homes constructed under the same development plan shall constitute a patio-garden home area of similar and/or complementary design and construction.

Runway: The paved surface of an airport landing strip.

Side yard: An open, unoccupied space on the same lot with a principal building located between the side of the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Special exception: A use, specifically designated as a special exception in this ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not in the opinion of the board of appeals [adjustment], be detrimental to public health, safety, welfare, order, comfort, convenience or community appearance.

Structure: Anything constructed or erected on the ground or attached to something located on the ground.

Townhouse, townhouse complex, townhouse area: A townhouse is a single-family residential building, attached by not more than two (2) party walls to a series of not less than four (4), nor more than twelve (12) similar single-family residential buildings, which together shall constitute a townhouse complex, and which alone, or together with other townhouse complexes constructed under the same development plan shall constitute a townhouse area of similar and/or complementary design and construction.

Travel trailer: A travel trailer, pickup camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing, or:

(a) A portable structure not more than thirty (30) feet long or eight (8) feet wide which is equipped, designed, converted or used for temporary living quarter by one (1) or more individuals; or

(b) A unit that is identified by the manufacture as a travel trailer.

Travel trailer park: The term "travel trailer park" shall mean any parcel of land within the City of Greenville designed, intended or designated for accommodation of travel trailers, which will be occupied for camping or for short-term housing.

Tree: Any object of natural growth.

Variance: A modification of the strict terms of this ordinance granted by the board of adjustment where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of this ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located. (Ord. No. 1983-2, 6-6-83; Ord. No. 1988-2, §§ 1, 2, 2-1-88; Ord. No. 1988-7, § 1, 6-6-88)

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

This article is established to provide districts for the various uses of land within the city and to provide boundaries for the designated districts.

Section 401. [Districts enumerated.]

For the purposes of this ordinance, the City of Greenville, Alabama, is hereby divided into eleven (11) zones or districts, designated as follows:

R-A Residential-Agricultural District
R-1 Low-Density Residential District
R-2 Medium-Density Residential District
R-3 High-Density (Multifamily) Residential District
R-4 High-Density (General) Residential District
R-TH Residential Townhouse/Patio-Garden Home District
C-1 Neighborhood Commercial District

C-2 General Commercial District
C-3 Highway Commercial District
M-1 Light Industrial District
M-2 General Industrial District

Editor's note—Ord. No. 1983-2, adopted June 6, 1983, amended the zoning ordinance by the addition of provisions regarding the R-TH Residential Townhouse District; the editor has incorporated the requisite changes into § 401.

(Ord. No. 1988-2, § 3, 2-1-88)

Section 402. [Zoning map adopted; identification; amendment; location; procedure for adoption of new map.]

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map, City of Greenville, Alabama." Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this ordinance.

402.1 The official zoning map shall be identified by the signature of the mayor attested by the city clerk, and shall bear the seal of the city, together with the date of the adoption of this ordinance.

402.2 If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the zoning map, such changes, with a notation of the date of amendment shall be entered on the zoning map promptly after the amendment has been approved by the city council. No amendment to this ordinance which involves matter portrayed on the zoning map shall become effective until after such change and entry has been made on said map.

402.3 No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

402.4 The zoning map which shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the town [city].

402.5 In the event that the zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the city council may by resolution adopt a new zoning map which shall supersede the prior zoning map.

(a) The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original zoning map or any subsequent amendment thereof.
(b) The new zoning map shall be identified in the manner specified in subsection 402.1.

(c) Unless the original zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 403. Interpretation of district boundaries.

Unless otherwise indicated, the following rules shall apply in determining the location of the district boundaries:

403.1 Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

403.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

403.3 Boundaries indicated as approximately following the corporate limits shall be construed as following such corporate limits.

403.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

403.5 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follows such center lines.

403.6 Boundaries indicated as parallel to or extensions of features indicated in subsections 403.1 through 403.5 above shall be so construed. Distances not specifically on the zoning map shall be determined by use of the scale of said zoning map.

403.7 Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by above, the board of adjustment shall interpret the district boundaries.

403.8 Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the board of adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE V. USE PROVISIONS FOR RESIDENTIAL DISTRICTS

Residential districts are established to promote desirable, safe and healthful living conditions, to protect the stability and character of neighborhoods, to ensure orderly and proper development of residential areas, to protect property against blight and depreciation, to conserve the value of buildings, to discourage any use which would generate other than normal residential traffic on minor streets, to secure economy in governmental expenditures, to encourage certain public and semipublic uses which are necessary to serve the residents, and to promote the most appropriate use of land and buildings in accordance with the comprehensive plan.

Section 501. R-A Residential-Agricultural District.

It is the intent of the R-A Residential-Agricultural District to provide areas for low-density residential development where continuation of certain farms uses, which are compatible with this type of development, are permitted.

In the R-A Residential-Agricultural District, the following uses are permitted:

501.1 Any use permitted in the R-1 Residential District.

501.2 Agricultural.

501.3 Animal hospitals and veterinary clinics, including kennels.

501.4 Cemeteries, provided that the application procedures conform with the provisions set forth in the Code of Alabama 1975 Section 22-20-4, and the Code of Alabama 1975 Section 11-47-40, and further provided that satisfactory evidence of adequate perpetual care shall be furnished the city council.

501.5 Open land recreation, such as a boating and fishing establishment, a swimming area or beach, or a riding stable, and the structures incidental thereto.

501.6 Roadside stands for farm produce grown on the premises.
(Ord. No. 1993-16, 12-20-93)

Section 502. R-1 Low-Density Residential District.

The R-1 Residential District is composed chiefly of existing low-density residential areas of the city, and vacant or open areas where similar residential development appears likely to occur. The regulations for this district are designed to protect existing residential development and to encourage similar and complementary residential development, together with associated recreational, religious and educational facilities.

In the R-1 Residential District, the following uses are permitted:

502.1 One-family dwellings.

502.2 Agricultural, except commercial dairy operations, livestock feeding yards, and poultry feeding operations.

502.3 Church bulletin boards not exceeding twenty (20) square feet in area.

502.4 Churches, and hospitals or clinics for treatment of human ailments provided that:

(a) There is a planted buffer strip of at least ten (10) feet wide along the property line, except the front; and
(b) The buildings are located not less than thirty-five (35) feet from any property line.

502.5 Customary accessory buildings, including private garages and noncommercial greenhouses and workshops, provided they are located in the rear yard and not closer than five (5) feet from any lot line.

502.6 Customary incidental home occupations including the professional office of an architect, artist, dentist, engineer, lawyer, physician, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders or roomers provided that there is no external evidence of such occupation except an announcement sign not more than two (2) square feet in area and that the operations are conducted within a dwelling by not more than one (1) person in addition to those persons resident therein.

502.7 Municipal, county, state or federal buildings or land uses.

502.8 Nursery schools or kindergartens provided that:

(a) There is at least one hundred seventy-five (175) square feet of outdoor play area for each child; and
(b) The play area is enclosed by a fence at least five (5) feet high that will contain children.

502.9 Nursery schools, kindergartens and day-care centers provided that the size of the play area and the fencing around the play area conform to standards established by the Alabama Department of Pensions and Security.

502.10 Public and private schools offering general education courses, provided that:

(a) The buildings are placed not less than fifty (50) feet from any property line;
(b) There is a planted buffer strip at least ten (10) feet wide along any property line abutting residential property.

502.11 Signs not more than six (6) square feet in area advertising the sale or rental of the property on which they are located.

502.12 Substations, such as electric, telephone or gas, if essential for service to the zoning district in which it is proposed they be located, provided that:

(a) The structures are placed not less than fifty (50) feet from any property line;
(b) The structures are enclosed by a woven-wire fence at least eight (8) feet high;
(c) No vehicles or equipment are stored on the premises; and
(d) The lot is suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

State law references—Powers and duties of state department of pensions and security, Code of Ala. 1975, § 38-2-6; child care, Code of Ala. 1975, § 38-7-1 et seq.

Section 503. R-2 Medium-Density Residential District.

It is the intent of the R-2 Residential District to provide suitable areas for the development of medium-density residential housing and complementary uses under environmental conditions similar to the R-1 District and to facilitate greater convenience and economy in the use of urban facilities.

In the R-2 Residential District the following uses are permitted:

503.1 Any use permitted in the R-1 Residential District.

503.2 Two-family dwellings.

503.3 Adult congregate living centers. (Ord. No. 84-8, § 1, 7-16-84)

503.4 Townhouses, subject to the "General provisions" contained in section 506. (Ord. No. 1986-10, 12-15-86)

Section 504. R-3 High-Density (Multifamily) Residential District.

It is the intent of the R-3 Residential District to provide suitable areas for controlled development of apartments and similar types of higher density residential housing.

In the R-3 Residential District the following uses are permitted:

504.1 Any use permitted in the R-2 Residential District.

504.2 Multifamily dwellings.

504.3 Boarding and rooming houses.

504.4 Dormitories.

504.5 Fraternity and sorority houses.

504.6 [Repealed by Ord. No. 1986-7, 6-2-86]

504.7 Nursing homes.

Section 505. R-4 High-Density (General) Residential District.

It is the intent of the R-4 Residential District to provide suitable areas for all types of higher density residential development.

In the R-4 Residential District the following uses are permitted:

505.1 Any use permitted in the R-3 Residential District.

505.2 [Repealed by Ord. No. 1999-3, 3-23-99]

505.3 Mobile home parks, not including the sale or service of mobile homes.

505.4 Mobile home subdivisions.

Section 506. R-TH Residential Townhouse/Patio-Garden Home District.

It is the intent of this ordinance that townhouses and patio-garden homes, in areas where they are or may be permitted, shall be intermingled appropriately with other types of development; shall constitute groupings resulting in efficient, economical, comfortable and convenient use of land and open space; and shall benefit the general public through zoning by means alternative to conventional arrangements of yards and building areas. In line with these general considerations, the following planning and design criteria are established.

In the R-TH Townhouse/Patio-Garden Home District, the following uses are permitted:

506.1 Townhouses.

506.2 Condominiums.

506.3 Patio-garden homes.

506.4 Church bulletin boards, not exceeding twenty (20) square feet in area.

506.5 Municipal, county, state or federal buildings or land uses.

506.6 Signs not more than six (6) square feet in area, advertising the sale of the property on which they are located.

506.7 Temporary buildings or structures for construction purposes.

506.8 Accessory uses incidental to principal uses permitted in the R-TH district.

General provisions.

1. Townhouse Design Criteria.
   a. Townhouse complexes shall not form long unbroken lines of row housing.
   b. A townhouse complex shall contain no less than four (4), and no more than twelve (12) townhouses, which shall be contiguous.
   c. Not more than six (6) contiguous townhouses shall be built in a row with the same front line. In a group of townhouses consisting of more than six (6) units, the required difference in front line shall be a minimum of three (3) feet.
   d. Minimum width for the portion of the lot on which [is situated] a townhouse unit shall be twenty (20) feet.
   e. No portion of a townhouse complex or accessory structure in or related to one townhouse complex shall be closer than thirty (30) feet to any tract of land adjacent to the townhouse area which is not under same ownership and zoned for patio-garden home or townhouse development.
   f. Townhouse complexes and accessory structures in or related to townhouse complexes shall be located such that public safety equipment has clear (fifteen-foot minimum width) access to the rear of each townhouse unit.
   g. Minimum lot area or each townhouse unit shall be two thousand (2,000) square feet.
   h. Each townhouse shall be constructed on its own lot. Townhouses constructed in condominium developments may be exempted from this provision by the planning commission.
   i. Side yards apply only to end townhouse units, or a townhouse complex, in which case the minimum setback shall be fifteen (15) feet.
   j. Minimum depth of front yards for townhouses shall be thirty-five (35) feet where they front on the street bordering the townhouse area. Minimum depth of front yards for townhouses that front on a street developed within the townhouse area shall be twenty (20) feet.

k. Each townhouse shall have on its own lot, one (1) yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or neighboring property. In condominium townhouse developments not subdivided into individual lots, one yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or neighboring property, shall

be provided contiguously to, and for the private use of the occupants of each dwelling unit.

l. Off-street parking shall be provided at the rate of two (2) spaces per townhouse. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.

m. In townhouse developments with a total area greater than five (5) acres, at least twenty (20) percent of the total development area shall be devoted to common open space, exclusive of parking areas and accessory buildings. Such common areas may include recreational facilities. Provisions satisfactory to the city council and approved by the city attorney shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse complex/area, or a homeowners association created by the developer, by recorded covenants and restriction, shall reserve for the owners and occupants of the development such lands set aside for open area, parks or recreational use, and the common off-street parking spaces established for the development.

n. The maximum height for townhouses shall be thirty-five (35) feet.

o. Firewalls will be placed between each unit and will be a nonload bearing wall, according to the Southern Standard Building Code.

2. *Patio-Garden Homes Design Criteria.*

a. A patio-garden home area shall contain no less than four (4) dwelling units of similar or complementary design and construction.

b. Minimum width for the portion of the lot on which [is situated] a patio-garden home shall be thirty-five (35) feet.

c. No portion of a patio-garden home development, or accessory structure in or related to a patio-garden home development, shall be closer than thirty (30) feet to any tract of land adjacent to the patio-garden home area, which is not under same ownership and zoned for patio-garden home or townhouse development.

d. Minimum lot area for each patio-garden unit shall be three thousand five hundred (3,500) square feet.

e. Each patio-garden home shall be constructed on its own lot.

f. Each patio-garden home shall have one (1) side yard with a minimum width of eight (8) feet from the building line to the lot line. Side yards may be averaged, but at least one shall have a minimum width of six (6) feet. Fireplaces and chimneys may be placed in the side yard setback, provided they do not project beyond the thirty-inch permitted roof overhang defined at m., below, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or as proposed in the development plan.

g. The required eight-foot side yard must be kept perpetually free of permanent obstructions, accessory structures, and walls and fences without gates.

h. Minimum depth of front yards for patio-garden homes shall be thirty-five (35) feet where they front on a street bordering the patio-garden home area. Mini-

mum depth of front yards for patio-garden homes that front on a street within the patio-garden home area shall be twenty (20) feet. Fireplaces and chimneys may be placed in the front yard setback, provided they do not project beyond the thirty-inch permitted roof overhang defined at m., below, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or as proposed in the development plan.

i. Minimum depth of rear yards for patio-garden homes shall be fifteen (15) feet. Fireplaces and chimneys may be placed in the rear yard setback, provided they do not project beyond the thirty-inch permitted roof overhang defined at m., below, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or as proposed in the development plan. Patio-garden homes and accessory structures shall be located such that public safety equipment has clear (fifteen-foot minimum width) access to the rear of each patio-garden home.

j. Privacy fences or walls may be placed on or along any lot lines, provided that such fences or walls are not constructed in such a manner as to block any local lot drainage and provided gates or other openings are provided that will not restrict access for police and fire protection. An eight-foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard, except that when a patio-garden home fronts on a street bordering the patio-garden home area, such walls and fences placed in front of the building line shall conform to any and all city ordinances and regulations applicable to fences and walls in residential areas.

k. Each patio-garden home shall have on its own lot, one (1) yard containing not less than five hundred twenty-five (525) square feet, reasonably secluded from view from streets or neighboring property.

l. Off-street parking shall be provided at the rate of two (2) spaces per patio-garden home, and shall be located within the interior of the lot. Garages shall not be credited towards this parking requirement, if said garage is a part of the main dwelling unit, or shares a wall in common with the main dwelling unit.

m. The exterior walls of the patio-garden home, or any accessory structures located on the zero-foot side yard setback, shall not project over the property line. Roof overhang may penetrate the maintenance and drainage easement of the adjacent lot to a maximum of thirty (30) inches, provided the roof shall be so designed that water runoff shall be restricted to the drainage easement area.

n. No windows, doors or other openings shall be permitted on the zero-foot setback side of any patio-garden home.

o. Where adjacent zero-foot setback dwellings are not connected by a party wall, a perpetual wall maintenance easement of three (3) feet in width, shall be provided along and parallel to each adjacent lot.

p. Where adjacent zero-foot setback dwellings are not connected by a party wall, a perpetual drainage easement of adequate capacity shall be provided. Fences and walls may be placed on or along this easement, provided gates or other openings

that will not block drainage are maintained. A hold harmless agreement shall be required.

q. Any lot adjacent to a zero (0) setback side yard must be under the same ownership at the time the development plan is submitted, so as to ensure that a developer does not infringe on the property rights of adjacent traces, provided the adjacent property is not under same ownership and zoned for patio-garden homes or townhouses.

r. No accessory structures shall be erected in a required front yard, side yard, yard fronting a public street, or open space.

s. Accessory structures shall be permitted in the rear yard. Accessory structures placed in the rear yard, except for unattached garages and carports, shall not exceed one and one-half (1½) stories in height; nor shall accessory structures cover more than twenty-five (25) percent of the required yard; nor shall any accessory structure be placed less than five (5) feet from any other roofed structure, either on the same lot or on an adjacent lot.

t. Accessory structures shall be permitted a zero (0) setback from lot lines to the rear of the building line, consistent with s., above. Except for unattached garages and carports, a fence or wall shielding such structures from view from adjacent property shall be placed between said accessory structures and the lot line. Accessory structures not shielded by such a fence or wall shall conform to the setback restrictions specified for residential districts elsewhere in this ordinance.

u. Unattached garages and carports shall be permitted in addition to the twenty-five (25) percent coverage for accessory structures. Garages and carports so exempted shall not exceed six hundred (600) square feet in area. Garages and carports shall not be placed in any required front, side or street yard, or open space; shall not exceed one and one-half (1½) stories in height; and consistent with s., above, shall be permitted a zero (0) setback from the lot lines to the rear of the building line.

v. The maximum height for a patio-garden home shall be thirty-five (35) feet.

w. Firewalls will be placed between each unit attached to another unit, and will be a nonload-bearing wall, according to the Southern Standard Building Code.

(Ord. No. 1988-2, § 5, 2-1-88)

Editor's note—Section 4 of Ord. No. 1988-2, adopted Feb. 1, 1988, repealed former § 506, R-TH residential townhouses district, which derived from Ord. No. 1983-2, adopted June 6, 1983. Section 5 of Ord. No. 1988-2 added a new § 506 to read as herein set out.

ARTICLE VI. USE PROVISIONS FOR BUSINESS DISTRICTS

Business districts are established to provide locations for convenient exchange of goods and services in a reasonable and orderly manner; to protect the character and established pattern of desirable commercial development; to promote traffic access and movement; to conserve the value of property; and to exclude those uses that are incompatible with designated uses for the districts.

Section 601. C-1 Neighborhood Commercial District.

