

City of **TALLASSEE**



ZONING ORDINANCE

Adopted: 2007

Amended:

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ORDINANCE NO. _____

AN ORDINANCE in pursuance of the authority granted by Title 11, Chapter 52, Articles 1 through 84 inclusive, of the 1975 Code of Alabama, to provide the establishment of districts within the corporate limits of the City of Tallassee, Alabama; to regulate within such districts the height, number of stories and size of buildings and other structures, the percent of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures, and land, and to provide methods of administration of this Ordinance and penalties for the violation thereof.

ARTICLE I. TITLE, PURPOSE AND JURISDICTION.

Section 100. Title.

This Ordinance shall be known as and may be referred to as the *Zoning Ordinance of The City of Tallassee, Alabama,*” and may be cited as the *Zoning Ordinance*. Said Zoning Ordinance includes maps of the City that depict the boundaries of zoning districts.

Section 101. Purpose.

This Zoning Ordinance has been formulated and adopted to promote the health, safety and general welfare, including progressive growth, convenience and the protection of property values, of the citizens of Tallassee, Alabama, by:

- A.** Providing methods to preserve and maintain a healthful environment for the benefit of present and future generations through standards that manage the amount of open space and impervious surfaces within a development in order to control the intensity of development in areas of sensitive natural resources in order to reduce or eliminate adverse environmental impacts.
- B.** Managing the growth of Tallassee by concentrating development in areas where adequate sewerage facilities, roads, and schools can be provided, and limiting development in areas where these facilities are not and should not be provided.
- C.** Managing the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
- D.** Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing.
- E.** Lessening the danger of congestion of traffic on the roads and highways, limiting excessive numbers of intersections, driveways, and other friction

points, minimizing other hazards, and insuring the continued usefulness of all elements of the existing highway system for their planned function.

- F. Securing safety from fire, panic, flood, and other dangers.
- G. Providing adequate privacy, light, and air.
- H. Securing economy in local governmental expenditures.
- I. Conserving property values throughout Tallassee.

Each purpose listed above serves to balance the interest of the general public of Tallassee and those of individual property owners.

Section 102. Jurisdiction.

This Ordinance shall apply to all areas within the corporate limits of the City of Tallassee, Alabama.

Section 103. Interpretation.

The requirements of this Ordinance shall be:

- interpreted as minimum requirements;
- liberally construed in favor of the governing body; and
- deemed neither to limit nor repeal any other powers granted under State statutes.

When the requirements imposed by the Zoning Ordinance are either more or less restrictive than comparable requirements in any other applicable ordinance, code or regulation, the provisions that are more restrictive or impose higher standards shall apply.

ARTICLE II. DEFINITIONS.

Section 200. Purpose.

It is the purpose of this Article to define words, terms, and phrases contained within this Ordinance.

Section 201. Word Usage.

In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A.** Words used or defined in one tense or form shall include other tenses and derivative forms.
- B.** Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C.** The masculine gender shall include the feminine, and the feminine gender shall include the masculine, this shall be extended to apply to partnerships, firms and corporations or other similar entities.
- D.** The words “shall” and “must” are mandatory.
- E.** The word “may” is permissive.
- F.** The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- G.** The words “governing body” refer to the City Council of Tallassee.
- H.** The words “Planning Commission” shall mean the Tallassee Planning Commission.
- I.** The word “Board” refers to the Board of Zoning Adjustment of the City of Tallassee.
- J.** In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

Section 202. Abbreviation.

The following abbreviations are used in this Ordinance and are intended to have the following meanings:

FAR – Floor Area Ratio

ISR – Impervious Surface Ratio

Section 203. Definitions.

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

Abutting: Having a common border with, or being separated from such common border by an alley, easement, right-of-way or other manmade or natural barrier such as a stream, river or other body of water.

Access: Any means of ingress/egress to a parcel of property for pedestrians and/or vehicles.

Access, Legal: The form of access which qualifies a development site for a building permit or certificate of occupancy, attesting that such property is legally accessible from a public street by means of direct road frontage, or a recorded easement across one (1) or more intervening properties

Accessory Use or Structure: A separate use, building or structure that is for the convenience and benefit of the occupants of the same lot and that is clearly incidental or subordinate to the principal use of the land, building or structure. *(See Also, "Use, Accessory) (See Figure 1)*

Alley: Any low speed public way or thoroughfare whose paved surface is at least 12 feet and no more than 16 feet in width, which has been dedicated to the public for public use.

Alteration/Altered: Any enlargement or reduction of a building or structure, whether horizontally or vertically, accomplished by a changing structural members, such as bearing walls, columns, beams, girders, interior partitions, doors or windows. This also includes the moving of a use, building or structure from one location to another.

Animal: All livestock, fowl, poultry, dogs, cats, and all other pet animals of every kind including, but not limited to pets of exotic wildlife such as skunks, raccoons, ocelots and foxes and all other wild and domestic animals of all kinds.

Apartment: A dwelling unit contained in a building comprising at least three (3) dwelling units.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Section 1007.

Applicant: One (1) individual who is duly authorized to submit development plans for review, request variances or changes in zoning classification, and apply for any form of development approval with respect to a development site. An applicant may be the property owner(s), or any person having written authority from the property owner(s). This written authority shall be provided in any form that the Planning Commission determines to be appropriate.

Architect: A person licensed, registered and in good standing to practice architecture in the State of Alabama.

Assisted Living Facility: A portion of or a complete permanent building in which room, board, meals, laundry, and assistance with personal care and other non-medical services are provided for a minimum of two ambulatory adults, but excluding facilities licensed by the Alabama Department of Mental Health and Retardation. *(See Table 4-1)*

Bed-and-Breakfast Inn (B&B): A private, owner-occupied business with 4 to 8 guest rooms where overnight accommodations and one or more meals are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business. The inn may host events such as wedding, small business meetings, etc. *(See Table 4-1)*

Board of Zoning Adjustment: The Board of Zoning Adjustment of the City of Tallassee, Alabama.

Boarding House: A dwelling containing a single dwelling unit and not more than 6 guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than 1 week.

Bufferyard: A unit of land, together with a specified type and amount of planting thereon, and any fence, wall, or berm which may be required between land uses to eliminate or minimize conflicts between them.

Buildable Area: The portion of a lot remaining for construction of a principal building or structure after all required yard setbacks have been provided.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Area: The portion of the lot occupied by the principal building, carports, porches, accessory buildings and other structures.

Building Official: The City official or employee responsible for implementing and enforcing the applicable building codes and standards of the City.

Building Setback Line: A line, parallel to the lot line, used to regulate the position of the principal building on the lot.

Building Height: See Height of Structure.

Car Wash (Truck Wash): A building or structure, used in whole or in part, for the washing of motorized vehicles.

Certificate of Occupancy: A certificate, issued by the Building Official, permitting the use or occupancy of land, buildings or structures after a final inspection has determined that City codes and regulations have been met.

Child Day Care Home: Any portion of or a complete permanent building and related premises used for the care and / or teaching of six or less children.

Church: See Place of Worship.

City (this City, in the City): The City of Tallassee, Alabama.

City Clerk (Clerk): The designated Clerk of the City of Tallassee, Alabama.

City Council (Council): The City Council of the City of Tallassee, Alabama.

Code of Alabama: A collection of state laws passed, and amended, by the Alabama Legislature and organized by subject area into Titles, Chapters and Sections.

Comprehensive Plan: Any legally adopted complete long-range master plan or element of said plan for the City of Tallassee and its planning jurisdiction as authorized by Section 11-52-8 of the Code of Alabama 1975, as amended.

Conditional Use: A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review, and public hearing, before both the Commission and Council for the granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

Condominium: A property ownership arrangement in which a buyer received a percentage interest in a development on an undivided parcel of land, resulting the right to exclusive use of a specific dwelling unit or portion of the undivided parcel. Common areas of the site, not assigned to a specific owner, such as pools, clubhouses, parking areas and other amenities, are the collective responsibility of all owners or member of the condominium development.

Corner Lot: See Lot, Corner.

Council: See City Council

County: Elmore County, Alabama or Tallapoosa County, Alabama.

Curb Cut: Vehicular entrance onto a public right-of-way.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Developer: Any person, or duly authorized agent, responsible for an application to undertake the use, subdivision or development of land, buildings or structures in accordance with City ordinances and regulations.

Development: Any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city or county, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of materials, and subdivision.

Development Site: One (1) or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of development shown on a site plan or subdivision plat. The development site must include all land needed for required open space, bufferyards, landscaping, parking, internal access roads or driveways, and other physical design features needed to serve the proposed development.

Drainage: The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means preserving the water-supply and the prevention or alleviation of flooding.

Duplex: Residential structure, divided horizontally or vertically, and designed for, or occupied by, two (2) dwelling units, contained entirely under one (1) roof on one (1) lot.

Dwelling: Any building or portion thereof which is designated or used for residential purposes.

Dwelling, Single-Family Detached: See Single Family Detached Dwelling Unit.

Dwelling Unit: A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family except as otherwise provided by this Ordinance. All rooms within the dwelling unit shall have internal access, and the unit shall have no more than one electrical meter.

Easement: Authorization by a property owner for the use of land by another and for a specified purpose of any designated part of his property. No easement shall be recognized under this Ordinance that has not been created through a valid legal instrument and recorded in the Office of the Judge of Probate of Elmore County or Tallapoosa County and/or those established by the City through continuous historic use.

Engineer: A person licensed, registered and in good standing to practice engineering in the State of Alabama.

City Engineer - The designated person performing engineering services for the City of Tallassee, Alabama.

Owner's Engineer - The person performing engineering services for the owner or developer.

Erosion: The wearing away of the ground surface as a result of the movement of wind, water, ice, gravity or a combination thereof.

Family: One (1) or more persons related by blood, marriage, adoption or guardianship plus one (1) unrelated person occupying a dwelling unit and living as a single housekeeping unit; or not more than four (4) unrelated persons occupying a dwelling unit and living as a single housekeeping unit in zoning districts where residential uses are permitted.

Filling: The depositing of sand, gravel, earth, or other materials to alter the elevation of a given site.

Final Plat: See Subdivision Plat, Final Plat

Floodplain: For the purposes of this Ordinance, "Floodplain" shall mean areas adjacent to a river, stream, or other drainageway which lie within the 100-year flood elevation contour, as established by Flood Insurance Rate Maps or by certified survey. (*See Figure 2*)

Floor Area: The sum of the gross floor area for each story of a building measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area meets the current building code standards of the City of Tallassee for habitable floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Floor Area Ratio (FAR): An intensity measure expressed as a ratio derived by dividing the total floor area of a building by the base site area. Where the lot is part of a larger development and has no buffer, that lot area may be used instead of the base site area. (*See Figure 3*)

Forestry: A premises, or portion of a premises, occupied by an establishment primarily engaged in the commercial operation of timber tracts, forest nurseries and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap and other forest products.

Garden Center: A place of business where garden-related products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, bring in most items offered for sale from other locations. These items may include plants, nursery products

and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

Garage: A structure that is owned, operated and used primarily for the parking or storage of vehicles.

Private Garage - An accessory structure used for the storage of vehicles by the occupants of the building to which it is an accessory.

Public Garage - A structure that is privately or publicly owned and operated for the storage of vehicles owed by the general public whether or not a fee is charged.

Governing Body: The City Council of the City of Tallassee, Alabama.

Group Child Care Home: A child care facility which is a family home and which receives at least seven (7) but no more than 12 children for care where there are at least two (2) adults present and supervising the activities. Such facility shall be licensed by the State of Alabama.

Group Home: Any home in which four (4) or fewer disabled persons, including their caretaker, reside who may or may not be related to one another. (See Section 404.D.3.)

Health Department: The Elmore County or Tallapoosa County, Alabama Health Department.

Height of Structure: For the purposes of this ordinance, the height of a building shall be measured from the average finished ground elevation at the base of the structure to eave height. Spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment or other such structures, unless otherwise specified by this ordinance, placed above the roof levels and not intended for human occupancy shall not be subject to the height limitations.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hotel: A building, or portion of a building, containing sleeping units, which are occupied on a daily or short-term basis. A hotel may include a restaurant and banquet or ballrooms, and one (1) self-contained dwelling unit for the use of a resident manager.

Hotel, Boutique: a small and intimate hotel, having less than 100 rooms, with a unique character which distinguishes itself from other hotel brands. Typically located in a unique or fashionable location this type of hotel celebrates local flavor with its unique and upscale architecture and personalized services.

Impervious Surface: A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt are impervious surfaces. For the purpose of this Ordinance, impervious surface measurements shall exclude the water surface area of swimming pools.

Impervious surface ratio (ISR): A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a development site by the site area. (*See Figure 4*)

Improvements: A man-made item attached to, or installed under the surface of the land such as, but not limited to, street pavements, curbs, gutters, sidewalks, walkways, water mains, sanitary sewers, street signs, storm drainage systems, erosion control facilities, and other items as may be required.

Institutional Use: The use of land, buildings or structures for public or non-profit purposes such as government buildings, schools, places of worship, community centers and hospitals serving the general public. (*Also see Public Land Uses*)

Junkyard/Salvage Yard: Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage and/or sale and salvage of two (2) or more unlicensed, inoperative vehicles.

Junk Storage: The temporary or permanent outdoor storage of junk, waste, discarded, salvaged/used materials, or inoperable vehicles or vehicle parts. This definition shall include but not be limited to the storage of used lumber, scrap, metal, tires, household garbage, furniture, and inoperable machinery, and as further defined in the current edition of the Uniform Fire Code. This definition shall not include outdoor storage of normal residential equipment and related activities such as garden tools, lawn mowers, woodpiles, grass clippings, and similar items.

Kennel: Any place in or at which any number of dogs are kept for the purpose of sale or in connection with boarding, care or breeding, for which any fee is charged.

Keeping: Keeping shall be extended to include harboring or confining.

Lakes and Ponds: Natural or artificial bodies of water which retain water year round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

Land Surveyor: A person licensed, registered and in good standing to practice land surveying in the State of Alabama.

Land Use: *See Use, Land*

Lot: Refers to a single undivided portion of land that is either legally recorded in the office of the Elmore or Tallapoosa County Probate Judge, or is being proposed in good faith by well-prepared plan drawings for the purpose of being legally recorded. It is the responsibility of the property owner (or his/her agent) to insure that the property is legally recorded with the office of the Tallapoosa or Elmore County Probate Judge.

Lot Area: The area contained within the boundary lines of a lot.

Lot, Corner: A lot abutting two (2) or more streets at their intersection. If the two (2) streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot. *(See Figure 5)*

Lot Depth: The distance between the midpoints of the front and rear lot lines.

Lot, Double Frontage: A lot, other than a corner lot, which has frontage on more than one street. *(See Figure 5 – “Through Lot”)*

Lot Frontage: Lot width measured at the street lot line.

Lot Line: A line bounding a lot which divides one lot from another or forms a street or any other public or private space.

Lot Line, Front: In cases where the lot fronts on only one street, the lot line adjacent to the street; for corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one (1) as the front lot line for the purposes of front setback and placement of accessory structures. *(See Figure 6)*

Lot Line, Rear: That lot line which is opposite to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. *(See Figure 6)*

Lot Line, Side: Any lot line other than a front or rear lot line. *(See Figure 6)*

Lot Line, Street: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of the two opposing yards shall be a rear yard. *(See Figures 5 & 6)*

Lot of Record: Any validly recorded lot meeting current requirements for size and/or width.

Lot, Single Tier: A lot that backs up to a physical barrier (e.g. a railroad) or nonresidential use and access from the rear of the lot is usually prohibited.

Lot Width: The horizontal distance between side lot lines measured at the required front setback.

Manufactured Home: *See Section 504*

Mayor: The Mayor of the City of Tallassee, Alabama.

Mini-Warehouse: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers for the “dead” storage of a customer’s goods or wares. No activities other than the rental of dead storage units are permitted on the premises.

Mobile Home: *See Section 504.*

Modular, Buildings: *See Section 504.*

Monument, Boundary: A permanent object serving as a reference or to directly mark a boundary.

Motel: See Hotel.

Nonconformity: A condition that occurs when, on the effective date of adoption of this, or a previous ordinance, or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development or use is located.

Nonconforming Lot of Record: Any lot, validly recorded in the public records of Elmore County or Tallapoosa County, which complied with all applicable laws, ordinances, and regulations in effect on the recording date. See also Lot of Record.

Nursing Home: A portion of or a complete permanent building or group of permanent buildings in which the proprietor provides nursing, medical and similar professional care and personal treatment, in accordance with Alabama statutes and regulations, for persons suffering from illness and ailments requiring acute care.

Nursery: An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

On-Site: Located within the boundaries of the development site.

Open Space: Undeveloped or landscaped area extending from the ground to the sky that is not occupied by a building, structure or other site improvements such as a driveway, off-street parking, loading space, or storage. Any parcel or area of land or water, either publicly or

privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

Open Storage: See Storage, Open

Outdoor Storage: Outdoor storage of fuel, raw materials, vehicles, products and equipment. In the case of lumberyards, exterior storage includes any impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land. Owner shall be extended to include the owner of the whole and any part owner, joint owner, tenant in common or joint tenant of the whole or part of the property.

Parcel: See Lot, Development Site.

Park: Any area that is predominately open space, used principally for the passive or active recreation needs of the residents of the community, and not used for a commercial or profitmaking purpose. Any area designated by the city as a park.

Parking: An area of land or space in a building or structure designed, used and maintained for the temporary storage of vehicles. This definition applies to cars, trucks, tractors, or any other vehicle type, regardless of the number of wheels.

Off-street Parking - An area of land, or space in a building or structure, that is **not** located on a street right-of-way used for the parking of vehicles.

On-street Parking - An area of land located within the street right-of-way, typically within the developed area of a street used for the parking of vehicles.

Parking Space: A space of usable size, shape and condition designed for the temporary storage of vehicles.

Patio house: A detached, single-family, unit typically situated on a reduced size lot that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.

Person: The word "person" shall extend and be applied to companies, firms, partnerships, executors or administrators, corporations, associations, organizations, trusts and trustees, agents, bodies politic, or any combination thereof, as well as natural persons.

Place of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events. Said building, and accessories, are maintained and controlled by a religious body organized to sustain religious

ceremonies and purposes. This definition includes church, synagogue, temple, mosque, or other place of worship.

Planning Commission: The Planning Commission of the City of Tallassee, Alabama.

Pond: See Lakes and Ponds.

Principal Use: See Use, Principal.

Private Club: A corporation or an association organized or formed in accordance with the *Alabama ABC Board Administrative Code*.

Provider/Carrier: See Wireless Communication Service Provider.

Public Improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes. (*See Section 404.J.*)

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building or on/off premises as a carryout order. Said establishments may also provide service through a drive-up window from which food and/or beverages are served in some form of disposable containers.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- customers, normally provided with an individual menu, are served their foods and beverages at the same table or counter at which food and beverages are consumed;
- cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Restaurant Lounge: Any place or premise in which food, refreshment, and liquor **is** offered for consumption within the building in which the establishment is located, which is operated by a responsible person of good reputation and which meets the following additional requirements:

- a kitchen in which food is prepared for consumption by the public and in which the food or meals served in said dining area are prepared;
- at least one meal must be prepared/served on site for each day the establishment is open;
- such place shall be duly licensed by the *ABC Board of the State of Alabama*.

Restaurant-Pub: Any place or premise in which food, refreshment, and malt or brewed beverages and/or table wines (but not liquor) are offered for sale for consumption within the building in which the establishment is located, which is operated by a person of good reputation and which meets the following additional requirements:

- a kitchen in which food is prepared for consumption by the public and in which the food or meals served in said dining area are prepared; A
- at least one meal must be prepared/served on site for each day the establishment is open;
- such place shall be duly licensed by the *ABC Board of the State of Alabama*.

Restrictive, More (Less): A regulation imposed by this Ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications. For example, regulations governing single-family uses would be more restrictive than the regulations governing business uses.

Resubdivision: See Subdivision.

Setback: The required minimum distance between a structure and the front, side, or rear lot line.

Shopping Center: A group of commercial-retail establishments planned, developed, and managed as a unit with off-street parking provided on the property. An out-parcel within a shopping center shall be developed under a separate site plan.

Sign: See Article V.

Sidewalk: A walkway constructed for pedestrians.

Single-Family Detached Dwelling: Freestanding structure, completely separate from all other structures, designed to house one (1) family as a single housekeeping unit.

Site Plan: A plan, drawn to scale by a licensed engineer or other qualified professional, showing uses, structures, and all other physical features proposed for the development site, including bufferyards, parking, landscaping, drainage facilities, etc.; and which meets all the requirements of this Ordinance.

Storage: A building, structure or outside area where materials are stored. Material shall be extended to include any raw or processed material including equipment, goods, junk, and merchandise.

Storage Building: An accessory building or structure, that is completely enclosed, where materials is stored.

Storage, Open: Storage areas located outside completely enclosed buildings and structures. Open storage shall be extended to apply to areas whether the area is partially enclosed/fenced or not. Open storage shall also apply to the storage of inoperable motorized vehicles, but exclude

the overnight parking of operable vehicles used by the occupants provided they meet all other requirements of applicable regulations.

Street:

- **Public** - A dedicated and accepted improved street that is maintained by a public entity.
- **Private** - All streets that are not public streets.

Right-of-Way: A public or private area of land intended to be used for pedestrian and/or vehicular movement, which may also accommodate public utilities.

Structural Alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls. Also, see Alteration/Altered.

Structure: Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, walls and fences; but not including telephone and other utility poles, overhead wires, retaining walls and terrace walls, wire fences, and any other object less than three (3) feet in height.

Structure, Accessory: See “*Accessory Use or Structure*”

Structure, Principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located. (See *Figure 1*)

Subdivision: Any division or redivision of a tract, parcel, or lot of land into two (2) or more parts by means of platting of boundaries in accordance with the City of Tallassee Subdivision Regulations. All subdivisions are also developments (See Development).

Subdivision Plat (Plat): A map and accompanying information presenting a plan for a tract of land that describes the division of the land and the improvements supporting the division of land including, but not limited to, improvements such as water, sewer, drainage and streets.

Final Plat – See “*Final Plat Approval*” and “*Final Plat*” in Article II of the Tallassee Subdivision Regulations.

Tavern: Any place or premise in which malt or brewed beverages and/or table wines (but not liquor) are offered for sale for on-premise consumption, but which does not meet the requirements for a Restaurant-Lounge, Restaurant-Pub, or Private Club-Lounge.

Temporary Use: See Use, Temporary.

Townhouse: Residential dwelling unit sharing a common side wall with at least one (1) other unit, and located in a structure containing not less than three (3) or more than six (6) units per structure.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same development site as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. See Section 508.

Use, Principal: The specific primary purpose for which land is used.

Use, Temporary: A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance: A deviation from the height, bulk, setback, parking, dimensional or other requirements established by this Ordinance, pursuant to Section 1006.

Vehicle, Abandoned: A vehicle that is physically inoperable and/or is missing parts so that it is not maintained for driving; and/or which does not bear a current licenses plate unless said vehicle is stored within a completely enclosed building, or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition.

Warehouse: A portion of, or a complete building or structure or group of buildings and structures, used for the storage of goods, merchandise, substances or articles before distribution to retailers. Warehouses may include accessory areas to provide access and areas for loading and unloading trucks. Warehouses shall not be extended to include a fuel storage facility or a truck terminal.

Wireless Communication Service Provider: Any private company, corporation or similar such entity providing two-way interactive communication services to the general public by way of Cellular Communication facilities.

Yard: The required land areas on a lot between the property lines and the building setback lines that is unobstructed by buildings and structures and unoccupied except as allowed by specific provisions of these regulations. (*See Figure 6*)

Yard, Front - The land area extending across the entire width of the lot between the front property line and the front building or setback line.

Yard, Rear - The land area extending across the entire width of the lot between the rear building or setback line and the rear property line.

Yard, Side - The land area extending from the side lot line to the side building or side setback line and located between the front and rear yards.

Zoning Certificate: A certificate issued by the Planning Commission, or their designee, after all Zoning Ordinance requirements have been met, which allows a requested use at a specific location subject to meeting all building code and permitting requirements. May take the form of a *Planning Commission Resolution* detailing the commission's actions and conditions of approval. *This is not a building permit or certificate of occupancy.*

Zoning District: Defined areas of the City in which uniform land use regulations are applied.

Zoning Ordinance: The Zoning Ordinance of the City of Tallassee, Alabama including all subsequent legally adopted amendments.

**ARTICLE III. ESTABLISHMENT OF DISTRICTS:
*JURISDICTION, ZONING BOUNDARIES, DISTRICTS AND MAPS***

Section 300. Establishment of Zoning Districts.

The City of Tallassee, Alabama is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the Official Zoning Map, and to serve the purposes of this Ordinance, which are detailed in Article I.

Section 301. Jurisdiction.

The requirements of this Zoning Ordinance shall apply within the corporate limits of the City of Tallassee as they exist at the time of adoption or as the corporate limits may be amended in the future.

All territory annexed to the corporate limits shall be classified as AFR District until otherwise reclassified through the rezoning process set out in Article X.

Section 302. Districts

For the purposes of this Ordinance all property within the corporate limits of the City of Tallassee is divided into the following districts:

The following use districts are established.

AFR	Agriculture, Forestry & Residential
RE	Residential Estate – 1 ac lots
R-1	Residential – 15,000 sf lots
R-2	Residential – 20,000 sf lots
DDH	Development District Housing
HD	Historic Downtown
NB	Neighborhood Business
GB	General Business
HC	Highway Commercial
OI	Office & Institutional
I	Industrial
	Flood Hazard Overlay District

Section 303. Map of Zoning Districts.

Zoning districts established by this Ordinance are bounded and defined as shown on the Official Zoning Map of Tallassee, which, together with all explanatory materials contained thereon, is hereby made a part of this Ordinance.

303.01. Maintenance of Official Copy of Zoning Map

At least one official copy of the zoning map shall be maintained in the Planning Office, upon which shall be recorded, after the passage thereof, every amendment to this Ordinance which affects a change in any zoning district boundary. Such official copy of the zoning map shall be attested by the City Clerk, and shall be available at all times for inspection by the general public.

The Planning Office may distribute copies of the zoning map to the general public and other officials, for reference purposes. However, the official copy of the zoning map maintained in the Planning Office, plus official records of the City Clerk regarding actions of the City Council to amend district boundaries, shall constitute the only official description of the location of zoning district boundaries, and persons having recourse to this Ordinance for any purpose are hereby so notified.

Updates to the official zoning map shall be written upon it immediately by the staff in order to show changes continuously and avoid misinterpretations. All ordinances of the City Council amending the zoning map (i.e. rezoning, annexation, subdivision, etc.) shall be forwarded to Central Alabama Regional Planning & Development Commission (CARPDC) in order that updates may be made to the electronic versions of the City's maps. Periodically, at an interval agreed upon by the City and CARPDC, updated versions of the City's maps will be printed and forwarded to the City for their use.

Section 304. Location and Interpretation of District Boundaries.

The boundaries of the zoning districts are established as shown on the Official Zoning Map. Unless otherwise shown on said Zoning Map, the boundaries of districts are platted lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance. Upon request by any person, the Planning Official shall make an interpretation of the Zoning Map. Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

- A. *Corporate Limits.*** Boundaries shown as following, or approximately following, the municipal corporate limits shall be construed as following such limits.
- B. *Lot Lines.*** Boundary lines which follow, or approximately follow, platted lot lines or other property lines as shown on the Tax Maps shall be construed as following such lines.

- C. *Streets or Right-of-ways.*** Boundaries shown as following, or approximately following, streets or right-of-ways shall be construed to follow the centerlines of such streets.
- D. *Section Lines.*** Boundaries shown as following, or approximately following, section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- E. *Railroads.*** Boundaries shown as following, or approximately following, railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- F. *Lake Shorelines.*** Boundaries shown as following, or approximately following, shorelines of any lakes shall be construed to follow the mean high waterlines of such lakes, and, in the event of change in the mean high waterline, shall be construed as moving with the actual mean high waterline.
- G. *Continuously Flowing Water Courses.*** Boundaries shown as following, or approximately following, the centerlines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zone boundary shall be construed as moving with the channel centerline.
- H. *Divisions of Land.*** When zoning district boundaries divide a lot or land that is less than five acres in area and in single ownership, the zoning district lines, unless specified by dimensions, shall be determined by use of the scale appearing on the Zoning Map. The zoning district applying to the majority of the lot or land area (51% or more) shall only be extended to the entire lot or land by a ruling made by the Planning Commission. Any other interpretations, adjustments or extensions of district boundaries involving two acres or more shall require rezoning.
- I. *Vacated Rights-of-Way.*** When a public right-of-way for a street, alley or other public land, or a private right-of-way such as a railroad, is officially vacated or abandoned through proper legal procedure as established by the Code of Alabama, 1975 as amended, the **zoning** district regulations applicable to the property to which the vacated or abandoned land reverted shall apply to the vacated or abandoned land and the district boundary shall be adjusted accordingly without further action.
- J.** In case any further uncertainty exists after the Planning Official's interpretation; 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 the preceding rules, the Planning Commission shall determine the location of district boundaries.

Section 305. Purpose and Intent of Zoning Districts.

305.01. Agricultural, Forestry & Residential District (AFR). This District is intended to protect and preserve areas of Tallassee that are presently rural agricultural, or forested in character and use. The standards developed for these areas are designed to permit development compatible with the preservation of their rural character and agricultural use, while not permanently foreclosing future development.

305.02. Residential Estates District (RE). The intent and purpose of this district is to provide for and protect the quiet and peaceful character of very low density, single family residential development and accessory uses normally necessary and compatible with such use. Regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single family dwellings situated on lots having an area of at least one (1) acre and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

305.03. Residential District (R-1 & R-2). The intent and purpose of these districts is to provide for and protect the quiet and peaceful character of residential development and accessory uses normally necessary and compatible with such use. Regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for residential dwellings and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

305.04. Development District Housing (DDH). The intent and purpose of this district is to provide for conventional single-family and multi-family development at somewhat higher densities and/or provide a transition between lower density residential districts. Developments proposed for this zoning district will be required to have public sewer and water services available and, at the time of application, present an overall development plan showing all requirements of this Ordinance met.

305.05. Historic Downtown District (HD). This district is intended to serve as the retail, financial, and service focal point of Tallassee. In general the HD district provides for uses of local importance and encourages private investment in the development of uses appropriate for a central city area (i.e. small retail shops, restaurants, offices and government buildings). Aesthetics and access will be of major importance for development proposed in this district and two story buildings will be encouraged.

305.06. Neighborhood Business District (NB). This district is intended for small sites in or near residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Some uses, which are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.

305.07. General Business District (GB). This district is intended to be located along the arterial and collector roadways in Tallassee which serve a lower traffic volume and have not been developed to a point to accommodate the heavier uses allowed in the Highway Commercial District. Uses in this district shall depend chiefly on local traffic rather than the larger trade areas outside Tallassee. This district may also serve as an extension of established commercial areas and act as a buffer between more intense commercial uses and residential areas. Such districts shall generally be located along major arterials and/or collector roadways radiating out from the City Center. Commercial uses developed or expanded after the adoption of this Ordinance shall be required to provide landscaping and buffer areas to mitigate the impact of the use on surrounding areas and street views.

305.08. Highway Commercial District (HC). This district is intended to be located along the arterial roadways in Tallassee, which serve higher traffic volumes and are intended for the higher intensity development. Uses in this district are intended to provide goods and services to the City as well as serving the larger trade area of Tallassee. Uses permitted outright or conditionally in this district may include shopping centers, restaurants, and large commercial retail establishments. Because these uses are subject to the public view and are often located at or near City gateways, which is a matter of concern to the entire City, they should provide adequate parking, controlled traffic movement, suitable landscaping and protection for abutting residential areas from the traffic and visual impacts associate with these types of commercial activities. All storage and display shall occur inside a fully enclosed building and/or outdoors behind the front building line. The Planning Commission may require that outdoor storage and display of equipment or merchandise, be surrounded by an opaque screen, the height and location of which shall be determined by the Commission. Vehicular display areas are exempt from this standard.

305.09. Office and Institutional District (OI). This district is intended to provide areas for the development of public, semi-public and private offices; schools, healthcare and childcare facilities; places of worship and special residential development. Such uses are supportive of the surrounding residential community and should gain access via an arterial or major collector road.

305.10. Industrial District (I). This district is intended to accommodate industrial areas that must be segregated, because of negative impacts that are not compatible with other uses. This district also recognizes that industrial uses may have infrastructure and operational incompatibilities with uses in other districts. Uses permitted in this district shall generate no objectionable odor, smoke, dust fumes, vibration or excessive noise. Industrial and related uses shall be located only in areas directly accessible to major roadways or railroads. Outside and open storage is permitted provided that such activities are screened from the public roadway by an appropriate combination of fencing and landscaping, when such storage is located between the front building line and the public roadway. Such storage shall not exceed the height of the screening except in areas behind the front building line. Outdoor operations other than parking are not permitted between the front building line and the public roadway unless such operations are screened from the public roadway.

305.11. Flood Hazard (FH). It is the intent of the flood hazard area to provide protection in the floodway and flood fringe from the hazards and losses caused by flooding to residences, businesses, industries and public uses and to protect the natural flood environments that might be increased or significantly altered by improper use or development.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its “Flood Insurance Study” and the “Flood Insurance Rate Map” and any revision thereto are adopted by reference and declared to be a part of this Ordinance.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Tallassee, or by any officer or employee thereof, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

ARTICLE IV. GENERAL USE REGULATIONS.

Section 400. Introduction.

The purpose of the regulations contained in this Article is to allow maximum utilization of land while insuring against detrimental impacts on the environment, neighboring properties, and the public interest. This insurance is provided by separating the incorporated area of the City of Tallassee into various zoning districts and permitting specified land uses within each, provided a use meets all the additional criteria specified in this Ordinance.