The C-1 Commercial District is established to reserve and protect land for local or neighborhood oriented business purposes, to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenience shopping and service facilities, to reduce traffic and parking congestion, and to discourage the encroachment of industrial or incompatible commercial uses which would adversely affect the surrounding residential development and the localized commercial character of the district.

In the C-1 Neighborhood Commercial District, the following uses are permitted:

601.1 Retail establishments customarily serving residential neighborhoods and business establishments rendering personal or professional services or repairing and servicing small equipment.

601.2 Appliance, radio and television sales and service stores.

601.3 Art supply stores.

601.4 Bakery shops, including the manufacture of products to be sold primarily on the premises.

601.5 Book, magazine and newspaper stores.

601.6 Branch banks and branch offices savings and loan companies.

601.7 Barbershops and beauty shops.

601.8 Bicycle repair and sales shops.

601.9 Candy stores.

601.10 Churches and other places of worship.

601.11 Clothing stores.

601.12 Delicatessens, restaurants and soda fountains, excluding drive-in facilities.

601.13 Dressmaker, seamstress or tailor shops.

601.14 Dry cleaners and laundries, including self-service facilities.

601.15 Drugstores.

601.16 Florist shops.

601.17 Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front on a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

601.18 Grocery stores and the food stores.

601.19 Gift shops.

601.20 Hardware stores.

601.21 Hobby and toy shops.

601.22 Hospitals or clinics for treatment of human ailments.

601.23 Household furnishings stores.

601.24 Jewelry and watch repair stores.

601.25 Locksmiths or gunsmiths.

601.26 Millinery or hat stores.

601.27 Music stores and record shops.

601.28 Parks and public recreation facilities.

601.29 Personal services.

601.30 Photographic studios and camera supply and service stores.

601.31 Professional offices for doctors, lawyers, dentists, architects, artists, engineers, and similar professional services.

601.32 Public and semipublic recreation facilities and grounds.

601.33 Public and private schools offering general education courses.

601.34 Public uses, structures and facilities.

601.35 Shoe stores.

601.36 Signs, business and professional, which are attached to a building, do not extend over ten (10) feet above the roof line or more than five (5) feet from the face of such building.

601.37 Sporting goods stores.

601.38 Variety stores.

Section 602. C-2 General Commercial District.

The C-2 General Commercial District is established to protect present business and commercial uses; to encourage the eventual elimination of uses inappropriate to the function of the central business area; and to encourage intensive development of this zone as a pedestrian-oriented shopping and business center for the City of Greenville and the surrounding trade area.

In the C-2 General Commercial District, the following uses are permitted:

602.1 Any retail business or service, including the making of products sold on the premises, providing such manufacturing is incidental to the retail business or service.

602.2 Automobile, truck, motor vehicle, watercraft, boat, or trailers for same, new and/or used, sales or display or repair, for fully operational watercraft and motor vehicles (precluding nonoperational, junked or abandoned watercraft or motor vehicles; and further precluding any sales of parts therefrom), provided that sales lots displays shall be offset from the street right-of-way at a distance determined by the Greenville Police Department for pedestrian and traffic safety. (Ord. No. 1977-7, § 1, 5-2-77)

602.3 Bakery shops, including the manufacture of products sold on the premises.

602.4 Banks, business offices, savings and loan associations, and personal loan company offices.

602.5 Barbershops and beauty shops.

602.6 Bicycle repair and sales shops.

602.7 Bus terminals and taxicab stands.

602.8 Churches and other places of worship.

602.9 Dressmaker, seamstress and tailor shops.

602.10 Dry cleaners and laundries, including self-service facilities.

602.11 Drugstores.

602.12 Florist shops.

602.13 Funeral parlors.

602.14 Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front on a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

602.15 Grocery and other food stores.

602.16 Hospitals and clinics for human ailments.

602.17 Hotels.

602.18 Insurance and real estate offices.

602.19 Light industries in upper floors.

602.20 Lodges, fraternal organizations, clubs and union halls.

602.21 Newspaper offices and printing plants.

602.22 Off-street parking lots and garages.

602.23 Office supply and equipment stores.

602.24 Parks and recreational facilities.

602.25 Personal or business services.

602.26 Pet shops, provided all animals are housed within the principal building so that no sound is perceptible beyond the premises.

602.27 Philanthropic institutes.

602.28 Photographic studios and camera supply and service stores.

602.29 Professional offices for doctors, lawyers, dentists, architects, artists, engineers and similar professional services, including medical or dental clinics or laboratories.

602.30 Public uses and structures.

602.31 Public utility structures, including telephone exchanges, telegraph offices, and adjunct storage and parking facilities for equipment and supplies.

602.32 Radio, television and appliance repair stores.

602.33 Radio and television stations and transmission towers.

602.34 Restaurants, bars, cafes, grills, lounges and similar establishments, excluding drive-ins.

602.35 Schools, colleges and similar public and private institutions of learning, including institutions offering instruction in art, music, drama or similar cultural activities.

602.36 Shoe repair shops.

602.37 Signs, business, professional and outdoor advertising, which are attached to a building, do not extend over ten (10) feet above the roof line or more than five (5) feet from any face of such building.

602.38 Theaters, movie houses, billiard halls and similar indoor places of entertainment.

602.39 Residential units are permitted above the first floor. This permitted use is not allowed in any other commercial or industrial zone. (Ord. No. 1983-1, 5-2-83)

Section 603. C-3 Highway Commercial District.

The C-3 Commercial District is established to protect and control highway-oriented commercial uses and to establish suitable areas along major thoroughfares and major collector streets for these types of development.

In the C-3 Highway Commercial District the following uses are permitted:

603.1 Any use permitted in the C-2 General Commercial District, except light industry, other than that which is incidental to a retail business or service.

603.2 Any retail business or service directly related to serving the needs of highway traffic provided they shall front on a major thoroughfare or major collector street.

603.3 Any retail business or service customarily serving residential neighborhoods.

603.4 Animal hospitals and veterinary clinics.

603.5 Agricultural implement and machinery sales, service and repair.

603.6 Automobile and truck sales and service, including used car lots.

603.7 Automobile parts sales.

603.8 Bakery shops, including the manufacture of products to be sold primarily on the premises.

603.9 Bus terminals, provided they shall front on a major thoroughfare or major collector street.

603.10 Bowling alleys.

603.11 Car washing establishments.

603.12 Cemeteries, provided that the application procedures conform with the provisions set forth in the Code of Alabama (recompiled 1958), Title 22, Section 88, and the Code of Alabama (recompiled 1958), Title 37, Section 478,* and further provided that satisfactory evidence of adequate perpetual care shall be furnished by the city council.

603.13 Commercial amusements and recreation services.

603.14 Drive-in restaurants.

603.15 Drive-in theaters and outdoor theaters, provided they shall front on a major thoroughfare or major collector street.

***Editor's note**—See Code of Ala. 1975, §§ 22-20-4, 11-47-40.

603.16 Dry cleaning and laundry pickup stations and self-service (coin-operated) establishments.

603.17 Garden centers, nurseries and greenhouses.

603.18 Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front on a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

603.19 Hobby, antique and souvenir shops.

603.20 Motels, tourist courts and tourist homes.

603.21 Sales and service of boats, boat trailers, mobile homes, prefabricated homes and travel trailers.

603.22 Signs:

(a) Business, professional or announcement;
(b) Outdoor advertising.

603.23 Travel trailer parks.

ARTICLE VII. USE PROVISIONS FOR INDUSTRIAL DISTRICTS

Industrial districts are established to provide suitable locations to meet the needs of the city's present and future manufacturing uses, to promote good traffic access and movement, to protect adjacent residential and commercial uses, to discourage uses incompatible with manufacturing, and to protect the existing industries in the district. Consideration has been given to need for a choice of sites and a variety of transportation facilities.

Section 701. M-1 Light Industrial District.

The M-1 Industrial District is established to provide a suitable area for firms engaged in light manufacturing and the storage and distribution of goods, to protect the surrounding land uses, to discourage uses incompatible to light manufacturing, and to protect the existing industries in the district.

In the M-1 Light Industrial District the following uses are permitted:

701.1 Light industries, plus operations incidental to such uses, which involve manufacturing, processing, assembly or storage, in no way involve any junk or salvage operations; provided that there is no open storage of junk or salvage materials; and provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other injurious, obnoxious or objectionable conditions related to the operation are not sufficient to create a nuisance beyond the premises.

701.2 Agriculture.

701.3 Agricultural equipment sales and service.

701.4 Automobile, truck, equipment or machine parts or servicing establishments.

701.5 Baking establishments.

701.6 Bottling and distribution plants.

701.7 Cemeteries, provided that the application procedures conform with the provisions set forth in the Code of Alabama (recompiled 1958), Title 22, Section 88, and the Code of Alabama (recompiled 1958), Title 37, Section 478,* and further provided that the satisfactory evidence of adequate perpetual care shall be furnished the city council.

701.8 Commercial trade or vocational schools.

701.9 Electronic firms.

701.10 Gasoline service stations, provided that all structures, including pumps and underground storage tanks, are placed not less than twenty-five (25) feet from any property line and that such use shall front a major thoroughfare or major collector street. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.

701.11 Heavy equipment sales and service.

701.12 Horticultural nursery.

701.13 Laundry and dry cleaning establishments.

701.14 Newspaper and printing plants.

701.15 Off-street parking lots and garages.

701.16 Public buildings and uses.

701.17 Public utility structures.

701.18 Radio and television stations and transmission towers.

701.19 Restaurants, cafes, drive-in restaurants and similar establishments.

701.20 Sales and service of boats, boat trailers, prefabricated structures and mobile homes.

701.21 Storage and parking facilities for equipment and supplies.

701.22 Signs:

(a) Business; and
(b) Outdoor advertising.

701.23 Transportation terminal facilities, including airfields and truck terminals.

701.24 Wholesaling, warehousing, storage and those businesses which are incidental thereto, including building material yards, provided that the operation does not involve the storage of any materials of an explosive nature and provided that there is no open storage of junk or salvage materials of any type in connection with the operation.

701.25 Veterinary hospitals and kennels.

***Editor's note**—See Code of Ala. 1975, §§ 22-20-4, 11-47-40.

Section 702. M-2 General Industrial District.

The M-2 Industrial District is established to provide a suitable area for the location of heavy manufacturing plants, to protect the existing industries in the district, and to discourage uses incompatible with heavy industry.

In the M-2 General Industrial District the following uses are permitted:

702.1 Any uses permitted in M-1 Light Industrial District.

702.2 Any industrial use, plus operations incidental to or required for such use, which involves manufacturing, processing, assembly, transportation or storage operations aimed at the subsequent storage, reprocessing, reshipment or sale of products, heavy materials or equipment; but not including activities which may cause noise, vibration, smoke, gas, fumes, odor, dust, fire hazards, dangerous radiation or any other conditions which constitute a nuisance beyond the property lines, except under conditions as specified in subsection 702.3.

702.3 Any industrial use, plus operations incidental to such use, which may produce injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard or other objectionable conditions, provided that:

(a) Such objectionable conditions are not a nuisance to adjoining properties;
(b) Such use is located at least two hundred (200) feet from any abutting property line;
(c) Such use is located on a site at least ten (10) acres in size; and
(d) There is a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

702.4 Bulk storage of petroleum, bottled gas or related products.

702.5 Junkyards or salvage yards, provided that the total area be screened from all adjacent development and any public rights-of-way by a planted evergreen buffer strip at least ten (10) feet wide along the property line.

702.6 Stockyards, livestock sales, slaughterhouses, and the processing of poultry and livestock.

ARTICLE VIII. APPLICATION OF REGULATIONS

This article is established to provide conditions that must be met by everyone under the jurisdiction of this ordinance, except as hereafter provided.

Section 801. Use.

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

Section 802. Height and density.

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

802.1 Exceed the height limits;

802.2 Accommodate or house a greater number of families or occupy a smaller lot area per family than provided for in this ordinance; or

802.3 Have less setback from the street right-of-way or narrower side yards than are herein required for the district in which said building is located.

Section 803. Lot area and reduction of lot size.

No lot even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of this ordinance, shall be reduced in size so that lot width, or size of yards, or lot area per family or any other requirement of this ordinance is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 804. Yards.

No part of a yard or other open space or the off-street parking or loading space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or off-street parking or loading space required for another building.

Section 805. One principal building on a lot.

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any one lot.

Section 806. Public street frontage.

No residential structure shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.

Section 807. Future street lines.

On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line, as indicated on the duly adopted major street plan, or as reserved under the mapped street provisions of Title 37, Article 3, Sections 804 through 808, inclusive, Code of Alabama 1940 (Recompiled 1958), the minimum required side yards, lot area, lot width and front yard setback shall be measured by considering the future street line as the lot line of such lot.

Editor's note—See Code of Ala. 1975, §§ 11-54-50—11-54-54.

ARTICLE IX. AREA, YARD AND HEIGHT REQUIREMENTS

This article is established to show the minimum size, width and height requirements for the land uses within each designated district.

	Minimum Lot Size			*Minimum Front Yard Setback from Right-of-Way of Street*			
District	*Area in Square Feet*	*Square Feet per Family*	*Lot Width in Feet*	*Major Street or Major Collector*	*All Other Streets*	*Minimum Side Yards in Feet*	*Maximum Height in Feet*
R-A	12,000[1]	12,000	100	35	35	10 with a total of 25	35
R-1	10,000[1]	10,000	90	35	35	10 with a total of 25	35
R-2	7,500[1] 8,000[1]	One family 7,500 Two family 4,000	75	35	35	5 with a total of 15	35
R-3 and R-4	6,000[1] 8,000[1] 9,000[1]	One family 6,000 Two family 4,000 Multi-family 3,000	60 75 90	35	35	5 with a total of 15	35
R-TH	Note 5	Note 5	Note 5	Note 5	Note 5	Note 5	Note 5
C-1	None		None	45[4]	35	None[3]	35
C-2	None		None	None	None	None[3]	45
C-3	None		100	45	35	None[3]	35
M-1	None		100	35[2] 45[4]	35	20	45
M-2	None		100	45	35	20	45

1. For lots not served by a public sewer system, the Butler County Health Department may specify larger required lot size so as to accommodate adequate tank filter fields.

2. If fronting on minor streets or minor collector streets.
3. Clearance between structures on adjoining lots (including any overhang) must either be less than one (1) inch, or be greater than ten (10) feet.
4. If fronting on major thoroughfares or major collector streets as shown in the major street plan.
5. See requirements for townhouses and patio-garden homes at Article V, Section 506.

(Ord. No. 1988-8, 6-6-88)

ARTICLE X. OFF-STREET PARKING AND LOADING AREAS

This article is established to define requirements for the provisions of off-street parking and loading areas for designated uses.

Section 1001. Off-street automobile parking.

Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established, enlarged or increased in capacity, except in the C-2 General Commercial District where the provision of parking by individual owners would not be practical. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.

1001.1 *Plans and specifications required.* Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the building inspector for review at the time of application for a building permit or a certificate of occupancy.

1001.2 *Off-street parking area design.* Each off-street parking space shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, shall be of usable shape and condition, and shall have vehicular access to a public street. Except for single-family residences in residential districts, turning space shall be provided so that no vehicle will be required to back into a public street.

(a) There shall be provided an access drive of not less than ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

(b) Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisle shall be as follows:

(1) For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.

(2) For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.

(3) For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.

(4) For parallel parking, the aisle shall not be less than ten (10) feet in width.

(c) All off-street parking areas shall be drained so as to prevent runoff onto abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

(d) All lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

1001.3 *Off-street parking requirements.* The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

(a) Automobile or machinery sale and service garages: One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
(b) Barbershops and beauty parlors: One (1) space for each chair plus one (1) space for each employee.
(c) Bowling alleys. Seven (7) spaces for each alley.
(d) Banks, businesses and professional offices: One (1) space for each four hundred (400) square feet of gross floor area.
(e) Churches, auditoriums, stadiums, sports arenas, theaters, and other places of public assembly, other than schools: One (1) space for each four (4) seats.
(f) Funeral homes and mortuaries: One (1) space for each four (4) seats in the chapel or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
(g) Furniture, appliance stores, household equipment and furniture repair shops: One (1) space for each five hundred (500) square feet of floor area.
(h) Gasoline filling stations: Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant.
(i) Hospitals and nursing homes: One (1) space for each four (4) beds plus one (1) space for each four (4) employees, including nurses.
(j) Hotels, motels and tourist homes: One (1) space for each guest bedroom plus one (1) space for each three (3) employees.
(k) Industrial: One (1) space for each two (2) employees at a maximum employment on a single shift plus one (1) space for each employee vehicle operating from the premises.
(l) Lodges, clubs and fraternal halls: One (1) space for each four (4) seats in the main assembly room or seating area, or one (1) space for each fifty (50) square feet of floor area usable for seating if seating is not fixed.
(m) Medical and dental clinics: One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
(n) Mobile home parks: Two (2) spaces for each mobile home stand.
(o) Places of amusement or assembly without fixed seats: One (1) space for each three hundred (300) square feet of floor area devoted to patron use.
(p) Restaurants, beer parlors, taverns and night clubs: One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees.
(q) Residential: Two (2) spaces for each dwelling unit (a driveway may be used for parking).
(r) Retail trade, commercial or personal service: One (1) space for each two hundred (200) square feet of floor area.
(s) Rooming and boarding houses: One (1) space for each two (2) bedrooms.

(t) Schools: One (1) space for each two (2) staff members plus one (1) space for each four (4) auditorium seats.

(u) Self-service laundry or dry cleaning stores: One (1) space for each two (2) washing and/or dry cleaning machines.

(v) Shopping centers: Five and one-half (5.5) spaces for each one thousand (1,000) square feet of floor space.

(w) Supermarket, self-service food and discount stores: One (1) space for each one hundred fifty (150) square feet of floor area.

(x) Wholesale establishments and warehouses: One (1) space for each four hundred (400) square feet of floor space.

(y) For the purposes of determining off-street parking requirements the following units of measurement shall apply:

(1) *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, or in the case of a shopping center, the gross leasable floor space, except that any area used for parking within the principal building and any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses, need not be included in the computation.

(2) *Places of assembly:* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(3) *Fractions:* When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.

(z) The parking requirements for all uses proposed on a lot shall be cumulative, unless the board of adjustment shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses such that particular land use parking areas and be advantageously used during nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the board of adjustment to a minimum of the greatest number of spaces required for any of such contiguous land uses.

1001.4 *Location on other property.* If the required automobile parking spaces for commercial, industrial or public uses cannot be reasonably provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within three hundred (300) feet of the entrance of such principal use. Such automobile parking space shall be associated with the principal use and shall not hereafter be reduced or encroached upon in any manner.

1001.5 *Extension of parking space into a residential district.* Required parking space may be extended one hundred (100) feet into a residential zoning district, provided that:

(a) The parking space adjoins a commercial or industrial district;
(b) Has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking spaces; and
(c) Is separated from abutting properties in the residential district by a ten (10) foot wide evergreen buffer strip.

1001.6 *Joint use of off-street parking areas.* Nothing in this ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two (2) or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

Section 1002. Off-street loading and unloading space.

Off-street loading and unloading space with access to a public street or alley shall be provided on every lot on which is hereafter established a business, trade or industrial use which customarily receives or distributes material or merchandise, except in the C-2 General Commercial District where provision of off-street loading space by individual owners would not be practical.

1002.1 *Plans and specifications required.* Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the building inspector for review at the time of application for a building permit or certificate of occupancy.

1002.2 *Off-street loading area design and requirements.* Off-street loading and unloading space, which shall be located on the same lot with the use which it is intended to serve, shall be provided as indicated below:

(a) All retail sale facilities, having less than five thousand (5,000) square feet of floor area, shall provide at least one (1) loading space which shall not be less than ten (10) feet by thirty-five (35) feet.
(b) All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading and unloading space. Said loading and unloading spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) feet in height clearance.
(c) Wholesale and industrial users shall provide one (1) space of at least ten (10) feet in width by fifty-five (55) feet in length for each ten thousand (10,000) square feet of floor area or part thereof, with a minimum of not less than two (2) loading spaces.

(d) Bus and truck terminals shall provide one (1) space to accommodate each bus or truck that will be stored or loading and unloading at the terminal at any one time.

(e) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.

(f) Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.

(g) All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

ARTICLE XI. GENERAL AND SUPPLEMENTAL PROVISIONS

It is the purpose of this article to provide certain general and supplemental provisions which modify or clarify regulations and requirements found elsewhere in this ordinance; to permit flexibility for the establishment of planned unit developments, which could not reasonably adhere to the provisions of this ordinance; and to provide for the regulation of floodways, floodway fringe areas, and airport hazard areas.

Section 1101. Existing lots.

Where the owner of a plot of land consisting of one (1) or more adjacent lots at the time of the enactment of this ordinance did not at that time own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance; or if the topography, physical shape or other unique feature of such lots of record prevent reasonable compliance with the setback or other requirements of this ordinance, such plot of land may nevertheless be used as a building site. The yard and other space requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the building inspector permit any lot in a residential district to be used as a building site which is less than four thousand (4,000) square feet in total area and forty (40) feet in width, or has a front yard setback of less than fifteen (15) feet and a side yard setback of less than five (5) feet.

Section 1102. Setback requirements.

The following provisions shall apply to the setback requirements defined in this ordinance:

1102.1 The front yard setback requirement of this ordinance for dwellings shall not apply on any lot, where the average setback of existing dwellings located wholly or in part within one hundred (100) feet on each side of such lot, within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on said lot may be less than the required setback, but no less than the average of the setbacks of the aforementioned existing dwellings. However, in no case, shall setbacks be less than fifteen (15) feet.

1102.2 The side yard setback requirements for corner lots shall be the same as the front yard setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. If the width of the permitted buildable portion of the lot is reduced below thirty (30) feet, the side yards may be reduced sufficiently to permit this buildable width. However, in no case shall the setback be reduced to less than fifteen (15) feet.

1102.3 On lots having the frontage on two (2) streets, but not located on a corner, the minimum front yard setback shall be provided on each street in accordance with the provisions of this ordinance.

1102.4 On lots having frontage on more than two (2) streets, the minimum front yard setback shall be provided in accordance with the regulations set forth in this ordinance on at least two (2) of the street frontages. The front yard setback on the other frontage or frontages may be reduced to one-half the regulated distance, provided that the setback shall not be reduced to less than fifteen (15) feet.

Section 1103. Height limits.

The height limitations of this ordinance shall not apply to belfries, church spires, cupolas, domes and similar structures not intended for human occupancy, nor to chimneys, conveyors, derricks, flagpoles, monuments, observation towers, silos, smokestacks, television or radio aerials, transmission towers, water towers and similar structures.

Section 1104. Visibility at intersections and railroad crossings.

In all districts, except the C-2 General Commercial District, no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three (3) and fifteen (15) feet above the finished grade of streets shall be erected, permitted or maintained within twenty (20) feet of the intersection of the right-of-way lines of streets or of streets and railroads.

Section 1105. Curb cuts and access points.

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts," as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this ordinance in accordance with the following requirements:

1105.1 *Size and shaping of curb cuts and other access points.* In no case shall a curb cut or other access point be less than nine (9) feet or more than fifty (50) feet in length. No two curb cuts or other access points shall be closer than twenty (20) feet from each other except in residential zoning districts.

1105.2 *Location of curb cuts and other access points.* At street intersections, no curb or other access point shall be located closer than:

(a) Twenty (20) feet from the intersecting point of the two street right-of-way property lines involved (or such lines extended in case of a rounded corner); or

(b) Twenty-five (25) feet from the intersection of the two curblines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

Section 1106. Accessory structures and uses.

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

1106.1 *Uses customarily accessory to farms and other agricultural uses:*

(a) Barns, stables and other facilities for livestock;
(b) Creameries;
(c) Condensaries;
(d) Dwellings for migration [migrant] workers;
(e) Facilities for hatching or butchering of fowl;
(f) Feed lots;
(g) Greenhouses;
(h) Private docks or boathouses;
(i) Private garages;
(j) Private swimming pools and bathhouses or cabanas;
(k) Sheds or toolrooms for the storage of equipment used in grounds or building maintenance;
(l) Storage facilities for produce;
(m) Swimming beach.

1106.2 *Uses customarily accessory to dwellings:*

(a) Private garage not to exceed the following storage capacities:

(1) One- or two-family dwelling—Four (4) automobiles;
(2) Multifamily dwelling—Two (2) automobiles per dwelling unit;

(b) Open storage space or parking area for motor vehicles having current license plates provided that such space shall not be used for more than one (1) commercial vehicle; provided that no more than one (1) travel trailer per dwelling unit shall be stored on the premises; and further provided that said travel trailer shall not be serviced by utilities and shall not be temporarily or permanently occupied as a dwelling unit;

(c) Home workshop provided that:

(1) Articles for sale are not manufactured on the premises;
(2) There is no external storage of materials or equipment; and
(3) No nuisances shall be generated by heat, glare, noise, smoke, vibrations, noxious fumes, odors, vapors, gases or matter at any time;

(d) Shed or toolroom for the storage of equipment used in grounds or building maintenance;

(e) Private kennel or other quarters for the keeping of poultry or animals for noncommercial purposes provided that such use does not generate a nuisance to adjoining properties;
(f) Private swimming pool and bathhouse or cabana;
(g) Private dock or boathouse;
(h) Swimming beach;
(i) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

1106.3 *Uses customarily accessory to church buildings:*

(a) Religious education buildings;
(b) Kindergartens;
(c) Parsonages, pastoriums or parish houses, together with any use accessory to a dwelling as listed under subsection 1106.2 above;
(d) Off-street parking areas for the use without charge of members and visitors to the church.

1106.4 *Uses customarily accessory to retail business, office uses and commercial recreational facilities:*

(a) Off-street parking or storage area for customers, clients and employee-owned vehicles;
(b) Completely enclosed building for the storage of supplies, stock or merchandise;
(c) Repair facilities incidental to the principal use, provided that dust, odor, smoke, vibrations, heat or glare produced as a result of such repair operations are not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located;
(d) Sheds or toolrooms for the storage of equipment used in operations or maintenance;
(e) Boat marinas;
(f) Private docks, boathouses;
(g) Public port and docking facilities;
(h) Private swimming pools, bathhouses or cabanas;
(i) Swimming beach;
(j) Bait house.

1106.5 *Uses customarily accessory to public uses, buildings or activities.* There shall be no limitations regarding accessory uses to any use, building or activity operated within the public domain except that such uses, buildings or activities must be directly related and subordinate to the principal public use.

1106.6 *Setback and other yard requirements for accessory uses.* All accessory uses operated in structures above ground level shall observe all setbacks, side yard and other requirements set forth for the district within which they are located, unless otherwise specified.

Section 1107. Planned unit developments.

It is the intent of this section to provide for the establishment and continuance of shopping centers, group housing projects, planned industrial developments, medical centers, resort areas and similar types of large-scale compatible use developments. The regulations which apply to planned unit developments are designed to encourage the formation of such projects when and as appropriate and to permit the greatest latitude possible with respect to:

(a) Internal site planning considerations; and

(b) The location of these developments within the city in a manner calculated to best achieve the goals of the comprehensive plan.

1107.1 *Specific requirements.* In order to qualify as a planned unit development, a proposed project must first meet the following specific requirements:

(a) The site utilized for the planned unit development must contain the following minimum acreages:

(1) Residential and industrial developments—Five (5) acres;
(2) Medical centers, shopping centers and others—Three (3) acres;

(b) The area proposed shall be in one ownership or if in several ownerships, the application for the building permit shall be filed jointly by all of the owners of the properties included in the plan; and

(c) A suitable plan shall be submitted by the developers for review and approval by the planning commission and the city council. Specifically, such plan shall include the following elements, where applicable:

(1) The plat drawn to scale by a registered civil engineer, registered landscape architect, or registered architect showing exact dimensions of the parcel or parcels of land under consideration. The plat shall include the following elements:

a. All property dimensions, platting and street systems, proposed building sites and sizes, types of uses proposed for buildings, plans for the screening and protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservations or dedications for streets, open spaces and other public facilities and, if requested, two (2) foot vertical contour intervals shall be provided on the site plan;

b. The plat shall also include the name of the development and the developers, a north arrow, the date of field survey, tract boundary lines, dimensions, bearings, angles and reference points to at least two (2) permanent monuments;

c. If the proposal includes the subdivision of land for any purpose or the provision of new public streets, the information required above and any additional information which may be required under procedures established by the subdivision regulations of the city shall be included. The

plat may then be processed simultaneously for recording and as a part of the application for a building permit for a planned unit development as provided for in this ordinance;

(2) A written report, accompanied by appropriate graphic illustrations, diagrams and plats, shall be submitted by the developers for review and approval by the planning commission and the city council; such report shall explain the type, nature, intent and characteristics of the proposed development, and shall specifically include, where applicable:

a. A general description of the proposal;
b. A detailed legal description of the location of the site;
c. Proposed standards for development, including restrictions on the use of the property, density standards and yard requirements and restrictive covenants;
d. Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites;
e. Variations from the requirements of the zoning ordinance, if any are being requested;
f. Plan for the provision of utilities, including water, sewer, gas, electrical, telephone and storm drainage systems;
g. Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;
h. Plans for parking, loading, access ways, signs and means of protecting adjacent areas from lighting and other potentially adverse effects;
i. A statement defining the manner in which the city council is to be assured that all improvements and protective devices, such as buffers, are to be installed and maintained; and
j. Tabulations showing the number of dwelling units by type, if any, and other data that the planning commission and the city council may require;

(3) The following certificates shall accompany the plan:

a. Owner's certificate of accuracy;
b. Evaluation of the soil characteristics of the site by the district conservationist or the soil conservation service;
c. Approval of the proposed design of the water and sewer systems by the waterworks and sewer board;
d. Approval of the proposed design for provisions of electrical, gas and telephone service by the Alabama Power Company, the Southeast Alabama Gas District and the General Telephone Company;
e. Certification by a registered engineer that the design and material standards of streets, sidewalks and drainage structures meet accepted standards and will be constructed in accordance with the approved plans; and

f. Approval of the proposed location of a septic tank and filter fields or approval of an alternate method of sewage treatment by the Butler County Health Department, if the public sewer system is not accessible;

(4) In all planned unit developments, all provisions of Article IX, Article X and this article shall govern, unless relief is granted by the planning commission and the city council.

1107.2 *Administrative procedures with regard to planned unit developments.* Any request pertaining to the establishment of the planned unit development shall be administered in the same manner as an amendment to the zoning ordinance and processed in accordance with the regulations set forth in Article XV of this ordinance. All data set forth in subsection 1107.1 shall be submitted to the planning commission and subsequently forwarded to the city council with the recommendation of the planning commission. If approved by the city council, all information pertaining to the proposal shall be officially adopted by the city council and shall define the standards of development for that particular planned unit development.

(a) All subsequent development in the project shall conform to the standards adopted for that particular planned unit development regardless of any changes in ownership. Any proposed changes in the planned unit development shall be treated in the same manner as amendments to the zoning ordinance and must be considered in accordance with procedures set forth in Article XV of this ordinance. Appeals based on hardship or an alleged misinterpretation of the ordinance by the building inspector shall be processed in accordance with procedures set forth in Article XIV.

(b) Before approval of a planned unit development, the city council may require a contract with safeguards satisfactory to the city attorney guaranteeing completion of the development plan in a period to be specified by the city council, but which period shall not exceed five (5) years unless extended by the city council for due cause shown. Such guarantee may include the submission of a performance bond in an amount as set by the city council.

(c) The violation of any provisions of the plans, as submitted under the provisions provided herein, shall constitute a violation of this ordinance.

1107.3 *Permitted developments.* Any planned large-scale development which meets the provisions of this ordinance and is considered by the planning commission and the city council to be appropriate for planned unit development may be so classified. Such planed unit development might, with proper safeguards, encompass areas proposed or designated for preservation for historical, conservation, agricultural, recreation or flood-control purposes; and may include areas to be utilized for specialized purposes, such as educational, civic, governmental, transportation or recreation complexes. Planned unit developments may contain a combination of residential, commercial and industrial uses provided that each use conforms to the regulations for the particular district in which that specific use is located.

1107.4 *General design criteria and development standards.* Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes, and streets patterns and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.

(a) Densities per acre for residential dwelling units and internal dimensional requirements for each planned unit development may be set by the city council, upon recommendation of the planning commission.

(b) Parking, loading and other requirements for each planned unit development may be set by the city council upon recommendation of the planning commission. The standards of Article X shall serve as a general guide to such requirements for uses proposed for location in a planned unit development.

(c) Where a nonresidential planned unit development abuts a residential district, buildings and activities must be set back a sufficient distance from the separating property line. This setback shall be not less than thirty (30) feet for public or institutional uses and fifty (50) feet for commercial or industrial uses, the distance separating all buildings and activities from surrounding residential districts should in fact be great enough to constitute a reasonable buffer. Loading docks and truck maneuvering areas and terminals, where possible, should be further removed from residential lot lines than buildings. Where a nonresidential planned unit development has property lines abutting a residential district, there shall be a ten (10) foot planted evergreen buffer strip along the rear and side lot lines adjacent to the residential district.

(d) Within a planned unit development the design should include buffers suitable for screening residential areas from institutional, commercial and industrial uses when a danger of incompatibility appears to exist.

(e) Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

(f) In planned unit developments, areas used for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicles ingress and egress. Shopping centers and other individual commercial, industrial, institutional and multifamily uses shall have not more than two (2) access points to any one public street, unless unusual circumstances demonstrate the need for additional access points.

Section 1108. Floodway and floodway fringe area requirements.

Use of land lying within the areas subject to periodic floodings shall be governed by the following regulations:

1108.1 No new residential structure shall be erected in the floodway fringe areas, and no existing residential structure shall be extended or moved unless the lowest floor (including basements) of said structure is placed above the elevation of projected flooding.

1108.2 No nonresidential structure or building shall be erected, relocated, extended or substantially improved in the floodway fringe areas unless the lowest floor (including basements) of said structure or building is placed above the elevation of projected flooding; or said structure together with attendant utility and sanitary facilities shall be floodproofed up to the elevation of projected flooding.

1108.3 Land may be filled within the floodway fringe areas, provided such fill extends twenty-five (25) feet beyond the limits of any structures erected thereon; and

1108.4 In a designated floodway, no building may be erected, land filled, or materials or equipment stored.

1108.5 Where a floodway has not been designated, any structures proposed to be located within one hundred (100) feet of any main drainage channel or stream (hereafter referred to as stream) within the city must be approved by the planning commission. The planning commission with the advice of the city engineer shall determine, on the basis of the area of the watershed and the probable runoff, the floodway or openings needed for the stream, or how far a structure or fill must be located from the stream in order to assure adequate space for the flow of floodwater. However, no building or fill shall be permitted within twenty-five (25) feet of the banks of any stream.

Cross reference—Flood damage prevention, Ch. 8.

Section 1109. Mac Crenshaw Memorial Airport Zoning Ordinance.

1109.1 Short Title. This section shall be known as the "Mac Crenshaw Memorial Airport Zoning Ordinance."

1109.2. Definitions. As used in this section, unless the context otherwise requires:

(1) *Airport*—The Mac Crenshaw Memorial Airport.

(2) *Airport elevation*—The established elevation of the highest point on the usable landing area measured in feet from mean sea level. For the Mac Crenshaw Memorial Airport, this value is 451.12 feet MSL.

(3) *Airport hazard*—Any structure or tree or use of land which obstructs the air space required for the flight of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off, or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; hazardous, interfering with, or obstructing such landing, taking off, or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

(4) *Airport hazard area*—Any area of land or water upon which an airport hazard might be established if not prevented as provided in this section.

(5) *Airport reference point (ultimate)*—The point established as the approximate geographic center of the airport landing area and so designated. For the Mac Crenshaw Memorial Airport, this point is defined as Latitude N31 degrees, 50 minutes, 44.50 seconds, and Longitude W86 degrees, 36 minutes, 38.66 seconds.

(6) *Approach surface*—A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 1109.4 of this section. The perimeter of the approach surface coincides with the perimeter of the approach zone.

(7) *Approach, transitional, horizontal, and conical zones*—These zones are set forth in Section 1109.3 of this section.

(8) *Conical surface*—A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of five hundred sixty (560) feet.

(9) *Hazard to air navigation*—An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(10) *Height*—For the purpose of determining the height limits as to all zones set forth in this section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(11) *Horizontal surface*—A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.

(12) *Landing area*—The surface area of the airport used for the landing, takeoff, or taxiing of aircraft.

(13) *Nonconforming use*—Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this section or an amendment thereto.

(14) *Nonprecision instrument runway*—A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

(15) *Obstruction*—Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 1109.4 of this section.