The general regulations contained in this Article shall apply in all districts except as specifically provided for elsewhere in this Ordinance.

Section 401. Use Regulations.

This Section specifies which uses are permitted in each zoning district and defines the use categories used in this Ordinance. The purpose of this Section is to indicate which land uses may locate in each zoning district and which uses may not locate therein. A further distinction is made between uses that may locate in a given district only upon obtaining a conditional use permit to do so, and or upon meeting “special development standards”. The uses generally described in this Section are specifically listed in Sections 403.01 through 403.09 and Special Development Standards are found in Section 404.

401.01. Uses Permitted by Right, Uses Permitted with Conditional Use Permits, and Uses Not Permitted. Except as otherwise provided by law, or in this Ordinance, no building, structure, or land shall be used or occupied except in the zoning districts indicated, and for the purposes permitted, in this Section.

Uses permitted by right or as a conditional use shall be subject to all other regulations governing yards, lot size, lot width, building area, easements, provisions of off-street parking and loading, and to such other provisions as are specified in other Articles herein. In particular, the laws of the State of Alabama and the regulations of the Elmore, or Tallapoosa, County Department of Health regarding water supply and waste disposal. Further, no permits shall be issued until approval is obtained from the appropriate County Department of Health for water supply and sewage disposal, unless the premises are served by public water and/or sewage facilities.

Permitted uses and uses requiring conditional use approval pursuant to Section 903 are listed in Table 4-1. In addition, the Table notes uses for which special development standards apply, regardless of whether such uses are designated as permitted or conditional. Special development standards may be found in Section 404.

A use listed in Table 4-1 in any district denoted by the letter “P” is a use permitted by right, provided that all other requirements of State law and this Ordinance have been met and provided that a zoning certificate has been issued in accordance with Article IX. A use listed in Table 4-1 denoted by the letter “C”, may be permitted as a Conditional Use in any district, provided that the requirements of Article IX have been met.

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Table 4-1 TABLE OF PERMITTED USES												
USE CATEGORY	ZONING DISTRICTS											
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
<i>Agricultural Uses:</i>												
Agricultural/Farm		P										
Forestry	x	P	C									
Greenhouse, no sales		P										P
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
<i>Agricultural Support :</i>												
Farm Equipment sales/repair	x	C								P		
Farm produce sales	x	P								C		
Farm produce supply		P								P		
Farm product processing	x	C										
Deer Processing	x	C										
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
<i>Residential Uses:</i>												
Single Family Detached		P	P	P	P	P						
Single Family Attached						C	C					
Duplex Development						C	C					
Multi-Family Development**	x					P	C					
Manufactured Home	x			C	C	P						
Manufactured Home Park	x											
Manufactured Home S/D	x			C	C	C						
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
<i>Institutional Uses:</i>												
Schools – Public/Private/Trade									C	P	P	
Cemetery		P							P		P	
Place of Worship	x	P					C		P		P	
Community Center	x						C		P		P	
Daycare	x							C	P		P	
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
<i>Special Residential Uses:</i>												
Boarding/Rooming House									P			
Group Home	x	P	P	P	P	P	P		C		C	C
Nursing Home/Assisted Living Facility	x					C			P		P	
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
<i>Office Uses:</i>												
Business/Professional							P	P	P	P	P	P
Bank							P	P	P	P		
Financial Services							C	P	P	P		

USE CATEGORY	ZONING DISTRICTS											
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
Commercial & Entertainment Uses:												
Auto Accessory Store	x						P		P	P		
Auto Repair									P	P		P
Auto Service & Maintenance							C		P	P		
Barber/Beauty Shop							P	P	P	P		
Bed & Breakfast		P	P				C	C	C			
Building Material Sales	x								C	P		P
Convenience Store/Gas Station	x						C		P	P		P
Dance/Gymnastics Studio							P	P	P	P	P	
Entertainment, Indoor							P		P	P		P
Entertainment, Outdoor									P	P		
Garden Center or Nursery	x	C							P	P		
General Retail, Enclosed							P	P	P	P		
Home Occupation		P	P	P	P	P		P				
Home Improvement Ctr.	x								C	P		P
Pawn/Smoke/Tattoo Shop							C		C	P		
Recreation, Indoor									P	P		
Recreation, Outdoor		C								P		
Restaurant, Eat-In	x						P	P	P	P		
Tavern, Pub, Lounge	x						C		P	P		
Shopping Center/Neighborhood Shopping Center	x								P	P		
Veterinary Office/kennel with indoor runs	x	P					P		P	P		
Road Service Uses												
Auto repair, paint/body & restoration	x						C			P		C
Car Wash/Detailing shop									P	P		P
Flea market	x									C		
Gasoline/Service Station	x								P	P		P
Hotel/Motel	x						C	C	C	P		
Outdoor/Drive-In Theatre	x									C		
Restaurant, Fast Food								C	P	P		
Small Engine Repair	x								C	P		
Vehicle Sales or Rental									C	P		P

USE CATEGORY	ZONING DISTRICTS											
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
Commercial Support:												
Bottling plant/bakery	x									P		P
Contractor storage yard	x									C		P
Printing/publishing	x									P		P
Recycled materials collection/storage	x									C		P
Sales/minor storage of gaseous fuels	x									P		P
Sales/repair of heavy equipment										C		P
Veterinary Office/kennel w/outdoor pens		C							C	C		
Warehouse										C		P
Mini-warehouse	x	C							C	P		
Office Warehouse	x								C	C		P
Wholesale distributor									C	C		P
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
Commercial Recreation Uses												
Amphitheater	x	C										
Amusement Park	x	C										
Fairground	x	C										
Miniature Golf/driving range	x	C								C		
Race track	x	C										
Stadium/arena	x									C		
Skate Rink	x								C	P		
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
Recreational Rental Dwellings												
Campground	x	C										
Cottages/cabins	x	C										
Recreation vehicle park	x	C										
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
Outdoor Recreational Uses:												
Golf Course		C	C	C	C	C						
Park		P	P	P	P	P	P	P	P	P	P	P
Tennis Court*		C	P	P	P	P						
Swimming Pool*		C	P	P	P	P						

USE CATEGORY	ZONING DISTRICTS											
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
Public Service Uses:												
Communication Tower	x	P	C						C	P	C	P
Hospital	x								C	P	P	
Municipal Office/Facility			C	C	C	C		P	P	P	P	P
Public Utility station/facility				C	C	C	C	P	P	P	P	P
Utility service yard or garage									C	P		P
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
Industrial Uses:												
Bulk storage of chemicals or fuels	x											C
Commercial incinerator	x											
Food processing/packing	x											C
Freight/trucking terminal												C
Manufacture of building materials												P
Manufacture/storage of explosives	x											
Manufacturing												P
Mine/quarry	x											
Outdoor storage of machinery												
Recycled materials processing	x											
Scientific testing/research laboratory		C										P
Slaughterhouse	x	C										C
Storage of sand/gravel/blocks	x											
Salvage Yard/Junk Yard/ <i>Residential Junk & debris</i>	x											
Warehouse, Distribution												P
Warehouse, Distribution, Assembly (15,000 sq. ft. or less)										P		P

“P” = Permitted Use

“C” = Conditional

“Blank Cell” = Not Permitted

SDS = Special Development Standards – See Section 404

*Applies to Non-residential Only.

** See Section 408.02

See Also Section 415 Flood Hazard

AFR	Agriculture, Forestry & Residential
RE	Residential Estate – 1 ac lots
R-1	Residential – 15,000 sf lots
R-2	Residential – 20,000 sf lots
DDH	Development District Housing
HD	Historic Downtown
NB	Neighborhood Business
GB	General Business
HC	Highway Commercial
OI	Office & Institutional
I	Industrial

Section 402. Classification of Uses.

The City of Tallassee recognizes the limitations of a finite list of use classifications as utilized in Table 4-1, “Table of Permitted Uses”. Therefore, in the event that a request is made for approval of a use not contained in the Table of Permitted Uses, the Planning Commission, or a duly authorized agent, is empowered to make use classification interpretations based on Section 403 “Use Categories Defined” and a reasonable assumption that the use is more closely related to a specific use in one category than it is to that of another.

Section 403. Use Categories Defined.

The categories of uses utilized by this Ordinance are defined in Sections 403.01 through 403.09 below. Uses not enumerated in these sections are not necessarily excluded but may require a Planning Commission interpretation as provided for in Section 1004.

403.01. Agricultural Uses.

A. Agriculture. Agricultural uses include farms (and farm residences); fish or poultry hatcheries; fur-bearing animal ranches; orchards; raising of livestock, horses, or poultry; truck farming; and all other agricultural uses. It does not include uses that may be accessory to agriculture, such as retail stores, nor does it include industries or businesses that support or are supported by agriculture.

B. Forestry. This use includes commercial logging and pulping operations, clearing or destruction of forested or woodland areas, selective cutting or clearing for commercial or other purposes, clearing for agriculture or other prospective land uses, and clearing of vegetation in reserved open space or resource protection areas. This does not include authorized clearing in accordance with plans approved pursuant to this Ordinance, removal of sick or dead trees, or removal of trees on non-contiguous lots of one (1) acre or less.

C. Nurseries. This category includes nurseries with or without retail sales or greenhouses. A nursery is basically an open-space use, which generates little traffic and has few nuisances, such as late hours or customer or truck noise, associated with it. Nurseries are distinguished from more intensive garden center uses.

403.02. Agricultural support. These uses include farm equipment sales and repair, farm produce sales and supply (feed, grain, fertilizer), farm product processing (cider mill, dairies, poultry, or meat processing), and all other agricultural support uses.

403.03. Residential Uses.

A. Single Family Detached. See Section 408.02 (Tables 4-3 & 4-4) and 408.03. A.

B. Single Family Attached. See Section 408.03 B & C.

C. Apartments. See Section 408.03. D.

D. Manufactured Housing. See Section 503.

403.04. Institutional and Special Residential Uses. These uses include boarding houses; day or youth camps; cemeteries; churches; convents or monasteries; dormitories; day care centers; group child care homes; day or nursery schools; group homes; private libraries or museums; nursing homes; or private schools; schools or facilities for the physically or mentally handicapped and all other institutional and special residential uses.

These uses are all supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship, as well as cultural facilities, group quarters for religious groups and the infirm or elderly. Some uses may be operated for private profit.

403.05. Office. Office uses include governmental offices, business or professional offices, medical offices or clinics, and all other office uses.

403.06. Commercial Uses.

A. Commercial and entertainment. This use category includes general retail commercial uses, primarily occurring indoors and serving a wide range of customers and requiring high-visibility locations. These uses include:

auto parts/accessory stores (no repairs)	equipment rentals (no outdoor display)	repair stores, light (e.g., watch, camera, bicycle, TV)
auto detailing	extermination shops	restaurants (standard sit-down, not fast food)
automated free-standing walk-up facilities	funeral homes	restaurant-lounges; restaurant pubs;
banks and other financial institutions (without drive thru windows)	grocery stores and supermarkets (excluding convenience stores, e.g., "7-Eleven" stores)	retail sales or stores
barbershops and beauty shops	hotels and motels	service businesses or stores (e.g., catering, duplicating, photography, shoe repair, tailoring, travel agency, upholstery)
blueprint and copy stores	ice cream stores or stands	shopping centers
bowling alleys	laundries and/or dry cleaners	taverns, lounges and private clubs
building materials sales (excluding asphalt or concrete mixing) with no outdoor storage	Liquor or beer stores (selling in sealed containers for consumption off-premises)	theaters and auditoriums (indoor)
carpet and rug cleaning plants	lodges for fraternal orders	veterinary offices with indoor kennels
commercial or trade schools (e.g., dance studios, martial arts, etc.)	mortuaries	
currency exchanges	package stores	<i>all other commercial and entertainment uses</i>

B. Neighborhood Shopping Center. A commercial development site containing one or more commercial buildings, together with all required parking, landscaping, buffering, signs, drainage facilities, and other design features to accommodate the uses permitted on the site. The purpose of the neighborhood shopping center is to serve the limited commercial needs of nearby

residential development. It is not intended to provide commercial services to customers from other areas of the City.

Permitted uses shall include branch banks; small garden supply stores; grocery stores or supermarkets; ice cream stores; laundries and/or dry cleaners; light mechanical repairs such as cameras, watches, or televisions; barber or beauty shops; standard sit-down restaurants (no fast food establishments); gasoline service stations; and similar retail stores and service businesses.

C. Road service. This use category includes commercial uses having a high degree of customer turnover, outdoor activity or outside storage of merchandise. These uses include boat rental and/or storage facilities; body shops; convenience stores (e.g., “7-Eleven” stores); gasoline service stations; hotels or motels; retail sales with small engine repair as an accessory use, such as lawn mower stores; fast-food restaurants and any bank with drive thru tellers; parking garages/lots; vehicle rentals; vehicle repair (body) shops; vehicle sales, supplies, and service (new or used auto, boat, bus, equipment, motorcycle, truck); and all other road services.

D. Commercial support. This use category includes uses, which support the City’s retail economy by providing merchandise distribution, storage, and repair services. These uses include:

beverage distributors	furniture cleaning plants;	trade shops (including cabinet, carpentry, planing, plumbing, refinishing, and paneling)
blacksmith shops	furniture refinishing shops	small engine repair as a principal use
bulk materials or machinery storage (fully enclosed);	manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with less than 30,000 square feet of floor area or fewer than 100 employees on every shift)	veterinary offices with open or partially enclosed runs, yards, pens; and/or kennels
large equipment rental/sales/service	mirror supply and refinishing shops	wholesale business and storage;
contractors’ offices and equipment storage yards	monument works	Warehouse, office-warehouse, and mini-warehouse
dry cleaning and laundry plants serving more than one (1) outlet	ornamental iron workshops	
fuel, oil, ice, coal, and wood sales	printing and/or publishing plants	<i>all other commercial support uses</i>

E. Commercial recreational use. These uses include amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-kart, harness, horse, motorcycle), archery ranges, sport arenas, stadiums, and all other commercial recreation uses. This group includes recreational uses that are greater nuisances than conventional outdoor recreational activities, because of their size and scale, traffic volumes, noise, light, or physical hazards such as flying objects or use of weapons.

F. Recreational rental dwelling uses. These uses include travel trailer parks, recreational vehicle parks, camps or campgrounds with overnight camping or vacation cottages, rental cabins, vacation cottages, and all other recreational rental uses. These uses are all short-term rental

facilities oriented toward leisure activities for the vacationer or organized activities such as summer camps. The maximum length of stay for any user shall be 60 consecutive days.

403.07. Recreational

A. Outdoor recreational. Outdoor recreational uses include arboretums; areas for cycling, hiking, and jogging; commercial stables; golf courses; nature areas; parks (private); picnic areas; play fields; playgrounds; outdoor swimming pools; tennis courts; wildlife sanctuaries; and all other outdoor recreational uses. Specifically excluded are outdoor movie theaters, miniature golf courses, and golf driving ranges. This use is, basically, an open-space use.

B. Indoor recreational. Indoor recreational uses include aquariums, community or recreation centers; gymnasiums; indoor skating rinks (ice or roller); arcades or billiard parlors; indoor swimming pools; tennis, racquetball and handball courts.

403.08. Public service. These uses include hospitals, emergency services (e.g., ambulance, fire, police, rescue), service buildings or garages, utility or broadcasting stations or towers, utility service yards or garages, public schools, public libraries/museums/art centers, public parks, public animal shelters, and all other public utility and public service uses.

403.09. Industrial Uses.

A. Industry. This use category includes asphalt or concrete mixing plants; bulk material or machinery storage (unenclosed); fuel generation plants; grain elevators; meat packing plants or slaughterhouses; recycling facilities; truck, motor, or rail terminals; dyeing plants; food processing and packing plants; lumber yards; pilot plants; scientific (e.g., research, testing, or experimental) laboratories; also, those uses listed above as commercial support, any industrial use having 30,000 or more square feet of floor area or having 100 or more employees on any shift, and all other industrial uses.

This group contains uses that have severe potential for negative impact on any uses that would locate relatively close to them. This group differs from commercial support uses in that it includes uses that require enclosed structures, which are large, tall, and unsightly, such as concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage; because of their scale, they are likely to have a regional impact.

B. Extraction and junkyard uses. This category includes all extraction uses including, underground, surface, placer and in-situ mining. Junkyard uses include junk, scrap, or salvage yards and the collection of household and yard debris on individual residential properties. These uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, unsightly and unsanitary conditions are anticipated. None of these uses are acceptable neighbors in an urban environment.

Section 404. Special Development Standards.

Certain uses have unique characteristics that require the imposition of development standards beyond those minimum standards which may pertain to the general group of uses encompassing the use. These uses are listed below, together with the specific standards that apply to the development and use of land for the specified activity. These standards shall be met in addition to all other standards of this Ordinance, unless specifically exempted.

A. Agricultural Uses.

Forestry:

1. Subject property shall not be located within the area shown on the “Forestry Boundary” map in Appendix A
2. Minimum lot size shall be 25 acres.
3. No trees shall be harvested within 50 feet of the perimeter of the site.
4. Harvesting activities shall conform to the Best Management Practices of the Alabama Forestry Commission.

B. Nurseries.

1. Retail sales of gardening supplies in AG district:

- a) Property must front on a road with a functional classification of arterial, as designated in Appendix B.
- b) Bufferyards shall be provided along all property lines as required.

C. Agricultural Support Uses.

1. Farm equipment sales/repair: All structures and equipment storage areas shall be located at least 200 feet from the nearest residential structure under different ownership. All repairs shall be performed within a fully enclosed structure.
2. Farm produce sales: Limited to sales of produce grown on the same property.
3. Farm product processing in Agricultural (AG)
 - a) All such uses must front on a road with a functional classification of Arterial, as designated in Appendix B.
 - b) Minimum lot size: five (5) acres

- c) The total floor area of all nonresidential structures shall be limited to 10,000 square feet. All machinery shall be kept within a fully enclosed structure.
- d) Outdoor pens or cages for animals shall be set back 150 feet from all property lines.
- e) Processing facilities shall not operate between the hours of 11 p.m. and 7 a.m.

4. Deer Processing – Commercial:

- a) Appropriate business and health department licenses must be obtained.
- b) Method of waste disposal must be approved by Planning Commission.
- c) Minimum lot size one (1) acre.
- d) All processing activities must be conducted indoors.

D. Institutional, & Special Residential Uses.

1. All new institutional uses must front on a road with a functional classification of Collector or Arterial, as designated in Appendix B.

2. Place of Worship:

- a) Any new principal structure shall be set back no less than 50 feet from any adjoining property under different ownership.
- b) Related accessory uses, such as student centers, day care centers, dormitories, boarding houses, and recreation centers, shall be prohibited in Residential (RS) Districts.
- c) For existing places of worship in Residential (RS) districts, uses are limited to sanctuaries, educational buildings and fellowship halls. The addition of such uses shall require the installation of all required bufferyards and landscaping, as well as compliance with all other applicable regulations.
- d) *Except for places of worship in downtown Tallassee*, all required parking shall be located on the development site, and not separated from the site of the principle structure by any public right-of-way.

3. Group Homes:

Group Homes proposed to be located in residential zoning districts shall provide documentation of the following criteria to the Department of Planning & Inspections prior to being issues a business license in the City of Tallassee:

- a) An approved license or authorization from the State of Alabama, or other authorizing agency, to operate a group home facility must be presented along with an application for a Tallassee business license.
- b) No more than three (3) unrelated persons may reside in the home; however, non-resident caretakers will be permitted.
- c) A parking plan showing sufficient off-street parking to accommodate residents and caregivers must be provided and approved by the Planning Department. A garage may be counted toward off-street parking.
- d) When the applicant for a group home use is not the owner of the subject property, a letter from the property owner approving the operation of a group home on their property shall be provided.
- e) Waivers, exceptions or modifications of these standards may be requested through a request to the Board of Zoning Adjustment.

E. Commercial and Entertainment Uses.

- 1. Auto accessory store: no repair work to be done on premises.
- 2. Building material sales/home improvement centers: all building materials shall be kept within an enclosed structure or completely surrounded by a wood stockade or other opaque fence at least six (6) feet in height.
- 3. Restaurant-pub and restaurant-lounge:
 - a) Must meet licensing requirements of the Municipal Code of Tallassee, Alabama.
 - b) Shall comply with all applicable regulations of the State of Alabama.
- 4. Veterinary office/kennel: no outdoor pens, runs or cages shall be permitted. Outdoor exercise areas will be allowed and shall be designated as such on the site plan.

F. Neighborhood Shopping Center, Up to 100,000 Square Feet.

- 1. Gasoline station in a neighborhood shopping center: See Gasoline and/or Auto Service Station under Road Service Uses.
- 2. Neighborhood Shopping Centers shall meet the following requirements:
 - a) A neighborhood shopping center shall be located only on an arterial roadway or at the intersection of an arterial road and a collector street, as designated in Appendix B. For this purpose each quadrant of such an intersection shall be considered a separate location.

- b) The total site area of a neighborhood shopping center shall be not less than three (3) acres.
- c) A combination of two or more natural materials such as wood, brick, stone, stucco shall be used on the exterior surface of all structures.
- d) Shall consist of multiple structures or if less than 15,000 sq. ft. in size may be one structure, either of which shall have articulated rooflines and varying façade elevations. (*See Figure 7*)
- e) All utility meters, ground-mounted air conditioning and similar mechanical units shall be screened so as not to be visible beyond the boundaries of the site.
- f) A master signage plan for the overall proposed development shall be submitted and approved in conjunction with the required site plan.

G. Road Service Uses. Any outside display of vehicles, equipment or other merchandise for sale, lease or storage shall be on a paved surface. No display of merchandise shall be allowed on the right-of-way or in any required bufferyard.

1. Auto repair, paint/body work:

- a) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
- b) Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
- c) All parts, including body parts, shall be stored within a completely enclosed structure.

2. Flea Market:

- a) Flea markets shall be permitted only on property fronting on an arterial road, as designated in Appendix B with all major points of ingress/egress connecting to that road.
- b) At least one enclosed building of 300 square feet or more in size shall be constructed on the property.
- c) Minimum lot size shall be five (5) acres, with a minimum width of 200 feet and a minimum depth of 300 feet.
- d) No merchandise shall be sold or displayed less than 100 feet from adjoining residential property or 50 feet from non-residential property.
- e) Parking shall be provided at the rate of one (1) space per 50 square feet of sales area, as designated on an approved site plan. Parking areas shall have a smooth,

stabilized and dustless surface; provided that no more than 50 percent of the required parking spaces may be grass or other suitable material in overflow and remote locations. Unpaved spaces and driving aisles shall be organized for efficient traffic flow, using tire stops, railroad ties, or other objects approved by the City Engineer. Parking spaces within 150 feet of any structure on the development site shall be paved with asphalt, concrete or other rigid paving material.

- f) A bufferyard shall be provided along all property lines. General and parking lot landscaping shall be required.

3. Gasoline and/or auto service station:

- a) Site. The minimum frontage on an arterial street shall be 150 feet.
- b) Service Area. Pits, hoists, and all lubricating, washing, and repair equipment and workspace shall be enclosed within a building.
- c) Bulk Storage. Liquid petroleum fuels shall be stored in underground tanks.
- d) Structures. Structures shall conform to the following standards:
 - 1) Vehicular canopy structures shall abide by applicable building setbacks. Accordingly, the maximum height of all such structures shall be noted on the site plan. The area under such canopies shall not count against the permissible Floor Area Ratio (FAR) allowed for such developments but shall count toward the allowable Impervious Surface Ratio (ISR)
 - 2) Pump islands and underground fuel storage tanks shall be set back a minimum of 20 feet from any property line.

4. Hotel/motel:

- a) Permitted only as a conditional use on property fronting on an arterial roadway, or on a collector road, as designated in Appendix B. **Exception:** As permitted in the Neighborhood Business (NB) and Historic Downtown (HD) as shown in item “b” below.
- b) In the Neighborhood Business (NB) and Historic Downtown (HD) districts a hotel/motel must be of the “boutique style” in that they are:
 - Unique in style and design;
 - Are located in a special area of the district;
 - Have no more than 50 guest rooms;
 - Subject to their conditional use approval these uses may provide restaurant and event services, the type and degree of which must be specified as part of said approval.

5. Outdoor/Drive-in theatre: Accessory uses permitted shall be limited to a refreshment stand or booth, a souvenir stand or booth, and/or a children's playground, which are for the exclusive use of patrons of the drive-in theater.
6. Small Engine Repair: Equipment under repair or not operational shall be screened from public view or stored indoors at all times.

H. Commercial Support Uses.

1. Bottling plant/bakery:

- a) Minimum lot size shall be 80,000 square feet.
- b) Structures shall be set back 50 feet from all lot lines.

2. Contractor storage yard:

All equipment and building materials shall be screened from outside view by an opaque fence no less than six (6) feet in height.

3. Printing/publishing:

- a) Minimum lot size shall be 80,000 square feet.
- b) Structures shall be set back 50 feet from all lot lines.

4. Recycled materials collection/storage:

- a) Materials collected for recycling purposes shall be limited to inert solids such as plastic, glass, paper and metal. No liquids, or objects containing liquids, shall be stored on the site. Toxic chemicals or hazardous materials of any kind shall be prohibited.
- b) All materials collected for recycling purposes shall be stored within a completely enclosed structure.

5. Sales/minor storage of gaseous fuels: No more than 500 gallons shall be stored on the site at any time.

6. Sales/rental/repair of heavy equipment:

- a) All repair work shall be performed within a completely enclosed structure.
- b) Equipment or vehicles under repair or not operational shall be screened from public view or stored indoors at all times.

7. Mini-Warehouse:

- a) After receiving conditional use approval, the mini-warehouse shall be the sole use of the structure(s) in which it is located. Other activities in place of or in addition to the mini-warehouse shall not be permitted within those structures. No sales, service, or repair activities, other than the rental of dead storage space, are permitted on the premises.
- b) Where an applicant proposes additional uses on the same development site, the mini-warehouse use shall be physically separated from all other uses. The conditional use approval shall be assigned to a specific portion of the site, established by an internal boundary shown on the site plan. Within that area, no use other than mini-warehouses shall be permitted.
- c) No storage bay or unit in a mini-warehouse shall be used as a place of business, and no business license shall be approved for the property other than that of the mini-warehouse owner/operator.
- d) No storage bay shall contain plumbing or more than one (1) electrical outlet.
- e) A minimum of three (3) and maximum of five (5) spaces shall be provided in the vicinity of the office and a 27 foot minimum drive aisle to all storage unit doors.
- f) The mini-warehouse facility shall be completely surrounded by a fence at least six (6) feet in height, such that access to the site can be restricted. A masonry wall or wood stockade fence shall be provided where required under Article V; otherwise, chain link may be substituted.

8. Office-Warehouse:

- a) The office/showroom component of this use must comprise at least 25 percent of the total floor area of the use
- b) No single building shall contain more than five (5) units.
- c) No equipment other than standard (2 axle) vehicles shall be parked long term in required parking and/or in front of the units.
- d) There shall be no exterior display or storage of equipment and materials. All equipment and materials shall be housed inside the structure, or behind an eight (8) foot privacy fence to the rear of the structure.

I. Commercial Recreational Uses. All commercial recreational uses shall be subject to the following requirements:

- 1. No commercial recreational use shall be located within 300 feet of existing residential development.
- 2. Minimum lot size shall be 40,000 square feet or as required in Table 4-3.

3. No building, trailer, vehicle, or mechanical equipment supporting the use shall be located within 50 feet of any property line.
4. For a golf driving range, the following standards shall be met:
 - a) The site plan required pursuant to Section 902 shall show the layout of the property and indicate the location of all driving ranges, putting greens, fences, and structures.
 - b) Accessory uses permitted shall be limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.

J. Recreational Rental Dwellings.

1. Recreational vehicle park: All recreational vehicle parks shall be developed according to the following standards:
 - a) Minimum lot requirements.
 - 1) Minimum size for development site: 100,000 square feet.
 - 2) The development site shall have at least 50 feet of frontage on an arterial road, as shown in Appendix B.
 - b) Vehicle Site Requirements.
 - 1) The minimum vehicle site area shall be 1,200 square feet, with a minimum width of 20 feet and a minimum depth of 40 feet. All RV sites shall be shown on the site plan for the park.
 - 2) The minimum distance between recreational vehicles shall be 10 feet. The minimum distance between a recreational vehicle and any structure shall be 20 feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features.
 - 3) The addition or attachment of any accessory structures such as awnings, porches, carports, or individual storage facilities not specifically designed and included as a standard part of the original RV shall be expressly prohibited.
 - 4) The removal of wheels and/or the installation of skirting materials around the base of a RV shall be prohibited. A recreational vehicle shall not be permanently affixed to the ground or any structure.
 - c) Allowable Accessory Uses.
 - 1) Clubhouse, bathhouse, camp store, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.

- 2) No more than one (1) dwelling unit of conventional construction, at least 600 s.f. in size, for the use of a resident manager.
- d) Bufferyards. There shall be a bufferyard along all property lines where the park adjoins a road, vacant property, or a different land use. (See Article V)
- e) Parks shall not exceed the following performance criteria:

Maximum gross density:	10 RV sites/acre
Maximum I.S.R for entire park:	.25
Maximum I.S.R. for any RV site:	.60
Maximum building height (for conventional structures):	35 feet

For purposes of site plan review, it shall be assumed that impervious surfaces cover 60 percent of each designated RV site unless the site plan specifies a lesser amount. An open space area shall be provided which meets the requirements of Section 410 and which is easily accessible from all vehicle sites. The minimum size of such open space area shall be 20 percent of the entire tract area or 20,000 square feet, whichever is greater.

f) Other Regulations:

- 1) Site Plan. Any applicant for the required permits to establish, construct, alter or extend a recreational vehicle park in Tallassee shall prepare and submit a detailed site plan in accordance with the requirements of Section 902.
- 2) Access and Internal Streets. RV sites within the park shall be served by internal roads and shall not have direct access to public streets. Maintenance of private roads within the park shall be the responsibility of the developer and/or owner of the property.
- 3) Off-Street Parking and Maneuvering Space. The internal circulation system of a RV park shall be designed so that parking, loading or maneuvering of vehicles shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the designated parking area. Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle.
- 4) Duration of Stay. Vehicle sites shall be rented by the day or week only. No RV shall remain in a park longer than 60 consecutive days.
- 5) Ground Cover. Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be grassed, paved, or covered with gravel to prevent soil erosion.

- 6) Drainage Requirements. Surface drainage plans for the entire tract shall be reviewed by the City Engineer, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City, prior to issuance of building permits.
- 7) Ownership. RV parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. The City of Tallassee shall not be responsible for maintenance and/or repair of common facilities within any recreational vehicle park.
- 8) No RV shall be permanently affixed to the ground or any structure, whether in an approved RV Park or otherwise located.

K. Public Service Uses.

1. TV Broadcast/TV/Radio and Telecommunications Towers: See Section 502.
2. Hospital: Development site shall have ready access to an arterial road, as designated in Appendix B.

L. Industrial Uses.

1. Bulk storage of chemicals or fuels:
 - a) Minimum lot size shall be 100,000 square feet.
 - b) Storage tanks or structures shall be at least 100 feet from all property lines.
2. Commercial incinerator:
 - a) Minimum lot size shall be 100,000 square feet.
 - b) Structures shall be at least 100 feet from all property lines.
3. Food processing/packaging:
 - a) Minimum lot size shall be 100,000 square feet.
 - b) Structures shall be at least 100 feet from all property lines.
4. Manufacture of explosives:
 - a) Minimum lot size shall be 150,000 square feet.
 - b) Structures shall be at least 150 feet from all property lines.

5. Slaughterhouse:

- a) Minimum lot size shall be five (5) acres.
- b) Structures shall be at least 150 feet from all property lines.
- c) No outdoor pens, cages or runs shall be permitted.
- d) No structure shall be located within 500 feet of any property on which residential uses are permitted.

6. Storage of sand/gravel/blocks: Stored materials shall be completely surrounded by an opaque fence no less than ten (10) feet in height. Said fence may be constructed along property lines, but shall be set back no less than 25 feet from the right-of-way of any abutting public roads.

7. Auto Salvage yard, junkyard or junk/debris storage area:

a) Storage of Materials

- 1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
- 2) In no case shall material that is not salvageable be buried or used as fill.
- 3) Any items, which can be recycled or salvaged, shall be accumulated in bins or containers to be sold to a recycling firm.
- 4) Recyclable material, which cannot be stored in bins or containers, may be stored in the open.
- 5) Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site.
- 6) In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one-half (1.5) cubic feet or more, from which the door has not been removed.
- 7) Facilities not having conditional use approval as a Junkyard Use will not be allowed to accumulate materials for more than 30 days.

b) Screening. All auto salvage yards, junkyards and storage areas shall comply with the following screening requirements:

- 1) All outdoor storage facilities shall be completely surrounded by a continuous fence or wall of masonry, wood or other opaque material, which shall be a minimum of six (6) feet in height without openings of any type, except for one entrance and/or one exit which shall not exceed 25 feet in width.
- 2) Gates at entrance or exit shall be of a material without openings.
- 3) The screen shall be constructed of the same type of material throughout.
- 4) No screen shall be constructed of metal that will rust.
- 5) Screens shall be maintained and in good repair at all times.

c) Residential debris, garbage, junk.

- 1) Household debris and/or garbage shall not be permitted to collect on residential lots.
- 2) Junk/inoperable vehicles shall not be permitted on residential lots. Owners' vehicles with current tags may be stored in a fully enclosed structure while under repair.
- 3) Enclosure behind a fence shall not exempt property owner from the above standards.

8. Mine/quarry:

- a) Minimum parcel size shall be 100 acres.
- b) A 300-foot buffer zone shall be established around the perimeter of the property. Within this area, the natural or existing vegetation shall be maintained or improved, and no digging, dredging, blasting, storage of tailings, or other mining-related activities shall be allowed. Where no natural vegetation exists the Planning Director or his/her designee may require additional buffering as deemed necessary.
- c) No structures, vehicles, equipment, or parking areas shall be located within 100 feet of a property line.