(16) *Person*—An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(17) *Precision instrument runway*—A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

(18) *Primary surface*—A rectangular surface longitudinally aligned with the runway and defined by the largest rectangular area definable containing the runway

within the Mac Crenshaw Memorial Airport property boundaries. For Runway 14-32 at the Mac Crenshaw Memorial Airport, a five thousand five hundred (5,500) foot long Runway with non-precision instrument approaches with visibility minimums greater than three-fourths mile, the Primary Surface is a rectangular area five hundred (500) feet in width (east-west orientation) and five thousand nine hundred (5,900) feet in length (north-south orientation). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(19) *Runway*—A defined area on an airport prepared for landing and take-off of aircraft along its length.

(20) *Structure*—An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(21) *Transitional surfaces*—These surfaces extend outward and upward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

(22) *Tree*—Any object of natural growth.

(23) *Visual runway*—A runway intended solely for the operation of aircraft using visual approach procedures.

(24) *Utility runway*—A runway that is constructed for and intended to be used by propeller driven aircraft twelve thousand five hundred (12,500) pounds maximum gross weight and less.

1109.3. Zones. In order to carry out the provisions of this section, there are hereby created and established certain zones, which include all of the land lying beneath the approach surface, transitional surfaces, horizontal surface, and conical surface as they apply to the Mac Crenshaw Memorial Airport. Such zones are shown on a zoning map consisting of sheets 1-3 inclusive, which is attached to this section as Attachment A* and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

Note—Attachment A is not set out herein, but on file as an attachment to Ord. No. 2002-01.

(1) *Approach zones.*

A. Runway 14 Approach zone is established beneath the approach surface at the end of Runway 14 on Mac Crenshaw Memorial Airport for nonprecision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of five hundred (500) feet which coincides with the width of the primary surface at the North end of the primary surface, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at

horizontal distance of ten thousand (10,000) feet beyond the end of the primary surface, its centerline being continuation of the centerline of the primary surface.

B. Runway 32 Approach zone is established beneath the approach surface at the end of Runway 32 on Mac Crenshaw Memorial Airport for non-precision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of five hundred (500) feet which coincides with the width of the primary surface at the South end of the primary surface, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the primary surface.

(2) *Transitional zones.* Transitional zones are hereby established beneath the transitional surface adjacent to each runway and approach surface as indicated on the zoning map. Transitional surfaces, symmetrically located on either side of runways—have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of approach surfaces.

(3) *Horizontal zone.* The area beneath a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of runway(s) 14 and 32 and connecting the adjacent arcs by lines tangent to those arcs.

(4) *Conical zone.* The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of five hundred sixty (560) feet.

1109.4. Height Limitations. Except as otherwise provided in this section, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) *Approach zones.*

A. Runway 14: One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point ten thousand (10,000) feet from the end of the primary surface.

B. Runway 32: One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point ten thousand (10,000) feet from the end of the primary surface.

(2) *Transitional zones.* Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is 451.12 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

(3) *Horizontal zone.* Established at one hundred fifty (150) feet above the airport elevation, or a height of 601.12 feet above the mean sea level.

(4) *Conical zone.* Slope twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of one hundred seventy-eight (178) feet above the airport elevation.

1109.5. Use Restrictions. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking-off, or maneuvering of aircraft intending to use the airport.

1109.6. Nonconforming Uses.

(1) *Regulations not retroactive.* The regulations described by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the relations as of the effective date of this section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and which has been diligently prosecuted.

(2) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Greenville Planning Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Greenville.

1109.7. Permits.

(1) *Future uses.* Except as specifically provided in A, B, and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise

established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with Section 1109.7, paragraph (4).

A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than five thousand one hundred (5,100) feet from each end of the runway no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

C. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this section except as set forth in Section 1109.4, paragraph (5).

(2) *Existing uses.* No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this section or any amendments hereto or than it is when the application for a permit is made.

(3) *Nonconforming uses, abandoned or destroyed.* Whenever the Greenville Planning Commission determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning relations.

(4) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use his property in violation of the regulations prescribed in this section, may apply to the Greenville Board of Adjustment for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe-efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the relations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the Greenville Board of Adjustment unless a copy of the application has been furnished to the manager of Mac Crenshaw Memorial Airport for advice as to the aeronautical effects of the variance. If the manager of the Mac Crenshaw Memorial Airport does not respond to the application within fifteen (15) days after receipt, the board of adjustment may act on its own to grant or deny said application.

(5) *Obstruction marking and lighting.* Any permit or variance granted, if such action is deemed advisable by the Greenville Planning Commission or the Greenville Board of Adjustment to effectuate the purpose of this section and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure or tree in question to allow the City of Greenville to install, operate, and maintain, at the expense of the city, such markings and lights as may be necessary.

1109.8. Enforcement. It shall be the duty of the Greenville Planning Commission to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the planning commission upon a form published for that purpose. Applications required by this section to be submitted to the planning commission shall be promptly considered and granted or denied. Applications for variance shall be made to the Greenville Board of Adjustment by filing said application for variance determination.

1109.9. Appeals and Judicial Review.

(1) Any person aggrieved by any decision of the Greenville Planning Commission, the Greenville Board of Adjustment or the Greenville City Council made in administration of this section may appeal such decision to the Circuit Court of Butler County, Alabama.

(2) All appeals hereunder must be taken within ten (10) days after such ruling by filing a notice of appeal specifying the grounds thereof. The notice of appeal shall forthwith be transmitted by the City Clerk of the City of Greenville to the Clerk of the Circuit Court for Butler County, Alabama and shall include papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all activities in furtherance of the action by the application and appeal in accordance with applicable law.

1109.10. Enforcement and Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this section, the Greenville City Council, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct, or abate any such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. No. 2002-01, §§ 1—10, 2-25-02)

Section 1110. Development Plans.

1110.01 Applicability. In the following named districts, development shall not proceed until a development plan has been submitted to, and approved unconditionally by the planning commission or other authority as designated herein:

R-TH C-1 C-2 C-3 M-1 M-2

R-2, R-3 and R-4 for townhouse and patio-garden home development.

1110.2 Purpose. The purpose of development plan review and approval is to ensure that all new construction in the above listed districts will meet the minimum standards of the zoning, floodplain, subdivision, traffic, fire, health and other applicable ordinances, codes, regulations, etc. applicable to development in the City of Greenville.

1110.3 Scope. Development plans shall:

a. Include all site information set forth elsewhere in ordinances, codes, regulations etc. for development in the City of Greenville, especially pertaining to any required subdivision of land, rezoning, variances, health, water/sewer, and/or building permits, as may apply to a given development proposal; and

b. Show the proposed development in detail sufficient to enable the planning commission to determine impact of the proposed development on:

(1) The character of the surrounding neighborhood.

(2) Matters of public safety and welfare, such as (but not limited to) traffic flow, noise levels and congestion; and

(3) The capacity of public, service and commercial resources such as (but not limited to) utilities, public safety, streets, schools, health care, recreation, public service agencies, retail outlets, and private service providers to serve the proposed development satisfactorily.

1110.4 Content. At initial submission, the developer shall provide six (6) sets of scaled site plans showing clearly:

a. Location and lot dimensions, including existing lots and any proposed subdivision.

b. Public and private easements, existing and proposed.

c. The location, shape, height, type of construction and use of each proposed building on each proposed lot to be developed.

d. The number of dwelling units, if any, within each building to be constructed.

e. Existing and proposed setbacks of all existing and proposed buildings on existing and proposed lots within the development, and existing setbacks on parcels adjoining the parcel proposed for development.

f. Layout and type of surfacing of existing and proposed off street parking and loading/unloading spaces.

g. Existing and proposed curb cuts, and ingress/egress routes from/to existing public streets.

h. Existing and proposed surface drainage.

i. Location and size of existing and proposed public water and sewer mains serving the proposed development, and/or layout, design, capacity and other appropriate specifications of any proposed nonpublic water/sewer service.

j. Location of existing and proposed fire hydrants.

k. Location, height and materials of existing and proposed fences, walls and vegetation buffers.

l. Elevation(s) of finished floors of all existing and proposed principal structures and attached accessory structures.

m. Other site information required for permits and licenses applicable to the proposed development.

1110.5 *Process*

a. Development plans shall be submitted to the building inspector for preliminary review, which shall be completed within fifteen (15) calendar days, unless consultation with the developer is required. When such is required, the building inspector shall complete an initial review within the fifteen-day period, consult as appropriate with the developer for items needed, and complete the preliminary review in a timely manner.

b. Once the preliminary review has been completed, the building inspector shall forward the development plan to local utilities, fire and police departments, as well as local health, soil conservation, educational, etc. authorities as appropriate, for comments and recommendations, which to be considered, shall be forwarded to the building inspector within fifteen (15) calendar days after receipt.

c. After receiving comments and recommendations from other authorities, or after the fifteen-day period has elapsed, the building inspector shall provide the developer all comments and recommendations received, and the developer shall be given fifteen (15) calendar days to consider comments and recommendations, and to modify the proposed development if so desired.

d. Following developer review of comments and recommendations, and modification of the development plan as desired, or after the fifteen-day period has elapsed, the building inspector shall prepare final technical recommendations, and forward the development plan, his technical recommendations and all comments and recommendations received, to the planning commission for consideration at its next regular meeting.

e. The planning commission shall review the development plan, consider all comments and recommendations, and within thirty-one (31) calendar days thereafter shall either:

(1) Approve without conditions;

(2) Approve with conditions that must be met before a building permit can be issued; or,

(3) Disapprove the proposal.

f. Approval or approval with conditions shall embody all required planning commission approvals, including recommended rezoning and subdivision approval.

g. Approval with conditions may include:

(1) Conditions imposed by the planning commission as the result of its review, which may be removed by the building inspector when such conditions are satisfied;

(2) Conditions based on recommendations submitted by other authorities, which may be removed by the building inspector subsequent to these other authorities agreeing that such conditions have been satisfied; and/or

(3) Conditions involving the necessity for the developer to obtain a zoning ordinance amendment, a variance, or other permit(s)/approval(s) beyond the purview of the planning commission, which may be removed by the building inspector when the developer has obtained such permits and/or approvals.

1110.6 *Fee.* [Refer to local resolution]
(Ord. No. 1988-2, § 6, 2-1-88; Ord. No. 1997-6, § 1, 7-22-97)

ARTICLE XII. NONCONFORMING USES

The intent of this article is to regulate nonconforming uses of land and structures and the use of nonconforming lots and structures without placing an unreasonable or unnecessary hardship on the individual landowner.

Section 1201. Continuance of nonconforming uses.

The lawful use of any structure or land existing at the time of the enactment of this ordinance may be continued even though such use does not conform with the provisions of this ordinance except that the nonconforming use of any structure, nonconforming use of land, or nonconforming use of a combination of land and structures, shall not be:

1201.1 Changed to another nonconforming use;

1201.2 Reestablished after discontinuance of one (1) year;

1201.3 Extended to occupy a greater area of land;

1201.4 Extended to occupy a larger floor area of a building or structure, unless such additional floor area already existed as a part of the building and structure and is manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside said structure.

1201.5 To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently.

Section 1202. Limitations on the use of any land or structure by nonconforming uses.

Where at the time of passage of this ordinance lawful use of any land or structure exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1202.1 No nonconforming use shall be extended, altered or enlarged except in conformity with this ordinance, except in order to make the building safe, or to improve the building provided the floor area is not increased, or except to provide off-street parking within one hundred fifty (150) feet of the principal building provided the parking area is separated from abutting residential properties in a residential district by a ten (10) foot wide evergreen planted buffer strip. Should the nonconforming use of a building or structure be created solely by the failure of said building or structure to meet the minimum yard setback requirements of Article IX hereof, then a nonconforming use building or structure may be altered or enlarged to occupy a greater area of land provided that said alteration or enlargement does not violate the minimum yard setback requirements of Article IX hereof.

1202.2 A nonconforming use may be rebuilt, altered, or repaired after damage by fire, windstorm, casualty, or other means; provided, however, such structure is so reestablished to its former condition or better within one year after such damage.

1202.3 No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

1202.4 Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

1202.5 No additional structure not conforming to the requirements of this ordinance shall be erected in connection with any nonconforming use of land.

(Ord. No. 1985-6, 8-15-85; Ord. No. 1988-9, 6-6-88; Ord. No. 1988-14, 8-15-88)

Section 1203. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1203.1 Should any nonconforming structure or nonconforming portion of a structure be damaged by fire, windstorm, casualty or other means, it may be reconstructed to its former condition or better within one year after such damage and still be permissible as a nonconforming structure under the grandfather clause; provided, however, if such structure is not so reconstructed and reestablished to its former condition or better within one year after such damage, then it shall not be reconstructed except in conformity with the provisions of this ordinance.

1203.2 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. No. 1985-6, 8-15-85)

ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT

The intent of this article is to provide for suitable and proper administration and enforcement of the provisions of this ordinance; to designate the enforcing officer; to outline the proper steps to be taken by parties interested in constructing, erecting or modifying a structure or other land use; to include a means whereby appeals can be made; and to set forth the penalties for violating the provisions of this ordinance.

Section 1301. Administration.

The provisions of this ordinance shall be administered by the planning commission in accordance with the authority granted by Title 37, Chapter 16, Article 3, Subdivision 1, Section 796, Code of Alabama, 1940, as same may be amended.

Editor's note—See Code of Alabama 1975, § 11-52-7.

1301.1 *Zoning administrator.* It shall be the duty of the building inspector and he is hereby given the authority to administer and enforce the provisions of this ordinance. The building inspector shall have the right to enter upon any premises during a reasonable period of time prior to the issuance of a certificate of occupancy for the purpose of making inspections of the buildings or premises necessary to carry out his duties in the administration and enforcement of this ordinance.

1301.2 *Builiding permit required.* It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures and signs, or to store building materials or erect temporary field offices, or to commence the moving, alteration (provided the cost of said alteration is in excess of five hundred dollars ($500.00)) or repair (except repairs not changing the character of the structure) any structure including accessory structures, or to commence the development of land for a use not requiring a building, including the dredging, filling, grading or excavation of land, until the building inspector has issued a building permit for such work, including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this

ordinance. Except on the written order of the board of adjustment, no building permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance. Application for a building permit shall be made to the building inspector or forms provided for that purpose.

1301.3 *Application for building permit.* All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing:

(a) The actual dimensions of the lot to be built upon;
(b) The shape, height, use, location on the lot and size of the building or structure to be erected or altered;
(c) The sizes and locations of the existing buildings or structures on the lot;
(d) The number of dwelling units the building, if residential, is designed to accommodate;
(e) The setback lines of buildings on adjoining lots;
(f) The layout of off-street parking and unloading spaces;
(g) A certificate from the waterworks and sewer board indicating;
  (1) Tentative approval of the proposed sewer installation; or
  (2) Absence of public sewerage;
(h) A certificate from the Butler County Health Department approving the proposed location of the septic tank and field lines, provided public sewerage is not available; and
(i) Such other information as may be necessary to provide for the proper enforcement of the provisions of this ordinance.

The issuance of the permit does not waive any requirements or provisions of this ordinance.

If the application is rejected, the building inspector will state in writing on the application the reason for rejection.

1301.4 *Construction progress.* Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issue or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

1301.5 *Certificate of occupancy required.* A certificate of occupancy issued by the building inspector is required in advance of the use or occupancy of:

(a) Any lot, or a change in the use thereof;

(b) A building hereafter erected or altered, or a change in the use of an existing building; and

(c) Any nonconforming use that is existing at the time of the enactment of this ordinance or an amendment thereto that is changed, extended, altered or rebuilt thereafter. The certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this ordinance.

1301.6 *Application for certificate of occupancy.* All applications for certificates of occupancy shall be accompanied by a plan showing the required open space reserved for off-street parking in compliance with Article X, and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with the approved plan.

(a) No certificate of occupancy shall be issued unless the lot or building or structure complies with all of the provisions of this ordinance. The installation of the septic tanks and field lines, when said facilities are required, shall be approved by the county health officer before backfilling. Written approval of said installation shall then be presented to the building inspector before a certificate of occupancy may be issued.

(b) A record of all certificates of occupancy shall be kept on file in the office of the building inspector and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

Section 1302. Temporary uses.

Temporary uses, as set forth below, are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the districts within which they are proposed for location.

1302.1 The building inspector is authorized to issue a temporary certificate of zoning compliance for temporary uses as follows:

(a) Carnival, circus or fair in any commercial or industrial district or in the R-A Residential-Agricultural District, for a period not to exceed twenty-one (21) days, subject to the approval of the city council.

(b) Religious meetings in a tent or other temporary structure in any commercial or industrial district or in the R-A Residential-Agricultural District, for a period not to exceed sixty (60) days.

(c) Open lot sale of Christmas trees in any district for a period not to exceed forty-five (45) days.

(d) Real estate sales office in any district for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

(e) Contractor's office and equipment sheds in any district for a period of one (1) year, provided that such office is to be placed on the property to which it is appurtenant.

1302.2 All temporary certificates of zoning compliance may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

Section 1303. Penalties for violations.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense. Each day such violation continues shall constitute a separate offense.

Section 1304. Remedies.

If any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceedings to stop the violations in the case of such building, structure or land.

ARTICLE XIV. BOARD OF ADJUSTMENT*

It is the purpose of this article to provide for the establishment of a board of adjustment and to define the powers, duties and administrative procedures of the board.

Section 1401. Appointment.

The board shall consist of five (5) members, each to be appointed for a term of three (3) years by the city council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing.

Section 1402. Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

Section 1403. Procedures.

The board shall adopt and publish its own rules of procedure and keep the minutes of its proceedings, showing the vote of each member upon each question or [,] if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.

***Cross reference**—Variances under flood damage prevention requirements, § 8-17.
State law reference—Board of adjustment, Code of Ala. 1975, § 11-52-80 et seq.

Section. 1404. Duties and powers of the board of adjustment.

The board of adjustment shall have the following powers:

1404.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building inspector in the enforcement or administration of this ordinance, such as:

(a) Hear and decide upon requests for the interpretation of the provisions of this ordinance; or
(b) Determine the precise location of boundary lines between zoning districts where there is dissatisfaction with a decision upon said subject made by the building inspector; or
(c) Classify a use which is not specifically mentioned along with a comparable permitted use for purpose of the use regulations of any zoning district; or
(d) Determine the off-street parking and loading space requirements of any use which is not mentioned in Article X, either by classifying with one of the groups listed in Section 1001.3 or by analysis of the specific need.

1404.2 To hear and decide special exemptions as defined in this ordinance. Any special exception shall include as a condition the building area, any accessory structures, fences and other similar appurtenances, none of which shall be altered without authorization by the board.

1404.3 To authorize upon appeal in specific cases such variance from the terms of this ordinance where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Such variance may be granted when *all* of the basic conditions listed in the following, together with any *one* of the special conditions listed thereafter, can be satisfied:

(a) *Basic conditions:* That any variance granted:
  (1) Will not be contrary to public interest and will insure that the spirit of this ordinance shall be observed;
  (2) Shall not permit the establishment within a district of any use which is prohibited;
  (3) Will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the applicant is located;
  (4) Relates to property that is under the control of the applicant; and
  (5) Shall include as a condition to the variance the building area, any accessory structures, fences and other similar appurtenances, none of which shall be altered without authorization by the board.
(b) *Special conditions:* When the foregoing conditions can be satisfied, a variance may be granted when any *one* of the following conditions can be clearly demonstrated to apply:
  (1) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations;

(2) Where there are exceptional or extraordinary circumstances or conditions pertaining to the particular piece of property in question of its size, shape or topography, which are peculiar to that piece of property, but do not generally apply to other property in the same zoning district and have not resulted from the adoption of this ordinance; and

(3) Where such is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

1404.4 The board of adjustment may require the conduct of any use, conforming or non-conforming, which results in unreasonable noise, smoke, gas, vibration, dust, fire, radio interference, explosive hazard, or public nuisance to surrounding property, or to the community as a whole. Such use shall be modified or changed to abate such hazard to health, safety, comfort and/or convenience. The board may direct the building inspector to issue an abatement order, but such order may be directed only after a public hearing by the board, notice of which shall be advertised in a local newspaper of general circulation, and shall be sent by certified mail to the owners and/or operators of the property on which the objectionable use is conducted. A hearing to consider issuance of an abatement order shall be held by the board either upon petition signed by any person affected by the hazard or nuisance, or at the initiative of the board by majority vote. An abatement order shall be directed by the board only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

(Ord. No. 1988-7, § 2, 6-6-88)

Section 1405. Procedure for granting a variance.

When, in its judgment, the public welfare will be substantially served and the appropriate use of neighboring property will not be injured thereby, the board of adjustment may in specific cases, after due notice and public hearing, determine and grant variances from the terms of this ordinance, in the following instances:

1405.1 Reduce, modify or waive lot area, side yard, setback, lot width, height and street frontage requirements. (Ord. No. 1978-2, § 1, 2-6-78)

1405.2 Reduce, modify or waive special conditions which are attached to a specific use, provided that the variance from such special conditions will not cause any substantial adverse effects to adjoining property or to existing or projected improvements in the vicinity.

1405.3 Reduce off-street parking requirements based on the shared use of parking areas as discussed in subsection 1001.3(z).

1405.4 Reduce or modify off-street parking or loading space requirements. (Ord. No. 1978-2, § 1, 2-6-78)

Section 1406. Appeals.

An appeal may be taken to the board by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the building inspector.

1406.1 Such appeal be taken within a reasonable time, as provided by the rules of the board, by filing with the board of adjustment a notice of appeal specifying the grounds thereof and by the payment to the city clerk of a filing fee of sixty dollars ($60.00) to cover the cost of technical study, investigation, and publication necessary in connection with such appeal. No such appeal shall be considered filed until such filing fee has been paid.

1406.2 The officer from whom the appeal is taken shall transmit to the board all papers constituting the record of the action which was appealed. An appeal stays all proceedings in futherance of the action appealed from unless the officer from who [whom] the appeal is taken certifies to the board of adjustment 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 shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record.

Section 1406. Appeals.

An appeal may be taken to the board by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the building inspector.

1406.1 Such appeal be taken within a reasonable time, as provided by the rules of the board, by filing with the board of adjustment a notice of appeal specifying the grounds thereof and by the payment to the city clerk of a filing fee of sixty dollars ($60.00) to cover the cost of technical study, investigation, and publication necessary in connection with such appeal. No such appeal shall be considered filed until such filing fee has been paid.

1406.2 The officer from whom the appeal is taken shall transmit to the board all papers constituting the record of the action which was appealed. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from who [whom] the appeal is taken certifies to the board of adjustment 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 shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record.

1406.3 The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the public hearing, any party may appear in person or by agent or attorney.

(Ord. No. 1986-7, 6-2-86)

State law reference—Similar provisions, Code of Ala. 1975, § 11-52-80.

Section 1407. Appeals from action of the board of adjustment.

Any party aggrieved by any final judgment or decision of the board of adjustment may within fifteen (15) days thereafter appeal to the circuit court or court of like jurisdiction. In case of such appeal, the board shall cause a transcript of the proceedings in the case to be certified to the court in which such appeal is taken and the case in such court be tried de novo.

State law reference—Similar provisions, Code of Ala. 1975, § 11-52-81.

ARTICLE XV. AMENDMENTS

This article is established to provide a means whereby certain desirable changes and additions can be made to the zoning ordinance from time to time.

Section 1501. Amendments.

This zoning ordinance, including the zoning map, may be amended from time to time by the mayor and council; but no amendment shall become effective unless it shall have been proposed by, or shall have first been submitted to the planning commission for review and

recommendation. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

1501.1 The planning commission upon its own initiative may hold public hearings with proper public notice, for the purpose of considering amendments to the provisions of this ordinance, or to the zoning map, and then submit its recommendations to the city council.

1501.2 Upon the introduction of any amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the city council shall publish notice of such request for an amendment, together with a notice of time and place set for public hearing by the city council on the requested change. Said notice shall be published at least once a week for two (2) consecutive weeks in advance of such hearing in a newspaper of general circulation in the City of Greenville.

State law reference—Similar provisions, Code of Ala. 1975, §§ 11-52-77, 11-52-78.

Section 1502. Time limit.

After the city council has voted on an application for rezoning or other amendment to the zoning ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the zoning ordinance will not be considered until a period of one (1) year has elapsed from the date of such action by the city council. Provided, however, that the city council may adjust this time period if in the opinion of a majority of the city council, an unusual situation or circumstance exists.

Section 1503. Filing fee.

[Refer to local resolution]

(Ord. No. 1986-7, 6-2-86; Ord. No. 1997-6, § 2, 7-22-97)

ARTICLE XVI. LEGAL STATUS PROVISIONS

This article is established to present the legal status of this ordinance and to resolve differences and conflicts between this ordinance and other ordinances.

Section 1601. Conflict with other regulations.

Whenever the regulations of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

State law reference—Similar provisions, Code of Ala. 1975, § 11-52-82.

Section 1602. Separability.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1603. Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 1604. Effective date.

This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

Editor's note—The zoning ordinance was adopted on April 14, 1975.

[The next page is 1995]

APPENDIX B

SUBDIVISION REGULATIONS*

Art. I.	Authority and Title, § 1.1
Art. II.	Jurisdiction and Penalties, §§ 2.1, 2.2
Art. III.	Definitions, § 3.1
Art. IV.	Approval of Plats of Subdivisions, §§ 4.1—4.6
Art. V.	Improvements Planning and Design Standards, §§ 5.1—5.3
Art. VI.	Improvements Construction Standards, § 6.1
Art. VII.	Variances, §§ 7.1—7.3
Art. VIII.	Amending Regulations, § 8.1
Art. IX.	Severability and Separability, § 9.1
Art. X.	Administration and Enforcement, §§ 10.1, 10.2
Art. XI.	Conflict With Public and Private Provisions, §§ 11.1, 11.2

ARTICLE I. AUTHORITY AND TITLE

[Section 1.1. Authority and title.]

The public welfare requiring it, and under authority granted by Title II, Chapter 52, Article 2, Sections 30 through 36, inclusive, of the 1975 Code of Alabama, as amended, the City of Greenville inacts [enacts] and adopts these regulations which may be cited as "The Subdivision Regulations of the City of Greenville, Alabama."

ARTICLE II. JURISDICTION AND PENALTIES

Section 2.1. Jurisdiction.

From and after the date of adoption [December 16, 1996], these regulations shall govern all Subdivision of land located within five miles of the corporate limits of the City of Greenville, Alabama, as such limits now exist or are hereafter established.

***Editor's note**—The subdivision regulations of the city are set out in Appendix B as enacted by the planning commission on December 16, 1996. Such provisions supersede the former subdivision regulations enacted October 3, 1963. Amendments will be designated by an historical citation enclosed in parentheses following the amended section. Where no history note appears the provisions remain unchanged from the original resolution of December 16, 1996. Any provisions in brackets [ ] were added by the editor for purposes of clarity.

Cross references—Buildings, Ch. 5; fire prevention and protection, Ch. 7; flood damage prevention, Ch. 8; health, Ch. 9; licenses and business regulations, Ch. 10; mobile homes, Ch. 11; fair housing, § 13-26 et seq.; weeds and debris, § 13-46 et seq.; solid waste, Ch. 17; streets and sidewalks, Ch. 18; naming streets, roads and property addresses, § 18-21 et seq.; utilities, Ch. 20; placement of utility lines in new or undeveloped subdivisions, § 20-1; zoning, App. A.

State law references—Control of subdivisions generally, Code of Ala. 1975, § 11-52-30 et seq.; reservation of lands in subdivisions for future acquisition for public streets, Code of Ala. 1975, § 11-52-50 et seq.

Section 2.2. Penalties.

It is not legal to transfer or sell any lots within a Subdivision until the Final Plat thereof has been approved by the Planning Commission and recorded in the Office of the Probate Judge of Butler County, Alabama. Whoever, being the owner or agent of the owner of any land within a Subdivision violates these regulations shall pay a penalty of two hundred dollars ($200) for each lot or parcel conveyed in violation of these regulations. In addition, no building permit, certificate of occupancy, or equivalent shall be issued until such time as the Subdivision has been given formal approval by the Planning Commission and the duly adopted plat thereof recorded in the Office of the Probate Judge.

ARTICLE III. DEFINITIONS

[Section 3.1. Definitions.]

[The following words, terms or phrases, as used in this appendix, shall have their given meanings:]

Arterial or *Major Street.* A street which is used primarily for fast or heavy traffic.

Block. A piece or parcel of land abutted by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the subdivider may determine the outline of the block.

Building Setback Line. A line parallel to the front and side property line across and beyond which no structure may be erected.

City. The City of Greenville, Alabama.

Collector Street. A street which carries traffic from minor streets to an Arterial Street, including the principal entrance street of a residential development and streets for circulation within such a development.

Comprehensive Plan. A master plan, as adopted by the City Council, addressing population, economy, land use, housing, transportation, public facilities, zoning and subdivision regulation for the physical development of the City over a specified period.

Cul-de-sac. A short street designed to have one end permanently closed, the closed end of which must contain a vehicular turnaround.

Easement. A grant by the property owner of a strip of land for public or private uses for limited specific purposes.

Final Plat. A finished drawing showing completely and accurately all legal and engineering information and containing all certification necessary for recording.

Horizontal Curve. The curved surface of a street created by gradual turns to the right or left.

Lot. A parcel of land intended for transfer of ownership or for building development.

Major Street Plan. The major street plan as adopted by the Planning Commission as an element of the Comprehensive Plan.

Marginal Access Street. A minor street which is parallel to and adjacent to an Arterial or Major Street and which provide access to abutting properties and protection from through traffic.

Minor Street. A street which is used primarily for access to the abutting properties.

Planning Commission. The City Planning Commission.

Preliminary Plat. A set of engineering drawings which meet the requirements of these regulations for a proposed subdivision and which are submitted to the Planning Commission for tentative and revocable approval and which are accompanied by certification that each planned utility meets standard specifications and requirements.

Protective Covenant. Contractual agreement between the Subdivider and owners of Lots within the Subdivision to maintain specific standards of quality for the mutual protection and enhancement of the investment the owners and future owners have in the Subdivision.

Reverse Frontage. A frontage on two streets which requires buildings to face away from one of the streets thus exposing the rear of the buildings to that street.

Right-of-Way. A dedicated strip of land for use as a public route of travel.

Screen Plantings. The plantings of trees and shrubs in required buffer areas along exposed rear or side lot lines.

Shall. As used herein shall mean mandatory.

Sidewalk. The portion of a street Right-of-Way available exclusively for pedestrian traffic.

Sketch Plan. A collection of information explaining the intent of a subdivider pertaining to a proposed subdivision to be submitted for consideration by the Planning Commission without incurring a commitment by either party.

Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a Subdivision.

Subdivision. The division of a Lot, tract, or parcel of land into two (2) or more Lots, or sites, or other divisions of land for the purpose, whether immediate or future, of sales or of building development, including re-subdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subdivision Committee. A committee of the Planning Commission appointed by the Chairperson of the Planning Commission for the purpose of considering a Sketch Plan.

Surety. Any surety bond, certificate of deposit, irrevocable letter of credit, cashier's check, or other acceptable assurance of performance as approved by the Planning Commission.

Utility. Any distribution system for water, gas, electricity, telephone, telecommunications, and antenna system and collection system for sanitary sewer.

Vertical Curve. A curved surface of a street created by a change in the grade of the elevation of a hill for the purpose of insuring that operators of vehicles traveling in opposite directions on the street can readily observe each other when approaching each other.

ARTICLE IV. APPROVAL OF PLATS OF SUBDIVISIONS

Section 4.1. Approval required—Effect of non-compliance.

From and after the data of certification of a copy of these regulations to the Probate Judge of Butler County, no Subdivision plat of land within the Subdivision jurisdiction, as defined in Article II, shall be filed or recorded until it shall have been submitted to and approved by the Planning Commission of the City, and such approval entered in writing on the plat by the Chairperson of the Planning Commission. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the Subdivision jurisdiction, as defined herein, without the approval of such plat as required herein. No street shall be accepted and maintained by the City nor shall any street lighting, water or sewer be extended to or connected with any Subdivision of land, nor shall any permit be issued by an administrative agent or department of the City for the construction of any building, or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in these regulations have been complied with and the same have been approved by the Planning Commission.

Section 4.2. Approval not acceptance.

The approval of a plat by the Planning Commission shall not be deemed to constitute or effect the acceptance by the City or the public of the dedication of any street or other real property, lake, pond, creek, open space, public utility line, or other facilities shown upon the plat. Formal dedication by the Subdivider and action by the City Council are required for acceptance of property.

Section 4.3. Plat approval.

4.3.1. General. The Planning Commission shall approve or disapprove a plat within 30 days after the submission thereof to it; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand provided, however that the applicant for the Planning Commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the Planning Commission. Any plat submitted to the Planning Commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no plat shall be acted on by the Planning Commission without affording a hearing thereon. Notice shall be sent to the said address by registered or certified mail of the time and place of such hearing not less than five days before the date fixed therefor. Similar notice shall be mailed by the owners of land immediately adjoining the platted land as their names appear upon the plats in the county tax assessors office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county.

4.3.2. Procedure. The procedure for review and approval of a Subdivision plat consists of three (3) separate steps. The initial step is the preparation and submission of a Sketch Plan of the proposed Subdivision to the Subdivision Committee of the Planning Commission for their advice and review. The second step is the preparation and submission to the Planning Commission of a Preliminary Plat together with all required certificates. The third and final step is the preparation and submission of a Final Plat of the proposed Subdivision for Planning Commission approval. The Final Plat will be accompanied by a Certificate of Compliance from the City Planner and a Certificate of Completion from the City Engineer. The Final Plat becomes the instrument to be recorded in the Office of the Judge of Probate when duly signed by the Chairperson of the Planning Commission.

Section 4.4. Sketch plan review.

4.4.1. General.

a. The purpose of this review is to give the Subdivider and/or his agent an opportunity to confer with the Subdivision Committee and/or their technical advisors about the proposed Subdivision in order to eliminate wasted time, money and effort.

b. Subdivision Committee concurrence of a Subdivision Sketch Plan is primarily an assistance and advisory service based on general information and not studied or reviewed in depth and as such this approval is not binding toward Preliminary Plat approval by the Planning Commission. The Sketch Plan shall be reviewed for conformance to the City Comprehensive Plan, Subdivision Regulations and Zoning Ordinance.

4.4.2. Steps in Obtaining Concurrence.

a. The Subdivider or his agent should confer with the City Engineer and pertinent Utilities and obtain appropriate specifications and recommendations.

b. The Subdivider shall arrange an informal meeting with the Subdivision Committee of the Planning Commission. Two copies of the Sketch Plan must be filed with the City Planner two days prior to such meeting.

4.4.3. Required Information.

a. A Sketch Plan shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch on a sheet not less than 18 inches wide and 24 inches long. The Subdivider or his agent shall submit the following required information to the Subdivision Committee of the Planning Commission prior to presenting a Preliminary Plan to the Planning Commission.

b. *Sketch Plan Information.*

Name of the Subdivision or other identification

Topography at twenty (20) foot intervals (United States Geological Survey map)

Boundary lines of the proposed Subdivision

Location of all streets within the Subdivisions boundary

Adjoining development: property lines, streets, water courses

A sketch vicinity map showing the location of the proposed Subdivision to the surrounding area

Existing and proposed Protective Covenants

Land characteristics

Available community facilities and Utilities

Number of existing and proposed residential Lots

Typical Lot width, depth, and area

Price range of Lots

Price range of dwellings

Proximity to business areas, schools, and other public areas

Proposed Utilities and street improvements

4.4.4. Diagram of a Typical Sketch Plan.

Section 4.5. Preliminary plat approval.

4.5.1. General. After conclusions have been reached about the Sketch Plan and concurrence granted, the Subdivider must formally make application for Preliminary Plat approval before the Subdivision can be reviewed for Final Plat approval. Preliminary Plat approval shall be tentative in nature and shall in no way constitute a waiver of any of the requirements for Final Plat approval. Preliminary Plat approval is also required prior to any grading or other improvements to the Subdivision.

4.5.2. Steps in Obtaining Approval.

a. The Subdivider or his agent shall submit one copy each of the Preliminary Plat to the City Engineer and all affected Utilities and the Butler County Health Department if applicable, at least thirty (30) days prior to the Planning Commission meeting at which it is to be considered (the Planning Commission presently meets the fourth Monday of each month at 4:30 p.m.). These departments and Utilities, upon review of the plat for their specific standards and specifications, shall approve; approve with conditions or reservations; or disapprove, those portions which will affect their responsibilities or policies. All actions, recommendations or proposals will be indicated on the plat by each reviewer and returned to the Subdivider. When the plat meets all requirements and specifications the reviewer will issue a certificate of approval. Examples of certificates are given in Section 5 of this Article.

b. The Subdivider or his agent shall, upon receipt of all certifications, submit two (2) copies of the Preliminary Plat, as specified in the Subdivision Regulations with certificates, to the City Planner with a written application for Preliminary Plat approval at least fifteen (15) days prior to the next regularly scheduled Planning Commission meeting at which it is to be considered. Upon receipt of the application, the City Planner will review the plat for conformance to the City Comprehensive Plan, Subdivision Regulations and Zoning Ordinance.

c. The Preliminary Plat shall be clearly and legibly drawn in black ink at a scale of not less than 100 feet to one inch on a sheet not less than 18 inches wide and 24 inches long.