Section 405. Use of Land and Structures.

405.01. Uses Shall Conform With Regulations: No land shall be used, nor building or structure occupied, erected, converted, enlarged, reconstructed, moved or structurally altered unless use of the lot, building, and structure conform with the requirements of all applicable codes, ordinances and regulations. In every district:

- A. Uses specified in a zoning district as "permitted" shall, after filing a written application with the Building Official, and meeting the requirements of all other

codes, ordinances and regulations, be issued a building permit except when a Site Plan Review by the Planning Commission is required.

B. The following uses are subject to Site Plan Review by the Planning Commission:

1. Uses specified in a zoning district as "conditional uses;"
2. All uses in commercial and industrial districts;
3. Residential developments exceeding eight dwelling units per acre; and
4. Manufactured home communities.

C. Applications for site plan review shall be prepared and processed in accordance with the requirements of this Zoning Ordinance. Site plan reviews may be denied, approved with conditions or approved as requested. The Planning Commission may require conditions to preserve and protect the character of the district and the public health, safety, convenience, prosperity and general welfare of the City as a part of approval of a site plan. Building permits shall only be issued after site plan approval has been granted by the Planning Commission.

405.02. Extraction Use: Exploration, extraction, or excavation of sand, clay, gravel, oil, gas, sulfur, or other mineral deposits, shall be permitted only upon written application and Site Plan Review by the Planning Commission.

Section 406. Buildings - General

406.01. Buildings and Structures to Conform to Regulations. No land, building, or structure, shall be used or occupied and no building or structure shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations specified for the district in which it is located and all other applicable code, ordinances and regulations.

406.02. One Main Structure on a Detached Residential Lot. It is the intent of this Ordinance that there shall be only one main structure and permitted accessory structures on any lot used for detached residential dwelling units.

Section 407. Height of Structures

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

407.01. Heights Restricted: Every part of or complete building or structure that is constructed or altered shall not exceed the lowest height requirement of the zoning district in which the building or structure is located or the following height regulations unless exempted in this section.

407.02. Exemptions from Height Requirement: Height limits shall not apply to portions of buildings and structures that are not inhabited or regularly used by people. Such portions of

buildings and structures include church steeples, farm structures (e.g. silos), chimneys, flag poles, public utility poles, radio and television towers and aerials, and industrial structures (e.g. cooling towers) required by the manufacturing process. (See Section 502 for Broadcast/TV/Radio/Telecommunication Tower Requirements)

- A. All structures that are exempt from height requirements shall comply with the following location requirements.
 1. Any tall structure shall be setback from all property lines a distance equal to the height of the structure.
 2. Any tall structure that is not setback from all property lines a distance equal to the height of the structure shall provide the City with a hold harmless agreement for any subsequent damage that may be caused due to the structure falling on adjacent property or a public right-of-way.
 3. No structure that is exempt from the height requirements shall be closer to a property line than twice the distance of the required yard setback.

Section 408. Area and Dimensional Regulations.

Setbacks, height restrictions, and minimum lot size and width are useful tools in zoning to help maintain standards and separate land uses. Except as provided elsewhere in this Ordinance, the area and dimensional regulations set forth in Tables 4-2 through 4-4 shall be observed.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located.

408.01. Non-Residential Use Regulations

Table 4-2 Table of Dimensional Standards – Non-Residential Districts.

Zoning District	Maximum Height Of Structure (Feet)	Minimum Setbacks (in feet)				Minimum Lot Size	Minimum Lot Width	ISR
		Front Yard	Rear Yard	One Side ¹	Total Side			
AFR ²	35	50	50	50	100	1 acres	150	.30
NB	35	25	20	10	20	30,000 sq. ft.	100	.65
GB	40	30	15	10	25	40,000 sq. ft.	100	.80
HC	50	40	25	10	20	40,000 sq. ft.	100	.80
OI	50	25	25	10	25	20,000 sq. ft.	80	.60
I	60	50	50	50	100	1 acre	150	.70

¹ Side Yard on Street shall be equal to Front Yard Setback
² See Tables 4-3 & 4-4 for Residential Setbacks

408.02. Residential Use Regulations.

This Section specifies the minimum lot dimensions and other requirements for each type of residential unit permitted by this Ordinance, except in the Residential (R) District.

When a lot size exceeds the minimum permitted area, all other standards applicable to the minimum lot area shall nevertheless apply.

Table 4-3: Table of Dimensional Standards – Existing Residential Uses on Existing Lots of Record and in Non-Residential Districts.

Minimum Lot Area (sq. ft.)	Minimum Lot Width	Maximum ISR	Minimum Setbacks (feet)					Off- Street Parking
			Front	One Side	Side Yard on Street	Total Side	Rear	
40,000	70	0.20	25	15	25	30	40	2
30,000	70	0.24	25	12	25	25	35	2
20,000	70	0.26	25	10	25	20	30	2
10,000	70	0.35	25	6	20	15	20	2
Less than 10,000	60	0.35	25	6	20	15	20	2

Table 4-4: Dimensional Standards – Residential Districts (Except DDH)

Zoning District	Maximum Height Of Structure (Feet)	Minimum Setbacks (in feet)				Minimum Lot Size (Density)	Minimum Lot Width	ISR	Parking
		Front Yard	Rear Yard	One Side ¹	Total Side				
RE	35	40	40	20	50	1 acres	100'	.20	2
R-1	35	35	40	12	30	15,000 sq. ft.	90'	.35	2
R-2	35	35	45	12	35	20,000 sq. ft.	100'	.28	2
AFR	35	40	40	20	50	1 acre	100'	.20	2

¹ Side Yard on Street Setback shall be equal to Front Yard Setback.

408.03. Standards for Residential Development in DDH District.

The purpose of the DDH district is to provide for innovative development types that make efficient use of land and public facilities, to protect natural features and to allow the developer some flexibility in design.

This district may contain one or more housing types as specified in the subsections below, but in no case shall density exceed six (6) dwelling units per acre. For the purposes of calculating density, the development site shall include all platted lots, together with road, drainage facilities, utility sites and any other common property within the perimeter of the property, regardless of whether or not such facilities will ultimately be dedicated to the City. Such developments shall contain the minimum amount of open space specified and all parcels or tracts not intended for residential use shall be clearly delineated on the drawing including size and dimensions. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the drawing.

Unless specifically accepted by the City Council, the City of Tallassee shall not be responsible for maintenance and/or repair of any common facility or properties.

The following subsections specify the standards and requirements for each dwelling type in detail.

A. Single-family detached house. This development type consists of a subdivision containing freestanding single family dwelling units on individual lots. These housing styles may consist of garden or patio homes, and other similar housing styles.

Single family lots in a subdivision in the DDH shall not take direct access from an arterial or collector road. Single family detached subdivisions in the DDH shall meet the following development criteria:

Minimum Lot Area	8,000 s.f.
Maximum ISR on individual lots	.50
Maximum FAR	.35
Minimum Yards:	
<i>Front</i>	20 ft.
<i>Side</i>	5 ft.*
<i>Side on Street</i>	15 ft.
<i>Rear</i>	20 ft.
Minimum Lot Width	50 ft.
Off-Street Parking Spaces	2

**or width of any easement along side lot line, which ever is greater*

B. Townhouse. This development type consists of a subdivision, platted according to the requirements of the Subdivision Regulations, which is designed for townhouse dwelling units as defined in Article II. Each townhouse unit shares a common wall with another such unit on one or both sides, has individual entrances (not used by other units) in the front and rear, and is placed on its own lot within the subdivision. All townhouse structures shall contain three (3) or more dwelling units. Such units may have multiple stories or combinations of one- and two-story sections; however, in no case shall one unit be above or behind another. Front, side and/or rear yards may be enclosed by a masonry wall not exceeding six (6) feet in height provided that such walls do not prevent a clear view of intersecting streets. (*See Figure 14*)

In addition to meeting all other requirements of the Subdivision Regulations, plats for townhouse development shall show driveways, walkways, patio slabs, and building envelopes for all structures. No more than ten (10) townhouse units shall be permitted in any structure. Front elevations of individual units shall be staggered or have some form of architectural detail to provide visual interest and break-up long building facades.

Townhouse lots shall not take direct access from an arterial or collector road.

Townhouse subdivision shall also meet the following development criteria:

Minimum Lot Area	3000 s.f. (not to exceed six units per acre overall)
Maximum ISR on individual lots	.60
Maximum FAR	.60
Minimum Yards:	
<i>Front/Side Street</i>	15 ft.
<i>Side (end units)</i>	10 ft.*
<i>Rear</i>	20 ft.
Minimum Lot Width	20 ft.
Off-Street Parking Spaces	2 per unit

*or width of any easement along side lot line, which ever is greater

C. Duplex Subdivision. This development type consists of two-unit structures in which dwelling units may be constructed side-by-side, one above another, or one behind another. The development site shall be platted as a subdivision containing one (1) duplex structure per lot. In no case shall any duplex lot or development site be subdivided so as to create separate lots for dwelling units within a duplex structure. While ownership of the dwelling units may be separated on a condominium basis, the land on which the structure is built shall remain undivided common property. (See *Figure 15*)

Duplex lots shall not take direct access from an arterial or collector road.

Duplex developments shall be designed according to the following standards:

Minimum Lot Area	7,000 s.f. per unit
Maximum ISR on individual lots	.45
Maximum FAR	.30
Minimum Yards:	
<i>Front/Side Street</i>	25 ft.
<i>Side</i>	10 ft.
<i>Rear</i>	20 ft.
Minimum Lot Width	75 ft.
Off-Street Parking Spaces	2 per unit

D. Apartment Development. This development type consists of an arrangement of four (4) or more dwelling units on an undivided lot.

All multiple unit developments shall be subject to site plan approval pursuant to Section 902. Separate ownership of the units is permitted on a condominium basis; however, in no case shall the development site be platted or otherwise divided for the purpose of assigning specific lots or parcels to particular dwelling units.

Apartment developments shall meet the following development criteria:

Minimum Lot Area	30,000 s.f.
Maximum ISR on individual lots	.35
Maximum FAR	.85
Minimum spacing between buildings	15 ft.
Minimum Lot Width	70 ft.
Off-Street Parking Spaces	1 per bedroom

408.04. Residential Uses in the Historic Downtown (HD) District. Residential uses are allowed in the Historic Downtown (HD) District only in accordance with the restrictions listed below.

- A.** A mixed use facility in the Historic Downtown (HD) District may consist of:
 - 1.** any commercial use permitted in this District as set forth in Table 4-1 of this Ordinance; and
 - 2.** one dwelling unit within the same structure as the commercial use in the case of a townhouse development; or.
 - 3.** two or more dwelling units within the same structure as the commercial use in the case of multiple unit development.
- B.** Each living unit shall have a minimum floor area of 400 square feet.
- C.** A residential structure without commercial uses such as an apartment, condominium, or townhouse.
- D.** As many dwelling units may be constructed in a mixed commercial/residential facility as would be permitted if the floor area ratio of .50 for the Historic Downtown (HD) District were applied to the entire mixed commercial/residential facility.
- E.** Off-street parking will be required for residential uses in the Historic Downtown (HD) District. *(See Section 512.01 for more information)*

- F. Prior to construction of new structures or expansion of existing structures, a site plan shall be reviewed and approved pursuant to Article IX.

408.05. Manufactured Housing: See Section 503.

Section 409. Lot Area, Width and Required Setbacks.

409.01. Buildings to be on Lots. Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as defined by this Ordinance.

409.02. Lot Area and Width Maintained: Lot area, width and setbacks shall be equal to or greater than the highest minimums required by any related City regulations, the zoning district requirements in which the lot is located or the County Health Department.

- A. Existing lots shall not be reduced in dimension or area in a manner that causes a violation of the area, yard or setback requirements.
- B. Lots, yards and setbacks created after the effective date of this ordinance shall meet or exceed the minimum requirements.
- C. The County Health Department shall determine the minimum lot size required for property having no public water and/or sewer available, subject to the minimum requirements of this Ordinance.
- D. All lots shall have access to a paved public street.

409.03. Non-Standard Lots.

Corner Lots: For corner lots, the street frontage with the least distance shall be considered as the front of the lot when applying other zoning requirements. When the lot frontages are approximately the same distance the owner may declare which frontage is the front.*

Corner lots shall be a minimum of 20' wider than interior lots.

Double Front (Through) Lots: For double front lots, the street frontage with the least distance shall be considered the rear of the lot. When the lot frontages are approximately the same distance the owner may declare which frontage is the front.*

**NOTE: These requirements are for setback purposes only and do not affect other requirements in these or other Regulations. If no declaration of front is made then the frontage on which the house (front door) faces shall be the front yard.*

Flag Lots: A flag lot is a lot that has minimal frontage on a publicly owned and maintained street, whose width some distance back from the street boundary line meets all Ordinance requirements. (*See Figure 5*) The purpose of flag lots is to reduce the number of direct access points to arterial and collector roads. Flag lots may be permitted, even though they do not meet

the minimum lot width requirements at the street boundary line, subject to the following conditions:

- A. Flag lots shall be limited to single family residential use only. No more than one (1) dwelling unit shall be authorized for any one (1) flag lot access strip.
- B. A flag lot may be used within a subdivision to provide a lot fronting on an arterial or collector road with access to an internal subdivision street. In such cases, vehicular access to the lot from the arterial or collector shall be prohibited. In any event, no more than 10 percent of the lots in any subdivision may be approved as flag lots.
- C. Flag lots providing access to arterial or collector roads shall be prohibited.
- D. Flag lot “stems” or access strips shall be at least 25 feet in width as measured at the road frontage. The land area within the access strip shall not count toward the required minimum lot size.
- E. Where otherwise consistent with the provisions of this section, flag lots may be created in groups not exceeding two (2); in such cases, access strips shall be adjacent to each other and form a total width of 50 feet. A distance of 500 feet shall separate non-adjacent flag lot access strips on the same side of the road. All access strips shall be at least 25 feet from an intersection.
- F. The Planning Official shall identify the front, side and rear lot lines of a flag lot for determining yard requirements, allowable locations of accessory structures, and other purposes.

409.04. Lot Area Calculated and Setback Measured from Future Right-of-Way: The minimum required lot area, lot width, yard setbacks and building area of any lot shall be measured from the street right-of-way line and not from the edge of pavement.

409.05. Lot Area Applies to One Principal Use or Building: No lot area, yard or open space required for the use of any portion of or a complete lot, building or structure shall be counted toward the requirements of another lot, building or structure.

409.06. Exceptions to Minimum Yard Requirements. All of the required yard areas shall be open and unobstructed from the ground to the sky except for permitted accessory structures and ordinary projections of eaves, cornices and similar architectural features. The following structures shall be allowed to project into or be constructed in any minimum required yard as follows:

- awnings and canopies, roof overhangs and balconies not to exceed three (3) feet;
- bay windows, not to exceed two (2) feet;
- open fire escapes shall not extend into any required yard more than three and one-half (3-1/2) feet;
- Clotheslines; driveways and their curbs, fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this Ordinance;

- Uncovered decks of no more than 30 inches in height may extend to within five (5) feet of the property line.

Any district or proposed site plan not requiring a building setback shall not allow building projections into the required yard and/or open space of any adjacent property. Nothing contained in this Section shall be construed to allow encroachment of any feature into a required bufferyard.

409.07. Development Setback Required. Commercial uses in the Neighborhood Business (NB), General Business District (GB) and Highway Commercial (HC) zones shall be required to have an additional five foot (5') setback from the property line to the start of any development, including but not limited to parking, accessory structures, areas of outdoor display, etc. When parking is to be adjacent to the development setback, tire stops shall be installed in such a manner as to prevent vehicles from protruding into the development setback.

Section 410. Open Space.

Land that is required by this Ordinance to remain as open space may be used for the recreation, agriculture, resource protection, amenity and other purposes specified in this Section. Open-space land shall be freely accessible to all residents of a development, with the exception that agricultural land uses shall be permitted to restrict access to that land to those solely engaged in agricultural pursuits.

Open space shall have qualities making it useful to residents of the development for either passive or active recreation, and will be developed to serve that purpose. Open spaces shall serve an important environmental/resource protection or visual role in separating the development from existing public ways or from other existing or potential developments; or shall be of value in dividing the development into coherent sub-areas. Non-recreational buildings, except those related to agricultural uses permitted under Section 410.01 (C) shall not occupy open-space land.

410.01. Open Space Requirements. All developments required by this Ordinance to provide open space shall meet the following requirements.

- A.** Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed, and no structures shall be built on such land, except as provided below. All such properties shall be owned and maintained by the developer, owner of the development site, homeowners association, or other private entity approved by the City Attorney.
- B.** An open-space plan shall be submitted as a part of the application for a site plan or subdivision approval. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:
 - 1.** designate areas to be reserved as open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site.
 - 2.** designate the type of open space, as established in this Section, to be provided.

3. specify the manner in which the open space shall be perpetuated, maintained, and administered in accordance with Section 410.02.
 4. include proof of a mandatory and functioning Home Owners Association and contact information for same. The Tallassee Department of Planning & Inspections shall be provided an annual update of said contact information
- C. The types of open space that may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:
1. *natural areas* are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter the base flood elevation.
 2. *agricultural uses* specified in Section 403.01.
 3. *garden plots* are the division of open space into plots for cultivation as community gardens. Any change of use for the open space must be with the approval of the adjoining land owners and the Home Owners Association.
 4. *recreational areas* are areas designed for specific, active recreational uses having minimal requirements for structures, such as tennis courts, swimming pools, softball fields, and golf courses. An enclosed structure shall be permitted in a recreational area only where it directly supports a specific facility and does not require off-street parking. Recreational areas shall be accessible to all residents of the development.
 5. *greenways* are linear green belts linking residential areas with other open-space areas. These greenways are encouraged to designate developed bicycle paths, footpaths, bridle paths, fitness trails, or other similar development. Inter-connecting the greenway system between residences and recreational areas is encouraged.
- D. Open space shall be appropriately located and large enough to address the open space characteristics cited throughout Section 410.
1. No dwelling unit shall be located more than 750 feet from designated open space. The Planning Commission may waive this distance requirement where the developer proposes a major recreational facility which will occupy at least 50 percent of the required open space for the development. No more than ten (10) percent of the dwelling units in the development may be occupied before this facility is completed and available for use.

Where intervening non-recreational properties separate a dwelling unit from an open space area, the Planning Director may require an easement or other means of

access for non-motorized traffic to avoid the need for pedestrians to cross or travel on roads carrying vehicular traffic.

2. No parcel of property, or portion thereof, less than 40 feet wide and 7,500 square feet in size shall be counted toward the designated open space requirement. Open space areas containing paved or stabilized paths for pedestrians and/or bicycles shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving a portion of the development or are included in connecting Greenways.
3. All open space shall be easily visible and freely accessible.
4. The following shall not count toward fulfillment of designated open space requirements:
 - a) platted lots for residential use or designated sites for manufactured homes or recreational vehicles;
 - b) easements for roads, driveways or any other use which is not consistent with the purposes of open space as established in this Section;
 - c) parking areas, including adjacent areas containing required landscaping;
 - d) public or private right-of-way;
 - e) private roads and driveways;
 - f) areas of required spacing between structures, manufactured homes or recreational vehicles;
 - g) Commonly owned lawns consisting of grass with or without trees.
(i.e. condominiums, townhouses, patio homes, etc.)
 - h) areas which have been cleared of vegetation, excavated, filled, or otherwise altered from their natural state unless such alteration is consistent with the proposed use of the open space parcel approved as part of an overall development plan;
 - i) any development site (as established by a site plan) containing a clubhouse or a non-recreational use including, but not limited to, office, restaurants, gift shops, and groundskeeper storage buildings;
 - j) any other areas which the Planning Director finds to be inconsistent with the intent of this Section.

In addition, no lake, pond, or other permanent water body shall constitute more than 25 percent of the total open space required for the development. No golf course shall constitute more than 60 percent of the total open space required for the development.

410.02. Preservation of open space. Open-space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Where open space is to be provided within a subdivision, such areas shall be designated by creating separate parcels within the perimeter of the plat. These parcels shall be given a sequential lot number, labeled as to their intended use, and the plat shall note the entity or entities having ownership and maintenance responsibility.

Where open space is provided within a development site, which is the subject of a site plan, and is under different ownership than the rest of the site, it shall nevertheless remain part of the development site pursuant to Section 902.12. Unless the site plan is modified or terminated in accordance with Section 902.10, the open space areas shall be used only as provided in Section 410. The site plan shall note the entity or entities having ownership and maintenance responsibility.

Open-space areas may be owned, preserved, and maintained as required by this Section by any of the following mechanisms or combinations thereof:

- A. Common ownership of the open space by a homeowner's association, which assumes full responsibility for its maintenance.
- B. Deed-restricted private ownership that shall prevent development and/or subsequent subdivision of the open-space land and provide the maintenance responsibility. This arrangement shall be noted on the site plan and/or subdivision plat. Full and proper legal documentation shall be submitted to the Planning Director and proper written legal documentation of said ownership and maintenance responsibilities shall be submitted to the Planning Director and be approved by the City Attorney prior to commencement of development activities.

Section 411. Encroachment on or Reduction of Open Spaces, etc.

The minimum yards, parking spaces, and open space, required by this Ordinance for each structure existing at the time of its passage, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure. Further, any structure erected or structurally altered subsequent to the passage of this Ordinance shall meet all minimum yard, parking space, and open space requirements independent of any other structure. Additionally, unless otherwise provided for in this Ordinance, no lot area shall be reduced below the lot area requirements of this Ordinance for the district in which such lot is located.

Section 412. Transportation Impact Report.

412.01. Purpose. The transportation impact report shall identify the traffic impacts of a proposed use. The report shall show improvements required to: insure safe ingress to and egress from a proposed development; maintain adequate street capacity, and eliminate hazardous conditions. The report also will be used to determine whether the proposed development is consistent with transportation-related policies of the City of Tallassee.

412.02. Applicability. The City Engineer, particularly in the following cases, may require a transportation impact report:

- A. Any development that proposes to take direct access to any collector or arterial road.
- B. Any residential development that proposes the construction of 30 or more dwelling units.
- C. Any use that will generate in excess of either 100 trips per acre per day or 250 trips per day. Trip generation rates for proposed uses shall be determined by consulting the latest edition of Trip Generation published by the Institute of Transportation Engineers, and/or the City Engineer.

412.03. Contents of transportation impact report. The transportation impact report shall contain, as a minimum, the following data and information:

- A. General site description. A detailed description of the highway network within one (1) mile of the site, a description of the proposed land uses, the anticipated stages of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (a) all major intersections, (b) all proposed and existing ingress and egress locations, (c) all existing roadway widths and rights-of-way, (d) all existing traffic signals and traffic-control devices.

In addition, any changes to the highway network within one-half (1/2) mile of the site, proposed by any governmental agency, shall be described. This description shall include the above items, as well as any proposed construction project that would alter the width and/or alignment of the present highway. Such information can be obtained from the City Engineer, County Engineer and Office of the Division Engineer, Alabama Department of Transportation.

- B. Description of existing traffic conditions. A report based on the following shall be provided: A 24-hour traffic count shall be conducted for a period of five (5) weekdays (Monday – Friday) on all roadways that have direct access to a proposed development site. The existing average daily traffic (ADT) volume and the highest average peak hour volume for any weekday hour between 3 PM and 6 PM shall be recorded. These traffic volumes shall be averaged to determine the average hourly peak traffic volume for the five days Monday through Friday.
- C. Transportation impact of the development. The average weekday trip generation rates (trip ends) and the highest average hourly weekday trip generation rate between 7 AM and 9 AM and between 3 PM and 6 PM for the proposed use shall be determined from the latest edition of Trip Generation published by the Institute of Transportation Engineers, or from figures provided by a qualified traffic engineer. A report shall be made detailing the nature and extent of the trip generation expected to result from the proposed development.

- D.** Analysis of transportation impact. The projected total future peak hour traffic demand shall be calculated for all roads fronting on a proposed site and all major intersections within one-half (1/2) mile of the site. This demand shall consist of the anticipated traffic that will be generated by the proposed development, plus an assumed normal increase of traffic volume of one (1) percent per year, unless traffic-engineering studies indicate a different rate of change. An analysis shall be undertaken to determine if roadways and intersections will operate at the appropriate level of service following completion of the development given the future peak hour traffic that will be generated by the proposed development.

412.04. Traffic control devices. Whenever, as the result of additional traffic generated by a proposed development, it is determined that there is a need for a traffic signal, a regulatory sign, additional right-of-way or acceleration/deceleration lanes, the developer shall make such planned improvements a part of his development plans and shall propose a schedule to the Planning Commission for making such improvements. Anticipated improvements required by future development, and the developer share in those improvements, are listed in the following paragraphs.

- A.** Traffic signs. Include the normal stop, yield, caution, and street signs, but also may include special signs such as “watch for traffic entering”, “blind hill” and “pedestrian crossing”, may also be required. Such signs will be placed by the developer entirely at the developers’ expense. These signs shall be specified, installed, and maintained in accordance with the Manual on Uniform Traffic Control Devices.
- B.** Traffic signals. Include any and all lighted signals. Such installations will be placed at the direction of the agency having jurisdiction. This paragraph also applies to signalization and improvement of railroad crossings. Because of the timing of the actual installation of signals by authorized agencies, the developer will be required to post a bond guaranteeing the estimated cost of improvements covered by this paragraph.

Section 413. Clear View of Intersection Streets.

To provide a clear view of intersection streets to the motorist, there shall be a triangular area of clear vision formed by the two intersecting streets. The size of this triangular area is a function of traffic volume and speed and is depicted for right-angle intersections in **Figure 8**. At oblique intersections, in which two roads form an angle of 60 degrees or less, required clear areas shall be determined by the City Engineer, based on design criteria set forth in the most recent edition of A Policy on Geometric Design of Highways and Streets, prepared by the American Association of State Highway and Transportation Officials (AASHTO).

Where, in the opinion of the Planning Commission, there are unusual and/or specific circumstances relating to a street intersection such that the application of **Figure 8** may not be appropriate, the intersection shall be referred to the City Engineer who shall recommend a triangular area of clear vision using the standards contained in the current edition of the Manual of Uniform Traffic Control Devices.

On any portion of a lot that lies within the triangular area defined according to this section, nothing shall be erected, planted, placed, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2.5) feet and ten (10) feet above the grade at the intersection of the street center lines.

Section 414. Traffic Management.

414.01. Curb Cuts.

Because frequent curb cuts and driveways providing access to numerous adjoining properties are a severe impediment to the proper functioning of major streets, on-site circulation and cross-access agreements between lots are required, to control the problem when land is subdivided. There shall be a minimum spacing of 300 feet for driveways and other curb cuts on arterial streets and 300 feet on collector streets. In areas where single-family detached homes abut collector streets, an average distance of 125 feet shall be allowed between curb cuts.

New single-family residential lots shall not be allowed direct access to collector and arterial roadways without approval of the City Engineer.

The following table summarizes required distances between curb cuts and street corner property lines:

Development Type	Street Type <i>(all districts except Downtown/Riverfront area)</i>		
	<i>Arterial</i>	<i>Collector</i>	<i>Local</i>
Non-Residential	125'	100'	100'
Multiple Unit Development per §603.02(e)	125'	100'	100'
All Other Residential	125'	100'	25'

Where an intersection contains a left-turn stacking lane, any driveway opposite such lane shall be designed to permit entrance and exit by right turn only. Such "right turn" entrances shall be constructed with raised islands to prevent left-turn movements. No left turns shall be permitted where such turning motions would cross an acceleration or deceleration lane in proximity to an intersection.

Required distances between curb cuts and between curb cuts and street corner property lines shall be measured from the edge of the curb cut.

414.02. Access For Lots of Record and Redevelopment.

In the interest of public safety, lots of record, as defined by this Ordinance, shall be afforded vehicular access at the direction of the City Engineer and in accordance with the MUTCD. This access may take the form of a curb cut, or shared curb cut, directly onto a public right-of-way or may be limited to cross-access via an adjoining lot. The City reserves the right to adopt access plans for thoroughfares in rapidly redeveloping areas in order to facilitate traffic management and public safety. The Planning Commission and City Council shall approve such plans.

414.03. Acceleration/Deceleration Lanes.

Acceleration/deceleration lanes shall be provided by the developer at the direction of the City Engineer. Such improvements must be designed and constructed to city, county or state standards. The cost of such improvements will be borne entirely by the developer.

414.04. Cross-Access Requirements.

Adjoining lots with frontage upon collector or arterial roads may be required to provide cross-access and permanent ingress/egress easements to adjacent properties in the interest of accommodating the curb-cut requirements, public safety and facilitating vehicular traffic. Such access shall be required at the discretion of the City Engineer.

414.05. Median Cuts.

Center medians are designed and constructed both for traffic safety and aesthetic considerations. Such public improvements are constructed at great expense to the public and, therefore, any alteration of the existing or planned roadway medians shall be allowed solely at the discretion of the City Council, and/or ALDOT; and only where such alteration is in the interest of public safety. Where such alterations are allowed, the entire cost shall be borne by the applicant. The improvement of other medians or similar traffic control devices in proximity to the proposed development may be required in consideration for any allowed median alteration.

414.06. Additional Right-of-way.

Additional right-of-way required by a specific governmental plan for the improvement of a given existing or proposed roadway shall, where possible, be divided equally between adjoining property owners on both sides of the existing roadway, and shall be dedicated to the City. Said right-of-way may be required at the time of subdivision or site plan review.

Section 415. Flood Hazard Areas.

415.01. Floodways. Located within defined flood hazard areas are areas designated as floodways. The floodway is a hazardous area due to the velocity of floodwaters, which carries debris and has erosion potential. The floodway is a sensitive area in that this channel must be kept free of encroachment to minimize the increase of flood heights. Therefore, in floodways, the following provisions shall apply:

- A. All encroachments are prohibited including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrences of the base flood discharge.
- B. If paragraph 1 above is satisfied, all new construction and substantial improvements shall comply with all other flood hazard reduction provisions.
- C. Within flood hazard areas there may be small streams for which no base flood data has been provided or floodway defined. In such cases, the following provisions apply:
 - 1. No encroachments, including full material or structures shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet on each side from to of bank, whichever is greater.
 - 2. New construction or substantial improvements of structures shall be elevated or flood proofed one foot (1') above the estimated flood elevation as determined and certified by the applicant's professional engineer.

415.02. Uses Permitted in Flood Fringe. The flood fringe shall be interpreted, as overlaying the immediately adjacent zoning district and the general use and yard restrictions of that district shall apply. The following uses, subject to the above, are permitted in the flood fringe because they have low flood damage potential, do not threaten other lands during times of flood, do not require special structures, flood control works, or substantial filling or grading, the use of channels or flood ways, streams, drainage ditches or any other drainage facility or system:

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plan nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- B. Residential related uses such as lawns, gardens, parking areas and play areas.
- C. Commercial or industrial related uses such as loading areas, parking areas, airport landing strips, or transient amusement enterprises such as circuses, carnivals, etc.
- D. Private and public recreational uses such as: marinas, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming area, parking, wildlife and nature preserves, game farms, fish hatcheries, shooting reserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding rails, temporary moveable structures for the sale of food and refreshment, arts and crafts.

415.03. Conditional Uses in Floodplain.

- A. The following represents a list of uses that shall be treated as conditional uses if proposed to be located in a floodplain:
 - 1. Drive-in theatres, new and used car lots, roadside stands, signs and billboards, storage yards for equipment, machinery or materials.

2. Railroads, streets, bridges, utility transmission lines and pipelines.
3. Kennels and stables.
4. Extraction of sand, gravel and other materials; substantial grading, filling or other excavation alterations or natural protective barriers only if such activities will not result in damage to the drainage or flood system itself or destroy natural protective barriers.
5. At the discretion of the Planning Commission and upon review by the City Engineer and/or ADEM other uses may also be considered as conditional.

B. Standards for Conditional Uses. No structure, storage of materials or equipment, or other use may be allowable as a conditional use which, acting alone or in combination with existing or future uses, will significantly cause flood damages to other lands or accelerate erosion. All buildings or structures, temporary or permanent, within the flood hazard area shall:

1. Be designed with a low flood potential.
2. If permitted, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
3. Structures shall be firmly anchored to prevent flotation, which may result in damage to other structures.
4. Service facilities such as electrical and heating equipment shall be flood proofed or constructed at or above the regular flood protection elevation for the particular area.
5. Storage of materials and equipment within the flood prone area shall:
 - a. Not include the storage or processing of materials that are flammable, explosive or injurious to human, animal, or plant life or become buoyant during flooding.
 - b. Be allowed if such materials or equipment is not subject to major damage by flood and is firmly anchored to prevent flotation or is readily removable from the area within the time available after a flood warning.

415.04. Flood Hazard Area Standards.

A. General Standards.

In all areas of special flood hazard, the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
6. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
7. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Ordinance, shall meet the requirements of “new construction” as contained in this Ordinance.

B. Specific Standards.

In all areas of special flood hazard where base flood elevation data has been provided, the following provisions are required:

1. **Residential Construction.** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot (1') above base flood elevation.
2. **Non-residential Construction.** New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of one foot (1') above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the equivalent level the structure is water tight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
3. **Manufactured Homes.**
 - a. No manufactured home shall be placed in a flood fringe except in an existing manufactured home park or existing manufactured home subdivision.

- b. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirement shall be that:
 - 1) over-the-top ties be provided for each end of the manufactured home, with one (1) additional tie per side at an intermediate location on manufactured homes of less than fifty feet (50') and one (1) additional tie per side for manufactured homes of fifty feet (50') or more;
 - 2) frame ties be provided at each corner of the home with four (4) additional ties per side at intermediate points for manufacture homes less than fifty feet (50') long and one additional tie for manufactured homes of fifty feet (50') or longer;
 - 3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - 4) any additions to the manufactured homes be similarly anchored.