4.5.3. Information Which Must Be Included on the Preliminary Plat.

a. Name of Subdivision and complete address of Subdivider or Subdivider's agent.

b. Adjacent Subdivisions and/or adjacent land owners and their addresses.

c. Date, Subdivision acreage, scale and north point. (All dimensions shall be shown to the nearest one hundredth (100th) of a foot and angles to the nearest minute)

d. A vicinity map at scale of not less than one inch equals two thousand (2,000) feet to show the relationship of the Subdivision to the surrounding area.

e. The relation of the land so platted to the United States Geodetic Survey with the "point of beginning" being referred to in the written description of the Subdivision boundaries.

f. The exact position of permanent monuments indicated by a small circled (x) and the character and description of each monument.

g. Topography at twenty (20) foot contour intervals unless a closer contour interval is required by the City Engineer.

h. The name, location and width of all existing and proposed Right-of-Way streets and alleys in or adjacent to the Subdivision.

i. Sufficient data to determine readily and locate on the ground the location, bearing and length of every street, Block line and Building Setback line, whether straight or curved. (All curved boundary lines, lot lines, street center lines, and Right-of-Way on the plat shall be given a curve number and sufficient data shall be given to enable the re-location of the curves. This curve data shall include the following: point curve (PC), point of tangent (T), length of radius (R))

j. Location, width and purpose of all Easements.

k. Location and width of all Sidewalks and crosswalks.

l. Alphabetically ordered Block letters and numerically ordered Lot numbers.

m. Dimensions of Lots.

n. In the case of Reverse Frontage Lots, the direction of the house or building shall be clearly indicated.

o. Location and dimensions of land to be dedicated or reserved for parks, open space, or other public use and notes stating their purpose and limitations.

p. Any area within or adjacent to the proposed Subdivision subject to future development shall be clearly shown and identified.

4.5.4. Plans and Certificates Which Must Accompany the Preliminary Plat.

a. Street Grading Plan and Certificate.

b. Storm Drainage System Plan and Certificate.

c. Sanitary Sewer/Septic System Plan and Certificate.

d. Potable Water Distribution/Well Plan and Certificate.

e. Electrical Distribution Plan and Certificate.

f. Gas Distribution Plan and Certificate.

g. Telephone Distribution Plan and Certificate.

h. Telecommunication Distribution Plan and Certificate.

i. State Highway Department Certificate.

4.5.5. Diagram of a Typical Preliminary Plat.

Section 4.6. Final plat approval.

4.6.1. General. The Final Plat shall conform to the Preliminary Plat as approved and if so desired it may constitute only that portion of the approved Preliminary Plat which the Subdivider proposes to develop and record at that time. If the Subdivider elects this option the Subdivision shall be developed in phases. The Subdivision and/or initial phase must begin within one year and proceed in a timely manner. Subsequent phases must be started within one year of acceptance by the City of the preceding phase and must proceed in a timely manner. A Subdivision and/or initial phase that does not begin within one year of Final Plat approval and/or does not proceed in a timely manner and subsequent phases that do not begin within one year of proceeding phase's acceptance by the City and/or proceed in a timely manner, shall repeat the entire approval process as presented in this Article.

4.6.2. Steps in Obtaining Approval.

a. Upon fulfilling the requirements of Final Plat Approval the Subdivider or his agent shall submit the original and two (2) copies of the Final Plat with formal application at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission.

b. The City Engineer shall certify that the installation of the streets and each Utility has been completed as specified and is currently operational by presenting a Certificate of Completion to the Subdivider.

c. The City Planner shall review the Final Plat for conformance to the Preliminary Plat, the City Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance and present a Certificate of Compliance to the Subdivider.

d. Upon issue of the Certificate of Compliance and the Certificate of Completion, the Subdivision shall be placed on the agenda for the next Planning Commission meeting. If the Planning Commission finds the Final Plat to meet all requirements of these regulations the Chairperson of the Planning Commission will certify the original Final Plat with his signature.

e. The certified original Final Plat will then be returned to the Subdivider or his agent to be recorded in the office of the Probate Judge and subsequently returned to the City Planner for filing.

4.6.3. Final Plat Requirements, Endorsements, Dedications and Certification.

a. The Final Plat will be considered for approval by the Planning Commission provided all requirements are met.

b. The Final Plat as submitted to the Planning Commission shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch on a sheet not less than 18 inches wide and 24 inches long.

c. Protective Covenants, if any, shall be shown on the Final Plat or on an accompanying sheet of the same size as the Final Plat.

d. The following certificates shall be affixed to the Final Plat:

Surveyor's Certificate and Seal.

I, _____ a Licensed Land Surveyor, hereby certify that I have surveyed the property shown on this map, that the map is true and correct; that it shows the subdivision into which the property is proposed to be divided, the length and bearing of the boundaries, the dimensions and number of each lot, the bearings, widths and dimensions of the streets adjoining the property surveyed, and the relation of the land so platted to the government survey all according to the requirements or the minimum technical standards for land surveying in the State of Alabama. Given under my hand and seal on this the _____ day of _____ , 199___.

_____(SEAL)

REG.#

Certificate of Approval by the Planning Commission of the City of Greenville.

APPROVAL OF GREENVILLE CITY PLANING COMMISSION

This plat has been submitted to and considered by the City of Greenville Planning Commission and is hereby approved by said Commission on this the _____ day of _____, 199___.

_____, Chairperson

Certificate for Recording by the Butler County Probate Judge.

STATE OF ALABAMA BUTLER COUNTY

I hereby certify that this plat or map was filed in this office for record this the _____ day of _____, 199___ at _____o'clock pm, and receded in Book _____ of Plats and Maps, page _____

recording _____ paid.

_____

Probate Judge

Notary's Acknowledgment of the Dedication (Corporate)

_____, incorporated under the laws of the State of Alabama on _____, 199__, whose Articles of Incorporation are recorded in the office of the Probate Judge of Butler County, Alabama in the Corporation Book, at Pages _____, the owner of the land shown on this map, hereby join in and subscribes to the herein Surveyor's Certificate, adopts the map shown hereon as final and correct, and hereby dedicates for public use and conveys to the public all streets, rights of way and easements for public utilities shown herein not previously so dedicated and conveyed.

IN WITNESS WHEREOF, _____ has caused its name to be signed by its Manager, being duly authorized thereunto on this the _____day of _____, 199___.

By: _____

Notary's Acknowledgment of the Dedication (Individual)

The undersigned, _____, owner of the land shown on this map, hereby join in and subscribes to the herein Surveyor's Certificate, adopts the map shown hereon as final and correct, and hereby dedicates for public use and conveys to the public all streets, Right-of-Way and easements for public utilities shown herein not previously dedicated and conveyed on this the _____ day of _____, 199___.

4.6.4. Diagram of a Typical Final Plat.

4.6.5. Exceptions. Upon the satisfactory completion and installation of all improvements and Utilities in accordance with plans and specifications approved at the Preliminary Plat approval stage, as set forth above, proof of which shall be evidenced by the City Engineer's Certificate of Completion and the City Planner's Certificate of Compliance; or, if the Planning Commission shall so determine, at its sole discretion, and provided all other requirements of these regulations are met, in lieu of the completion of such improvements and Utilities prior to the Final Plat approval, the Planning Commission may accept:

a. A bond from a bonding company or letter of credit from a bank with sufficient Surety to secure to the City one hundred (100) percent of the actual construction and installation of such improvements and Utilities at a time to be set by the Planning Commission and according to the plans and specifications approved therefor. In the event improvements or Utilities are not fully completed the bond or letter of credit shall be forfeited and the bonding company or bank shall complete or make arrangements with a qualified contractor to complete the improvements and Utilities. This burden shall not fall upon the City, however, if for some reason the City expends public funds on these improvements, then the bonding company or bank shall pay the City for such actual expenditures.

b. Where no Lot in the proposed Subdivision contains less than the minimum amount of area and where, in the opinion of the Planning Commission, the installations of water supply or sewage disposal systems would be an unreasonable request, the Planning Commission may approve the Final Plat if individual water supply or sewage disposal systems are approved by the Butler County Health Officer.

4.6.6. Steps in Obtaining Acceptance by the City. Upon recording of the Final Plat in the office of the Probate Judge, the Subdivider may request to be placed on the agenda for the next regular City Council meeting to have the streets, street lights and Easements of the Subdivision accepted by the City (the City Council presently meets the second and fourth Tuesday of each month at 5:30 p.m.). When accepted, the title to and responsibility for the streets, street lights and Easements located in the Subdivision will be transferred to the City. However, the Subdivider must warrant the streets, street lights and Easements for one year from the date of acceptance thereof by the City.

ARTICLE V. IMPROVEMENTS PLANNING AND DESIGN STANDARDS

Section 5.1. Exceptions.

The following planning and design standards shall be complied with and no higher standard may be required by the Planning Commission, except where because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare. Any higher standard required shall be reasonable and shall be

limited to the minimum additional improvements necessary to protect the public health, safety or welfare, provided, however, that no greater Right-of-Way widths or any additional land to be dedicated for public open space shall be required.

Section 5.2. Conformity to plans and ordinances.

5.2.1. General. All proposed Subdivisions shall conform to the City Comprehensive Plan, and all major sections thereof; i.e., the City Zoning Ordinance, the Land Use Plan, Major Street Plan, etc.

a. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where such is not shown in the City Comprehensive Plan, the arrangement of streets in a Subdivision shall either:

   Provide for the continuation of the projection of existing principal streets in surrounding areas, or

   Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

b. Densities shall be established by the City Zoning Ordinance.

c. All thoroughfares as shown crossing or bordering a proposed Subdivision on the City Major Street Plan shall be required to be provided in the location and at the Right-of-Way width designated thereon.

5.2.2. Off-Premises Improvements. All off-premises improvements necessary to the development of the Subdivision shall be clearly noted on the Preliminary Plat. These improvements shall relate to such items as drainage, extension of water mains, sewers, street access and other such improvements.

[Section] 5.3. Standards.

5.3.1. Streets and Roads. All roadways shall comply with the following standards:

a. Subdivisions that adjoin existing streets shall dedicate additional Right-of-Way to meet the minimum street requirements.

   The entire Right-of-Way shall be provided where any part of the Subdivision is on both sides of the existing street.

   When the Subdivision is located on only one (1) side of the existing street, one-half of the required Right-of-Way, measured from the centerline of the roadway, shall be provided.

   When the Subdivision is located on only one (1) side of a proposed street the entire Right-of-Way shall be provided.

b. All roadways shall be provided with pavement and curb and gutter, valley gutter or shoulder and ditch and constructed in accordance with City specifications.

c. Minor Streets shall be so laid out that their use by through traffic will be discouraged.

d. Where a Subdivision abbuts [abuts] or contains an existing or proposed Arterial or Major Street, the Planning Commission may require Marginal Access Streets, Reverse Frontage with Screen Planting along the rear property line, deep Lots with rear service alleys, or such other treatment as may be necessary for adequate protection of present or future residential properties, and to afford separation of through and local traffic.

e. Where a Subdivision borders on or contains a railroad Right-of-Way or limited access highway Right-of-Way, the Planning Commission may require a street approximately parallel to and on each side of such a Right-of-Way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

f. A tangent shall be introduced between Reverse Curves on Arterial and Collector Streets as approved by the City Engineer. Centerline offsets of less than one hundred (100) feet shall be avoided.

g. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for Minor and Collector Streets, and of such greater radii as the City Engineer shall determine for special cases.

h. Streets shall intersect as nearly as possible at right angles, ninety (90) degrees, and no street shall intersect at less than seventy-five (75) degrees.

i. Intersections with an Arterial or Major Street shall be at least eight hundred (800) feet apart, measured from center line to center line, and intersections with an Arterial or Major Street or Highway shall be controlled and determined by the Planning Commission.

j. Proper sight lines shall be maintained at all intersections of streets. Measured along the center line, there shall be a clear sight triangle of seventy-five (75) feet, one hundred fifty (150) feet for Arterial or Major Streets, from a point of intersection and shall be indicated on all plans. No building or obstruction such as plantings shall be permitted in this area.

k. Property lines at street intersections shall be rounded with a radius of twenty (20) feet, or of greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cut-offs or chords in place of rounded corners.

l. Where a deflection of angle or more than ten (10) degrees in the alignment of a street occurs, a curve or reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline ratios or curvature shall be no less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.

m. Vertical Curves shall be such as to prevent abrupt change and shall be approved by the City Engineer. Every change in grade shall be connected by a Vertical Curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4½) feet above the pavement surface, to be an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical are required.

n. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

o. Cul-de-sacs and courts designed to have one end permanently closed shall be no more than six hundred (600) feet long unless necessitated by topography. A turnaround having an outside roadway diameter of at least eighty (80) feet and a street Right-of-Way diameter of at least one hundred (100) feet shall be provided at the closed end or the Planning Commission may approve an alternate design.

p. When, in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such streets shall have a Right-of-Way of at least fifty (50) feet and be provided with a temporary turnaround having a roadway diameter of no less than eighty (80) feet.

q. *Street Grading Plan.* The Street Grading Plan shall contain the following:

Layout of all streets indicating the subgrade at each fifty (50) foot section.

Profile of all streets showing natural and finished grade at each section number.

Typical cross sections of all streets at each section marker.

STREET GRADING CERTIFICATE

I, _____, the City Engineer of the City of Greenville, Alabama, concur in the design of the Street Grading Plan as shown on the drawing.

_____ _____

Date City Engineer, Greenville, Alabama

r. Minimum street lanes and widths, Right-of-Way widths, pavement widths and percent grade

Street Type (1)	*Lanes & Width Parking & Travel*		*Right of Way (2)*	*Pavement Width (3)*	*Percent Grade (4)*
Arterial Streets	0	4-12 ft	120 feet	64 feet	6%
Major Streets	2—8 ft	2-12 ft	80 feet	48 feet	7%
Collector Streets	2—8 ft	2-12 ft	60 feet	44 feet	8%
Minor Streets	1—8 ft	2—9 ft	50 feet	28 feet	12%
Marginal Access Streets	1—8 ft	1-12 ft	50 feet	28 feet	12%
Cul-de-sacs	1—8 ft	1—12 ft	50 feet	28 feet	12%

Street Type (1)	*Lanes & Width Parking*	*& Travel*	*Right of Way (2)*	*Pavement Width (3)*	*Percent Grade (4)*
Oneway Street	1—8 ft	1-9 ft	40 feet	20 feet	12%
Alleys	0	2—8 ft	20 feet	16 feet	12%

(1) Half streets shall be prohibited.

(2) Streets Right-of-Way widths shall be shown on the City Major Street Plan and where not shown thereon shall not be less than as shown above.

(3) Pavement width shall be measured from curb faces.

(4) Grades shall not exceed those shown above unless approved by the City Engineer.

5.3.2. Alleys.

a. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where another definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

b. Provisions for alleys along the rear of residential Lots is optional except where, in the opinion of the Planning Commission, such alleys are required.

c. Alley intersections and changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicle movement.

d. Deadend alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the deadend, as determined by the City Engineer.

5.3.3. Easements.

a. Easements across lots or centered on rear or side lot lines shall be provided for Utilities where necessary and their width shall be as required by the appropriate departments or Utility companies.

b. Where a Subdivision is traversed by a water course, drainage way, channel, or stream or if such a proposed drainage way is reflected in an approved drainage plan, there shall be provided a storm-water drainage Easement or Right-of-Way conforming substantially with the lines of such existing or planned drainage ways. The width of such drainage Easement or Right-of-Way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream.

c. Lots and Easements shall be arranged in such a manner as to eliminate unnecessary Easement jogs or offsets and to facilitate the use of Easements for power distribution, telephone service. telecommunication service, drainage, water, and sewer services.

5.3.4. Blocks.

a. The length, width and shapes of Blocks shall be determined with due regard to:

Provisions of adequate building sites suitable to the special needs of the type of use contemplated.

City Zoning Ordinance and Butler County Health Department requirements as to Lot size and dimensions.

Needs for convenient access, circulation, control, and safety of street traffic.

Limitation and opportunities of topography.

b. Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. In Blocks over eight hundred (800) feet in length, the Planning Commission may require one or more speed bumps or a public crosswalk, not less than ten (10) feet in width, to extend entirely across the Block at locations deemed necessary.

c. Blocks shall be wide enough to allow two (2) rows of Lots, except where Reverse Frontage on an Arterial or Major Street is provided or where prevented by topographical conditions or size of the property; in which case the Planning Commission may approve a single row of lots of minimum depths.

5.3.5. Lots.

a. Minimum Lot dimensions and Buildings Setback lines shall meet the requirements of the City Zoning Ordinance and if applicable the requirements of the Butler County Health Department. In such cases where requirements may conflict, the greater requirement shall govern.

b. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate for off-street parking and loading for the uses contemplated and prescribed in the City Zoning Ordinance.

c. Corner Lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

d. Except in the case of Lots on a Cul-de-sac, each lot shall have not less than fifty (50) feet of frontage on the street which is connected with the public street system.

e. Reverse Frontage Lots shall be avoided except where essential to provide separation of residential development from traffic arteries or so as to overcome specific disadvantages of topography and orientation. The Subdivider shall put in a Planting Screen Easement of not less than ten (10) feet in width, and across which there shall be no right of access, along the line of Lots abutting such a traffic artery or other disadvantageous features.

f. Side Lot lines shall be substantially at right angles to streets except on curves where they shall be radial.

5.3.6. Trees.

a. The Planning Commission may require the planting of shade trees on the property of the Subdivision. Such trees are to be planted within five (5) feet of the Right-of-Way of the road or roads within and abutting the Subdivision, or, at the discretion of the

Planning Commission, within the Right-of-Way of such roads. One (1) tree shall be planted for every forty (40) feet of frontage along each road unless the Planning Commission, upon recommendation of the City Horticulturist shall grant a waiver. Such waiver shall be granted only if there are trees growing along such Right-of-Way or on the abutting property which in the opinion of the Planning Commission comply with these regulations.

b. Trees shall have a minimum truck diameter (measured twelve (12) inches above ground level) of not less than two (2) inches. Only long-lived shade trees, acceptable to the City Horticulturist shall be planted.

5.3.7. Names.

a. No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the names of existing streets, except where a proposed street is an extension of an existing street in which case the proposed street shall bear the name of the existing street. Street names are subject to the approval of the Enhanced 911 Board and shall be approved by the City Council.

b. Subdivision names and apartment project names shall not duplicate or be confused with existing names. Subdivision and apartment project names are subject to approval by the Planning Commission.

5.3.8. Storm Drainage System.

a. *Effect on Downstream Drainage Areas.* The City Engineer shall study the effect of each Subdivision on existing downstream facilities outside the Subdivision. Where it is anticipated that the additional runoff incident to the development of the Subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the Subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission shall determine.

b. *Areas of Poor Drainage.* Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such Subdivision provided that the applicant fills the affected area of said Subdivision to an elevation sufficient to place the elevation of streets and Lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such Subdivision shall provide for an overflow zone along the bank of any stream or watercourse in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval of the City Engineer.

c. *Flood Plain Areas.* The Planning Commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of an area or to the conservation of water, drainage, and sanitary facilities, prohibit the Subdivision of any portion of the property which lies within a flood plain of any stream or drainage course.

These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission. Any such work within a flood plain area shall be in accordance with the guidelines from the Flood Plain Management and U.S. Water Resources Council, Executive Order 11988.

d. A drainage plan shall be made for each Subdivision by the Subdivider or his agent which shall take into account the ultimate or saturated development of the tributary area in which the proposed Subdivision is located. Adequate provisions shall be made within each Subdivision to provide drainage facilities needed within the Subdivision taking into account saturated development of the tributary area. The storm and sanitary sewer plan shall be made prior to other Utility plans. Engineering considerations in Subdivisions and other development shall give preferential treatment to gravity-flow improvements as opposed to other Utilities and improvements.

e. Off-premises drainage Easements and improvements shall be required to handle the runoff of Subdivisions into a natural drainage channel as determined by the City Engineer. Easements shall not be less than ten (10) feet in width, except in case of double tiered Lots where a width of five (5) feet from each other will be permitted. Where there exist a storm water ditch, creek or other such water course, the Easement shall be of sufficient width that such water course may be installed and maintained efficiently. Low areas subject to periodic inundation shall not be developed or subdivided unless and until the City Engineer has determined that:

The nature of the land use (i.e., recreational areas) will not lend itself to damage by water to an appreciable extent.

The area may be filled or improved in such a manner to prevent such periodic inundation.

Minimum flood elevations may be established to prevent damage to building and structures.

f. The City Engineer or the Planning Commission may require whatever additional engineering information they determine to be necessary to make a decision on the Subdivision of and [any] other developments in an area of questionable drainage.

g. Lakes,ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreational area or park or if such area constitutes a necessary part of a surface drainage control system as determined by the City Engineer.

h. Where street construction changes from curb and gutter or valley gutter section to ditch section or where street construction changes from ditch section to curb and gutter or valley gutter section; inlets storm sewers, and side drains shall be provided to take care of storm water, in accord with the requirements of the City Engineer.

i. The Storm Drainage System Plan shall contain the Following:

United States Geological Survey map (1:24,000 scale) highlighting the drainage basin from the Subdivision to the nearest major river tributary.

Contour map of entire Subdivision, drawn with a contour interval of twenty (20) feet, showing the direction of drainage and the acreage of each drainage area.

Location, size and invert elevation of existing and proposed drainage structures including culverts, bridges, curbs and gutters, valley gutters, drain pipes, ditches, inlets, flumes, catch basins, junction boxes, dry wells, riprap, holding ponds, head walls and any other storm drainage control feature.

Amount of water in acres estimated to flow through each drainage control feature.

Scale drawing of masonry and/or concrete drainage structures such as catch basins, flumes, inlets, junction boxes as well as curb and gutter and valley gutter.

Location and dimensions of Easements and Right-of-Way for drainage and maintenance of drainage system.

STORM DRAINAGE SYSTEM CERTIFICATE

I, _____ the City Engineer of the City of Greenville, Alabama, concur in the design of the Storm Drainage System as shown on this drawing.

_____ _____
Date City Engineer, Greenville, Alabama

5.3.9. Potable Water Distribution System.

a. *General.* Where a public water main is assessable [accessible] the Subdivider shall install water facilities including a meter box, for each Lot and fire hydrants, equal to the standards and specifications of the State of Alabama (ADEM) and City Water Works and Sewer Board. Fire hydrants shall be located no more than four hundred (400) feet apart and within four hundred (400) feet of any structure. The location of all fire hydrants and all water supply improvements shall be shown on the Preliminary Plat.

b. *Potable Water Distribution System Plan.* The Potable Water Distribution System Plan shall contain the following: location and size of water lines, control valves, line terminals, water meters, fire hydrants, point of connection to the existing water main and required Easements.

POTABLE WATER DISTRIBUTION SYSTEM CERTIFICATE

The Potable Water Distribution System shown on this drawing meets the design requirements of the Greenville Water Works and Sewer Board.

_____ _____
Date Water Works and Sewer Board, Greenville, Alabama

c. *Well Water Plan.* A Well Water Plan, as specified by the Butler County Health Department is required if water is to be pumped from a private source.

WELL WATER CERTIFICATE

The Well Water Plan shown on this drawing meets the requirements of the Butler County Health Department and is acceptable until public water becomes available.

_____ _____
Date Health Officer/Butler County

5.3.10. Sewage Disposal System.

a. If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting a property, the owner thereof is required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

b. *Sewage Facilities.*

Where public sanitary sewage is reasonably accessible the Subdivider shall install sanitary sewer facilities including laterals for each lot and, if required, necessary pumping equipment equal to the standards and specifications of the City Water Works and Sewer Board.

Where public sanitary sewage is not reasonably accessible but will become available within ten (10) years, the Subdivider shall install an individual disposal system for each lot and also provided [provide] sanitary sewer lines, laterals, and mains from the street curb to a point in the Subdivision boundary where a future connection with the public sewer main shall be made. Such sewer systems shall be capped until ready for use and shall conform to all standards, specifications and plans of the City Water Works and Sewer Board. Individual disposal systems shall meet the requirements in the next paragraph.

Where sanitary sewage is not reasonable accessible and will not become available for a period in excess of ten (10) years the Subdivider shall install individual disposal systems. The minimum Lot areas for such systems shall conform to the requirements of the City Zoning Ordinance and the Butler County Health Department. Percolation test holes shall be made as directed by the Butler County Health Officer and the results submitted to the same. The individual disposal system, including the size of septic tanks and size of the leach fields or other secondary treatment device, shall also be approved by the Butler County Health Officer.

c. *Design Factors.* Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration shall be given to the City Zoning Ordinance and Comprehensive Plan. Sewer capacities shall be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented thereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria for watersheds of less than three hundred (300) acres.

One- and Two-Family Dwellings: ..... .02 c.f.s/acre

Apartments

One and Two Story: ..... .02 c.f.s./acre

Above Two Story ..... .03 c.f.s./acre

Commercial

Small Stores, Offices, and Miscellaneous Business: ..... .02 c.f.s./acre

Shopping Centers ..... .02 c.f.s./acre

High Rise and Hotels/Motels: ..... As directed by City Engineer

Industrial ..... As directed by City Engineer

Note: c.f.s. = cubic feet per second

d. *Sewer Lines.* Sanitary sewers shall be located in the center of street or alley Right-of-Ways unless topography dictates otherwise. When located in Easements on private property, access shall be provided to all manholes. End lines shall be extended to provide access from street or alley Right-of-Way where possible. All sewer lines shall be laid with straight alignment between manholes unless otherwise directed or approved by the City Engineer.

e. *Manholes.* Manholes shall be installed at the end of each line; at all changes in grade size or alignment; at all street or alley intersections; and at distances not greater than four hundred (400) feet for sewers fifteen (15) inches and smaller, and five hundred (500) feet for sewers sixteen (16) inches in diameter and larger. Cleanouts and lamp holes are not permitted.

f. *Sanitary Sewer System Plan.* The Sanitary Sewer System Plan shall contain the following:

Location and size of all existing and proposed sewer pipes, including laterals, in the Subdivision and tie-points of the Subdivision.

Direction of flow of each sewer line.

Location of each manhole and other sewer system appurtenances, including lift stations, oxidation ponds and treatment plants.

Profile of sewage system.

Required Easements.

SANITARY SEWER SYSTEM CERTIFICATE

The Sanitary Sewer System shown on this drawing meets the requirements of the Greenville Water Works and Sewer Board.

_____ _____

Date Water Works and Sewer Board, Greenville, Alabama

g. *Septic system plan.* A Septic System Plan, as specified by the Butler County Health Department, is required if a septic tank is to be used.

SEPTIC SYSTEM CERTIFICATE

The Septic System Plan shown on this drawing meets the requirements of the Butler County Health Department and is acceptable until public sanitary sewer becomes available.

_____ _____
Date Health Officer/Butler County

5.3.11. Electrical Distribution System Plan. The Electrical Distribution Plan shall contain the following:

a. Location of all pole or ground mounted transformers necessary to service each Lot or parcel of land.

b. Location and size of all light poles and size and type of lighting fixture.

c. Required Easements, including anchor Easements for guy wires.

ELECTRICAL DISTRIBUTION SYSTEM CERTIFICATE

The Electrical Distribution System shown on this drawing meets the design requirements of _____

_____ _____
Date Electric Utility/Greenville, Alabama

5.3.12. Gas Distribution System Plan. The Gas Distribution Plan shall contain the following: location and size of gas lines, control valves, line terminals, the point of connection to the existing gas main and required Easements.

GAS DISTRIBUTION SYSTEM CERTIFICATE

The Gas Distribution System shown on this drawing meets the design requirements of

_____

_____ _____
Date Gas Utility/Greenville, Alabama

5.3.13. Telephone Distribution System Plan. The Telephone Distribution System Plan shall contain the following:

a. Location and size of all telephone lines and poles or ground mounted equipment necessary to service each Lot or parcel of land.

b. Location of connection and terminal point.

c. Required Easements including anchor Easements for guy wires.

TELEPHONE DISTRIBUTION SYSTEM CERTIFICATE

The Telephone Distribution System shown on this drawing meets the design requirements of _____

_____ _____
Date Telephone Utility/Greenville, Alabama

5.3.14. Telecommunication Distribution System Plan. The Telecommunication System Distribution Plan shall contain the following:

a. Location and size of all cable and ground mounted equipment necessary to service each Lot and parcel of land.

b. Location of connection and terminal points.

c. Required Easements.

TELECOMMUNICATION DISTRIBUTION SYSTEM CERTIFICATE

The Telecommunication Distribution System shown on this drawing meets the design requirements of _____

_____ _____
Date _____ Telecommunication Utility/Greenville, Alabama

5.3.15. State Highway Department Concurrence. When a Subdivision is planned adjacent to a state or interstate highway the Subdivider shall obtain concurrence from the State Highway Department.

STATE HIGHWAY DEPARTMENT CERTIFICATE

The plans for the _____ Subdivision shown on this drawing meets requirements of the Highway Department of the State of Alabama.

_____ _____
Date Alabama Highway Department

ARTICLE VI. IMPROVEMENTS CONSTRUCTION STANDARDS

Section 6.1. Required improvements.

6.1.1. General. Every Subdivision developer shall grade and improve streets and alleys, and install curbs, gutters, monuments and pins, storm sewers, storm water inlets, sanitation sewers and water mains in accordance with specifications established by the City or as set forth herein in Article V and Article VI and under the supervision of the City Engineer and/or Superintendent of the Water Works and Sewer Board, and to their satisfaction. All sewers, drains, water lines, gas mains, street lights and telecommunication, telephone and electrical conduits shall be installed and earth backfilled and compacted and tested before streets, Sidewalks, or alleys are paved, with water and sewer connections provided for each Lot.

6.1.2. Monuments and Pins.

a. Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top shall be set at all major corners in the exterior boundaries of the Subdivision or sections thereof and at all points where the street Right-of-Way lines intersect the exterior boundaries of the Subdivision or sections thereof. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

b. All other Lot corners and points of curve in street Right-of-Way shall be marked with iron pins not less than three-fourths (3/4) inch in diameter and thirty (30) inches long, driven so as to be flush with the finished grade.

6.1.3 Right-of-Ways and Streets.

a. *Grading.* All streets, roads and alleys shall be graded to extend one (1) foot outside of curb and gutter, valley gutter, shoulders or Sidewalks. Deviation from the above due to special topographical conditions will be allowed only with special approval of the City Engineer. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure, except with the approval by the Utility concerned, and all grading from the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Code.

Preparation. Before grading is started, the entire Right-of-Way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.

Cuts. All tree stumps, boulders, and other obstructions shall be removed to a depth of one (1) foot below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade.

Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, top soils and soft clays shall be removed from the Right-of-Way. The fill shall be spread in layers not to exceed six (6) inches loose and compacted to achieve not less than ninety-five (95) percent of AASHO T-180 Method A maximum density. The filling of Utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture for the type of soil used to fill the trenches.

b. *Roadbed.* When deemed necessary by the City Engineer, the top six (6) inches of the roadbed may be improved and/or modified, with the work being performed under Section 117, Roadbed Stabilization, or Section 118, Lime Stabilized Roadbed, of the State of Alabama Highway Department Standard Specifications for Roadways and Bridges. The layers of embankment up to the bottom layer of improved roadbed (if improved roadbed is required) shall be compacted to not less than 95 percent of maximum density as established by AASHO Test T-99. In place density will be determined by AASHO Method T-147. The improved roadbed (if required) shall be constructed of the last six (6) inches of subgrade and shall be compacted to not less than 100 percent of maximum density as established by AASHO Test T-99. In place density will be determined by AASHO Method T-147. If improved roadbed is not required on construction the City Engineer may require that a modification of the top six (6) inches of subgrade be made by ripping, remixing and recompacting to the requirements of improved roadbed.

c. *Subbase.* A subbase course is to be used, where required by the City Engineer, of not less than four (4) inches compacted thickness. Subbase course may be specified in lieu of, and/or in conjunction with subgrade treatment. it shall be placed in successive layers, not to exceed six (6) inches per layer and compacted to not less than 95 percent of AASHO T-180 Method A maximum density.

d. *Base.* After preparation of the subgrade, the roadbed shall be surfaced with a sand and clay base or equivalent material acceptable to the City Engineer. Spreading of the base material shall be done uniformly over the area to be covered. After spreading, the base shall be rolled to achieve not less than one hundred (100) percent of AASHO T-180 Method C maximum density. The compacted thickness of the base shall not be less than six (6) inches. Additional thickness may be required where in the judgment of the City Engineer, such additional base material is needed. Base material shall be placed in successive layers not to exceed six (6) inches per layer of compacted thickness.

e. *Prime Coat.* After a thoroughly compacted base has been established, a prime coat of emulsified or cutback asphalt which has been heated or otherwise prepared to insure uniform distribution may be required by the City Engineer. If required, the prime coat material shall be sprayed on the prepared pavement base in amounts of not less than 0.005 gallon nor more than 0.3 gallon per square yard as designated by the City Engineer, shall be consistently uniform over the entire area treated and shall be allowed to cure until it is no longer sticky.

f. *Wearing Surface.* The wearing surface shall consist of a surface course constructed with bituminous plant mix or concrete. It shall be constructed in one layer, not less than an average weight of one hundred sixty-five (165) pounds per square yard, on a designated surface, to conform to the lines, grades, cross sections, and an average thickness of one and one-half (1½) inches, or shall conform to specifications of the Alabama State Highway Department.

g. *Inspections.*

Appointments for inspections shall be made by the Subdivider or his agent with the City Engineer twenty-four (24) hours prior to the desired inspection.

Required Phases:

Subgrading Phase (before grading).

Grading Phase (before subsequent phase).

Curb and Gutter Phase (before back filling).

Drainage Structure Phase (before backfilling).

Base Phase (before paving).

Paving Phase (upon completion).

6.1.4. Storm Sewers and Drainage Structures.

a. Storm sewers and drainage structures shall be designed and installed as required by the City Engineer in accordance with good engineering practices and as shown on the Storm Drainage System Plan.

b. The Subdivider shall provide permanent six (6) inch concrete curbs with eighteen (18) inch integral concrete gutters. Permanent six (6) inch thick and thirty (30) inch wide concrete valley gutters or three (3) foot shoulders with parallel ditches may be constructed in Subdivisions that are not extension of existing developments that have curbed streets. Minimum grade of any gutter shall not be less than 0.5% unless otherwise approved by the City Engineer.

c. Water shall not be permitted to run along a street for more than 600 feet where at all possible to divert. Catch basins and/or drop inlets shall be constructed at each point of diversion.

d. Roadway cross drain pipe and side drain pipe shall meet specifications equalling Alabama State Highway Department Specifications.

e. The finished slope along the bottom centerline of any drainage Easement shall be not less than one percent (1%) and the side slopes shall not be greater than 4 (horizontal) and 1 (vertical).

6.1.5. Sidewalks.

a. Sidewalks shall be required by the Planning Commission on at least one side of a street in Subdivisions which are located within one-half (½) mile of schools, parks, and other public facilities. Sidewalks shall be required along both sides of an Arterial Street.

b. When required by the Planning Commission, Sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date. In residential areas, concrete Sidewalks shall be five (5) feet wide and four (4) inches thick. In commercial areas Sidewalks shall be ten (10) feet wide and four (4) inches thick.

6.1.6. Street Signs. Street signs shall be installed as required and specified by the City Superintendent of Public Works.

6.1.7. Potable Water Supply System.

a. All water mains and extensions and the instillation [installation] thereof shall be approved by the Superintendent of the Water Works and Sewer Board. The minimum size water main shall be 6" in diameter, and of a material suitable to maintain a pressure of not less and 200 PSI at 73 F.

b. Fire hydrants shall be of the type, size and design specified by the City Fire Department.

c. To eliminate future street openings, all underground tees and laterals for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any streets are paved.

6.1.8. Sanitary Sewers System.

a. *Maximum Size.* The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the Superintendent of the Water Works and Sewer Board.

b. *Minimum Size.* No public sewer shall be less than eight (8) inches in diameter.

c. *Minimum Slope.* All sewers shall be designed to give mean velocities when flowing full of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The design slopes shall be evenly divisible by four (4). The slopes shall be minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving under thirty (30) houses. Said sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve less than ten (10) houses, the minimum slope shall be not less than one (1) percent. (See Table)

MINIMUM SLOPES FOR SEWER SIZE INDICATED

Sewer Size (Inches)	*Minimum Slope (Feet per 100 feet)*
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24

d. *Manholes.* The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches except where required to match crowns. The use of drop manholes will require approval by the Superintendent of the Water Works and Sewer Board. The minimum inside diameter of the manholes shall conform to those specified by the Water Works and Sewer Board. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

6.1.9. Sewer and Water Supply Lines Constraints.

a. These shall be no physical connection between a public or private water supply system and a sewer which will permit the passage of any sewage into the water supply system or water into the sewage systems. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

b. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This however, is not required when the water main is at least two (2) feet above the sewer.