- c. For new manufactured home parks or subdivisions or for existing manufactured home parks and subdivision where the repair, reconstruction or improvement of the streets, utilities and pads equal or exceed fifty percent (50%) of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, the following is required:
 - 1) stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above one foot (1') above the base flood level;
 - 2) in the instance of elevation on pilings:
 - a) lots are large enough to permit steps;
 - b) piling foundations are placed in stable soil no more than ten feet (10') apart; and
 - c) reinforcement is provided for pilings more than six feet (6') above the round level.
 - 3) adequate surface drainage and access for a hauler are provided.

Section 416. Lakes and Ponds.

All such areas that serve a stormwater or flood retention purpose shall be permanent open space maintained by the developer, property owner or other legally bound and authorized agent. No development or diverting of these bodies of water shall be permitted without a development plan approved by the City Engineer. Alteration of lakes and ponds shall be permitted only if surface area and flood retention volumes remain unchanged or are enlarged.

Lake Shorelines: The shorelines of lakes [two (2) acres or greater in size], consisting of the area within 100 feet from the shorelines, shall contain no more than 15 percent impervious surfaces. At least 75 percent of all such areas shall be permanent open space.

Pond Shorelines: The shorelines of ponds [less than two (2) acres in size], consisting of the area within 50 feet from the shorelines, shall contain no more than 15 percent impervious surfaces. At least 75 percent of all such areas shall be permanent open space.

Section 417. Drainageways.

Re-grading, stripping of vegetation, or filling in drainageways is permitted only after review and written approval by the City Engineer, provided that the resultant drainageway has less velocity than existed previously or reduces stream bank erosion through the provision of erosion control measures.

ARTICLE V. DETAILED USE REGULATIONS

Section 500. Purpose.

The purpose of this Article is to specify the detailed regulations, including bulk, layout, setbacks and lot area, which apply to specific land uses. Standards, over and above those imposed by other sections of this Ordinance, are necessary for certain land uses which, although permitted as of right in certain districts, have characteristics that might have negative impacts on nearby uses without these additional regulations. This Article also specifies the regulations applicable to temporary and accessory uses, and it details the off-street parking and loading requirements of permitted land uses.

Section 501. Standards Applicable to Certain Uses.

In addition to compliance with other regulations imposed by this Ordinance, the following standards are required of the specific uses enumerated below.

501.01. Renovation, Adaptive Reuse, and Preservation of Structures.

Because there may be value to the community in the renovation, reuse and preservation of structures, and because these actions serve the public interest, renovation, reuse, and preservation of structures are encouraged in all zoning districts.

- A. In addition to a site plan required pursuant to Section 902, each proposed renovation, reuse or preservation of an existing structure shall include a floor plan showing the internal use of the structure.

- B. It is anticipated that the renovation, reuse, and preservation of existing structures will involve difficulties with maximum densities in some zoning districts, bufferyard requirements and off-street parking. Where these conditions occur, the Planning Commission may impose such standards as fencing, screening, and planting as they deem appropriate to buffer existing adjacent properties.

501.02. Exceptions to Minimum Yard Requirements. The following structures shall be allowed to project into or be constructed in any minimum required yard as follows:

1. awnings and canopies, roof overhangs and balconies not to exceed three (3) feet;
2. bay windows, not to exceed two (2) feet;
3. clotheslines; driveways and their curbs, fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this Ordinance.
4. Uncovered decks of no more than 30 inches in height may extend to within five (5) feet of the property line.

Nothing contained in this Section shall be construed to allow encroachment of any feature into a required bufferyard.

501.03. Voluntary Dedication of Property for a Public Purpose.

No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Ordinance. An exception to this standard may occur when a lot is reduced, in dimension or total area by 20 percent or less for public use, through voluntary dedication by the owner and acceptance by the City of a portion of such lot. In this instance, for purposes of this Ordinance, said reduction shall not render the lot nonconforming by virtue of lot area. However, for purposes of measuring compliance with Ordinance setback requirements, the dimensions and area of such lot as it exists after the dedication shall apply.

501.04. Limitations on Animals.

- A. No person shall keep or maintain in connection with any residential dwelling unit more than three (3) dogs aged six (6) months or older, except in the AFR District.
- B. The keeping or maintaining of horses, mules, cattle, sheep, goats, hogs, fowl or any other such animal shall be confined to lots of 10 acres or more in the AFR District.
- C. No person shall breed or maintain any wild animal or reptile that, in the opinion of the City Council, poses a threat to human safety in Tallassee.
- D. See Tallassee City Code Ordinance #88-240 as amended.

501.05. Moving of Buildings.

No structure shall be moved from one development site to another unless such structure shall, at the new location, comply with all applicable provisions of this Ordinance.

Section 502. Broadcast/TV/Radio and Telecommunication Tower Use Regulations.

Except where otherwise stated herein, the following standards shall apply to all types of broadcast and communication towers within the City of Tallassee.

- A. *General Regulations and Requirements.* All requirements for site plan approval, as set out in Article IX, shall be met at the time of application for site of new towers.
- B. *Safety/Structural Design of Towers.* All broadcast towers must comply with requirements as set out in the latest edition of the EIA-222 code “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures,” as amended, published by the Electronic Industries Association and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and

safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

C. Security. A chain link fence shall be installed around the perimeter of the compound, with a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable). Such fence is to be located on the perimeter of the compound unless otherwise approved as part of the site plan submitted with the application of site plan approval. Guy anchors may be fenced separately from the main compound. Climbing pegs shall be removed from the lower 20 feet of all broadcast towers.

D. Lighting Restrictions. There shall be no lighting on any tower except when required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application.

Any security lighting used at the facility shall be of low intensity, shall not be directed or reflected away from the site, and must not illuminate any portion of the site higher than ten (10) feet.

E. Maintenance. The owner of a broadcast tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Tallassee or its authorized representatives, in perpetuity for as long as said tower remains on a site.

F. Landscaping.

Broadcast towers constructed in conjunction with a principal structure (i.e. radio/TV station) shall comply with all bufferyard and landscape requirements as set out in Article VI.

Towers constructed as stand-alone facilities shall provide the following general landscaping directly outside the required fencing:

1. Landscaping will be required to reduce the visual impact of a compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.
2. The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least 4 feet wide outside the perimeter of the compound. In locations where

the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

3. A row of trees a minimum of 8 feet tall and a maximum of 10 feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line.
4. All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

G. *Abandoned Facilities.* Any broadcast facility that ceases to be used for its original communications purpose shall be removed at the owner's expense. The owner of the facility shall provide the Planning Director with a copy of the notice to the FCC of the intent to cease operations, and shall have 120 days from the date of such ceasing to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice will still be required from each provider as to their cessation of operations, and such provider will be required to remove its facilities within the one hundred and twenty (120) day period prescribed above. At such time as all providers sharing use of a tower cease operation of their facilities located thereon, the owner of the tower shall complete the removal and restoration process as set forth herein.

H. *Area and Dimensional Requirements.* The following area and dimensional regulations shall apply to all facilities covered by this Section:

1. *Minimum Lot Area:* Determined by setback requirement.
2. *Minimum Setbacks:* Each tower shall be set back from all property lines a distance equal to 50 percent of its height (when site is a leased portion of a larger parcel, setbacks shall be measured from the property lines, not the leased site). Maintenance/equipment buildings must meet the setback requirements as specified for the zoning district in which they are to be constructed.
3. All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. Guy anchors may be fenced separately from the main compound.
4. *Bufferyard Requirements:* See Article VI

I. *Height and Location Restrictions.* In regard to the height and sitting of all broadcast facilities and their associated structures the following regulations shall be observed:

1. No broadcast tower site boundary shall be located closer than 200 feet to any residence.
2. No tower shall be located less than a distance equal to its height, as measured from the base of the tower, from any Residential (RS) District zoning boundary. Any new towers so located shall further be restricted to a monopole or self-supporting design.
3. No tower shall exceed a height of 300 feet.
4. Where such facility is constructed in conjunction with a principal structure it shall be sited behind the front plane of said structure. Property located in the Agricultural District (AG) shall be exempt from this provision.

502.01. Telecommunications Towers.

In addition to the standards set out in Section 502 above; the following standards shall apply specifically to telecommunication towers.

A. Application and Justification. All requirements for site plan approval, as set out in Article IX, “Development Approval Process”, shall be met at the time of application for siting of new telecommunications towers. In addition to meeting the general requirements for site plan approval, the following information shall be provided when applying for approval of a communication tower:

1. A current U.S.G.S. quadrangle map (1:24,000), or equivalent, showing the proposed site location and at least a two (2)-mile radius around the site;
2. A scaled elevation diagram of the facility, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location;
3. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility and its relationship to the next nearest adjacent cell(s) and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g. buildings, billboards, water towers, or other structures that could be used for support in lieu of a new tower) considered within a two (2)-mile radius of the proposed location.
4. An inventory of all the provider’s existing telecommunications towers and communications antenna sites in Elmore or Tallapoosa County (including those located in municipalities within Elmore or Tallapoosa County). This inventory must include:
 - a) The location, parcel identification number, and ownership of the telecommunications tower.

- b) Name of co-locators.
- c) Height of tower.
- d) Type of tower or nature of other structure where antenna is located.
- e) Name of Wireless Communication Service Provider co-location coordinator.
- f) Copy of Wireless Communication Service Provider's FCC license.

In the event such inventory has already been provided, each successive application must include an update such that said inventory will be completely current and accurate.

5. Written documentation justifying the need for a new telecommunications tower site to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:

- a) a list, description and map of the potential co-location, nonresidential use or alternative location sites that are located within the geographic service area of the proposed site;
- b) documentation that requests for co-location have been made at least 30 days prior to the filing of application for site plan approval
- c) a detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;
- d) an analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the countywide network;

6. Certification that the proposed telecommunications tower is structurally and technically designed and capable, and will be so constructed, to meet the co-location requirements set forth in this Section. Immediately upon completion of construction, as-built certifications of same shall be submitted as well.

B. Co-location Requirements. All towers constructed subsequent to the adoption of this Section, and their associated compounds, shall be designed and built to accommodate additional wireless communication service providers based on the height of the tower as follows:

1. Towers 80 to 159 feet in height shall accommodate a minimum of two (2) providers.
2. Towers 160 to 209 feet in height shall accommodate a minimum of three (3) providers.
3. Towers of 210 to 300 feet in height shall accommodate a minimum of four (4) providers.

Carriers wishing to co-locate on an existing tower may receive administrative approval of their request.

C. *Maximum Utilization of Existing Sites.* No new telecommunications tower shall be constructed if space is structurally, technically, and economically available for the proposed telecommunications antenna(s) and related facilities on an existing tower; or on an alternative site (e.g. building or other structure), where such alternative location would cover the required service area without creating undue signal interference.

D. *Pre-Existing Towers.* Any telecommunications tower or telecommunications antenna for which a permit has been properly issued shall hereafter be considered a non-conforming use subject to the provisions of Article VIII of this Ordinance. The purpose and intent of this Section is to minimize the proliferation of new towers and promote the co-location of new antennas onto existing towers. Any communications antenna locating on a pre-existing properly permitted telecommunications tower subsequent to adoption of this Section shall be exempt from the restrictions of Article V of this Ordinance when the provisions below are met:

1. If structural strengthening is necessary to accommodate co-location, the tower type shall remain the same as previously permitted.
2. There will be no increase in the total height or type of lighting of the facility, including the tower, antennas and all other associated facilities.
3. All setback and buffer requirements applicable to the existing tower, at the time its permit was issued will continue to be applicable to such tower.

The Planning Department shall permit such facilities through administrative review and approval.

502.02. Exemptions. The following wireless communications facilities shall be exempt from the requirements of this Section:

1. Amateur radio antennas and receive-only antennas not more than 60 feet in height, and satellite earth station antennas two (2) meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed.

2. Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.
3. Accessory facilities used exclusively for dispatch communications by private entities, or for internal communications by public utilities, provided such facilities do not exceed a total of 60 feet in height whether mounted to a structure or ground mounted.

The Planning Official shall make determination of exemption of any such facilities exceeding the foregoing dimensions.

Section 503. Manufactured Housing

The purpose of this section is to provide standards and procedures specifically relevant to the location and development of manufactured housing and manufactured home communities.

503.01 Definitions.

Manufactured home. A home transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site is three hundred twenty or more square feet and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air-conditioning and electrical systems . The home is built to the National Manufactured Housing Construction and Safety Standards Act.

Manufactured home lot/site. A parcel of land for the placement of a single manufactured home unit and for the exclusive use of its occupants.

Manufactured home community/subdivision. A development that has been planned, improved and used for the placement of four (4) or more manufactured homes for residential occupancy. The lots in said community/subdivision shall be for fee simple sale to individuals wishing to place a manufactured home on said lot, and shall not be used for lease or rental purposes.

Mobile Home or House Trailer. Any detached residential dwelling, built prior to June 15, 1976, prior to the National Manufactured Housing Construction Safety Standards Act. Designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be occupied as a dwelling, completed and ready for occupancy includes the plumbing, heating, air conditioning and electrical systems. Travel Trailers, campers, recreational vehicles and motor homes are not to be considered as Manufactured Homes, Mobile Homes, or House Trailers.

Modular Home. A factory fabricated transportable home consisting of units designed to be incorporated at a building site on a foundation and used for residential purposes. A modular home must have a seal of compliance according to the regulations of the Alabama Manufactured Housing Commission.

Note: For the purposes of this Article, the term “manufactured home” shall include “modular home” and all requirements shall apply equally to each.

503.02. Manufactured Homes As In-fill Dwellings.

A. Compatibility Standards – Location Restrictions. Manufactured Homes may be permitted on a vacant lot within the DDH, R-1, & R-2, zoning districts, subject to full compliance with the following conditions:

1. Manufactured homes being considered for placement in an R-1 or R-2 zoning district are allowed only upon first receiving conditional use approval.
2. The proposed manufactured home will not be located on a vacant lot that is within a designated local, state or federal historic district, or a vacant lot that is between two or more structures that have been listed on or are eligible for addition to the National Register of Historic Places.
3. The combined value of the proposed manufactured home and the property upon which it will be sited shall not be less than ninety (90) percent of the average fair market value of all adjoining properties, and properties within a 500’ radius, that have been improved for single family residential use, according to the property value records maintained by the County Tax Assessor’s Office.
4. Manufactured Homes used as in-fill development must comply with the requirements of this Zoning Ordinance, have a valid HUD Seal and be a current model year.

B. Compatibility Standards – Generally. The following are compatibility standards for manufactured homes meeting the definition of dwelling-single family.

Manufactured homes qualifying as dwelling, single-family shall be compatible to site-built and other housing in the immediate general area within the same zoning or residential district. Approval shall be granted when the manufactured home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to: (1) site-built or other forms of housing which may be permitted in the same general area under this Ordinance or (2) existing development or (3) proposed development in the same zoning district. Items subject to compatibility comparison will include the following:

1. **Exterior Finish.** Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is sited.
2. **Installation.** Manufactured homes and mobile homes shall be installed in accordance with the manufacturer’s installation instructions or the regulations published by the Alabama Manufactured Housing Commission.

3. **Size & Appearance.** The general appearance and square footage of the home shall conform to housing in adjacent or nearby locations to insure compatibility of site-built homes and manufactured housing.
4. **Site-orientation.** Manufactured homes and mobile homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.
5. **Towing device.** All towing devices, wheels, axles and hitches must be removed.
6. **Utilities.** The home must be connected to water and sewage systems (including well and septic tank, if applicable) approved by the Alabama Department of Public Health or the Alabama Department of Environmental Management.
7. **Underpinning.** The type of material and method used for underpinning (method of fastening or support) shall be consistent with and compatible to site-built homes in adjacent locations.

503.03. Standards for All Manufactured Homes.

All manufactured homes shall comply with the following standards:

- A. All mobile homes or trailers that are nonconforming prior to the effective date of this Ordinance shall be treated as nonconforming uses.
- B. All manufactured homes placed after the effective date must comply with the requirements of this Zoning Ordinance, have a valid HUD Seal and be a current model year.
- C. **HUD Seal required.** Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act published by the U.S. Department of Housing and Urban Development. Any existing mobile home or trailer not bearing such a seal shall be deemed a non-conforming structure and shall be treated as a non-conforming structure and use in accordance with the regulations established in Article VI of this Ordinance.
- D. It shall be unlawful for any person to initially place, replace or relocate a manufactured home within the City of Tallassee without first being granted a permit approved by the Planning Commission.
- E. The Tallassee City Council, upon recommendation by the Planning Commission, may grant to an applicant permission to temporarily park and/or use a manufactured home upon the premises on which a building or home is being constructed during the time of construction and may qualify, limit or terminate such permission at any time without notice. The permit shall be issued showing permission with a specific time

- period allowed for construction of the home to be both started and completed. If sincere construction is not started by the allotted start date or if the construction is not continuing on a reasonable basis as determined by the Council, the permit shall be revoked unless a request is made to the Council by the applicant for an extension and that extension is granted.
- F. Installation requirements.** All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission.
- G. Skirting required.** All manufactured homes shall be skirted with a weather-resistant material, which resembles a single-family dwelling. Skirting shall be adequately vented.
- H. Axles and towing devices removed.** Once a manufactured home has been placed on an individual lot, all tow bars and axles shall be removed and either removed from the property or stored on the lot where they will not be visible.
- I. Access to exterior entrances.** Immediately after installation and prior to occupation, a landing/porch/deck shall be installed on all front and back entrances. At least one of said landings shall be no narrower than five (5) feet in depth (as measured outward from the exterior of the structure) nor shorter than eight (8) feet in length and containing a railing along all exterior edges of the landing. Stairways leading to decks shall be no less than three (3) feet in width with exterior railing. All required stairways and landings/porches/decks shall be constructed of wood or brick materials or some combination of both. Required railing may be constructed of wood or metal material.
- J. Additions.** Additions to manufactured housing must be compatible with the home and surrounding area. Such additions must be constructed in compliance with local building codes and in such a manner as to not damage the original manufactured home.

503.04. Manufactured Homes as Office Uses.

The use of manufactured homes or trailers for industrial office uses may be allowed subject to the following conditions and approval by the Planning Commission:

- All wheels, axles, and towing apparatus must be removed and unit placed on a permanent foundation;
- Unit must be connected to all basic utilities;
- A valid HUD Certificate must accompany unit.
- These structures shall be used only for office or administrative activities.
- There shall be a five (5) year limit on manufactured buildings as temporary industrial office uses

Section. 504. Standards for Manufactured Home Communities/Subdivisions

504.01. Procedures.

A. Community Plan. A manufactured home community plan shall be developed and drawn to a scale of one (1) inch to one hundred (100) feet and shall include the following:

1. The name of the community, the names and addresses of the owners and the names and addresses of the designer or surveyor.
2. The date, scale and approximate north arrow.
3. The boundaries of the community.
4. The site plan of the community showing streets, driveways, open area, parking spaces, service buildings, water courses, easements, manufactured home spaces and other items as may be required by the Commission to assure compliance with the standards contained in these regulations.
5. Names of adjoining property owners.
6. The identification of all gas, water and sewage lines that will service the community. Street lights and solid waste containers shall also be included.
7. Surface water drainage plans.

A. Review and Approval. Before a permit is issued for construction of a manufactured home community, the plan for the community must be submitted to the Planning Commission for review and approval in accordance with the City of Tallassee Subdivision Regulations.

B. Improvements to be Completed. Should the community streets not be completed within two (2) years of approval of the community plan, the Planning Commission shall notify the City Clerk that no further building or electrical permits for manufactured home units shall be released within the manufactured home community until such time as improvements are completed.

504.02. Platting Requirements.

Manufactured home communities/subdivision proposed for location within the City limits of the City of Tallassee must comply with all requirements of the City of Tallassee Subdivision Regulations, including but not limited to, road construction standards, access requirements, drainage requirements, etc.

Additionally, unless otherwise approved, manufactured home communities located in the City of Tallassee must meet all lot size and setback requirements for the zoning district in which it is to be located, as setout in Article IV.

Section 505. Master Development Plan.

Where any development site is to be developed in stages or phases, no plat or phase plan for any fraction of the site shall be accepted for review, unless a Master Development Plan is submitted. A Master Development Plan shall be required in connection with any request for Performance Residential Development or Special District (SD) zoning. A Master Development Plan shall also be required for any development containing a mixture of residential and non-residential land uses, and/or more than one of the dwelling unit types described in Section 408.03.

The Master Development Plan shall be a conceptual plan showing the entire development site and all component stages or phases, and shall express the overall development concept for the site at build-out. The plan shall show all proposed streets and shall demonstrate compatibility between adjacent land uses. The plan has two additional purposes: to ensure that required amenities keep a reasonable pace with residential construction in a phased development; and to establish an outer perimeter for the purpose of calculating density and required open space.

The Master Development Plan shall include the following information:

- A.** outer boundary or perimeter of the overall development site, including a valid legal description;
- B.** approximate locations of all proposed streets;
- C.** type, number and approximate locations of all dwelling units;
- D.** overall gross density for the development site, as well as density for each individual stage or phase;
- E.** location and approximate acreage of all resource protection, recreation, and open space lands and other common properties;
- F.** location of all streets and drainage facilities;
- G.** required bufferyards; and
- H.** any other information which the Planning Director determines to be relevant.

Where a Master Development Plan is submitted in conjunction with a Special District (SD) zoning this plan shall include a written statement addressing design standards within the development, including minimum residential lot sizes and widths, building setbacks, building heights, signage, impervious surface and floor area ratios, and any other information the

Planning Director determines to be relevant. Upon approval, this written statement shall become a component of the Master Development Plan and shall be binding upon all future development on the site.

When a Master Development Plan is required, such plan shall be reviewed and approved by the Planning Commission prior to or simultaneously with any regular site plan or subdivision plat submitted. Upon approval of the Master Development Plan, the developer may submit and the Planning Commission may approve subdivision plats or site plans for individual phases or stages.

The Master Development Plan shall include a schedule showing density and open space on a cumulative basis upon completion of each phase. All stage or phase plans shall be consistent with the approved Master Development Plan.

Once approved, the Master Development Plan shall become a binding condition of development on the site, and subsequent stages or phases of the development shall be substantially consistent with it. If the Planning Director finds that any stage or phase plan substantially deviates from the approved Master Development Plan, a revised master plan shall be required for Planning Commission review prior to approval of further site plans or subdivision plats within the development.

Any of the following changes shall constitute a “substantial deviation:”

- A. An increase or reduction in land area of the development.
- B. An increase in the total number of dwelling units.
- C. Provision of less than the required percentage of recreation, resource protection, or open space land.
- D. Proposal of single family attached, duplex, multi-family or zero lot-line development in place of approved single family detached housing.
- E. Any significant addition, removal or rearrangement of land uses and streets.

Master Development Plan approval shall expire 24 months after granted unless significant progress has been made toward implementation of the development. Such progress shall be commensurate with the scale of the project.

Section 506. SPECIAL DISTRICT (SD)

Special districts are hereby authorized for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The special districts authorized

by this Article are also intended to provide means for the establishment of uses, which are generally considered to be incompatible with most other land usage.

506.01. Procedure. The procedure to be followed in the creation of special districts shall conform to the regulations for any other zone change with the following exceptions.

A. Any petition for the establishment of a Special District shall be submitted to the Planning Commission for its review and action. Approval of the request shall be based on the Commission's consideration of the following:

- 1) That the proposed development is consistent with the intent and purpose of this ordinance to promote public health, safety, and welfare.
- 2) That the final plan for the proposed development meets the requirements of this ordinance as well as the requirements of all other regulating bodies.
- 3) That an approved method of sewage disposal is available to the tract under consideration.

B. The establishment of a Special District will be for the express purpose of improving the tract of land in accordance with the approved plan of development for the particular tract of land and for the uses set forth in the development plan.

C. If, within two (2) years from the effective date of the zone amendment, construction has not commenced, the Planning Commission may, by appropriate action, repeal the amendment establishing the Special District. Once construction is started the improvements set forth in the plan of development must be completed within two years from date of issuance. Otherwise, the Planning Commission may repeal the amendment establishing the Special District. Extension of time may be granted as long as satisfactory progress is being made.

D. Unless specific variations are noted on the development plan and approved by the Planning Commission, the most restrictive requirements for parking, loading, yards, and dimensional regulations for the proposed use shall be applicable to the Special District.

506.02. Shopping Center – Special District (SC-SD)

A. A special district created for the purpose of establishing a planned shopping center may be allowed in the following districts: DDH, NB, GB, HC and OI.

B. The Planned Shopping Center District shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this article in order to provide for modern retail shopping facilities in appropriate locations to serve residential neighborhoods or regional areas. Any owner or owners of a tract of land may request that such tract of land be zoned as a Planned Shopping Center District by proceeding under the provisions of this article, but the failure of such owner or owners to apply under this

article shall not prevent them from constructing or causing to be constructed a retail sales complex, customarily called a Shopping Center, upon such tract of land provided the same is zoned so as to permit its use for this purpose.

C. The use of each building or premises shall be in accordance with the plan referred to in this Article, which use shall be limited to services, offices, clinics, parking, retail sale or merchandise, and similar activities ordinarily accepted as shopping center uses. No building shall be designed, constructed, structurally altered or used for residential purposes, except to provide within the buildings allowed, facilities for a custodian, caretaker, or watchman employed on the premises.

D. The structures permitted in this article shall observe a maximum height of seventy-five feet.

E. The owner or owners of a tract of land may submit to the Planning Commission a plan for the development and use of such tract for the purpose of and meeting the requirements set forth in this article. Said plan shall comply with all requirements of this article and shall be accompanied by evidence concerning the feasibility of the project and the effect of the proposed development on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:

- 1) A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.
- 2) A drainage plan approved by the Planning Commission.
- 3) A copy of any deed restrictions intended to be recorded.
- 4) A professional report on the needs and extent of the market to be served, and general economic justification.
- 5) A professional traffic analysis indicating the effect of the proposed shopping center on adjacent streets and roadways and also indicating the direction and amount of traffic flow to and from the shopping center.

F. Before any action thereon, the proposed planned shopping center plan, together with the required supplementary information shall be referred to the Planning Commission for study and report. Reasonable additional requirements may be required by the Planning Commission for the protection of adjoining residential property.

506.03. Residential – Special District (RS-SD)

A. The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities, which are integrated with the total project by unified architectural and open space treatment.

B. A planned residential development shall be permitted in any district except the "GB" and "I" districts.

C. The following uses are permitted:

- 1) Single family attached and detached dwellings.
- 2) Any dwelling type shown in Section 408.03.
- 3) Multiple family dwelling including condominiums and town houses.
- 4) Commercial uses. For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of adjacent properties is afforded by the plan.
- 5) Recreation uses. Recreation uses may include a community center, golf course, swimming pool, or parks, playground or other recreational uses. Any structure involved in such use shall have a thirty-five (35) foot setback from all property lines.
- 6) The amount of land set aside for permanent open space shall be fifteen (15) percent of the gross development area.
- 7) Educational uses.
- 8) Community facilities such as churches and other religious institutions and non-profit clubs such as country clubs, swim and/or tennis area.

D. The following requirements are minimums and are intended to serve as a guide in plan formulation. The Planning Commission retains the authority to waive the provisions of this section or to impose greater requirements than herein stated. All buildings shall be set back from street right-of-way lines and from the periphery of the project to comply with the following requirements:

- 1) There shall be a front yard for all detached single-family dwellings of not less than twenty-five (25) feet. The front yard setback for all other structures shall be as determined by the Planning Commission.

2) Unless indicated elsewhere, all buildings shall have a setback of not less than twenty-five (25) feet.

3) In no case shall a lot, for a single family detached structure, be created with an area of less than 4,000 square feet or a frontage of less than sixty (55) feet at the building line.

E. In addition to other applicable regulations the following rules shall be observed.

1) The application must be accompanied by a site development plan showing the use or uses, dimensions and locations of proposed streets, parks, play-grounds, other open spaces, residential buildings, commercial buildings and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this ordinance.

2) The Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The minimum yard and maximum height requirements of the zoning district shall not apply except as set forth herein. The Planning Commission may impose conditions regarding layout, circulation, and other physical improvements.

3) Where the planned residential development provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.

4) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. It shall include provisions for recreation areas to meet the needs of the anticipated population.

Section 507. Mixed-Use Developments.

Developments, other than those within a Special District (SD) which include more than one use on the same site, and in which the uses fall into two or more different use categories, shall be treated as mixed-use developments; and are required to meet the standards of this Section in addition to any other regulations imposed by this Ordinance.

All uses proposed within a mixed-use development must be permitted under Table 4-1 in the district in which the development is to be located, or be approved as part of a Special District zoning and Master Development Plan. Uses shown in Table 4-1 as conditional must be approved under the conditional use provisions of Section 903.

For review purposes, a separate development site for each land use category shall be delineated within a mixed-use development wherever possible. For shopping centers and any other case in which the different land uses occupy a single structure, the most restrictive requirements relating to any of the individual uses will be applied to the entire site.

Section 508. Accessory Structures & Uses.

508.01. Authorization. Except as otherwise provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing or permitted within such district. Any question of whether a particular use is permitted as an accessory use by the provision of this Section shall be determined by the Planning Commission pursuant to their authority to interpret the provisions of this Ordinance.

508.02. Building Permit Required. No accessory use or structure shall be established or constructed unless a building permit evidencing the compliance of such use or structure with the provisions of this Section and other applicable provision of this Ordinance shall have first been issued.

508.03. Use limitations. In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:

- A.** No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the principal structure. This shall not apply to agriculture-related structures in the AFR District.
- B.** No accessory structure or use on any lot shall cause any impervious surface ratio or exterior storage area to exceed the maximum permitted on the site by this Ordinance.
- C.** In the case of all nonresidential uses: accessory structures shall maintain the same minimum front, side, and rear yard as is required for the principal structure.
- D.** No accessory structure shall be closer than seven (7) feet to a principal structure or closer than seven (7) feet to any other accessory structure.
- E.** Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.
- F.** Accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front plain of the primary structure, exclusive of “bull nose” garages and other wings or additions extending from the front of the house. Accessory structures on lots of one (1) acres or more in the AFR District shall be setback a minimum of 100 feet from the front property line. (*See Figure 1*)
- G.** No accessory structure shall be placed within a required bufferyard or located closer than seven (7) feet to a property line where no bufferyard is required.

- H. On corner lots, no accessory structure shall be located within the required setback for a side yard adjacent to a street.
- I. On any one (1) residential lot, the total floor area of all accessory structures shall be limited to 50 percent of the floor area of the principal structure. This shall include open carports, gazebos and greenhouses, but not swimming pools. Lots of five (5) acres or larger in the AFR District shall be exempt from this limitation.
- J. All structures shall be located on lots to provide safe and convenient access for servicing, fire protection and required off-street parking.

The accessory uses and structures specifically mentioned below are subject to the following additional requirements:

508.04. Home Occupations.

A. Purpose. It is the purpose of this Section to provide residents of the City of Tallahassee a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

B. General Regulations. All home occupations shall meet the following criteria:

1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square feet. For the purposes of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

At the Planning Commission's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.
3. The home occupation shall be operated in the principal dwelling unit; and/or may be operated in an accessory structure upon approval by the Planning Commission.

4. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted. No more than two (2) company or commercial vehicles shall be parked at the premises at any time.
 5. Persons not residing in the dwelling may not engage in the operation of the home occupation.
 6. No merchandise shall be distributed to customers on the premises.
 7. No advertising material shall indicate the business hours, address and/or physical location of the business.
 8. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.
 9. Off-street parking shall be provided on the premises, as required for residential uses in Section 512.02 .
 10. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
 11. The operation of a home occupation shall not involve the sale of any dangerous or deadly materials such as knives, firearms, air guns fireworks, hazardous chemicals, etc.
 12. The on-site repair of vehicles shall be prohibited as a home occupation.
- C. Application Procedures.** Any applicant for a home occupation shall pay a fee as established in Article IX, and submit an application form, together with any required attachments, to the Planning Department. The Planning Commission shall have three (3) business days to approve or deny the application, or inform the applicant that more information is needed to reach a decision.

Each applicant for home occupation approval shall submit a deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for home occupation approval.

No more than two (2) home occupations shall be approved in any residential dwelling unit. A fraternity, sorority, or boarding house shall constitute a single dwelling unit.

If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this Section, the application shall be denied.

D. Other Provisions.

1. Home-based businesses offering child or adult day- or nighttime-care services to more than two (2) persons shall not be considered home occupations under this Section, but shall be regulated under Section 508.05. These businesses, if previously approved as home occupations, may continue operating as such until the expiration of the current business license.
2. Yard or garage sales shall be exempt from these regulations under the following conditions:
 - a) Sales shall last no longer than two (2) consecutive days;
 - b) Sales are held no more than four (4) times per year, with an intervening time period of at least 30 days;
 - c) The property on which the sale is conducted shall be occupied by one of the participants;
 - d) No goods purchased for resale may be offered for sale;
 - e) No consignment goods may be offered for sale;
 - f) All directional or advertising signs shall be removed immediately upon completion of the sale.
3. The Planning Commission, or their authorized designee, shall be permitted upon reasonable request to enter and inspect the premises of an approved home occupation at any time to verify compliance with these regulations.
4. Any existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:
 - a) the home occupation was approved prior to the effective date of these regulations;

- b) the home occupation is in compliance with all regulations in effect at the time of its approval;
- c) the business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;
- d) the home occupation holds a valid business license issued by the City;
- e) the home occupation has operated in a lawful manner at all times prior to adoption of these regulations;
- f) all signs shall be removed immediately;
- g) limitation on company vehicles shall become effective immediately upon adoption of this Ordinance.