6.1.10. Utilities Easements and Cross Cuts.

a. There shall be a Utility Easement of not less than ten (10) feet in width on both sides of each street Right-of-Way. Each Utility service line shall be laid within the

Easements, in the order and at the interval and depth depicted on the drawing below. Gas and water lines shall not be installed in the same Easement with power, telephone and telecommunication lines. Sewer lines shall be laid in the center of the street Right-of-Way at a depth of not less than three (3) feet. A change to location, order or depth of a line must be approved by the City Engineer. Sewer and water lines shall be inspected by the Water Works and Sewer Board Superintendent before they are backfilled. Other Utility service lines shall be inspected by the City Engineer before they are backfilled. Appointments for inspections shall be made twenty-four (24) hours prior to the desired inpection [inspection].

b. All crosscuts shall be installed in conduit and backfilled prior to the final grading of the road bed.

30

ARTICLE VII. VARIANCES

Section 7.1. Miscellaneous subdivision or tract development.

7.1.1. General. Various types of Subdivisions or tract developments may be allowed by the Planning Commission; however, such Subdivisions or developments shall come under the provisions of these regulations and be in keeping with their purpose and intent.

7.1.2. Large Tracts or Parcels. When land is subdivided into larger parcels than ordinary building Lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical future Subdivision.

7.1.3. Subdivisions Containing Four Lots or Less. Any plat containing four (4) lots or less, providing there are no new streets or Rights-of-Ways, and provided the required filing fees have been paid, may after a Sketch Plan review, disregard the submition [submission] of Preliminary Plat. A plat which meets all requirements of a Final Plat as described in Article IV of these regulations may be presented to the Planning Commission for final approval without preliminary approval. However, this type Subdivision must meet all the requirements of the Preliminary Plat phase as described and exhibited in Article IV of this regulation. This plat shall be presented to the City Planner at least fifteen (15) days in advance of the regularly scheduled Planning Commission meeting.

a. *Exchange.* The sale or exchange of Lots or parcels of land between adjoining property owners is exempt from these regulations provided that no additional Lots are created and that any of the Lots concerned are not reduced below the minimum sizes required by these regulations or by the Zoning Ordinance.

b. *Conditions.* In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These may include, without being limited to: personal Surety; performance, or maintenance bonds; affidavits; Protective Covenants: or, other legal instruments.

7.1.4. One Lot Sell-Off Provision. When a residential Lot is being subdivided out of a large tract of land, the Planning Commission may approve such Subdivision if the following conditions are met:

a. Only one Lot is being subdivided and no other Lots have previously been sold from the tract.

b. No conflict exists with the proposed Subdivision and the Major Street Plan.

c. Two (2) copies of the Final Plat are provided.

7.1.5. Planned Unit Development.

a. The Planned Unit Development is intended to provide flexible land use and design regulations to allow small- to large-scale neighborhoods or portions thereof to be developed that permit a variety of residential types, containing both individual building sites and common property which are planned and developed as a unit. Planned Unit Developments are intended specifically to encourage innovations in residential development to enable the growing housing demands to be met by greater variety in type, design and siting of dwellings, and by the conservation and more efficient use of land in such developments. The Planning Commission may allow appropriate commercial and/or office uses as specified in the City Zoning Ordinance, if in the opinion of the Planning Commission the requested commercial office facilities would significantly enhance the amenities of the development.

b. The standards and requirements of these regulations may be modified in the case of a Planned Unit Development which, in the judgment of the Planning Commission, provides adequate public space and improvements for the circulation, recreation, light,

air and service needs of the tract when fully developed and populated, and which also provides such Protective Covenants or other legal provisions as will assure conformity and compliance to the Comprehensive Plan and Zoning Ordinances.

Section 7.2. Residential development plan.

7.2.1. General. This section refers to the development plan called for in the City Zoning Ordinance for Duplexes and Townhouses (Zone R-2 and RTH), Apartment and Nursing Homes (Zone R-3), Mobile Dwelling Parks (Zone R-4), Patio-Garden Homes (Zones R-TH), and Planned Unit Developments.

7.2.2. Standard Requirements. A development plan for the purpose of this section shall include, but is not limited to, the following plans, designs, specifications, and information:

a. Site plan with grades of contours.

b. Preliminary floor plans of all buildings and structures.

c. Location and size of all Utilities, existing and proposed.

d. All curb-cuts, driveways, parking areas, loading areas, and types of construction materials for same.

e. All pedestrian walks, malls, yards, and open areas.

f. Location, height, and material of all walks, fences, and screen planting.

g. Location, size, character, height and orientation of all signs.

7.2.3. Planned Unit Development Requirements. In addition to the data described above, in the case of Planned Unit Developments the Planning Commission shall be furnished a final development plan at the time of the filing of the Preliminary Plat. Such final development plans shall include, but not be limited to:

a. Comprehensive and detailed plans which include streets, Utilities, Lots or building sites, site plans, and elevations of all buildings as intended to be located, constructed, and used in detailed plans for other uses and improvements on the land as related to the buildings.

b. Evidence of provision for operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the development, but will not be provided, operated, or maintained at general expense.

c. A comprehensive traffic analysis indicating the probable effect of the proposed development of traffic patterns and capacities of adjacent streets in immediate area.

Section 7.3. Non-residential subdivision.

7.3.1. Commercial, Industrial, Government, Non-Secular and Private School Development Plan.

a. This section refers to the development plan called for in the City Zoning Ordinance for Community Business Areas (Zone C-1), Central Business (Zone C-2), Highway Commercial Business (Zone C-3), Industrial Districts (Zones M-1 and M-2) and Government, Non-Secular and Private School construction regardless of zoning.

b. A development plan for the purpose of this section shall include, but is not limited to, the following plans, designs, specifications and information:

Site plan with grade contours.

Building site location.

Preliminary floor plans of all buildings and structures

Location and size of all Utilities, existing and proposed including storm sewers.

All curb-cuts, driveways, parking areas, loading areas, and types of construction materials for same.

All pedestrian walks, malls, yards, and open areas.

Location of all railroad tracks and spurs.

Location, height, and material of all walks, fences, and screen planting.

Location, size, character, height and orientation of all signs.

A traffic analysis showing the effect of the proposed development on neighboring streets.

c. The plat or development plan shall conform to the City Zoning Ordinance with respect to any and all requirements for area, building coverage, parking, and loading-unloading facilities, as well as the type of uses permitted or limited.

d. Before granting approval to any development plan for a planned commercial district, the Planning Commission shall receive a report from the City Engineer that the development plan conforms with all requirements of City Codes and from the City Planner that the plan is consistent with the Comprehensive Plan.

7.3.2. Procedure and Standards. The procedure for filing and receiving review of non-residential plats or development plans shall be the same as specified in Article IV of these regulations. The minimum design and construction standards for non-residential plats shall be the same as specified in Article V and VI of these regulations unless specifically altered in the following paragraphs of this section.

ARTICLE VIII. AMENDING REGULATIONS

[Section 8.1. Amending regulations.]

Any proposed amendment to any article, section, sub-section, or provision of these Subdivision Regulations shall be published and posted as provided by law for the publication of ordinances. Before adoption, a public hearing, as prescribed by law, shall be held thereon. Following its adoption, a copy of the amendment shall be certified by the Planning Commission to the Probate Judge of Butler County.

ARTICLE IX. SEVERABILITY AND SEPARABILITY

[Section 9.1. Severability and separability.]

Should any article, section, sub-section, or provision of these Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

Section 10.1. Administration.

The City Engineer is appointed by the City Council and acts as its authorized agent in the interpretation and enforcement of the plans, specifications and requirements of these regulations. The City Engineer shall determine the amount, quality and acceptability of the work as specified in these regulations.

Section 10.2. Enforcement.

It shall be the duty of the City Engineer to enforce these regulations and to bring to the attention of the City Attorney any violation of or lack of compliance with these regulations.

ARTICLE XI. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

Section 11.1. Public provisions.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

Section 11.2. Private provisions.

These regulations are not intended to abrogate any Easement, Protective Covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such Easement, Protective Covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the Easement, Protective Covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Commission, or the City, in approving a subdivision or in enforcing these regulations, and such private

provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made hereunder.

[The next page is 2701]

This pamphlet index is set up to conform to the index in the Code of Ordinances for future amendatory purposes.

	Section
SUBDIVISION REGULATIONS (Appendix B)	
(Note—Sections cited within this subject refer to sections contained within Appendix B)	
Administration	10.1
Amending regulations	8.1
Authority	1.1
Conflict	
Private provisions	11.2
Public provisions	11.1
Definitions	3.1
Enforcement	10.2
Improvements construction standards	
General	6.1.1
Monuments and pins	6.1.2
Potable water supply system	6.1.7
Right-of-ways and streets	6.1.3
Sanitary sewers system	6.1.8
Sewer and water supply lines construction	6.1.9
Sidewalks	6.1.5
Storm sewers and drainage structures	6.1.4
Street signs	6.1.6
Utilities easements and cross cuts	6.1.10
Improvements planning and design standards	
Alleys	5.3.2
Blocks	5.3.4
Conformity to plans and ordinances	5.2
Easements	5.3.3
Electrical distribution system plan	5.3.11
Exceptions	5.1
Gas distribution system plan	5.3.12
Lots	5.3.5
Names	5.3.7
Potable water distribution system	5.3.9
Sewage disposal system	5.3.10
Standards	5.3
State Highway Department concurrence	5.3.15
Storm drainage system	5.3.8

	Section
SUBDIVISION REGULATIONS (Appendix B) (Cont'd.)	
Streets and roads	5.3.1
Telecommunication distribution system plan	5.3.14
Telephone distribution system plan	5.3.13
Trees	5.3.6
Jurisdiction	2.1
Penalties	2.2
Plats	
Approval	4.3
Approval not acceptance	4.2
Approval required, effect of noncompliance	4.1
Final plat approval	4.6
Preliminary plat approval	4.5
Sketch plan review	4.4
Separability	9.1
Severability	9.1
Title	1.1
Variances	
Miscellaneous subdivision or tract development	7.1
Non-residential subdivision	7.4
Residential development plan	7.2

ZONING (Appendix A)	Art.	Sec.
(Note—Articles and sections cited within this subject refer to articles and sections contained within Appendix A)		
Access points		
General and supplemental provisions re	XI	1105
Location of	XI	1105.2
Size and shape of	XI	1105.1
Accessory structures	XI	1106
Accessory uses		
Church buildings	XI	1106.3
Dwellings	XI	1106.2
Farms and other agricultural uses	XI	1106.1
General and supplemental provisions re	XI	1106
Public uses, buildings or activities	XI	1106.5
Retail business, office uses and commercial recreational facilities	XI	1106.4
Setback and other yard requirements	XI	1106.6
Airport hazard areas	XI	1109
Amendments		
Filing fee	XV	1503
Generally	XV	1501
Time limit	XV	1502
Appeals		
Appeals from action of board of adjustment	XIV	1407
Generally	XIV	1406
Area		
Minimum requirements	IX	
Board of adjustment		
Appeals	XIV	1406, 1407
Appointment	XIV	1401
Duties and powers	XIV	1404
Meetings	XIV	1402
Procedures	XIV	1403
Variance granting procedures	XIV	1405
Boundaries		
Interpretation of district boundaries	IV	403
Zoning map designation of district boundaries	IV	402
Building inspector		
Zoning administrator, duties re	XIII	1301.1
Building permit		
Application for	XIII	1301.3
Construction progress requirement	XIII	1301.4
Required	XIII	1301.2
Buildings		
One principal building on a lot	VIII	805
Business districts		
Use provisions generally	VI	
C-1 Neighborhood Commercial District		
Use provisions for	VI	601

ZONING (Appendix A)—Cont'd.	Art.	Sec.
C-2 General Commercial District		
Use provisions for	VI	602
C-3 Highway Commercial District		
Use provisons for	VI	603
Certificate of occupancy		
Application for	XIII	1301.6
Required	XIII	1301.5
Temporary uses		
Administrative and enforcement duties re	XIII	1302
Church buildings		
Accessory uses re	XI	1106.3
Commercial recreational facilities		
Accessory uses re	XI	1106.4
Curbs		
Curb cuts		
Location of	XI	1105.2
Size and shape of	XI	1105.1
Definitions of certain terms		
List of definitions	III	302
Words and terms, interpretation of	III	301
Density	VIII	802
Development plans	XI	1110
Applicability	XI	1110.01
Contents	XI	1110.4
Fee	XI	1110.6
Process	XI	1110.5
Purpose	XI	1110.2
Scope	XI	1110.3
Districts		
Business districts	VI	
Established; enumerated	IV	401
Industrial districts	VII	
Residential districts	V	
Dwellings		
Accessory uses re	XI	1106.2
Effective date of provisions	XVI	1604
Farms and other agricultural uses		
Accessory uses re	XI	1106.1
Fees		
Amendment filing fee	XV	1503
Floodway and floodway fringe area requirements	XI	1108
Height		
Application of provisions	VIII	802
General and supplemental provisions re height limits	XI	1103
Minimum requirements	IX	
Industrial districts		
M-1 Light Industrial District	VII	701
M-2 General Industrial District	VII	702
Use provisions generally	VII	
Intersections	XI	1104

ZONING (Appendix A)—Cont'd.	Art.	Sec.
Land		
Nonconforming uses, land use limitations	XII	1202
Legal status of provisions		
Conflict with other regulations	XVI	1601
Effective date	XVI	1604
Repeal of conflicting ordinances	XVI	1603
Separability	XVI	1602
Loading and unloading areas		
Off-street loading and unloading space	X	1002
Lots		
Area and reduction of lot size	VIII	803
General and supplemental provisions re	XI	1101
Off-street automobile parking requirements re lots	X	1001
Off-street loading and unloading space requirements	X	1002
One principal building		
Application of provisions	VIII	805
M-1 Light Industrial District		
Use provisions for	VII	701
M-2 General Industrial District		
Use provisions for	VII	702
Motor vehicles and traffic		
Off-street automobile parking space requirements	X	1001
Nonconforming uses, structures, etc.		
Continuance of	XII	1201
Generally	XII	
Limitations on the use of any land or structure re	XII	1202
Nonconforming structures	XII	1203
Offices		
Accessory uses re	XI	1106.4
Off-street automobile parking		
Area designed	X	1001.2
Extension of parking space into residential districts	X	1001.5
General regulations	X	1001
Joint use of off-street parking areas	X	1001.6
Location on other property	X	1001.4
Requirements	X	1001.3
Times and specifications	X	1001.1
Off-street loading and unloading space		
Design and requirements	X	1002.2
Plan and specification requirement	X	1002.1
Parking, stopping and standing		
Off-street automobile parking space requirements	X	1001
Permits		
Building permit		
Application for	XIII	1301.3
Construction progress requirement	XIII	1301.4
Required	XIII	1301.2
Planned unit developments		
Administrative procedures re	XI	1107.2
General and supplemental provisions re	XI	1107

ZONING (Appendix A)—Cont'd.	Art.	Sec.
General design criteria and development standards	XI	1107.4
Permitted developments	XI	1107.3
Specific requirements	XI	1107.1
Preamble and enactment clause	I	
Provisions		
Legal status of	XVI	
Public uses, buildings or activities		
Accessory uses re	XI	1106.5
R-1 Low-Density Residential District		
Use provisions for	V	502
R-2 Medium-Density Residential District		
Use provisions for	V	503
R-3 High-Density (Multifamily) Residential District		
Use provisions for	V	504
R-4 High-Density (General) Residential District		
Use provisions for	V	505
R-A Residential-Agricultural Districts		
Use provisions for	V	501
Railroads and trains		
Railroad crossings, general and supplemental provisions at	XI	1104
Repeal of conflicting ordinances	XVI	1603
Residential districts		
Parking spaces extended into district	X	1001.5
R-1 Low-Density Residential District	V	502
R-2 Medium-Density Residential District	V	503
R-3 High-Density (Multifamily) Residential District	V	504
R-4 High-Density (General) Residential District	V	505
R-A Residential-Agricultural District	V	501
R-TH Residential Townhouse/Patio-Garden Home District	V	506
Retail business		
Accessory uses re	XI	1106.4
R-TH Residential Townhouse/Patio-Garden Home District		
Use provisions for	V	506
Separability of provisions	XVI	1602
Setbacks		
Accessory uses re	XI	1106.6
General and supplemental provisions re setback requirements	XI	1102
Short title	II	
Streets and sidewalks		
Curb cuts and access points, general and supplemental provisions re	XI	1105
Future street lines		
Application of provisions	VIII	807
Off-street automobile parking space requirements	X	1001
Off-street loading and unloading space	X	1002
Public street frontage		
Application of provisions	VIII	806

ZONING (Appendix A)—Cont'd.	Art.	Sec.
Structures		
Accessory structures	XI	1106
Administration and enforcement of provisions	XIII	1301
Nonconforming structures	XII	1203
Nonconforming uses, use limitation	XII	1202
Remedies	XIII	1304
Temporary uses	XIII	1302
Violations, penalties	XIII	1303
Use provisions		
Accessory uses	XI	1106
Application of provisions	VIII	801
Business districts generally	VI	
C-1 Neighborhood Commercial District	VI	601
C-2 General Commercial District	VI	602
C-3 Highway Commercial District	VI	603
Industrial districts generally	VII	
M-1 Light Industrial District	VII	701
M-2 General Industrial District	VII	702
Nonconforming uses generally	XII	
R-1 Low-Density Residential District	V	502
R-2 Medium-Density Residential District	V	503
R-3 High-Density (Multifamily) Residential District	V	504
R-4 High-Density (General) Residential District	V	505
R-A Residential-Agricultural District	V	501
Residential districts generally	V	
R-TH Residential Townhouse/Patio-Garden Home District	V	506
Temporary uses	XIII	1302
Variances		
Board of adjustment procedure re granting	XIV	1405
Violations	XIII	1303
Visibility at intersections and railroad crossings	XI	1104
Yards and open spaces		
Accessory uses re	XI	1106.6
Application of provisions	VIII	804
Minimum requirements	IX	
Zoning administrator		
Building inspector, duties re	XIII	1301.1
Zoning map		
Adoption; identification; amendments; location; procedure for adoption of new map	IV	402
Districts boundaries, interpretation of	IV	403