508.05. Child Care Home. It is the intent of this Subsection to regulate the operation of child care homes so that the average neighbor, under normal circumstances, will not be aware of their existence. All child day care homes must be operated and und licensed under the Alabama Department of Human Resources in accordance with the child Care Act of 1971-Title 38, Chapter 7, Code of Alabama 1975, 38-7-1 as reversed. Reference to Alabama Department of Hunan Resources “Minimum Standards Day Care Centers and Nighttime Centers Regulations and Procedures.

Any resident of a dwelling unit in the City of Tallassee providing family childcare shall apply for and receive a business license from the City Clerk subject to the following regulations:

- A. The childcare activity shall be licensed to and operated by a resident of the dwelling unit in which it is located.
- B. The childcare activity must be clearly incidental to the use of the structure as a residence.
- C. The appearance of the dwelling unit, structure, and/or premises shall not be altered, nor the child care activity within the structure conducted, in any manner which would cause the premises to differ from its residential character or from the character of the neighborhood.
- D. The childcare home shall be operated in the existing dwelling unit. No new or existing accessory structure shall be built or used for the purpose of the child care activity.
- E. No sign shall be permitted in connections with the childcare home.
- F. The total number of persons engaged in the operation of the childcare home shall not exceed four (4). Up to two (2) persons other than those residing in the dwelling may

- engage in the operation of the business, provided that there is sufficient off-street parking space to accommodate the vehicles of such non-resident employees.
- G.** Off-street parking space shall be provided on the premises, as required Section 512, or as otherwise necessary.
 - H.** The operation of a child care home shall not create any nuisance such as excessive traffic, on-street parking, or noise to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the child care premises.
 - I.** The childcare home shall at all times possess an appropriate license issued by the State of Alabama. A copy of such license shall be furnished to the City Clerk upon request. Revocation or expiration of the state license shall automatically void any business license issued by the City.

508.06. Private Swimming Pools and Tennis Courts Accessory to a Residential Use.

- A.** Swimming pools and tennis courts shall be subject to the same side and rear setback requirements applicable to other accessory structures, and shall not be located within public utility or drainage easements along side and rear lot lines. For purposes of setback measurement, swimming pools and tennis courts shall include all surrounding decking or paving, and vertical supports for screen enclosures.
- B.** Pools shall be enclosed by a fence a minimum of four (4) feet in height, which must be in place prior to the filling of the pool.
- C.** No swimming pool or tennis court permitted under this Section shall be operated as a business or a private club.
- D.** Lighting for pools and tennis courts shall be located and installed so that light is not cast directly onto adjoining properties.

508.07. Antennas. For the purposes of this section the term “Antennas” shall include all residential antennae and satellite dish receivers.

- A.** Antennas shall be an accessory use only, and shall not be the principal use of any property.
- B.** Residential TV antennae shall not exceed 30 feet in height for vertical antennae or 2 feet in diameter for dish style; all other antennae shall not extend above 60 feet in height, unless otherwise specified by this Ordinance.
- C.** Antennae shall not be located forward of the front building line or within a required side street setback area.

- D. Antennae not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height.
- E. No more than two (2) antennas shall be permitted for each lot or development site.
- F. See Also Section 502.

508.08. Subdivision Amenities. It is the intent of this Section to allow the provision of recreational amenities within a subdivision as uses, which are secondary and incidental to the principal residential use. Such features are intended to be low in intensity, have minimal impacts on neighboring properties, and serve only residents of the subdivision in which it is located or other developments that are directly adjacent. Amenities approved under this Section may not be subject to the parking requirements of Section 512, nor shall they generally require conditional use approval by the Planning Commission.

Upon submission of a scaled drawing showing all proposed improvements, the Planning Commission may approve subdivision amenities if they meet the requirements listed below. Those not meeting the provisions of this Section shall be evaluated as principal uses and shall be subject to all applicable regulations, including Tables 4-1 through 4-4, landscaping and parking.

- A. Amenities that may be approved under this Section include swimming pools, playgrounds, parks, and courts or fields for particular sports such as tennis, shuffleboard, basketball, and volleyball. Specifically excluded are baseball fields, golf courses, golf driving ranges, and miniature golf.
- B. All amenities shall be located on lots or parcels whose recreational purpose is clearly identified on the recorded subdivision plat. Where an amenity is proposed on an existing lot, which is not designated for recreational purposes, it shall be processed by the Planning Official as a conditional use under Section 903.
- C. Structures shall be limited to one (1) per parcel, shall be set back 25 feet from all lot lines and shall not exceed 500 square feet in size. Any recreational parcel containing a structure shall have frontage on a public road within the development.
- D. Off-street parking shall be provided for any employees. Vehicles and/or equipment used by employees shall be stored in an enclosed structure.

Section 509. Temporary Uses.

Temporary uses are permitted only as expressly provided in this Section. No temporary use shall be established unless a zoning certificate evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance shall have first been issued, as provided in Article IX.

509.01. General Regulations.

Temporary uses as detailed below shall be subject to the following, unless otherwise provided for in this Section:

- A. Notarized, written authorization from property owner with deed to property attached.
- B. Documentation from the Tuscaloosa County Health Department must be provided that adequate arrangements for temporary sanitary facilities have been made.
- C. No permanent or temporary lighting shall be installed without an electrical permit and inspection.
- D. All uses shall be confined to the dates specified in the permit.
- E. Hours of operation shall be confined to those specified in the permit.
- F. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within seven (7) days after the closing event.
- G. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.
- H. Traffic control arrangements required by the Tallassee Public Safety Department, Police Division in the vicinity at major intersections shall be the responsibility of the applicant.
- I. Property owners shall be responsible for restitution and/or repair of any damage resulting to any public right-of-way or property as a result of the event.
- J. Serving of alcoholic beverages shall not be permitted without a permit from the Tallassee City Council.

509.02. Use Limitations.

- A. The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the ISR or any standard contained in this Ordinance.
- B. No signs in connection with a temporary use shall be permitted except as specified in Section 509.03.

509.03. Particular Temporary Uses Permitted. The following are temporary uses, which are subject to the specified regulations and standards, in addition to the other requirements specified in this Ordinance.

A. Carnival or circus.

1. Permitted only in Commercial Districts.
2. Maximum length of permit shall be 15 days.
3. No structure or equipment shall be permitted within 500 feet of any residential property line.
4. Permitted sign shall have a maximum size of 32 sq. ft.

B. Christmas tree sales.

1. Permitted only in General Business (GB) and Agricultural (AFR) districts.
2. Maximum length of permit for display and open-lot sales shall be 45 days.
3. Permitted sign shall have a maximum size of 32 sq. ft.

C. On-Site Contractor's office and construction equipment sheds.

1. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
2. Maximum length of permit shall be one (1) year.
3. Office or shed shall be removed upon completion of construction project.
4. Signs shall be permitted only in accordance with Article VIII.

D. Events of public interest.

1. Permitted only General Business (GB) Historic Downtown (HD) and Agricultural (AFR) Districts.
2. Events may include but are not limited to outdoor concerts, auctions and athletic events and associated concessions and activities.
3. Permitted sign shall have a maximum size of 32 sq. ft.

E. Fireworks Stand.

1. Permitted only in Highway Commercial (HC) and Industrial (I) zoning districts.
2. Front setback requirements shall be waived.

3. Side and rear yard setbacks shall conform to the minimum required for the zoning district.
4. A minimum of five (5) off-street parking spaces per fireworks stand. Improved parking areas shall not be required.
5. Advertising signs on the site shall conform to the requirements of Article VII, Sign Regulations.
6. Maximum length of permit shall be 30 days.

F. Modular Buildings as Temporary Uses.

1. Business Establishments:

- a) Permitted only while a permanent structure is actively being constructed.
- b) Must be a modular building (not manufactured).
- c) Permitted only in General Business (GB) and Highway Commercial (HC) Districts.
- d) Maximum length of permit shall be six (6) months. Subsequent 90 day extensions may be granted by request to the Planning Commission
- e) Any proposed sign for the temporary location shall be approved by the Planning Director and have a maximum size of 32 sq. ft.

2. Classrooms:

- a) Temporary location shall be treated as a conditional uses and shown on a site drawing filed with the Planning Department.
- b) Must be underpinned and kept free from weeds and debris.
- c) Maximum length of permit shall be one (1) year. One extension may be granted by request to the Planning Commission. Further extensions will require recommendation of the Commission and approval by the City Council.
- d) May be a manufactured building if placement is for one year or less; must be modular if planned placement is for more than one year.

G. Real estate sales office.

1. Permitted in any district for any new subdivision approved in accordance with Tallassee Subdivision Regulations. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office for the duration of the temporary use zoning certificate.
2. Maximum length of permit shall be one (1) year.

3. Office shall be removed upon completion of the development of the subdivision.

H. Religious tent meeting.

1. Permitted only in Office & Institutional (O-I), General Business (GB), Highway Commercial (HC) and Agricultural (AFR) Districts.
2. Maximum length of permit shall be 15 days.
3. Permitted sign shall have a maximum size of 32 sq. ft.

I. Sale of farm produce.

1. Permitted in Neighborhood Business (NB), General Business (GB), Highway Commercial (HC), Historic Downtown (HD), and Agricultural (AFR) Districts. Prohibited in Manufacturing (M), and Residential (R) Districts.
2. Maximum length of permit shall be one (1) year.
3. Sales areas, including the produce stands, shall be set back a minimum of 20 feet from the nearest right-of-way of any street or highway.
4. No permanent structures shall be permitted without an approved site plan meeting all the requirements Section 902.
4. Permitted sign shall have a maximum size of 32 sq. ft.

J. Temporary shelter.

1. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations:
 - a) Appropriate building permits must be issued prior to location of temporary shelter on the site.
 - b) Required water and sanitary facilities must be provided.
 - c) Maximum length of permit shall be six (6) months, but the Planning Official may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Requests for the extension shall be made in writing at least 15 days prior to expiration of the original permit. In no case shall the length of the original permit plus all extensions exceed one (1) year.

d) The manufactured home shall be removed from the property within 14 days of issuance of the Certificate of Occupancy for the new or rehabilitated residence.

K. Tent sale/outdoor sales activity.

1. The outdoor storage or display of merchandise shall be exempted from these requirements under either of the following conditions:

a) merchandise occupies an outdoor display area, which is permanent in nature and designated as such on an approved site plan;

b) merchandise is located in a temporary display area which does not occupy required parking spaces, driveway aisles, or required bufferyards, and customers must enter the building to make a purchase.

2. Tent sales and similar activities are permitted only in General Business (GB) and Highway Commercial (HC) Districts, on property developed with a principal commercial use, with proper pedestrian and vehicular access. They shall be prohibited on vacant property.

3. Where the temporary sales activity constitutes a conditional use on the site, it shall not be permitted unless conditional use approval has been recommended by the Planning Commission and granted by the City Council.

4. The applicant shall submit a site plan specifying the location of all tents, temporary structures, equipment, and merchandise on display.

5. Permitted sign shall have a maximum size of 32 sq. ft.

6. All electrical connections shall be inspected and approved by the Building Inspections Department.

7. The Planning Official and/or City Engineer may establish additional requirements as necessary to minimize hazards and promote efficient traffic circulation on the site.

8. The maximum duration of the Zoning Certificate shall be 15 days. A maximum of four (4) permits per calendar year may be authorized, and at least 30 days shall elapse between the expiration of one permit and the approval of another.

Section 510. More than One Main Building on One Lot.

More than one main building may be erected on one lot if the dimensional regulations (i.e. lot area, lot width, setbacks, etc.) can be met individually for each structure or use and minimum road frontage can be provided for each structure should the lot be divided in the future.

Section 511. Temporary Structures and Material Storage.

511.01. Temporary Structures: Mobile buildings and temporary structures shall only be used on a temporary basis as an on-site construction office in connection with the construction or remodeling of a permanent, site built building or structure. Temporary permits, when granted, shall only be valid for the period specified as needed for completion of site preparation, construction or remodeling, and as indicated on the permit. Request for extension of temporary structures may be granted for up to 1 year upon approval by the Planning Commission.

511.02. Temporary Shelters: Temporary, protective shelters approved by the Alabama Emergency Management Agency (AEMA) may be used to provide temporary, emergency living quarters in the locations and for the durations as agreed to by AEMA and the Planning Commission.

511.03. Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land more than one month prior to the commencement of construction.

Section 512. Off-street Parking, Loading and Vehicle Storage.

No building shall be erected, converted, enlarged, reconstructed or moved except in conformity with the off-street parking and loading regulations of this Ordinance.

512.01. Off-street Parking, General Requirements.

Each use, building and structure shall be provided with the number of off-street parking spaces specified and meet the following requirements:

- A.** For required off-street parking, the minimum size of each “standard” parking stall shall be ten feet by twenty feet (10’ x 20’), exclusive of aisle width, access or maneuvering area, ramps, drives, entrances or exits. Parking other than perpendicular parking shall comply with the standards set out in the currently adopted version of the International Building Code.
- B.** The minimum width of aisles in parking lots shall be:
 - 1)** Ninety degree (90°) or perpendicular parking - twenty-two (22) feet.
 - 2)** Sixty degree (60°) parking - eighteen (18) feet.
 - 3)** Forty-five degree (45°) parking - fifteen (15) feet.
 - 4)** Parallel parking - twelve (12) feet.
- C.** Unless provided for elsewhere, all parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable, hard surface, permanent type of pavement.

- D. If the required number of spaces is not a whole number, the number of required spaces shall be rounded up to the next higher whole number.
- E. Parking spaces shall be arranged in such a manner that vehicles do not extend beyond the parking space, obstruct any access or circulation drive, or protrude into required berm, landscape screening or open space areas.
- F. Parking shall be arranged in such a manner that no vehicle, with the exception of single and two-family residences, is required to back into a street right-of-way.
- G. No parking shall be permitted on commercial or industrial access drives and parking shall be arranged so that no vehicle is required to back into an on-site access drive.
- H. Except as provided in Section 512.03, all required parking spaces shall be provided on the same development site for which they are required; location of required spaces on adjoining property or across a public right-of-way shall be prohibited.
- I. All parking spaces shall be delineated by appropriate fixed curbing, painted lines (a minimum of four inches (4”) wide), or other fixed markers.
- J. Alternate forms of parking (i.e. compact spaces) other than that defined as “standard” above shall be considered by the Commission on a case by case basis. Under no circumstances shall such parking comprise more than fifteen (15) percent of the overall required parking.
- K. Queuing/Stacking Spaces shall be ten feet (10’) by twenty-four feet (24’)
- L. Truck loading spaces shall be an accessible rectangle having a width of twelve (12) feet and a length of seventy (70) feet. Any overhead obstructions shall have a vertical clearance of fifteen (15) feet.
- M. In all applicable districts, the following off street loading requirements shall apply:

Residential Uses	None Required
Commercial Uses:	
0 – 30,000 sf	1 berth
30,001 – 50,000 sf	2 berths
50,001 – 70,000 sf	3 berths
Greater than 70,000 sf	1 berth for each additional 100,000 sf or fraction thereof

512.02. Residential Off-Street Parking Requirements

See Article IV, Tables 4-2 through 4-4

- A. See Section 408.02 for the off-street parking requirements for residential uses.
- B. Reduction in number of off-street parking spaces. When a development is specifically designed to be used for senior citizens, all such units shall be required to provide a minimum of one (1) parking space for each such unit.
- C. Required parking for any residential dwelling unit within a subdivision shall be provided within the boundaries of the lot on which it is located, and shall not extend into public right-of-way.
- D. Parking for single-family detached dwellings on fee simple lots is exempt from the striping requirements set forth in Section 512.

512.03. Non-Residential Off-Street Parking Requirements

On-site parking will not be required for nonresidential uses in the Historic Downtown (HD) district. For all other districts, the following minimum number of parking spaces shall be required of the nonresidential uses specified below.

Reference herein to “employee(s) on the largest work shift” means the maximum number of employees employed at the facility regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest work shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

The term “capacity” as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

Upon approval by the Planning Commission, surface treatments other than “hard surface pavement” may be utilized for the uses in Section 702 A & B marked as follows (◆). If an unimproved gravel surface is chosen, and approved, it must meet the criteria for unimproved parking as set out in Section 512.08.

A. PARKING REQUIREMENTS BY LAND USE CATEGORY.

The following criteria shall be used when no Specified Use Standard has been provided in Section 614.02 B. below.

- 1. **Agricultural uses (*Commercial*):** one (1) space per employee on the largest shift. ◆
- 2. **Extraction uses:** one (1) space per employee on the largest shift. ◆

3. **Industrial uses:** one (1) space per employee on the largest work shift, plus one (1) space per company vehicle normally stored on premises. ♦
4. **Institutional and special residential uses:** one (1) space per four (4) patrons to the maximum capacity.
5. **Nursery uses:** one (1) space per 300 square feet of gross floor area. Plus one (1) space per 2000-sq. ft. of outdoor display area. ♦
6. **Office uses:** one (1) space per 250 square feet of gross floor area.
7. **Outdoor recreational uses:** one (1) space per four (4) patrons at design capacity. ♦
8. **Public services uses:** one (1) space per employee on the largest work shift, plus one (1) space per company vehicle normally stored on the premises.
9. **Recreational rental uses:** one and one-half (1.5) spaces per camp site. ♦
10. **Retail:** one (1) space per 250 square feet of gross floor area.

B. PARKING REQUIREMENTS FOR SPECIFIED USES.

1. **Amusement center:** one (1) space for each 100 square feet of gross floor area.
2. **Assembly, Places of:** one (1) space per four seats of maximum capacity.
3. **Assisted living facilities:** one (1) space per dwelling unit.
4. **Athletic field:** 20 spaces for every diamond or athletic field, or one (1) space for every four (4) seats of design capacity, whichever is greater. ♦
5. **Auction house:** one (1) space for each four (4) seats of design capacity, whether indoors or outdoors.
6. **Auto parts store:** one (1) space per 300 square feet of gross floor area.
7. **Auto rental:** one (1) space per 400 square feet of gross floor area.
8. **Automated, freestanding walk-up facility:** one (1) space per facility (not counting stacking lanes). If accessory to another use, no additional spaces are required.
9. **Banks:** one (1) space per 300 square feet of gross floor area, plus four (4) stacking spaces per drive-in lane.

- 10. Beauty and barber shops:** two (2) spaces per chair or one (1) space per 150 square feet of gross floor area, whichever is larger.
- 11. Bicycle sales and repair shop:** one (1) space per 300 square feet of gross floor area.
- 12. Boarding house:** one (1) space per resident.
- 13. Bowling alley:** four (4) spaces per lane. Parking shall be provided for other accessory uses (e.g., restaurants, pro shops, etc.) at the rate of 50 percent of normal requirements.
- 14. Car wash (automated):** one (1) space per employee at largest shift, but no less than two (2) spaces total; plus four (4) stacking spaces per wash stall.
- 15. Car wash (self-serve):** one (1) stacking space per stall.
- 16. Carpet store:** See Furniture Store.
- 17. Church or Place of Worship:** one (1) space per four (4) seats of maximum capacity of the sanctuary or main assembly area. Up to 50 percent of required parking spaces may be grassed or unimproved, subject to the standards set out in Section 512.08 rather than paved. All unpaved spaces shall be shown on a site plan and organized for efficient traffic circulation using tire stops and other appropriate measures as required by the Planning Commission.
- 18. Community, civic and recreation center:** one (1) space per 250 square feet of gross floor area.
- 19. Contractor's storage yard:** one (1) improved space per 250 square feet of office area; plus one (1) space per 1,000 square feet of indoor storage area; plus one (1) space per 2,000 square feet of outdoor storage area. ♦
- 20. Convenience store and/or self-service gas station (no vehicle repairs):** one (1) space per 150 square feet of gross floor area. Service areas at pumps may be counted toward required parking spaces. In no instance shall a required parking space conflict with vehicles being fueled or awaiting fuel. Convenience stores with on-site or attached eating establishments shall also meet requirements for restaurant parking. *(See Section 514 "Shared Parking")*
- 21. Day care center or nursery school:** one (1) space per teacher/employee on the largest shift; plus one (1) off-street parking or loading space per ten (10) children. Maximum enrollment and number of employees shall be noted on the site plan. Parking or loading spaces designated for children shall be located such that there is direct pedestrian access into the facility without crossing streets or driveways.

22. **Dry cleaning facility:** one (1) space per 1,000 square feet of gross floor area, or three (3) spaces, whichever is greater.
23. **Drug and alcohol treatment center:** one (1) space per two (2) beds and one (1) space per staff member, based on state licensing requirements and maximum design capacity.
24. **Employment agency:** one (1) space per 250 square feet of gross floor area.
25. **Exterminator:** one (1) space per 800 square feet of gross floor area, plus one space per company vehicle.
26. **Funeral home:** one (1) space per four (4) patron seats in each chapel or viewing area, plus one (1) space per 300 square feet of office space.
27. **Furniture store:** one (1) space for each 750 square feet of gross floor area.
28. **Gas station, full-service:** one (1) space per 150 square feet of retail area, plus one (1) space per service bay, plus one (1) space per 250 square feet of office space. In no instance shall a required parking space conflict with vehicles being fueled or awaiting fuel. Service areas at pumps may be counted toward required parking spaces.
29. **Golf courses (nine and eighteen hole):** 45 spaces per nine (9) holes. ♦ Parking shall be provided uses accessory to a golf course (e.g., restaurants, pro shops, and driving ranges) at the rate of 50 percent of normal requirements; however said accessory uses shall be required to provide fully improved parking areas.
30. **Golf driving range:** one and one-half (1.5) spaces per tee. ♦
31. **Golf, par three:** 25 spaces per nine (9) holes. ♦
32. **Grocery or supermarket (stand-alone):** one (1) space per 250 square feet of gross floor area.
33. **Health club/spa/gymnasium:** one (1) space per 275 square feet of gross floor area.
34. **Horse stable:** one (1) space for each four (4) stalls. ♦
35. **Hotel or motel:** one and one quarter (1.25) space per room, Parking shall be provided for other uses accessory to a hotel or motel (e.g., restaurants, bars) at the rate of 50 percent of normal requirements. However, small “free breakfast” eating areas shall not require additional parking above that of the base rate.
36. **kennel:** one (1) space per 500 square feet of gross floor area, but not less than three (3) spaces. ♦

37. **Laundromat:** one (1) space per two (2) washing and drying machines.
38. **Lumberyard or Home Improvement Center:** one (1) space per 500 square feet of gross floor area, plus one (1) space per 1,500 square feet of outdoor storage/display area. ♦
39. **Machinery sales:** one (1) space per 400 square feet of gross floor area, plus two (2) spaces per service bay, plus one (1) space per 2,500 square feet of outdoor display/storage area. *(See Also Vehicle Sales & Service)*
40. **Medical offices:** one (1) space per 250 square feet of gross floor area.
41. **Miniature golf:** one and one half (1.5) space per hole. ♦
42. **Mini-warehouse:** a minimum of three (3) and maximum of five (5) spaces shall be provided in the vicinity of the office and a 27 foot minimum drive aisle to all storage unit doors.
43. **Movie theatre:** one (1) space per four (4) seats of maximum design capacity. Where a theatre is part of a shopping center or is on the same development site as a shopping center, required parking may be reduced by 50 percent.
44. **Nursing homes:** one (1) space per three (3) rooms.
45. **Outdoor theater:** one (1) space per four (4) patrons to the maximum capacity of the facility inclusive of both indoor and outdoor capability. ♦
46. **Parcel delivery service:** one (1) space per 750 square feet of gross floor area.
47. **Plumbing and heating supply:** one (1) space per 750 square feet of gross floor area. *(See Also Contractors office)* ♦
48. **Printing and publishing plant:** one (1) space per 750 square feet of gross floor area.
49. **Private clubs:** one (1) space per four (4) persons to the maximum capacity of the facility.
50. **Public assembly hall:** *(See Assembly, Places of)*
51. **Radio/television station:** one (1) space per 1,000 square feet of gross floor area.
52. **Recreational vehicle park:** one (1) space per recreational vehicle site, plus one (1) space per 250 square feet of gross floor area of permanent habitable structures on the development site. ♦ *See Section 702 #9*

- 53. Restaurant, fast food:** one (1) space per 100 square feet of gross floor area. Sufficient space on-site shall be provided to accommodate queuing vehicles. Such space shall at a minimum provide capacity for four (4) vehicles from the start of the stacking lane to the order board; two (2) vehicles from the order board to the service window; and one and one-half (1.5) vehicles from the service window to the exit to a public right-of-way. In no instance shall stacked vehicles block primary ingress/egress to the site.
- 54. Restaurant, standard:** one (1) space per four (4) patron seats, including outdoor seating, or one (1) space per 150 square feet of gross floor area, whichever is greater.
- 55. Schools:**
- a) Elementary:** five (5) spaces, plus one (1) space per classroom or one (1) space per six (6) seats of largest assembly room, whichever is greater.
 - b) Junior high:** five (5) spaces, plus one (1) space per classroom or one (1) space per six (6) seats of largest assembly room, whichever is greater.
 - c) Senior high:** ten (10) spaces, plus one (1) space per classroom, plus one (1) space for each five (5) students or one (1) space per ten (10) seats of largest assembly room, whichever is greater.
 - d) College:** one (1) space for each five (5) students (based on the maximum design capacity) plus two (2) spaces per three (3) employees.
- 56. School, commercial or trade:** one (1) space for each five (5) students (based on the maximum design capacity) plus two (2) spaces per three (3) employees.
- 57. Shopping center:** one (1) space per 250 square feet of gross floor area. In a shopping mall, common pedestrian areas, except food courts, may be excluded from the calculation. Shopping centers over 650,000 square feet shall have one (1) space per 300 square feet of gross floor area.
- 58. Skating rink, ice or roller:** one (1) space per four (4) patrons to maximum capacity.
- 59. Swimming facility:** one (1) space per 200 square feet of gross water area.
- 60. Taverns, dance halls, nightclubs, and lounges:** one (1) space per 75 square feet of gross floor area.
- 61. Telecommunications tower:** one (1) off-street parking space to accommodate a maintenance vehicle for unoccupied structure. Occupied structures must comply with parking requirements as set out under Public Service uses. ♦
- 62. Tennis, racquetball, and handball courts:** two (2) spaces per court. ♦

63. Theaters and auditoriums: *See Assembly, Places of*

64. Truck terminal: one (1) space per truck normally parked on the premises, plus one (1) space per 500 square feet of office floor area. ♦

65. Vehicle sales and service accessory to vehicle sales: One (1) space per 2,000 square feet of interior or exterior sales, display, or storage area up to a total of 20 spaces.

66. Vehicle repair and maintenance services: one (1) space per 400 square feet of office and indoor display area, plus one (1) space per service bay (excluding bay).

67. Veterinary office: one (1) space per 500 square feet of gross floor area.

68. Warehouse: one (1) space per 2,000 square feet of gross floor area, plus one (1) space per company vehicle normally stored on the premises.

512.04. Supplementary Parking Standards.

Any use, building or structure that meets the parking requirements of this Ordinance as of its effective date or at the time of any subsequent amendment shall continue to fully comply with all parking requirements. Any existing use, building or structure that partially meets the parking requirements of this Ordinance as of its effective date, or at the time of any subsequent amendment, shall not reduce the number of parking spaces provided or expand the use, building or structure in a manner that increases the deficit of off-street parking.

When the parking requirement is not specified for a particular use the Planning Commission shall apply the requirements for a similar use.

512.05. Parking for Uses, Buildings or Structures.

- A.** Required off-street parking and storage spaces shall be located on the same lot as the use, building or structure they are intended to serve. Required residential off-street parking shall be located within 150' of the use the parking is intended to serve. Required commercial off-street parking shall be located within 300' of the use the parking is intended to serve.
- B.** Except as provided for in Section 514, no off-street parking space required for any use, building or structure shall be counted as off-street parking space for another use, building or structure. Off-street parking requirements for two or more uses located on the same lot are cumulative, but may be jointly used provided the total parking requirement is met. Whenever a use, building or structure that qualifies under two (2) or more classifications, the classification with the larger parking requirement shall govern.

- C. When any use is extended or a building or structure is enlarged, the existing parking spaces shall be maintained and the required number of parking spaces to serve the expansion or enlargement of the use, building or structure shall be provided.
- D. Required off-street parking and storage space shall not be used for the sale, storage, repair, or servicing of any vehicles, equipment, or materials.

512.06. Location and Criteria for Residential Parking – Apartments and Other Attached Housing. Off-street parking space, subject to these requirements and the appropriate district regulations, may be included as a portion of the required yard area. Required off-street parking facilities for residential uses may occupy a part of the front yard, but shall not be within twenty feet of a street right-of-way or ten feet of any rear lot line.

512.07. Location and Criteria for Commercial and Industrial Parking. Commercial and industrial parking facilities may occupy a part of the front yard, but may not be within twenty feet of a street right-of-way or any lot line. Commercial and industrial parking facilities shall be all weather surfaced with asphalt or concrete, have proper drainage installed to prevent ponding, and be maintained free of trash and rubbish. Commercial or industrial parking facilities adjoining residential property or public rights-of-way shall provide buffer and screening (fence, wall, berm or planting).

512.08. Unimproved Parking.

Off-street areas used for special events parking (to accommodate occasional overflow volumes) may be constructed of any dust-free, compacted, pervious ground cover. The owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of pervious ground cover; gravel and pavement are examples of impervious ground cover.

Uses requiring five or less parking spaces may, at the discretion of the Planning Commission, install parking in the form of a compacted road base of crushed stone 4-6 inches thick, conforming to ALDOT Section 825B Standards. However, all access points shall be of a permanent hard surface material, and the owner shall be responsible for the maintenance of such parking in a clean and dust-free condition. If this type parking is allowed, the owner will provide sufficient area to accommodate the required parking and isle space as if the area was improved and spaces shall be delineated with tire stops to direct traffic to appropriate parking locations.

Should the above form of parking not be properly maintained or present a safety hazard, the Planning Commission reserves the right to rescind their approval and require that the property owner install the required form of permanent hard surface parking.

512.09. Vehicle Storage. *See Sections 515 and 516*

Section 513. Circulation and Access.

Safe ingress and egress shall be provided for building sites from designated streets. Access to all parking facilities shall be planned so that entrances and exits function to minimize traffic congestion.

513.01. General Criteria for Access Points.

A. General:

1. Access points for corner lots shall be located as far from the corner as possible and not less than 30' from the intersection of the property lines at the corner in residential areas and 50' from intersection of the property lines at the corner in commercial areas.
2. Continuous access created by paving the parking area contiguous with a sidewalk or street is prohibited.
3. Vehicular circulation shall be designed to limit access to streets used by school children and to minimize the intrusion of traffic into residential areas.

B. Residential lots are limited to two (2) curb cuts a minimum of fifty feet (50') apart and fifty feet (50') from the nearest adjacent curb cut.

C. Non-residential access points shall be minimized by sharing access to adjacent properties and linking parking areas. Reciprocal ingress, egress and parking agreements may be required to facilitate vehicular movement between areas on the same site or between adjacent properties. Curb cuts for developments shall be limited consistent with the general design criteria for access.

513.02. Curb Cuts. Curb cuts for truck access driveways shall not exceed 45' at the curb line (edge of paving) and 35' at the property line. All other curb cuts shall not be greater than 35' at the curb line (edge of paving) and 26' at the property line unless designated turn lanes are provided. Up to 12' in width may be added for each designated turn lane.

513.03. Access Drives.

- A.** A minimum access drive of ten (10) feet in width shall be provided for single-family residential and duplex residential uses.
- B.** A minimum access drive of 26 feet in width shall be provided for apartments and commercial uses.
- C.** Wider access drives or the provision of longer turning radius shall be provided to allow an unobstructed flow of traffic in industrial areas.

513.04. Drive-Up Buildings. Drive-up access to any building shall be provided as a part of the on-site circulation pattern. The on-site design of stacking lanes shall prevent blocking points of ingress and egress and access to off-street parking areas or adjacent properties.

Section 514. Shared Parking.

In order to reduce impervious surface and resulting stormwater runoff, establishments may be allowed to share up to 20 percent of the required parking spaces. In all cases where parking is to be shared by uses on different lots, the subject parcels or lots shall be adjacent to one another and in no case shall properties bound under a shared parking agreement or plan be separated by a public right-of-way. (*See Figure 16*)

The intention to share parking facilities must be represented to the Planning Commission prior to site plan approval by means of a written agreement between the various property owners, or in the case of a single owner, an overall shared parking plan for the properties or development sites. Said agreement or plan shall be binding upon all subsequent purchasers, inheritors, subjects and assigns. Should there be a change in the use within any individual structure or location which is bound by a shared parking agreement or plan, the transfer of the shared parking agreement shall be subject to the review and approval of the Planning Commission, and/or at their discretion, the review and approval of the City Attorney.

514.01. Reduction in the Number of Required Off-Street Parking Spaces for Large Uses (over 500,000 square feet of gross floor area). In order to prevent the establishment of a greater number of parking spaces than are actually needed to meet the particular needs of a development site containing over 500,000 square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted. This reduction shall be permitted subject to the following conditions:

- A.** A maximum reduction of one (1) parking space per every 1,000 square feet of gross floor area or 20 percent of the total spaces required can be permitted. The site plan shall indicate the location and dimensions of the parking area provided, and shall include calculations showing the number of parking spaces eliminated pursuant to this Section which otherwise would have been required.
- B.** Sufficient area must be reserved to provide for the total number of off-street parking spaces required by Section 512.03. The purpose of this reservation is to insure adequate area to meet any future need for additional parking spaces. Prior to site plan approval, the applicant shall sign a written statement agreeing to provide additional spaces up to the full amount required by Section 512.03 upon notification by the Planning Commission that such spaces are needed. This statement shall be provided to the Planning Commission in letter form and shall be reproduced on the site plan.
- C.** The reserved parking area shall be shown on the site plan and shall be grassed, landscaped or otherwise covered in vegetation. It shall not include signs or other structures, drainage or percolation fields for sewage disposal, or areas otherwise

unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.

Section 515. Parking or Storage of Recreational Vehicles.

Major recreational vehicles including houseboats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other like vehicles shall not be stored or parked on any front yard on any lot in a residential district. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than 21 days, during any six (6) month period, when parked or stored on a residential lot, or in any location not approved for such use.

Section 516. Parking and Storage of Certain Vehicles.

- B. Abandoned vehicles without current tags shall not be parked or stored on any property other than in completely enclosed buildings.
- C. Commercial vehicles above a Class 4 as shown in Appendix C, and construction vehicles shall not be parked overnight, or stored in residential areas or on public right-of-ways.

Section 517. Lighting.

All lighting must be directed and/or shielded so as to focus lighting onto the use as established and away from adjacent property and areas of pedestrian and vehicular traffic including, but not limited to, sidewalks and streets. (*See Figure 17*)

All lighting fixtures incorporated into non-enclosed structures (i.e. gas pump canopies, car washes, etc.) must be fully recessed into the underside of such structures.

ARTICLE VI. LANDSCAPE AND BUFFER REQUIREMENTS

Section 600. Introduction.

This article recognizes the importance of trees and landscaping throughout the city and their relationship with the economic, ecological and cultural processes that give Tallassee its tradition and identity. Through preservation, replacement, and maintenance of the urban forest, this ordinance will provide a better quality of life for the citizens of Tallassee.

Urban landscaping aids in preventing soil erosion, siltation of streams and reservoirs and flood damage. Trees are also valuable in providing shade and cooling effects, in preventing air and noise pollution, as well as preserving the character of the City.

Section 601. Purpose.

It is the purpose of this section to:

- protect the public health, safety and welfare by mitigating incompatibility between adjacent uses through the establishment of buffers between non-compatible land uses;
- improve the quality of life for Tallassee citizens through the reduction of noise, glare, heat and air pollution;
- preserve, protect and maintain the healthy existing vegetation and encourage, where possible, the incorporation of native plant materials and ecosystems into landscape design and discourage the proliferation of invasive plant species;
- establish and maintain sustainable amounts of tree canopy on public and private lands in the City;
- improve community character by encouraging aesthetically pleasing sustainable design practices, while allowing innovative, diverse and cost conscious approaches for design, installation and maintenance of landscaping;
- promote the conservation of local waterways and aquifers by encouraging the planting of native species, or site specific species;
- provide means for natural aquifer recharge and prevent excess runoff through the provision of landscaping and bufferyards;
- facilitate compliance with Local, State and Federal legislation relative to water and air quality, including, but not limited to, the Clean Air Act (Title 42, Chapter 85 of the U.S. Code) and the Clean Water Act (Title 33, Chapter 26 of the U.S. Code).

Section 602. Scope.

This article does not contain all the regulations and requirements for development activities, design and construction for the City of Tallassee. Approval of a landscape plan pursuant to the provisions herein does not serve as a substitute for obtaining and complying with all other applicable city ordinances, regulations, building and other related codes, zoning restrictions, subdivision and other applicable regulations.

The provisions of this ordinance shall have applicability to all site and land development projects and development activities within the corporate limits of the City, including the development of subdivisions (but not individual lots within subdivisions).

Section 603. Applicability.

This ordinance shall apply to all land located within the Corporate Limits of the City of Tallassee, Alabama, as well as to land to be annexed if developed prior to annexation.

- A.** The provisions of this ordinance shall apply to all new construction, redevelopment, or change of use for any multifamily residential, commercial, office & institutional or industrial use and shall become applicable to any property for which any land development permit is required. The requirements shall remain applicable at all times once land has become subject to these provisions.
- B.** All development for which this ordinance is applicable shall provide a detailed landscape plan along with all other required submission materials.

Prior to any development on any property in the City, the developer, owner or owner's agent shall make application to the Planning Department and have a landscape plan approved by the Planning Commission as part of the overall development approval process. A landscape plan must be submitted, along with the Site Plan, and approved by the Planning Commission prior to the issuance of any permits, (*i.e. Land development/clearing & grading, building, etc.*).

The Site Plan shall be in conformance with Article IX "*Development Approval Process*" of this Ordinance and, shall adequately address traffic, parking, stormwater, sanitary sewer, erosion, use of BMPs, etc.

Section 604. Definitions.

The following definitions are provided for clarification of terms used specifically in this Article and elsewhere.

Application: A form provided by and submitted to the City by a developer desiring action on a landscape plan as part of the development approval process.

Applicant: See Article II. Definitions.

Bioswale: Vegetated surfaces that are designed to treat sheet flow from adjacent surfaces. Bioswales function by slowing runoff velocities and filtering out sediment and other pollutants, and by providing some infiltration into underlying soils.

Buffer: An area of land, including landscaping, berms, walls, fences and building setbacks, or any combination thereof, that is intended to mitigate negative impacts between uses.

Caliper: The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

Canopy Trees: See Tree

Critical Root Zone: An area on the ground around a tree that is within the drip line of a tree.

DBH (diameter at breast height): refers to the diameter of a tree four and one-half feet (4.5') above ground level. Used to measure trees greater than 12" in diameter.

Development: See Article II.

Drip Line: A vertical line extending downward from the outermost tips of the tree branches to the ground.

Erosion: The wearing away of land by the action of wind, water, ice, gravity or a combination thereof.

Evapotranspiration: loss of water from the soil both by evaporation and by transpiration from the plants growing thereon.

Grading: Altering the shape of the ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling & shaping or any combination thereof and shall include the land in its cut or filled condition.

Hedge: A row of closely planted shrubs, bushes or any kind of plant forming a boundary or fence.

Land Development Plan or Plan: A properly documented written plan, prepared, signed and stamped by a registered professional engineer, licensed in the state, consisting of a completed application with supporting documents demonstrating that development as herein defined will occur upon an identified parcel of land within the area in compliance with all provisions of the City.

Land Development Permit or Permit (LDP): A written document, which authorizes development in accordance with the provisions in this article and subject to any additional or specific requirements that may be stated therein.

Landscaping: Refers to the treatment of grade, groundcover, vegetation and ornamentation for a given area; including, but not limited to, plant materials such as trees, shrubs, groundcovers, perennials and annuals; and any other materials such as rocks, water, walls and fences; and any other feature affecting layout and use of the site.

Low Impact Development (LID): comprises a set of approaches and practices that are designed to reduce runoff of water and pollutants from the site at which they are generated by means of infiltration, evapotranspiration, and reuse of rainwater. LID techniques manage water and water pollutants at the source and thereby prevent or reduce the impact of development on rivers, streams, lakes, coastal waters, and ground water.

Opaque: Not letting light pass through; not transparent or translucent.

Perimeter Planting Strip: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Rain Garden: Vegetated surfaces that are designed to treat sheet flow from adjacent surfaces. Filter strips function by slowing runoff velocities and filtering out sediment and other pollutants, and by providing some infiltration into underlying soils.

Runoff: The water from rain or melted snow that flows over the ground.

Shoreline: The shortest horizontal straight line that can be established between points on the side lot lines at the waterfront end of a lot or parcel abutting a lake, river or stream. At least one point along the horizontal straight line must line on the ordinary high-water mark, and its entire extent must lie wholly within the lot or parcel.

Shrub: A low growing usually multi-stemmed, woody plant.

Stormwater: The flow of water resulting from precipitation and occurring immediately following rainfall or a snowmelt.

Street Trees: Any existing tree or any tree to be planted on the street right-of-way.

Tree: A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, defined as:

Canopy (Large Maturing) — Single trunk whose height is greater than 35 feet at maturity, or

Understory (Small Maturing) — Single trunk or multi-stem whose height is less than 35 feet at maturity.

Tree, Understory: See Tree

Utility Easement: A non-possessory interest given to or acquired by a utility, governmental agency, or private agency for the use of real property in the possession of another for a stated purpose such as locating utilities, including all types of pipelines, television cable, telephone and electric cables. Also includes corridors on public rights-of-way occupied by overhead utility lines.

Vegetated: Any ground surface covered with plant life.

Vegetation, Natural: Vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herb, flowers or grasses.

Woodland: An area of natural vegetation or planted material, at least 50 feet in depth, covering one (1) acre or more and consisting substantially of canopy trees.

Section 605. Landscape plan submittal requirements.

605.01. Approval. Landscape plans shall be included as part of Site Plan submission and approved by the Planning Commission prior to the issuance of a Building Permit.

The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor shall certify that the landscape plan submitted meets the minimum landscape requirements of this section.

605.02. Format and materials. The landscape plan and details shall be drawn to the same standard scale as the development plan or a scale that shows all landscaping accurately.

605.03. General information. Complete landscape plans submitted for review and approval shall include the following:

- A. Title block, showing the title of the development, the name and address of

the owner/developer, the name and address of the person or firm preparing the plan, the date of preparation, the scale, north arrow, and the date of all revisions.

- B.** A location map, showing the relative location of the site to the nearest existing public street intersection.
- C.** The boundaries of the subject property including the location and description of all adjoining property, the location and names of all adjoining streets and easements. If the property is a part, or phase, of a larger development, the location/relationship to the overall development shall be indicated.
- D.** The required, and proposed, number of parking spaces of subject property/development.
- E.** Location and dimensions of all entrances and exits of the parking lot and the manner in which vehicles will be parked, all traffic circulation patterns and the location and names of all utility lines, easements or right-of-ways on, or adjacent to, the site.
- F.** All details needed to communicate appearance, and methods of construction and/or installation.
- G.** A planting schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name, cultivar or variety if any, quantity of materials, size of materials at planting, plant spacing, and existing trees proposed for preservation.
- H.** Location of all existing and proposed buildings, accessory structures and paved areas.

Section 606. General Requirements.

606.01. Site protection and general planting requirements.

- A.** *Topsoil.* To the extent needed and practical, topsoil moved during the course of construction shall be preserved and stockpiled for re-use on the site.
- B.** *Existing trees.* Preservation of each existing healthy tree of an approved species (See Tree Matrix – Appendix D), within required landscape areas, may count toward fulfillment of these requirements.
 - 1.** The existing tree to be preserved must be approved by the Planning Commission and/or their designee to receive credit.

2. Existing trees that are credited towards meeting the requirements of this section shall be subject to the same maintenance and replacement requirements as newly planted trees.
 3. Upon approval of the Planning Commission and/or their designee an existing area of natural vegetation meeting the definition of woodland, may be deemed to satisfy planting of a specific area or bufferyard required by this Ordinance regardless of the mix of plant materials otherwise required.
- C. *Slope plantings.* Landscaping of all cuts and fills and/or terraces shall be matted or protected until plant cover is adequate to control erosion.
- D. *Utility Easements.* Plantings within Utility Company Easements must comply with the following:
1. Minimum distances measured horizontally from mature trees to overhead utility lines shall be:

Canopy Trees:	25 feet
Understory Trees:	15 feet
 2. The location and species of trees proposed for location in utility easements shall be approved by the Power Company or other appropriate utility provider before installation.
 3. Any part of a tree growing within 15 feet of an overhead utility line will require maintenance by a certified line trimmer approved by any affected utility companies.
 4. This article shall not be construed to impair:
 - a. the right of eminent domain granted by State laws to utilities, whether public or private;
 - b. a utilities' right to design, locate, erect, construct, re-construct, alter, protect or maintain utility poles, towers, lines, conduits, pipes or mains reasonably required in the public service; or
 - c. a utilities' right to exercise authority conferred by statute, franchise, certificate of convenience and necessity, license or easement. Maintenance, repair, and extension of any public and private utility lines or related infrastructure are expressly allowed. The preceding will apply to work done by the utility's employees, agents and contractors doing work for the utility.

5. Avoid planting trees and shrubs on underground utility easements; root systems may damage or restrict the installed systems.
6. No bare ground shall be left exposed. Plant materials, grass or other approved ground cover shall cover all non-paved and non-built developed areas.

E. Plant Material Standards:

Canopy Trees: Shall have an average mature crown spread of at least 25 feet, be a minimum of eight feet in height and have a caliper of at least two inches at planting.

Understory Trees: Shall have an average mature crown spread of at least 15 feet, be a minimum of five (5) feet in height and have a caliper of at least one and one-half inches at planting.

Note: No more than 30% of understory plant material may consist of crepe myrtle.

Shrubs: Shall be a minimum size of three gallon containers and of such species to obtain a height of 24 inches within two years.

- F. Planting strips, buffers and planted islands are to be sodded, seeded, mulched or planted with shrubs or ground cover so as to leave no bare ground after landscape materials have been installed and permitted to grow for two years. Where mulch is used the area must be kept free of weeds.
- G. Stormwater inlets shall be located within a perimeter planting strip and incorporate rain gardens, bioswales or other staff approved stormwater mitigation techniques to promote infiltration and reduce stormwater runoff and non-point source pollution. Rain Gardens shall include at least one (1) tree. Alternative designs that accomplish the intent of this ordinance may also be permitted subject to approval of the Planning Commission and/or their designee.
- H. Wherever a required bufferyard overlaps or coincides with a parking area as defined in this Section, the bufferyard shall take precedence; the required parking area planting shall be placed in another location.
- I. The integration of Low Impact Development techniques as part of the landscape plan may be used to meet these requirements.

J. Trash Receptacles.

1. All commercial trash receptacles shall be placed on a pad approved by the Building Official that allows for pick-up and maintenance as needed.
2. All commercial trash receptacles shall be enclosed with a fence or wall that is impervious to sight, at a minimum of six (6) feet tall, and is consistent with the architectural materials of the primary structure.
3. All screens will be completely enclosed with a latching gate.
4. Trash receptacle sites shall not be located within landscaped areas that are required by this article.

Section 607. Redevelopment.

Redevelopment of an existing built site which involves the complete removal of existing structures to allow for complete redevelopment shall be required to meet all requirements of this Section. In the event that the site itself is nonconforming by size or has other topographic constraints the Planning Commission and/or their designee may authorize the utilization of the standards of Section 612 Alternative Compliance.

When redevelopment involves the expansion of a site’s physical development the following increases in building size will trigger compliance with this Article:

Total Original Square Footage	Proposed Expansion
Less than 2,000 s.f.	25% or greater
2,000 – 5,000 s.f.	20% or greater
5,001 – 10,000 s.f.	15% or greater
Over 10,000 s.f.	10% or greater

Section 608. Landscaping requirements.

It shall be the responsibility of the developer and/or property owner to select species from (*See Tree Matrix – Appendix D*), which are appropriate to the locations in which they will be planted, and to maintain them so as to meet the intent of this Ordinance.

All plant materials shall meet minimum standards of caliper, fullness of form, height, root ball and vigor as described by the American Association of Nurserymen standards published in the current edition of American Standards for Nursery Stock. These standards establish common techniques for (a) measuring plants, (b) specifying and stating the size of plants, (c) determining the proper relationship between height and caliper, or height and width, and (d) determining whether a root ball or container is large

enough for a particular size plant. This downloadable file is available at (<http://www.urbanforestrysouth.org/resources/library/american-standard-for-nursery-stock>).

608.01. Street Frontage Landscape Standards.

Street frontage buffers shall be, at a minimum, ten (10) feet in depth along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) canopy tree, two (2) understory trees and six (6) shrubs per fifty (50) linear feet of the frontage, or fraction thereof. Shrubs are optional in areas where a berm at least four (4) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.

The following additional frontage landscaping standards shall apply:
(See *Figure 9*)

- A. lots with less than one hundred fifty (150) feet of frontage shall have a street frontage buffer depth of ten (10) feet;
- B. lots with one hundred fifty (150) to two hundred fifty (250) feet of frontage shall have a street frontage buffer depth of twenty (20) feet;
- C. lots with over two hundred fifty (250) feet of frontage shall have a street frontage buffer depth of thirty (30) feet.

For developments of two (2) or more acres with frontage of two hundred fifty (250) feet or more, the street frontage buffer shall be bermed in order to minimize the visual impact of the off-street parking area, unless the Commission or their designee determines that the natural topography does not require the site to be bermed. The berm shall not have a slope of greater than one (1) foot of rise per three (3) feet of run, and shall not be less than four (4) feet in height at its apex. Landscape material for bermed street frontage buffers shall be in accordance with the requirements outlined above. (See *Figure 12*)

Frontage landscaping within the site distance triangle at driveways and street intersections, shall have an area of visibility between the heights of two and one-half (2.5) feet and six (6) feet above the street grade to afford a clear line of sight in the interest of vehicular traffic safety. (See *Figure 8* for sight distance triangle detail)

608.02. Perimeter Landscape Standards.

Perimeter landscaping must be provided within the property lines between the off-street parking area and adjoining properties. Planting areas existing in the public rights-of-way or on adjoining property shall not count toward the required perimeter landscaping area. Perimeter landscaping areas adjacent to adjoining properties shall be at least ten (10) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb, and shall contain the following plant material:

- One (1) canopy tree; three (3) understory trees; and four (4) shrubs per 100 linear feet of property, or fraction thereof.

For commercial or industrial development abutting a residential district a higher perimeter landscaping criteria shall apply. The perimeter landscaping areas along a **common property line with residential development** shall have a twenty (20) foot landscaped buffer area consisting of the following:

- an eight foot (8') fence with landscaping consisting of 4 canopy trees; six understory trees and 10 shrubs per 100 linear feet of property line
- Or
- a planted hedge creating a solid unbroken visual screen reaching eight (8) feet in height within two (2) years of planting

It is intended that this bufferyard be of sufficient density to afford protection to the residential district from the glare of lights, blowing paper, dust and debris, visual encroachment and effectively reduce the transmission of noise. (*See Figure 10*)

The perimeter buffer area shall be maintained in clean and neat condition.

Where topography provides a more effective buffer than the above described buffer, or where topography renders the above described buffer ineffective, the Planning Administrator or City Engineer may recommend:

- A. Reducing the width of the required buffer by no more than fifty (50) percent.
- B. Reducing the width or waiving the required undisturbed buffer.
- C. Allowing reforestation with native vegetation in lieu of all or a portion of the required planted buffer.
- D. Any combination of the above stated measures.

608.03. Interior/Parking Landscape Standards.

Planted islands and/or peninsulas shall be provided for any off-street parking area of **twenty-five (25)** or more parking spaces (not including the areas of perimeter and foundation landscaping) with dimensions and arrangements as follow:
(*See Figure 11*)

- A. Each island or peninsula, to count toward the total interior landscape requirements, shall be at least two hundred and fifty (250) square feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be five hundred (500) square feet.

- B. Island and peninsulas, must be at least eight (8) feet in their least dimension, measured from back of curb to back of curb.
- C. Islands and peninsulas in off-street parking areas shall be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and/or peninsulas shall be placed at the end of rows of parking spaces or between the circulation drives and parking rows, to channel traffic safely around the parking areas and to demarcate parking rows.
- D. The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per one hundred (100) square feet of landscaped area. Each island or peninsula shall contain at least one (1) tree.
- E. There shall be no more than **twelve (12)** contiguous parking spaces without a landscape island, or peninsula.
- F. *Excavation of parking lot islands.*
 - 1. All parking lot islands, peninsulas, and planting areas shall be excavated to remove all crusher run or parking lot base material and back filled with quality top soil, except those areas where existing natural vegetation is to be preserved. The top soil shall be high in organic matter and will allow water to percolate. The excavation of these planting areas shall be to a minimum of 24” and will freely allow penetration of hand-held probe to a minimum of 24”.
 - 2. Inspection of these planting areas shall be conducted by the Planning/Building inspector during the construction process. Failure to comply with these requirements can result in a stop work order issued by the inspectors.

608.04. Foundation Planting Standards.

Building foundations shall be required to have a landscaped bed with a minimum depth of seven (7) feet along the front of the primary structure. Beds shall contain both understory trees and shrubs and may also contain other greenery and seasonal color. There shall be a minimum of one (1) shrub for every four (4) feet of façade length with a minimum height at planting of twenty-three (23) inches. Understory trees shall be used as accents to shrubbery and may be placed in groups at corners and near building entrances. Landscaping shall be planted within a bed of mulch or ground cover other than turf grass, and be protected by some barrier, such as curbing or tire stops, from damage by vehicles and maintenance equipment. Plant material shall be well distributed throughout the bed, though not necessarily evenly space.

Summary: Shrubs = 1 per 4' of front façade and 23" in height at planting
Understory = grouped at corners and entrances of building

Section 609. Conditional Uses.

The Planning Commission and/or City Council, as part of Conditional Use Approval, may place additional requirements on a Site Development Plan above and beyond those specified in this article. (See Section 903 Conditional Uses approval)

Section 610. Tree Preservation Credits.

A. Tree Preservation and Credit:

Existing healthy trees may be included in the minimum planting requirements and credited toward trees required by this article in a landscape plan as per the following schedule:

DBH of preserved tree(s)	Number of trees credited
9-19 inches	2
20-25 inches	3
26-29 inches	4
30-35 inches	5
36 inches or greater	6

1. A tree proposed for use as a credit to satisfy minimum planting requirements must be approved as part of the site plan review process.
2. The landscape area surrounding a preserved tree shall be located so that the trunk of the tree is as close to the center of the landscape area as is possible, and specific preservation practices shall be followed to help to ensure the survival of the tree(s) during the development process. See (d) below.

B. Protection of Preserved Trees during Construction

Existing tree(s) shall only be credited where the following management standards are met:

1. During construction, the critical root zone of the tree(s) to be reserved shall be fenced and protected from compaction, trenching, harmful grade changes and/or other injury and be shown on an approved landscape plan. No entry to the Tree Save Area is to take place without approval of the Planning Commission or its' agent.

- 2.** Pavement, building foundations or other impervious surfaces shall not encroach into the critical root zone, unless otherwise approved by the Planning Commission or its' agent.
- 3.** Fencing is to be chain link or orange construction netted fencing with signage that states, "Tree Protection Zone. DO NOT ENTER"
- 4.** Fences are to be erected to protect trees being preserved prior to any work or equipment being mobilized on the site.
- 5.** Fences are to remain until all site work has been completed. Fences may not be relocated or removed without the written permission of the Landscape Administrator.
- 6.** Construction trailers and traffic and storage areas must remain outside fenced areas at all times.
- 7.** All underground utilities and drain or irrigation lines shall be routed outside the tree protection zone. If lines must traverse the protection area, they shall be tunneled or bored under the tree only after approval from the Planning Commission or its' agent.
- 8.** No material, equipment, soil, or waste or washout water may be deposited, stored, or parked within the tree protection zone (fenced area).
- 9.** Erosion control devices such as silt fencing, debris basins, and water diversion structures shall be installed to prevent siltation and/or erosion within the tree protection zone.
- 10.** Any brush clearing required within the tree protection zone shall be accomplished with hand-operated equipment.
- 11.** Soil from trenches, basements, or other excavation shall not be placed within the tree protection zone, either temporarily or permanently. Areas shall be designated on site for temporary storage of such materials.
- 12.** No burn piles of debris pits shall be placed within the tree protection zone. No ashes, debris, or garbage may be dumped or buried with the tree protection zone.

Section 611. Compliance.

For any criteria for which this article applies, the architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor must certify, to the Building Official/Zoning Administrator or his/her appointed agent, that the landscaping has been installed to meet the minimum requirements of this article. The site will be inspected before a final certificate of occupancy will be issued.

In the event that inclement weather delays the installation of landscape materials, the developer may make a written request to the Building Official/Zoning Administrator or his/her appointed agent for an extension to the time of completion for the planting schedule in the approved landscape plan. The request must specifically state the reason for the delay as well as an estimated date for completion. Failure to complete the installation within 15 days of specified date will constitute non-compliance.

No certificate of occupancy shall be issued for any new development that has not met the requirements of this article or an approved landscaping plan. Additions or renovations to existing parking areas shall also receive a certificate of occupancy prior to usage. When circumstances preclude immediate planting, the administrator may release the development for a certificate of occupancy after:

- A. The owner or developer has completed all curbing, irrigation systems and other non-planting components of the landscaping plan; and
- B. Posted a completion bond or certified check in an amount equal to one hundred twenty-five (125) percent of the total cost, including labor, of the remaining landscaping installation.

Required surety shall be made payable to the City of Tallassee and submitted to the Planning Commission or their designee. The Commission or their designee shall set the time limit for completion and approval of any guaranteed landscaping, but in no case shall the time period exceed six (6) months after the date the certificate of occupancy is issued.

Section 612. Alternative Compliance.

The Landscape Requirements are intended to encourage development practices which are conscious of the character of the City and its ecological processes. Conditions associated with individual sites may under certain circumstances warrant approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the Purpose and Intent of this Article can only be obtained through alternative compliance. It is not the intent of this section to allow alternative compliance on the basis of economic hardship. In the event that such conditions are present the Commission or their designee shall have authority to adjust the requirements of this article as provided below in accordance with the following:

- A. *Request for Alternative Compliance Review.*** Requests for alternative compliance must be made in writing at the time of application and may be granted for any permit application to which the Landscape Requirements apply, when one or more of the following conditions are met:
1. Improved environmental quality would result from alternative compliance.
 2. Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
 3. Spatial Limitations, unusual shaped pieces of land, or unusual servitude requirements may justify alternative compliance.
 4. Public safety considerations make alternative compliance appropriate.
 5. Public Improvement (i.e. streets, water, sewer, etc.) projects make alternative compliance appropriate.
 6. The site is part of a development for which a master plan has been submitted which makes adequate provision for landscaping.

The above conditions must be substantiated as part of the written request for Alternative Compliance.

B. *Methods of Alternative Compliance.*

1. Reduction in the amount, or variation in types, of required landscaping.
2. Reduction of buffer widths.
3. Modification of required structures (i.e. fences, walls, berms, etc.)
4. Modification in configuration or amount of required parking to accommodate landscaped islands

In all instances, such requests for alternative compliance will require the review and approval of the Planning Commission.

Section 613. Ownership & Maintenance.

The owner of property developed in accordance with an approved landscape plan shall be responsible for maintaining all landscaping in good condition. The maintenance required under this section shall include the prompt replacement of all dead or damaged landscaping materials, whether from natural or unnatural causes, so as to insure continued compliance with the requirements of this Ordinance.

All landscape and bufferyard materials shall be maintained by the owner of such materials so that the purpose and effect of the landscaping and bufferyards is not diminished. The following minimum maintenance activities are required:

A. Replacement of plant materials destroyed by any cause.

In the case of any canopy tree removed or otherwise destroyed by the willful act of the property owner, tenant or contractor, a tree of the same or larger caliper must be used as a replacement. Where replacement at the same or larger caliper is not feasible, the Landscape Administrator may provide alternative replacement criteria.

B. Repair and/or replacement of fences and walls that deteriorate or are damaged by any cause.

C. Restoration of berms that are altered by erosion, construction, or other causes.

D. Irrigation of landscape materials is strongly recommended, particularly for larger development sites. Landscaping lost due to lack of rainfall or irrigation shall be required to be replaced by the property owner.

Bufferyards constitute an integral part of a development site, and may not be subdivided, sold, dedicated, or otherwise conveyed separately from the development site of which they are a part. The City shall not approve any development plan in which a required bufferyard or any portion of a required bufferyard lies on land, which is not part of the development site.

614. Legal aspects, other Regulations.

All local, state and federal laws and regulations shall be considered when interpreting provisions of, or technical specifications published pursuant to, this article. In each instance, the more restrictive requirement shall govern unless sound engineering judgment can determine and prove that the more restrictive requirement would be otherwise unnecessary. In most instances, laws and regulations that are phrased more explicitly shall apply over those items that are not phrased as precisely.

Nothing herein contained shall authorize a person to engage in development or earth changes in a manner inconsistent with current zoning or subdivision regulations or other applicable codes or ordinances. All development or earth changing activity shall be in conformity with current zoning and/or subdivision regulations and all other applicable codes or ordinances.

A landscape plan does not authorize any person or developer to engage in any activity that would violate any other applicable code, ordinance, regulation or state or federal laws nor substitute for obtaining any licenses or permits otherwise required.

615. Penalty for Violation.

Failure to comply with the requirements of this Article shall be deemed a violation of the Ordinance and subject to penalties as set out in Section 1100 of this Ordinance. Violators will be given written notice of the violation and permitted 15 days to correct the violation before a citation is issued. Thereafter, each day shall be considered a separate offense and shall be punishable by the maximum fine established by the City Council.

ARTICLE VII SIGN REQUIREMENTS

Section 700. Purpose and Scope

The City of Tallassee recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Article to:

- A.** Set standards and provide controls that permit reasonable use of signs and enhance the character of the City.
- B.** Support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City, to express the history and character of the City, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes.
- C.** Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.
- D.** Protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City.
- E.** Encourage sign design that builds on the traditional town image and visual environment the City of Tallassee seeks to promote.

This Article is not intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment of the United States Constitution.

These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and/or installed in every zoning district in the City, which are designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Article.

Section 701. Definitions

Words and phrases used in this Article shall have the meanings defined in this Section. Words and phrases not defined in this Article but defined elsewhere in the Zoning Ordinance shall be given the meaning set forth in the Definitions Section.

Banner: Any sign made of cloth, canvas, plastic sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground through a permanent support structure.



Billboard: A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. *(See Also Off-Premise Sign)*

Building Frontage: See “Main or Entry Façade” definition.

Building Official: The Building Official of the City of Tallassee Planning Department or his/her designee.

Building Sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, projecting signs, and signs suspended from buildings are considered types of building signs. *(See Figure 18)*

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Sign: When describing the content of a sign, a sign advertising, identifying, directing attention to, or otherwise relating to commerce and to property, goods or services for sale, lease, exchange or any other transaction where value is given or received by any party to the transaction.

Department: The City of Tallassee Planning Department.

Development Sign: Any sign, of a temporary nature, used at the entrance to a subdivision, office park, or similar development that indicates lots being sold, the name of the developer, financial institution or other

Display Area: The area of a sign or advertising device that can be enclosed or measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it, *(See Section 705.04 - Calculation of Display Area)*.

Entry Façade: See “Main or Entry Façade” definition.

Erect: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to change a message on a reader board, or maintain the sign.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. The posts or other supporting structures shall be considered as part of the sign, except that they shall not be included in computing the sign display area. (See *Figure 18*)

General Business Sign: Freestanding sign on any individual development site.

Grade Level: The finished elevation of the lot or development site upon which the sign is located.

Main or Entry Façade: Generally the façade or side of the building that faces the public street, road or highway. In cases where the building is oriented in a manner not parallel to the street, the primary entrance façade is used as the main façade.

Marquee: A permanent roof like structure extending from part of the wall of a building but not supported by the ground; designed to have changeable copy, either manually or electronically which may overhang the public way.



Menu Board: A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on site, and is part of a drive-through service, (i.e. fast food restaurants).



Noncommercial Sign: A sign which is not an on-premise or off-premise *commercial* sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

Off-Premise Sign: A sign containing a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

On-Premise Sign: A sign containing a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Open Letter Sign: A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building on a raceway or similar mounting, or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property, (See Section 705.04 "Calculation of Display Area").



Parapet: That portion of a wall extending above the roofline.

Painted Graphics: Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks, or other references to the premises or products and/or services offered for sale on the premises.

Political Signs: Any temporary sign promoting the campaign of an individual for public office or an advertisement for an amendment or referendum on a public issue.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs on wheels, A-frame or T-frame signs, signs attached to vehicles that are not part of the normal day-to-day operation of a business, and temporary metal/cardboard/plastic/wood signs inserted in the ground other than real estate signs.



Reader Board: Permanent sign containing messages in the form of removable letters or changeable electronic copy. A reader board may be a building sign or an integral part of a freestanding sign. However, in either case shall count toward overall allowable signage. (See Sections 704. L & R and 705.02)

Real Estate Sign: A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

Subdivision Identification Marker: A permanent sign marking an entrance to a residential subdivision, office park, or industrial park.

Temporary Sign: A sign designed and displayed for a seasonal or brief activity such as, but not limited to, sales, specials, promotions, holidays, auctions, business grand openings, and signs advertising the lease or vacancy of rental units in multiunit residential developments. Symbols, figures, balloons, and other similar items shall be considered temporary signs.

Vehicle Sign: Any sign affixed to a vehicle, trailer or other means of transport.



Wall Sign: See Building Sign

Wind Sign: Any signs, pennants, flags (other than official flags), ribbons, spinners, streamers, captive balloons or inflatable figures, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind and drawing attention to a business, product, service or activity whether it contains a message or not.

Window Sign: Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service for the location on which it is located that is placed inside or upon a window and is visible from the exterior of the window.



Section 702. Exempt Signs

Exempt signs are allowed without a sign permit and are not to be included in determination of the allowable numbers, type and area of signs that require a sign permit. (Nothing in this Section shall exempt an individual, who desires to erect a sign from the necessity of obtaining a building permit, should such be required by the adopted building code.) Signs exempted in this Section must conform to the standards enumerated herein and shall not be placed or constructed so as to create a hazard of any kind.

702.01. Address Numbers. Address numbers used for the purposes of identifying the E-911 address of a residential or non-residential property are exempt providing they are not part of a building or freestanding sign with other commercial or non-commercial messages or images. An address shown as part of a building or wall sign on a non-residential property shall be counted toward the maximum allowable display area. Incidental signs on residential property identifying the house number, street name and resident's name are also exempt.

702.02. Banners & Temporary Signs. Banners and Temporary Signs may be utilized for special community events open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations provided:

At least five business days before signs are to be posted, the designated representative of the sponsoring group shall provide a sign installation and removal plan for review by the Zoning

administrator, who shall grant written permission for signs to be posted if the following standards are met:

- A. Signs or banners shall be located outside of the public right-of-way of any public street and outside of the sight distance triangle of any intersection.
- B. Signs or banners may be posted up to fourteen (14) days before the event, and must be removed within seven (7) days following the event to avoid being subjected to penalties.
- C. No more than one banner shall be permitted per lot or premises, and in no case shall any banner or sign be located closer than 200 feet from another such sign on the same side of the street.
- D. Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.

702.03. Community Event Displays. Temporary decorations, and/or non-commercial signs associated with school activities, school elections, celebrations or commemorations that have significance to the entire community. All displays shall be removed within seven (7) days of the event's completion.

702.04. Construction Signs. Signs used to identify contractors, financial institutions or developers on a site under construction or undergoing modification. Signs are limited to two (2) signs per site and thirty-two square feet in size each. All construction signs shall be removed within 14 days after the Certificate of Occupancy has been issued. In the case of minor modifications not requiring a certificate of occupancy, i.e. tree removal, painting, landscaping, signs are limited to a display period of 30 days. Routine lawn/landscape maintenance is not considered construction activity.

702.05. Development Signs. Signs used at the entrance to subdivision, office park, or similar development that indicates lots for sale, the name of the developer, financial institution or other development parties. Signs are limited to 32 square feet in size and no more than one sign per development entrance. Signs are to be removed when the original developer sells all lots in the development or phase.

702.06. Directional Signs. A sign that is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property for which its use is intended. No such sign shall display the name of a product, establishment, service or any other advertising other than a logo. Signs identifying public telephones, trash receptacles, first aid facilities, and shopping cart corrals are considered directional signs. No directional sign shall exceed five (5) square feet.

702.07. Directory Signs. A wall-mounted sign, which is not designed or located so as to be legible from any street or adjoining property, listing the businesses, tenants, or activities

conducted within a building or group of buildings. Building signs are limited to one per building and shall not exceed 20 square feet in size.

702.08. Hazard/Prohibition/Warning Signs. Signs warning of construction, excavation, or similar hazards. Signs such as “No Trespassing” and “No Parking” as long as they do not contain logos or text advertising a commercial product or activity.

702.09. Help Wanted Signs. Signs advertising job vacancies for employment opportunities with the business or activity on the property on which the sign is located. Signs are limited to six (6) square feet in size and only one (1) sign shall be allowed per business.

702.10. Holiday Decorations. Temporary holiday decorations used to celebrate a single holiday or season.

702.11. Internal Signs. Signs not intended to be viewed from public right-of-way and located not to be visible from public right-of-way or adjacent properties, such as signs interior to a shopping center, commercial buildings and structures, ball parks, stadiums and similar uses of a recreational or entertainment nature.

702.12. Menu Boards. A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on site (i.e. fast food restaurants) such as a drive-through menu service.+

702.13. Nameplates. A non-electrical sign identifying only the name and occupation or profession of the occupant of a non-residential property on which the sign is located. A nameplate shall not exceed two (2) square feet in size.

702.14. Official Signs. Official federal, state or local government traffic, directional and informational signs and notices issued by any court, person, or officer in performance of a public duty. Also, any sign erected by a federal, state, or local government agency for identification purposes at any office, institutional, recreational, historical or other publicly owned or recognized site.

702.15. Official Flags. Official federal, state, or local government flags. Also, any flags or insignia of a religious, charitable, fraternal, academic, corporate or civic organization shall be allowed as well. Official flags must be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner will be a violation of this Ordinance.

702.16. Political Signs. Political signs are subject to the following requirements:

- A. Political sign must be removed within seven (7) days after the election. In the event of a run-off election, the signs of the run-off candidates may be maintained until the date of the run-off election and must be removed within seven (7) days after the official election date. However, signs belonging to successful primary candidates

may remain in place for the general election and must be removed within seven (7) days after the official election date.

- B. Political signs are limited in size to no more than thirty-two (32) square feet.
- C. Such signs are confined wholly to placement on private property.
- D. Pursuant to the Code of Alabama, it is unlawful to erect or display political signs on any property owned or controlled by the City of Tallassee or on School Board property. This shall include public rights-of-way, trees, light poles, sidewalks, streets, benches, fire hydrants, public parks or playgrounds, libraries, fire stations, City Hall, and schools.
- E. The regulations of this section do not prohibit the purchase of advertising space on permitted advertising signs in addition to the signs permitted by this section.
- F. It is the candidates' responsibility to ensure that the volunteers and sign contractors who distribute and erect political signs during an election are doing so in compliance with this regulation. *Candidates will be held responsible for violations.*

702.17. Real Estate Signs.

- A. **For Sale Signs.** Temporary signs indicating the property on which the sign is located is for sale, rent or lease. Only one (1) sign is permitted to face each street adjacent to the property.

Maximum allowable sign display area for real estate signs:	
Residential	6 Sq. Feet each, or a maximum of 12 Sq. feet
Non-Residential	32 Sq. Feet
<i>NOTE: All real estate signs shall be located only on the property that is for sale, lease or rent.</i>	

- B. **Model Homes/Open House.** Temporary signs attracting attention to a model home, and open house viewing provided that the aggregate area of such signage is not to exceed 32 square feet. Only one (1) sign is permitted and placed only on the property in question.

702.18. Vehicle Sign. Any sign attached to a vehicle or trailer used in the normal day to day operation of the business advertised on the vehicle. The primary use of any vehicle or trailer, which contains a vehicle sign, must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work. A vehicle or trailer primarily used for advertising, and/or in place of a permanent business sign, shall not be considered a vehicle or trailer used in the conduct of business and is prohibited.

702.19. Window Sign. Any sign located on the inside or outside of a window and visible from the street or adjoining properties. Such signs must contain a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered upon the premises where such sign is located, and shall not occupy more than 25% of the total glass area.

Section 703. Prohibited Signs.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The signs listed below are expressly prohibited in the City of Tallassee.

- A.** Signs that are in violation of the building code or electrical code adopted by the City of Tallassee.
- B.** Portable signs.
- C.** Beacons and searchlights – except for a maximum of seven days during a “Grand Opening” for a business.
- D.** Off-Premise signs.
- E.** Flags on commercial property other than official flags.
- F.** Wind signs consisting of one (1) or more flags, pennants, ribbons, spinners, streamers, captive balloons, inflatable figures or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind (whether the sign contains a commercial message or not). Wind signs exclude holiday or community decorations.
- G.** Inflatable signs and tethered balloons.
- H.** A sign that, in the opinion of the Planning Building Official, does or may constitute a safety hazard.
- I.** Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic.
- J.** Any signs, other than official traffic control devices, highway identification markers, warning signs, and other official signs, which are erected within the right-of-way of any street or alley.

Any sign that is erected or maintained outside the right-of-way but otherwise obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering a street, road, or highway. The national standards for sight-distance triangles utilized

by the City of Tallassee Engineering Department shall be utilized to determine if a sign is creating an obstruction.

- K.** Freestanding signs which project into the public right-of-way.
- L.** Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and traditional barber poles.
- M.** Any sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than sixty (60) days, does not maintain a current business license or pertains to a time, event or purpose which no longer applies, shall be deemed abandoned. The removal of a frame of an abandoned sign shall not be required, if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

In the event that a sign whose message is obsolete, is modified to remove said message in conformance with these regulations, such modification shall not result in the exposing of bare electrical wires, bulbs, internal mechanisms or other unsafe or unsightly materials. A blank panel may be installed in the place of such obsolete message until such time as a new tenant chooses to use the sign. Should the owner wish to place a “bag” covering over the sign, said “bag” must be kept in good condition at all times to avoid further action on the part of the City.

Any sign structure, which supported or supports an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

- N.** Strips or strings of lights outlining property lines, sales area, rooflines, doors, windows, wall edges or other architectural features of a building. This prohibition does not include holiday decorations and community decorations. This prohibition does not include neon lighting on buildings. If neon is used to depict wording or logos, it will be calculated as part of the overall allowable signage.
- O.** Signs on public land, other than those erected at the direction or with the permission of a public authority.
- P.** Signs that emit audible sound, odor, visible matter such as smoke or steam, or involve the use of live animals.
- Q.** Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipes, or that obstruct any window to such an extent that light

- or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the City of Tallassee.
- R.** Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians; or that illuminate adjacent residential development.
 - S.** Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
 - T.** Signs placed upon light poles, benches, bus shelters, waste receptacles or shopping cart corrals except those which identify the use of the object on which they are placed, i.e. “Cart Return.”
 - U.** Signs erected on public utility poles, even if they are located on private property other than signs erected by a public authority for public purposes.
 - V.** Signs, other than historical markers or those identifying a natural feature, painted on or attached to trees, rocks, or other natural features.
 - W.** Signs visible from a public right-of-way that use the word “stop” or “danger” or otherwise present or imply the need or requirement of stopping, caution, the existence of danger, or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.
 - X.** Any sign mounted to the structural roof or applied to the roof including painted signs.
 - Y.** Signs projecting above the building roof or parapet line.
 - Z.** Signs that have become deteriorated or damaged to such an extent that the cost of the reconstruction or restoration of said signs is in excess of 50 percent of its replacement value exclusive of foundations.
 - AA.** Signs lettered in a crude or amateurish fashion.
 - BB.** Signs on any broadcasting or telecommunications tower or any antenna other than appropriate hazard/warning signs.
 - CC.** Vehicles or trailers (operable or inoperable) which contain advertising and are not used in the daily conduct of business.

Section 704. Permitted Signs.

704.01. All Freestanding Signs. All freestanding signs shall consist of or be covered entirely in masonry, stone, wood, or decorative surface treatment such that metallic structure elements,

including poles, are not visible. For the purpose of this Section, paint of any kind including textured or rubberized paint shall not qualify as a cladding material.

The height of freestanding signs on property lying below the grade of the street shall be taken from the adjacent curb elevation or in the absence of a curb, the street centerline elevation. All other sign heights shall be measured from grade.

Any berming or filling solely for the purpose of locating the sign shall be computed as a part of the sign.

All monument style signs must have a minimum base of one foot (1') in height, covered as described above.

A. General Business Signs. Freestanding General Business signs shall be of the monument style or pole style. When the pole style sign is selected, said sign shall not exceed fifty (50) square feet in display area and twelve (12) feet height on any individual development site, unless specifically allowed or further limited by this Section.

When a monument sign is selected said sign may be up to (60) square feet in area and eight (8) feet in height on any individual development site, unless specifically allowed or further limited by this Section.

Freestanding signs are limited to one (1) per parcel, unless otherwise allowed by this Section. Such signs shall have a minimum setback of ten (10) feet from any side lot line (measured from the edge of the signs face).

Reader boards may be integrated into the structure of the freestanding sign and shall count toward the maximum allowable display area.

Corner or double frontage lots shall be allowed two (2) pole signs the combined area of which shall not exceed eighty (80) square feet; or two (2) monument signs, the combine area of which shall not exceed one hundred (100) square feet.*

A summary of the sign requirements for Freestanding General Business signs is shown below:

Permitted Sign Area (One Sign)	Sign Area on Corner Lots (Two Signs)*	Permitted Sign Height	Side Lot Line Setback
Pole:			
50 sq. ft.	80 sq. ft.	12'	10'
Monument:			
60 sq. ft.	100 sq. ft.	8'	10'

B. Shopping Center Signs. For the purposes of this Section, the term "Shopping Center" shall be inclusive of "Shopping Centers" and "Neighborhood Shopping Centers". Additionally, for the purposes of this Section, a development site must consist of at least two (2) individual businesses and a minimum of 10,000 square feet of gross building area to be considered a shopping center.

Shopping Centers consisting of between 10,000 and 20,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 100 square feet. Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed 150 square feet.

Shopping Centers consisting of at least 20,000 square feet and less than 65,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 150 square feet. Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs – one on each street frontage. The combined area of these signs shall not exceed 200 square feet.

Shopping Centers consisting of greater than 65,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 250 square feet. Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs – one on each street frontage. The combined area of these signs shall not exceed 350 square feet.

The combined height of the base and sign shall not exceed 25 feet in height for Shopping Centers less than 65,000 square feet of gross building area and shall not exceed 35 feet in height for Shopping Centers greater than 65,000 square feet of gross building area. All Shopping Center signs shall be set back a minimum of ten (10) feet from any side lot line.

The height measurement of signs on property lying below the grade of the street shall be taken from the adjacent curb elevation or in the absence of a curb, the street centerline elevation.

Any berming or filling solely for the purpose of locating the sign shall be computed as a part of the sign height.

All shopping center signs shall be supported by a structure constructed of brick, stone or other masonry material, unless otherwise approved by the Planning Commission.

A summary of the sign requirements for Shopping Centers is shown below:

Shopping Center Gross Building Area (sq. ft.)	Permitted Sign Area (One Sign)	Permitted Sign Area on Corner Lots (Two Signs)	Permitted Sign Height	Side lot line and ROW setback
10,000 – 20,000	100 sq. ft.	150 sq. ft.	25	10'
20,000 – 65,000	150 sq. ft.	200 sq. ft.	25'	10'
65,000 – over	250 sq. ft.	350 sq. ft.	35'	10'

C. Billboards. Off-premise signs with a maximum display area of 672 square feet. All Billboards erected after the adoption of this ordinance may be of the digital style and have no more than seven (7), messages per minute. For each digital billboard erected at least four (4) nonconforming billboards must be removed within 6 months.

Area and Dimensional Requirements: The following area and dimensional regulations shall apply to all billboards:

Minimum Lot Area: Determined by setback requirements

Minimum Setbacks: Determined by district setback requirements. All billboards must meet the setback requirements of the zone in which they are to be located. No part of the sign, including the sign face, shall extend over a building setback line. In no case shall any billboard sign be less than 10' from any property line measured from edge of sign face.

Movement: Except for the change of messages on a digital billboard there shall be no movement (i.e. video copy etc.) involved with the messages displayed.

Lighting: All lighting of Billboards shall be done in a manner that will not interfere with commuters' vision. The light intensity of Digital Billboards shall be adjusted for daylight and dark so as not to impair commuters' nighttime vision.

Height and Location Restrictions. In regard to the height and citing of all billboard signs, the following regulations shall be observed:

No billboard shall be located closer than 600 feet to any residence.

No billboard shall be located within a 2000 foot radius from another billboard

No billboard shall exceed 45 feet in height

No billboards shall be located in the Historic Downtown District (HD), or within a ½ mile radius of said district. (*See HD radius Map – Appendix E*)

No billboard may be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically to use as a billboard.

No billboard shall be located on or project over any public property, right-of-way, utility easement or drainage easement.

Exposed backs of signs, poles and other support structures must be painted black, dark green or dark brown to blend with natural surroundings and present a more attractive appearance.

Billboards shall only be permitted in areas zoned GB, HC, OI and I along the following Roadways:

State Highway 14
State Highway 229

D. Freestanding Signs in the Historic Downtown (HD) District. Freestanding signs are prohibited in the Historic Downtown District (HD).

704.02. Menu Boards. A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on site (i.e. fast food restaurants) and is part of a drive-through service. Menu boards must be shown on the site plan and noted on the sign permit, but the size does not count against the allowable square footage of a freestanding sign.

704.03. Subdivision Identification Marker. A sign marking an entrance to a residential subdivision, office park, or industrial park. A subdivision marker shall contain no advertising other than the name of the residential subdivision, office park, or industrial park and/or the developer. Subdivision markers must be within the perimeter of the subdivision and shall not be located within the public right of way, except for those located in a landscaped traffic island. Subdivision Markers shall meet the following standards:

Maximum Number: 1 per street front (entrance); 2 sign faces may be used (on either side of entrance) with a wall, fence or other architectural entrance feature.

Maximum Area: 36 sq. ft.

Maximum Height: 8 ft.

Permitted for all-residential, mixed use, and non-residential projects of 10 acres or more. Limited to name and/or logo.

For subdivision markers located in traffic islands as mentioned above, the following criteria shall apply:

- A. The sign must be placed in a designated curbed median.
- B. The sign must be constructed of a durable material such as brick.

- C. The developer must indicate the location of sign on a site plan and provide construction details for review and approval.
- D. Any utilities involved with construction of the sign, shall be permitted through the Tallassee Building Inspections Office.
- E. If the sign is ever damaged by natural or human causes the sign will not be repaired or replaced at the expense of the City, nor shall it be allowed to remain in a damaged condition.
- F. The developer's engineer must certify that site distance around the sign meets minimum requirement established by the City.

Maintenance. All such signs shall be maintained perpetually by the developer, the owner(s) of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner or by the City of Tallassee at the developer's or owner's expense.

704.04. Building (Wall) Signs. Building signs on any single development site shall not exceed a total of two (2) square feet per linear foot of the main or entry façade except in the Historic Downtown District (HD) where building signs shall not exceed a total of one (1) square foot per linear foot of the main or entry façade

Note: Individual businesses will be allowed a minimum of 32 square feet, except the Historic Downtown District (HD) where a minimum of 24 square feet will be allowed. No individual business shall be allowed more than 500 square feet of building signage, and no single sign shall exceed 300 square feet.

A. Projecting Signs - Projecting signs shall not project into the public right-of-way, except in the Historic Downtown District (HD). Signs in the Historic Downtown District may project into a public pedestrian way no more than six feet. Signs projecting over pedestrian ways shall provide a minimum of eight (8) feet vertical clearance.

Signs in the Historic Downtown District (HD) may project into an alley no more than six (6) feet. Projections greater than one (1) foot and up to six (6) feet shall be reviewed and approved by the City Engineer. Signs projecting over public alleyways shall provide a minimum of sixteen (16) feet of vertical clearance. *(See Figure 18)*



B. Shopping Center - When determining the allowable exterior sign area for Shopping Centers and Neighborhood Shopping Centers, where it cannot be determined which facade is the main or entry facade, the longest single exterior elevation of the structure shall be used.

When determining the allowable exterior sign area for an individual business in a Shopping Center or Neighborhood Shopping Center, where it cannot be determined which facade portion of the individual business is the main or entry facade, the longest single exterior entry facade of the individual business shall be used.

When determining the allowable exterior sign area of individual mall shops or other businesses without exterior facades, the interior or entry facade width or the allowable minimum shall be used.

704.05. Multi-Family Residential Signs. Permits are required for all signs located on multi-family residential properties. The following requirements apply to multi-family residential sites:

- A. Wall Sign - 32 square feet.
- B. Freestanding Sign - 32 square feet.
- C. Allow one sign of either type at each entrance from a public street.

704.06. Home occupation signs. Not permitted.

Section 705. Design, Construction, and Maintenance of Signs

705.01. Compliance with Building and Electrical Code Requirements. All permanent signs and the illumination thereof, shall be designed, constructed and maintained in conformity with the applicable provisions of the adopted building code and electrical code of the City of Tallahassee. Wherever there is inconsistency between this Ordinance and the building or electrical code, the more restrictive requirement shall apply.

705.02. Illumination Standards.

- A. Sign lighting shall not be designed or located to cause confusion with traffic signals.
- B. Devices that illuminate a sign or signs shall be placed and shielded so that direct light shall not be cast into the eyes of pedestrians, cyclists or motorists entering or using a street, road or highway.

705.03. Placement and Clearance Standards.

- A. Signs shall be located such that there is at every intersection and driveway clear sight distance for pedestrians, cyclists, and motorists traveling on or entering any street,

- road, or highway. The national standards for sight-distance triangles utilized by the City of Tallassee Engineering Department shall be applied to determine if a sign is creating an obstruction.
- B. No sign structure shall be erected that impedes use of any fire escape, emergency exit, or ventilation opening.
 - C. No freestanding sign shall project into a public right-of-way.
 - D. No building sign shall project into a public right-of-way except in the Historic Downtown District (HD). Signs in the Historic Downtown District may project over a public pedestrian-way no more than six (6) feet. Signs projecting over pedestrian-ways shall provide a minimum of eight (8) feet of vertical clearance.

Signs in the Historic Downtown District may project into an alley no more than six (6) feet. Projections greater than one (1) foot and up to six (6) feet shall be reviewed and approved by the City Engineer. Signs projecting over public alleyways shall provide a minimum of 16 feet of vertical clearance.

705.04. Calculation of Display Area. The display area of a sign or advertising device is measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it.

Where a sign is double facing and only one face can be viewed from a single location on a roadway, the display area shall be the area of one sign face. Where a sign has two (2) or more faces that can be viewed from a single location, the display area of all such faces shall be included in determining the total display area of the sign.

Open Letter sign display area shall be measured by the number of square feet in the smallest rectangle, within which all letters, logos, symbols or other elements of the sign can be enclosed, multiplied by a factor of 0.8.

When a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, triangle, circle or combination thereof, which will encompass the projected image of the sign and multiplying that area by two (2). The “projected image” is that image created by tracing the largest possible two-dimensional outline of the sign.

705.05. Maintenance. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City of Tallassee. All signs and their components shall be maintained in good repair, free of rust, peeling, fading, broken or cracked panels, and broken or missing letters. Vegetation must be properly maintained and no condition shall be allowed that would constitute a fire or health hazard. The general area in the vicinity of any sign shall be kept free and clear of any unnecessary or discarded sign materials.

No sign shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds 50 percent of its current replacement cost. Signs which deteriorate to such a condition are deemed to be in violation of this ordinance, and as such must either be removed or improved (if permitted) by the person responsible for maintaining the sign.

Section 706. Permitting and Enforcement/Administration

706.01 Permits for Permanent Signs.

- A. Applicability.** No person shall erect, alter, relocate, repair, replace the face of, or change a sign without first obtaining a permit, except for the following actions which shall not require a permit:
1. Changing the copy, announcement or message on a reader board sign;
 2. Cleaning, painting, or comparable maintenance of a sign that does not alter the size, image or message of the sign;
 3. Erecting a sign for which a permit is not required in accordance with Section 702. "Exempt Signs" of this Ordinance.
- B. Procedure.** All sign permits shall be procured in accordance with the following procedure:
1. A written application shall be submitted to the Planning Department for review and processing. The Planning Department, only upon determination that all requisite documentation and fees accompany the application form, will accept the application. The application shall include supplementary information as may be specifically requested by the Planning Department to determine compliance with these regulations.
 2. The Planning Department shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.
 3. Following review and determination as to conformance with these regulations, the Planning Department shall either approve or deny the application for the sign permit. In case of denial, the Planning Department shall specify the section or sections of these regulations with which the proposed sign is not in conformance.
 4. An application may be amended within thirty (30) days of the application date to include additional signs up to the allowable maximum. Additional fees shall be charged if the additional signs exceed the size limitations for fee category.

After thirty (30) days, a new sign permit shall be required for any sign constructed and all fees shall be required.

C. Submission Requirements. No request for a sign permit shall be considered complete until all the following has been submitted to the Planning Department.

1. The application form shall be submitted with all required information completed by the applicant. The application form is available from the Planning Department.
2. Plans and specifications for the proposed sign shall be submitted, drawn to scale, and include the following:
 - a) Site plan of development site showing location of any freestanding sign(s) including any easements, public rights-of-way, property lines, buildings, sight distance triangles and other signs on the property;
 - b) Main or entrance façade including linear dimension;
 - c) Dimensions and elevations (including lettering) of all signs;
 - d) Dimensions of any supporting structures;
 - e) Maximum and minimum height of sign, as measured from finished grade;
 - f) For illuminated signs, indicate type and placement of illumination;
 - g) Inventory of number, type, location, and display area of all existing signs on the same property and/or building on which the sign is to be located.
3. The applicant shall be required to pay an application fee according to the current schedule of fees established by the Tallahassee City Council for the particular category of application. This fee is nonrefundable regardless of the final disposition of the application.
4. A sign permit shall be valid for a period of 180 days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

Section 707. Nonconforming, Illegal and Abandoned Signs.

707.01. Nonconforming Signs.

A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Tallassee on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations.

A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, however, it shall not be:

- A.** Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- B.** Structurally altered to prolong the life of the sign, except to meet safety requirements.
- C.** Expanded or altered in any manner that increases the degree of nonconformity.
- D.** Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Building Official.
- E.** Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
- F.** Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

707.02. Abandoned Signs.

Except as otherwise provided in this article, any sign that is located on property which becomes vacant/unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.

Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the property owner. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

Any sign structure which supported an abandoned sign, and which structure conforms to all applicable terms contained in these regulations, shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by

the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

In the event that a sign whose message is obsolete is modified to remove said message, in conformance with these regulations, such modification shall not result in the exposing of bare electrical wires, bulbs, internal mechanisms or other unsafe or unsightly materials. A blank panel may be installed in the place of such obsolete message until such time as a new tenant chooses to use the sign. Should the owner wish to place a “bag” covering over the sign, said “bag” must be kept in good condition at all times to avoid further action on the part of the City.

707.03. Illegal Signs.

The following signs shall be considered to be illegal and a violation of the terms of this article:

- A.** A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein;
- B.** A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection;
- C.** An abandoned sign.

Upon determination by the Planning Commission and/or the Building Official that a certain sign is illegal, the Building Official shall act to remedy the violation, which may include, but not limited to:

- A.** Causing the issuance of a notice of violation to the individual who owns, is responsible for, or benefits from the display of such sign;
- B.** Prescribing the action necessary to make the sign legal and conforming to the terms contained herein;
- C.** Ordering the removal of the illegal sign;
- D.** Prescribing the time which the individual is afforded to accomplish such action;
- E.** The removal of any illegal sign located on public property, or on private property located on public property, including any such sign located within a street right-of-way in which case the City shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of the City of Tallassee and shall be subject to the remedies and penalties provided by such ordinance and by state law.

Section 708. Variances and Waivers

It is the explicit intent that this section be enacted to accomplish the purposes as set forth in Section 700 and any variance granted by the Board of Zoning Adjustment (BZA) would be detrimental to these purposes. Accordingly, the BZA shall only grant a variance in the case of an extreme hardship. Acts of God and economic conditions shall not be considered hardships for purposes of this section.

In situations where a nonconforming freestanding sign is proposed to be reused within the allowable 60 days specified in Section 703. M., and prior to being removed as required by Section 707.02; the Building Official is hereby granted the ability to allow an administrative waiver of up to five percent (5%) in area and five percent (5%) in height (5 sf. & 1' respectively) to such sign. *This waiver does not apply to any sign type other than freestanding signs.*

Section 709. Severability Clause

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article.

ARTICLE VIII. NONCONFORMITIES

Section 800. Purpose.

It is the purpose of this Article to provide for the regulation of nonconforming structures, lots of record and uses, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. . It is necessary and consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.

Nonconformities are existing uses, lots, buildings and structures that were previously lawful, but that would be prohibited, or subject to more stringent regulation, under the zoning districts and related requirements established by this Ordinance or subsequent amendments.

- A. Legally established buildings, structures and uses in existence at the time of adoption of this Ordinance shall be permitted to continue subject to the provisions of this Article.
- B. Uses illegally established prior to the adoption of this Ordinance shall remain illegal and be subject to penalties and remedies as set out in this Ordinance.

It is the intent of this Ordinance that legal nonconformities, as described in “A” above, be allowed to continue, in accordance with the requirements of this Article; however, they shall not be enlarged or used as the grounds for additional nonconformities. This Article provides for the regulation of legally nonconforming lots, uses, buildings and structures; specifies the conditions under which a legal nonconformity can be continued, expanded or modified; and the circumstances under which a legal nonconformity shall be terminated

Section 801. Definitions.

Nonconformity. Any land use or physical design of development, structure, or lot of record legally established prior to the effective date of this Ordinance, or subsequent amendment to it, which would not be permitted by, or is not in full compliance with, the regulations of this Ordinance.

Nonconforming Use. An activity using land, buildings, and/or structures for purposes which were legally established prior to the effective date of this Ordinance or subsequent amendment to it, and which would not be permitted to be established as a new use in the zone in which it is located by the regulations of this Ordinance.

Nonconforming Structure or Development Site. Any structure or development site, established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards of this Ordinance.

Nonconforming Lot of Record. Any validly recorded lot that at the time of recording fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Ordinance concerning minimum area, minimum lot width, or minimum street frontage.

Nonconformity, Illegal. A nonconforming use established, prior to or since the adoption of this Ordinance and/or its subsequent amendments, without having had proper review, approval and/or permitting by the Planning Commission or Building Official at the time of establishment.

Section 802. Authority to Continue.

802.01. Except as otherwise provided in this Article, any nonconforming lot, use, or structure lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.

802.02. No nonconformity shall be enlarged upon, expanded, or extended unless such alteration is in full compliance with all requirements of this Ordinance, except as otherwise noted in this Section. Normal maintenance and incidental repair of a nonconformity shall be permitted, provided said repair does not violate any other section of the Article.

A. Nothing in this Article shall be deemed to prevent the strengthening, or restoration to a safe condition, of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure unsafe and orders its restoration to a safe condition. Provided, however, that such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed structures.

B. An extension, for the exclusive purpose of providing required off-street parking or loading spaces, involving no structural alteration or enlargement of such structure, shall not be deemed an expansion of a nonconformity, subject to the restrictions of Article VII.

C. Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, and/or internal renovations, provided the total value of such activities does not exceed 50% of the appraised value of the structure as determined by the Elmore or Tallapoosa County Revenue Commissioner.

802.03. No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

802.04. Any other provision of this Article to the contrary notwithstanding, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

802.05. The burden of establishing the legal nonconforming status of any structure or land use under the terms of this Article, in all cases, shall be upon the owner of such nonconformity and not upon the City of Tallassee.

802.06. In the event that a structure or premise occupied by a nonconforming use becomes and remains vacant for a period of twelve (12) months, or is occupied by a use permitted in the associated zoning district, thereafter, the use of said structure or premise shall conform to the standards of this Ordinance and the associated zoning district.

802.07. Termination Required by Modification. A development site that is nonconforming by physical design (i.e., insufficient parking, landscaping, setbacks, etc.), may be utilized for any land use, which is permitted at that location. However, any permits for additional floor area, or the replacement of any structure on the development site, shall be contingent upon bringing the entire site into conformity with all requirements of this Ordinance.

Section 803. Nonconforming Vacant Lots of Record.

When a lot exists that does not consist of sufficient land area to comply with the lot, yard and setback requirements at the time of adoption of this Ordinance or any subsequent amendment, it shall be considered a nonconforming vacant lot of record.

Subject to the provisions of this Section, a nonconforming lot of record may be used for any principal use permitted in the zone in which the lot is located. However, if said use is to be served by an individual well and/or septic system, the nonconforming lot shall be of a size and design to meet the minimum requirements of the Elmore or Tallapoosa County Health Department regulations for such wells and septic systems.

803.02. Effect of Single Owner. If two or more contiguous vacant lots of record are in single ownership at the time of adoption of this Ordinance, or any subsequent amendment, and one or more of the lots is a nonconforming lot of record, then the land involved shall be considered an undivided tract of land. No portion of the tract of land shall be divided, sold or developed in a manner that diminishes the ability of all lots to comply with the requirements of this Ordinance or any subsequent amendment.

803.03. Appeal to Build on Nonconforming Vacant Lot of Record. A nonconforming vacant lot may be used as a building site for any use permitted in the zoning district in which the lot is located provided that:

- A. other requirements of this Ordinance are complied with; or
- B. application is made to the Board of Zoning Adjustment, and a variance granted, from applicable requirements that cannot be met.
- C. a variance for a nonconforming vacant lot of record shall conform, as closely as possible to the lot area, yard, building setback and other requirements and:

1. The front yard set back shall not be less than the average of the setbacks of existing buildings within two hundred (200) feet on each side of the lot; except, no front yard shall be less than twenty (20) feet;
2. At least one side yard shall not be reduced to less than ten (10) feet in width and the other side yard not less than five (5) feet in width;
3. The rear yard setback shall not be less than twenty (20) feet, and
4. No more than one principal use and building shall be allowed on a nonconforming vacant lot of record.

Section 804. Nonconforming Developed Lot of Record.

804.01. Nonconforming Developed Lot of Record. When the use complies with the requirements of the district in which it is located, but the lot has been developed in a manner that does not comply with the lot, yard and setback requirements at the time of adoption of this Ordinance, or any subsequent amendment, it shall be considered a nonconforming developed lot of record.

804.02. Expansion of Conforming Use. Provided a proposed use is permitted in the zoning district in which the lot is located, the use, building or structure may be expanded, in accordance with all other requirements, within the buildable area defined by this Ordinance.

Section 805. Nonconforming Uses of Buildings and Structures.

When a building or structure and related uses exist at the time of adoption of this Ordinance, or any subsequent amendment, that does not comply with these regulations, that building or structure and related use shall be allowed to continue subject to the conditions set out in Sections 805.01 through 805.03 below.

805.01. Expansion of Nonconforming Use within an Existing Building or Structure. The expansion of a nonconforming use within an existing building or structure shall be allowed provided the use will be expanded in a contiguous space within the existing building or structure. A nonconforming use shall not be expanded or relocated, in whole or part, to a noncontiguous part of a building or structure. All required on-site improvements, such as parking, loading and buffer areas shall be provided before the use is expanded within the building.

805.02. Enlarging Nonconforming Principle Buildings and Structures Prohibited. A nonconforming building or structure and related use shall not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

805.03. Effect of Relocation. If a use, building or structure is relocated on the existing site or moved to another location, the lot, use, building or structure shall comply with all zoning and applicable development regulations after it is moved.

Section 806. Construction Prior to Adoption or Amendment of Zoning Ordinance.

Nothing in this Ordinance shall be interpreted as requiring a change in plans, construction, use or occupancy of land, buildings or structures on which construction was lawfully begun and has been diligently continued prior to the adoption this Ordinance or any subsequent amendment that would make a use, building, structure or occupancy nonconforming.

- A. Construction shall mean the erection and fastening of building materials in a permanent manner in accordance with approved plans.
- B. Where demolition and removal of an existing building has begun in preparation for rebuilding, or where excavation has begun for building, construction shall be deemed to have begun provided:
 - the work is diligently continued;
 - the plans have been approved by the Planning Commission, and or;
 - a permit has been issued.
- C. The storage of building materials or location of a temporary office on a lot shall not be deemed as having begun construction.

Section 807. Repair and Restoration of Nonconforming Buildings and Structures.

807.01. Nothing in this Ordinance shall:

- A. Prevent the continuous maintenance, internal renovations, strengthening, or restoration of any building or structure to a safe and sanitary condition; or
- B. Prevent repairs ordered by a proper authority charged with the duty of protection of health and safety.

807.02. A nonconforming building, structure or use shall not be rebuilt or restored except in conformance with the provisions of this Ordinance after being damaged by natural acts (e.g. fire, wind, flood, etc.) to the extent of fifty (50) percent or more of the appraised value at the time the damage occurred. If a nonconforming building is damaged, less than fifty (50) percent of its appraised value at the time of damage it may be rebuilt or restored and used provided the rebuilding or restoration is started within six (6) months following the date of such damage and that restoration work is diligently continued. A request for extension of the start of rebuilding or restoration may be requested of the Planning Commission, provided said request is made within the initial six (6) month period.

Section 808. Changes and Reversions to Nonconforming Uses Prohibited.

A nonconforming use of land, buildings or structures shall not be changed to another nonconforming use. A nonconforming use of land, buildings or structures that is changed to a conforming use shall not be permitted to revert to a nonconforming use.

Section 809. Termination of Use of Nonconforming Buildings and Structures.

Any nonconforming use of buildings and structures that has been discontinued for any reason for a period of twelve (12) consecutive months shall not be reestablished. The future use of the building or structure shall comply with all applicable regulations.

ARTICLE IX. DEVELOPMENT APPROVAL PROCESS

Section 900. Purpose.

This Article sets forth the procedures required for obtaining development approval within the City of Tallassee. Site plans, subdivisions, conditional uses, building permits, and certificates of occupancy are addressed herein. However, the approval of a development under the provisions of this Article does not imply any variation or waiver of any provisions of the building code, housing code, fire code, or any other applicable code, standard, or regulation adopted by the City of Tallassee, the State of Alabama, or the United States Government.

NOTE: See Appendix F for sample applications forms, checklists, etc. which apply to actions described in this Ordinance.

Section 901. Subdivisions.

Any subdivision or resubdivision of land, or combining of lots within the City of Tallassee, and within unincorporated areas lying within one and one half (1.5) miles of the City limits, shall be carried out in accordance with the City of Tallassee Subdivision Regulations which are hereby incorporated by reference into this Ordinance. All development within subdivisions shall be consistent with applicable sections of this Ordinance.

Section 902. Site Plans.

902.01. Intent and Purpose. This Section shall apply to all site plans as defined in Article II. The site plan procedures shall be required in order to ensure that site-specific development projects meet the requirements of this Ordinance prior to the issuance of a zoning certificate authorizing a building permit. It is the intent of this Section that the site plan review process be a part of the building permit application process, and that the site plan shall be the instrument by which improvements to the site will be constructed and inspected prior to occupancy of the development.

902.02. Development Requiring Site Plan Approval. Prior to issuance of a building permit, all proposed non-residential construction, as well as all residential development types, other than single family detached structures, shall be subject to site plan review by the Planning Commission. This shall include clubhouses or other ancillary facilities within a residential subdivision. Site plan approval shall also be required for the subdivision of an existing development site of a type subject to site plan requirements, and/or an expansion, reduction or reconfiguration of any such development type. For any proposal in which these requirements are unclear, the Planning Commission shall determine whether site plan approval is necessary.

902.03. Site Plan Review Follows Other Reviews. Any development proposal requiring a review by another board, commission or department, such as request for variance from the Board of Zoning Adjustment or septic tank permit from County Health Department, shall be reviewed

by the other entity and the findings made available to the Planning Commission prior to conducting the site plan review.

902.04. Review of Site Plans.

Site plans submitted for review shall be approved or disapproved by the Planning Commission. When a site plan is disapproved, the reason(s) for the disapproval shall be provided in writing to the applicant within ten (10) days of the hearing at which the decision to disapprove was made.

The following criteria shall be used in determining whether to approve a site plan:

- A.** Completeness of application information as required under this Section;
- B.** Uses permitted on the development site under the provisions of this Ordinance;
- C.** Whether the site plan meets applicable design standards established by this Ordinance;
- D.** Availability and adequate capacity of public facilities to serve the development, such as roads, sewer, water, schools, solid waste disposal, and fire protection (including access to the site for emergency vehicles); and
- E.** Compatibility with surrounding land uses (this criterion shall apply only where a site plan proposes a conditional use pursuant to Section 903).

Upon receipt of an application for Site Plan Review, the Planning Commission shall undertake a study of the proposed development. The development plan review process may, at the discretion of the Planning Commission, include review and comment by other departments or agencies. The Planning Commission may approve, approve with conditions or disapprove the development plan. The Planning Commission shall provide written notification to the applicant of the Planning Commission's review determination.

- A.** If the development plan is disapproved, the applicant shall be notified of any changes or modifications that are required to the proposed development plan to achieve conformity with the requirements of this Ordinance. The Building Official shall not issue a building permit until the development plan is modified, resubmitted and approved.
- B.** If the development plan is approved with conditions, the applicant shall be notified of the conditions. The owner / developer shall have the option to revise the development plan to eliminate the cause of the conditions or to amend the plan to comply with the mitigation conditions required by the Planning Commission. If the development plan is modified in either manner, it shall be resubmitted to the Building Official for review to determine that the plan is in compliance with the required conditions prior to issuing a building permit.
- C.** If the Planning Commission approves the development plan, then the Building Official shall issue a building permit for the approved development plan.

902.05. Uses Allowed Under Development Plan Review Are Not Precedents. Each development plan review conducted by the Planning Commission shall be considered on its own merits. A similar use allowed in a district as a result of a previous development plan review shall not be considered as a precedent for allowing future development. The Planning Commission shall consider the cumulative influences of existing developments when evaluating new development proposals.

902.06. Review Procedures.

Five (5) full size (24" x 36") prints and ten (10) 11" x 17" copies of the site plan, a completed application form and all other necessary attachments as well as the requisite application fee shall be submitted to the Building Official to initiate processing of the site plan. Additional plans shall be provided for review by appropriate state, regional and county agencies upon staff request.

A. Site Plan Preparation Requirements. Where the proposed development site is three (3) acres in size or larger, the site plan shall be prepared and sealed by an architect, professional engineer or surveyor. At the Planning Commission's discretion, the same requirement may be applied to sites of less than three (3) acres where the plan proposes high-intensity uses or activities that may have a substantial impact on surrounding properties.

Sketch plans and drawings submitted with variance or other zoning-related applications shall not be accepted for review as a site plan unless they are prepared in accordance with the guidelines of this Section and contain all required information. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Alabama.

B. Development Site Requirements. For development sites of one (1) acre or more, full engineering drawings or a Project Engineer's Statement must be submitted by an engineer registered in the State of Alabama. The City Engineer, or other duly authorized official, may choose to require additional information as necessary.

C. Completeness of Plans. Site plans submitted without complete information in accordance with this Section shall not be reviewed by, or placed on the Planning Commission Agenda.

D. Staff Review. The Planning Commission or other duly authorized official shall review the site plan with specific regard to this Ordinance and other regulations of the City of Tallassee. The staff review shall identify matters of development policy concern to which the applicant shall address particular attention.

D. Revised Plans. Following submission of a complete application package for site plan review, addressing any revisions identified by the staff per D above, and at such time as the Planning Commission determines that all staff comments have been adequately addressed, and that the requirements of all applicable City, State and Federal regulations have been met, the site plan may be approved.

902.07. Approval of Site Plans. No site plan shall be approved which is inconsistent with any term contained in this Ordinance unless a variance has been authorized in accordance with Section 1006 of this Ordinance.

Upon approval of a site plan, a minimum of five (5) copies, and any additional copies as may be required by the City, of the approved site plan shall be submitted to the Building Official prior to issuance of a building permit. The Building Official shall stamp approved, date and have signed, by the Chairman of the Planning Commission, the site plan copies, then forward copies of the site plan to the appropriate officials as determined by the Planning Commission. A minimum of two (2) copies of the site plan shall be reserved for the use of the Planning Commission or other duly authorized officials.

902.08. Effect of Site Plan Approval. Upon final approval of a site plan, no structures, uses, or development of any kind shall be permitted on a development site except in accordance with the site plan and related approved plans for development phasing, building construction, grading drainage, and other site design elements.

902.09. Expiration of Site Plan Certificate of Approval. Approved site plans shall remain valid for 12 months after final approval, and a building permit and building permit for the development may be obtained at any time during that period. The Planning Commission may make an extension of site plan approval for a single period up to six (6) months from the date when a site plan would otherwise expire. An extension may be granted only if the Planning Commission concludes that the applicant or developer has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than 30 days before the expiration of the approved site plan stating the reason for the time extension request.

Requests for extensions in excess of six (6) months shall not be granted. Instead, the applicant shall submit a new application for review according to the requirements of this Section.

Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the Building Official or other duly authorized official for permitting. These shall include, but are not limited to, detailed building plans, grading plans, drainage and stormwater management facilities, erosion control plans, road and driveway construction specifications, and tree removal plans.

Nothing contained herein shall preclude the Building Official from accepting for review and processing building construction plans related to the structural, mechanical, electrical, and plumbing systems prior to final approval of a site plan, subject to such conditions as may be established by that department relative to processing of site plans prior to final approval.

In such instances, no building permit will be issued until the Planning Commission has issued a zoning certificate, and the site plan stamped approved and is on file in the office of the Building Official. All building and construction permits issued for any project requiring site plan review shall be consistent with the stamped approved site plan. The approval of a site plan shall not under any circumstances be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict

between the site plan and such construction details occurs, the more restrictive, or that requiring the higher standard, shall prevail.

902.10. Amendment or Withdrawal of Site Plan. A site plan may be amended upon the request of the applicant. A revised site plan may be submitted to the Building Official for review by the Planning Commission in the same manner as the original application. The amendment shall be reviewed using the same process and subject to disapproval, approval with conditions, or approval the same as the original site plan submission. The Planning Commission will review the revised plan in the same manner as the original submission and render a written decision to the owner/developer. All structures and uses under an amended site plan, or remaining under a partially withdrawn site plan, shall be subject to regulations of the appropriate zone and other conditions as the Planning Commission may require at the time the plan is amended or partially withdrawn. A site plan, under which no work has occurred, may be withdrawn upon request of the applicant by written notice to the Building Official.

902.11. Non-Compliance. Failure to comply with a stamped approved site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a building permit has been issued pursuant to a stamped approved site plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Ordinance and may be subject to a stop-work order.

902.12. Development Site To Be Unified. The development site shall be designed to provide all required amenities and facilities, no such required features shall be located off-site or on adjacent properties which are leased, rented, or otherwise proposed for use on an informal basis. The entire site shall have the zoning designation required to accommodate the principal use.

No development site, once granted site plan approval, shall be divided except through the site plan amendment process established in Section 902.10 and in accordance with the City of Tallassee Subdivision Regulations.

902.13. Applications for Site Plan Review. Applications for site plan review shall include a location map, administrative data and a detailed site plan as required below. All of the information and data required for applications for building permits and, when applicable, data for projects located in flood hazard areas, shall be incorporated in the following items as appropriate, and shown directly on the site plan where possible.

A. Administrative Data. The administrative data section of an application shall provide the following:

1. Identification. Names, addresses, and methods to contact the owners, developer, engineer, architect and land surveyor. Entries for engineers, architects and land surveyors shall include their Alabama license numbers and signatures.

2. Ownership. Proof of ownership of the controlling interest in the property.

3. **Adjacent Owners.** Names and addresses of adjacent land owners. If the proposed development abuts a street, then the names and addresses of land owners on the opposite side of the street shall be included.
 4. **Zoning.** The application shall include information to indicate:
 - a) Existing zoning district(s) applicable to proposed development and adjacent property.
 - b) Proposed zoning, if rezoning is requested.
 - c) Existing on-site uses, if any, that would not conform to proposed zoning.
 - d) When requesting either a conditional use or a development plan review, the section of the Zoning Ordinance under which the use is requested shall be cited.
 5. **Restrictive Covenants.** The application shall include:
 - a) Existing restrictive covenants, if any, applicable to a part or all of the land.
 - b) Proposed restrictive covenants or other restriction, such as architectural review requirements that regulate the use of the property.
 6. **Phasing Plan.** A phasing plan shall be submitted with any development plan when the initial use of land or proposed construction will only occur on a portion of the land. The phasing plan shall cover the entire area included in the development plan and clearly indicate the first phase of development.
 7. **Dedications and Reservations.** The application shall show any property that is to be either dedicated or reserved. Administrative data shall be submitted that:
 - a) Indicates the entity receiving any property proposed for dedication; and
 - b) An adequate legal description of the property to be dedicated; or a
 - c) Description of the property to be reserved and the controls, such as deed restrictions, to be applied and identification of the entity responsible for the maintenance of any land that is to be reserved and not controlled by a public entity.
- B. Location Map.** The Location Map submitted as a part of an application shall be a map of the City, or a sufficient portion of City, to locate the proposed development within the City. The Location Map shall be presented at a sufficient size and clarity to be used in the publication of any required legal notices. The location map shall show the:
1. **Project Location.** Location of the proposed development in the City, approximate property boundaries and, if applicable, the proposed name of the development.
 2. **Major Streets.** Major streets in the vicinity of the proposed development shall be shown and named.
 3. **Community Facilities.** Community facilities, such as schools and parks, and other landmarks that are in proximity of the proposed development shall be marked with symbols and labeled.

4. Graphic Legend. A north arrow, scale and the date of preparation.

902.14. Site Plan Preparation Requirements. A site plan must accurately show all relevant information about a proposed development to permit it to be reviewed against the requirements of this Ordinance, and to provide a permanent record as to the type and characteristics of development approved on the site. Site plans shall be drawn, on an overall sheet size not to exceed 24 by 36 inches, to one of the following scales:

1:10, 1:20, 1:30, 1:40, 1:50, 1:60, 1:100

When more than one (1) sheet is needed, a series of drawings showing different elements of the site design, such as landscaping, utilities, or topography may be submitted. Where such a series is submitted, the top sheet shall include an index of all other sheets in the series. These shall be bound in a single package, with each sheet labeled as to what it shows and its number in the series (e.g., Landscaping Plan, Sheet 2 of 3)

Unless specifically waived by the Planning Commission, the following information shall be shown on all site plans:

A. Written Information:

1. Site plan name.
2. General statement indicating the character of the use(s) proposed for the site. This shall include information describing the size and/or intensity of the use, such as the number of employees at largest shift, seating capacity, number of students, number of hospital beds or motel rooms, etc. All other relevant information not otherwise specified in this checklist shall be provided in the General Statement, such as variances on the property, nonconforming status, etc.
3. Total size of the tract expressed in square feet and acres (to nearest tenth).
4. Number of units proposed (residential only).
5. Impervious surface area in square feet, impervious surface ratio (ISR), maximum and proposed.
6. Floor area in square feet and floor area ratio (FAR).
7. Details of all bufferyards required, if any.
8. Number of parking spaces required and proposed (must show calculations based on requirements of Article VII).
9. Building height.

B. Graphic Information. The site plan portion of an application shall include the applicable graphic information for the following items.

- 1. Surrounding Area.** When an application for a proposed use, building or structure requires site plan review a site plan including land use and development information 400 feet beyond the property line of the proposed project shall be submitted.
- 2. Licensed Professionals.** In accordance with the Code of Alabama, an architect, engineer or land surveyor, as appropriate, that is licensed and registered to practice in the State of Alabama shall prepare drawings for the proposed development showing the following applicable information.
- 3. Property Lines and Data:**
 - a) The boundaries of the owners / developers property if different from the property being developed.
 - b) The actual shape and proportions, including bearings and dimensions, of the exterior boundaries of the proposed development and, when necessary, sufficient bearings and dimensions to relate the proposed development to existing geodetic monuments and survey reference points.
 - c) The acreage of the property to be developed.
 - d) The names of adjacent neighborhoods and subdivisions, when applicable.
 - e) Existing property lines, including the parcels abutting the boundaries of the proposed development. (Coordinate abutting parcels with names and addresses of adjacent owners as required in Administrative Data).
 - f) Proposed property lines within the proposed development including dimensions and bearings, if applicable.
 - g) Required building setback lines.
- 4. Topography.** Proposed changes in contours shall be shown.
- 5. Trees.** Existing wooded areas shall be outlined and large trees to be preserved shall be located.
- 6. Surface and Storm Drainage.** A map of the watershed area shall be included by use of a copy or appropriately scaled portion of a U. S. Geological survey quadrangle map. The development plan shall show:
 - a) All areas of inundation as determined from appropriate Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA) including a notation of the 100-year flood elevation.
 - b) Existing and proposed water courses, bridges, culverts storm sewers and drain pipes including the direction of flow, retention ponds and other drainage improvements.
- 7. Easements.** All existing and proposed easements including the location, dimensions and use.

8. Dedicated or Reserved Land:

- a) Existing public land and facilities such as schools, parks or recreation areas.
- b) Land dedicated, or to be dedicated, for public purposes including all existing and proposed street right-of-way reservations and easements. (Coordinate with the legal documents for dedications included in the Administrative Data).
- c) Land to be reserved. (Coordinate with the legal documents for reservations included in the Administrative Data.)

9. Buildings and Structures:

- a) The shape, size and location of buildings, building sites, structures and uses, whether existing or altered, proposed or moved. Structures shall include accessory structures, fences, signs, towers and other on-site construction. All buildings shall comply with the setback requirements set forth in this Ordinance.
- b) Finished floor elevations of all structures.
- c) Location and screening of solid waste receptacles.
- d) Number of floors or stories, height and dimensions of all structures.

10. Land Use:

- a) The existing and intended land use of all buildings, structures, or land within the proposed development and the land use within 400 feet of the property boundaries, when applicable. All on-site land uses shall comply with all applicable requirements of this Ordinance.
- b) Location of all impervious surfaces.
- c) Location and dimensions of all parking spaces, loading berths, and driveway aisles. One-way aisles must be labeled as such.
- d) Location of all curb cuts and their distances from the nearest adjacent curb cuts or street intersections.
- e) Phase lines, if the development is to be constructed in phases.

11. Streets. (including all public and private streets or alleys):

- a) Existing streets including names, widths of rights-of-way (whether developed or undeveloped), type and width of existing surface (e.g. gravel, asphalt, etc.) of all streets providing access to or existing on-site.
- b) When streets are proposed as a part of the on-site development, include the street layout, widths of rights-of-way and paving, typical cross sections of streets with differing widths or designs and centerline profiles. A blank *Certificate for Approval of Street Plans* shall be included for signature by an authorized representative from the County Engineering Department.
- c) Proposed street names and house numbers as coordinated with 911 emergency services;
- d) Existing and proposed on-site circulation for both vehicular and pedestrian movements shall be shown. Vehicular movements shall demonstrate the convenience and control of traffic flow by showing: proposed points of

access, driveways, turn lanes, on-site circulation, stacking lanes, parking areas, service bays, and any related areas for vehicles. Pedestrian movements shall demonstrate the avoidance of conflicts with vehicles and concern for pedestrian safety by showing the system of walk and pedestrian ways. All access points shall comply with the requirements set forth in this Ordinance including but not limited to, Article VII.

- 12. Utilities.** Location and size/dimension of all existing and proposed utilities, including water, sewer, fire hydrant(s), gas, electricity, telephone, and cable. Include lines located on or adjacent to proposed development site and details of connections to existing systems where applicable.

Water:

- a) If water lines are located on or adjacent to the site, the location, line sizes and/or delivery capacity of existing water mains and nearest fire hydrant(s) shall be shown.
- b) Proposed water system plans including interconnection(s) to existing system, valves, hydrants and other related improvements shall be shown.
- c) When interconnection to a public water system is not practical, the Elmore County Health Department shall determine the lot size required for approval of an individual water supply. The development of wells shall comply with all applicable requirements of the Alabama Department of Public Health or the Alabama Department of Environmental Management.

Sanitary Sewer:

- a) If sanitary sewer lines are located on or adjacent to the site, the location, line sizes and direction of flow of existing sanitary sewer shall be shown. (Include pump stations or force mains if located on or adjacent to proposed development).
- b) Proposed sanitary sewer lines including interconnections to existing systems, line sizes, and any necessary related improvements such as pump stations and force mains shall be shown.
- c) When interconnection to the public sanitary sewer system is not practical, the developer shall submit percolation tests to the Elmore County Health Department. The Health Department shall certify that the site is suitable for septic tanks and determine the lot size and / or improvements required for approval for an individual sewage disposal system.

Electric:

- a) If electric service is located on or adjacent to the site, the location of existing under and above ground electric service shall be shown; and
- b) Proposed underground electrical service and locations of transformers, terminal boxes and other related improvements shall be indicated.
- c) On-site lighting, including security lighting and the methods to shield adjacent properties and rights-of-way from glare, shall be shown.

Natural Gas:

- a) If natural gas service exists on or adjacent to the site, the location of existing natural gas lines and sizes shall be shown; and
- b) The location of proposed gas lines, size of lines and other related natural gas improvements shall be indicated.

Telephone:

- a) If telephone service is located on or adjacent to the site, the location of existing under and above ground telephone service shall be shown; and
- b) The location of proposed underground service lines, switching stations and other related improvements shall be indicated.

Cable:

- a) If cable service is located on or adjacent to the site, the location of existing under or above ground cable service shall be shown; and
- b) The proposed location and type of cable service including location of underground service and location of junction boxes shall be indicated.

- 13. Screening and Buffering.** The location, dimensions and types of screening and buffering including fencing and landscaping shall be identified and located.
- 14. Signs.** All signs shall be located on the development plan and shall comply with all applicable provisions of the Ordinance including but not limited to Article V.
- 15. Supplemental Data.** Any supplemental information that may be deemed necessary for the full and proper consideration of the proposed development plan shall be shown.
- 16. Certificate of Development Plan Approval.** A blank certificate of development plan approval shall be included on the plan for the Chairman of the Planning Commission to sign after the development plan has been approved and processed by the appropriate authorities.
- 17. Drawings.** All site plans and related drawings shall include a north arrow, scale and the date of preparation as appropriate.

Section 903. Conditional Uses.

Conditional uses are those uses that have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties.

The review considers the proposal in terms of:

- Existing zoning and land use in the vicinity of the use;
- Planned and proposed public and private developments that may be adversely affected by the proposed use;
- Whether and to what extent the use, at the particular location for which it is proposed, is consistent with the intent of the Zoning Ordinance, Land Use Plan, and any other development policies and/or regulations of the City of Tallassee; and
- Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

Section 903.01. Applicability. Any use designated as a conditional use by this Ordinance shall comply with this Section.

In addition, any use that involves filling of a floodplain shall be approved only as a conditional use.

Section 903.02. Procedures. Applications for a conditional use permit shall be submitted and approved prior to application for a building permit. A site plan meeting the requirements of Section 902 shall support applications for conditional uses in all districts. Site plan or subdivision approval shall not be granted prior, to or contingent upon, conditional use approval.

The Building Official shall process applications for a conditional use permit as follows:

- A. Applications for a conditional use permit must be submitted to the Planning Commission 21 days prior to the public hearing, as required in Section 903.02 (B). Copies of the application shall be distributed to the appropriate departments.
- B. A public hearing shall be held by the Planning Commission after adjoining property owners have been notified of the public hearing by certified mail. As a courtesy, signs announcing the public hearing may be placed on the property in question.
- C. The application shall be denied if the Planning Commission finds that the application and record fail to establish compliance with the standards of this Ordinance. Further, the application shall be denied if the adverse impacts of the development, despite any mitigating conditions that might be imposed by the Planning Commission, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.
- D. In order to prevent or minimize adverse effects on other properties in the neighborhood and on the general health, safety, and welfare of the City of Tallassee, the Planning Commission may impose such restrictions and conditions on approval of the proposed use as it determines are required by the general purposes, goals, and objectives of this Ordinance. All conditions imposed upon any conditional use permit approval, except those which are otherwise stated in this Ordinance, shall be expressly set forth in the resolution granting such conditional use approval.
- E. Within 35 days of the public hearing on the application, unless an extension of this time is agreed to by the applicant, the Planning Commission shall render to the City

Council its recommendation either to grant the application for a conditional use permit, grant it subject to conditions, or deny it. The failure of the Planning Commission to act within this time period shall constitute a recommendation by it that the application be approved.

Following a public hearing the City Council shall either approve, or disapprove, the application and shall establish the specific conditions under which the application is approved. Said conditions may reflect those established by the Planning Commission (see "D" above) or some other statement of conditions as determined by the Council.

- F. In the event a permit for a conditional use is approved, or approved subject to conditions, the applicant shall submit a site plan meeting all conditions of approval. The Planning Commission shall then take action to process the building permit application for the development to which the conditional use permit applies. In the event such permit is not approved, or is approved subject to conditions that are not acceptable to the applicant, the applicant may either appeal such decision in accordance with procedures for appeal setout elsewhere in this Ordinance, or abandon the application.

Section 903.03. Conditions on Conditional Use Approvals. Every conditional use permit shall be contingent upon the proposed development fully complying with all requirements of this Ordinance and, where applicable, with the Subdivision Regulations. The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

Section 903.04. General Use Standards. No application for a conditional use permit shall be approved unless the City Council shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, the City of Tallassee Land Use Plan, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B. The proposed use, at the proposed location, shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare. This shall apply to the aforementioned conditions either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- C. The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the

proposed conditional use permit, be responsible for establishing ability, willingness, and bind commitment to provide such improvements, facilities, utilities, and services. Said improvements shall be provided in sufficient time and in a manner consistent with this Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development. Approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

- D. The Planning Commission may attach to any recommendation for conditional use approval, additional criteria dealing with bufferyards, parking, lighting, building materials, or any other aspect of site plan approval they deem necessary to mitigate the impact of the proposed conditional use on the surrounding property.

Section 904. Zoning Certificate.

No development permitted by this Ordinance, including accessory and temporary uses, may be established and no existing building may be altered with respect to its use after the effective date of this Ordinance until a Zoning Certificate has been secured from the Planning Commission or other duly authorized official.

Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulations in compliance with all of the terms of this Ordinance.

The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

904.01. Application Requirements for Building permits. All applications for building permits shall be made in writing by the owner or developer of the property for which it is sought. The application shall be filed with the Planning Commission and include two (2) copies of the following:

- A. Legal description of the parcel(s) for which the certificate is sought.
- B. Conditional Use Permit, if required (Section 903).
- C. Request for site plan review if required (Section 902).

When a building permit is sought for a development that is a part of a platted subdivision, which has received final plat approval or which has been issued a conditional use permit, the plat or conditional use permit, together with any covenants, conditions, or other restrictions related thereto, shall be submitted as a part of the application for the building permit.

Application for a conditional use permit, where required, shall be made and approval granted by the City Council prior to application for a building permit.

In the case of any development located within a subdivision, the subdivision shall have received final plat approval, and the plat recorded in the County Probate office, before the Building Official will accept an application for a building permit. If the development for which a building permit is sought is required by this Ordinance to undergo site plan review, the approved site plan shall be made a part of the application for a building permit and shall suffice as the statement of proposed use required by this Section.

A temporary use and an accessory use shall require a building permit as a precondition to their lawful establishment. The Planning Commission may establish regulations governing the application requirements for a building permit in the case of either a temporary or accessory use that is established at any time other than simultaneously with a principal use, in which case all information specified in this Section shall be submitted. The purpose of the required information is to provide the Planning Commission with a sufficient factual basis to determine whether all requirements of this Ordinance applicable to temporary and accessory uses have been met.

904.02. Procedures. All developments for which a building permit is required shall be reviewed for compliance with this Ordinance; within 30 calendar days after the application for a building permit has been accepted, the Building Official shall inform the applicant whether the application has been granted.

- A. In any case where the application is granted, the Planning Commission shall issue a zoning certificate which shall state: “This certificate does not signify building codes review or approval nor subdivision review or approval and is not authorization to undertake any work without such review and approval where either is required. Before any structure to which this certificate is applicable may be occupied or used for any purpose, a certificate of occupancy must be obtained.”
- B. In any case where an application is denied, the Planning Commission shall state the specific reasons and shall cite the specific chapters, articles, and sections of this Ordinance upon which denial is based. If relief of such denial would be available through special development standards or variance, the Planning Commission shall so state and shall refer the applicant to the appropriate sections of this Ordinance.

Following site plan and/or conditional use approval, an applicant shall have 18 months from the date of approval to begin construction. In addition, an applicant shall have 90 days from the date of issuance of a building permit to begin construction. For the purposes of this Section, beginning of construction is defined as the date on which a building permit is issued by the City of Tallassee for the construction, renovation, modification, or other work required.

Section 905. Certificate of Occupancy.

No land or building for which a building permit has been issued shall be occupied or used, in whole or in part for any use whatsoever, after the effective date of this Ordinance until the owner, tenants, contract purchaser, or authorized agent thereof has been issued a certificate of occupancy (CO) by the Building Official or other duly authorized official. Said CO shall indicate that the building or use complies with all zoning requirements of this Ordinance, the building code, and other applicable codes and regulations. No certificate of occupancy shall be

issued until the premises in question have been inspected and found by the Building Official or other duly authorized official to comply with the requirements of this Ordinance.

No permit shall be issued for any new use or construction that will involve the on-site disposal of sewage or waste until approval has been issued by the County Health Department. Further, no permit shall be issued for a change in use or an alteration resulting in an increased volume of sewage or waste to be disposed of on the site, until approval has been issued by the County Health Department.

The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this Ordinance and all other applicable regulations.

No certificate of occupancy shall be issued unless required landscaping and bufferyards have been installed or appropriately bonded.

Section 906. Access.

As a precondition to approval of any site plan, subdivision plat, zoning certificate, building permit, or any other type of development permit, the subject site shall have legal access to a publicly owned and maintained road.

Section 907. Fees.

A schedule of application fees for site plan and subdivision approval, building and other permits, and public hearings required under this Ordinance shall be established by separate resolution or ordinance. This fee schedule shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, and shall be revised as necessary by the City Council.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

Section 1000. Purpose.

The powers and duties of the following officers and boards are specified in this Section with regard to the administration of this Ordinance: the Planning Commission; the Board of Zoning Adjustment; and the Building Official. This Article also specifies the requirements for amendments, variances, administrative appeals, and interpretations of this Ordinance.

NOTE: See Appendix F for sample applications forms, checklists, etc. which apply to actions described in this Ordinance.

Section 1001. Building Official: Duties and Powers.

The Building Official or other duly authorized official shall, under the guidance of the Planning Commission, administer all staff activities regarding planning, zoning, and development review. He/she shall perform duties prescribed by this Ordinance, as well as any other assigned by the Planning Commission or the City Council. The Building Official shall have a thorough knowledge of the provisions of this Ordinance.

The Building Official shall have the following additional powers and responsibilities:

- A.** Advise and cooperate with the Planning Commission in the implementation, amendment and enforcement of this Ordinance.
- B.** Attend all public hearings at which zoning matters are discussed, including meetings of the Planning Commission, Board of Zoning Adjustment and City Council.
- C.** Ensure that all required application fees, for zoning actions and subdivision approvals, are collected and accounted for.
- D.** Evaluate each proposed site plan and subdivision plat for consistency with this Ordinance.
- E.** Ensure that all time limits prescribed by this Ordinance are met.
- F.** Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons.
- G.** Receive and review all applications for zoning certificates required herein.
- H.** Process zoning certificate and conditional use permit applications.

- I.** Record and file all applications for zoning certificates with accompanying plans and documents. All applications, plans, and documents shall be a public record.
- J.** Receive applications for variances and forward them to the Board of Zoning Adjustment for action.
- K.** Following refusal of a permit, receive applications for interpretation and appeals and forward them to the Board of Zoning Adjustment for action.
- L.** Receive and review all site plans whose submission are required by Section 902.
- M.** Review all proposed zoning amendments, and prepare a report on said ~~zoning~~ amendments for the Planning Commission and the City Council.
- N.** Promptly indicate any zone boundary or other change to the Official Zoning Map, and make available for public inspection an up-to-date copy of the Official Zoning Map, as amended.
- O.** Issue a monthly report on all administrative approvals to the Planning Commission.
- P.** Receive and examine all applications for building permits and certificates of occupancy.
- Q.** Process all building permit applications and applications for certificates of occupancy.
- R.** Issue permits only where there is compliance with the provisions of this Ordinance. Permits for construction of uses requiring a variance shall be issued only upon order of the Board of Zoning Adjustment. Permits shall be issued only after receipt of a zoning certificate.
- S.** Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.
- T.** Revoke, by writing, a permit or approval issued contrary to this Ordinance or based on a false statement or misrepresentation in the application.
- U.** Stop, by written order, work being done contrary to the building permit or to this Ordinance. Such written order, posted on the premises involved, shall not be removed except by order of the Building Official. Removal without such order shall constitute a violation of this Ordinance.
- V.** Institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; restrain, correct, or abate such violation, so as to prevent the occupancy or use of any

building, structure, or land; or prevent any illegal act, conduct, business, or use in or about such premises.

W. Record and file all applications for permits with accompanying plans and documents.

X. Other duties assigned by the Mayor.

Section 1002. Duties of the Planning Commission.

The Planning Commission shall have the authority to interpret the intent and meaning of this Ordinance in situations where its applicability is not clear. Appeals of administrative decisions of the Planning Commission may be made to the Board of Zoning Adjustment.

The Planning Commission may also revoke any zoning certificate issued under a mistake of fact or contrary to the law or provision of this Ordinance.

A. General Duties:

1. The Planning Commission, in cooperation with the Building Official or other duly authorized officials shall study land use and development trends, collect data and analyze such information with regard to future development of the City of Tallahassee.
2. The Planning Commission shall study and report on all proposed amendments to the text of this Ordinance. When reviewing any such proposed amendments, the Planning Commission shall, within 45 days of receipt of same from the Building Official, submit its recommendations and findings to the City Council.
3. The Planning Commission shall study and report on all proposed amendments to the Official Zoning Map, the procedure for which is contained in Section 1005 of this Article.
4. The Planning Commission shall review and approve, approve with conditions or deny, all site plans submitted to it by the Building Official in accordance with Section 902.
5. The Planning Commission shall hear all applications for conditional use permits and shall make a report and recommendation to the City Council in accordance with Section 903.
6. The Planning Commission may post notice, in the form of a courtesy sign, on property that is subject to a public hearing for conditional use permit or rezoning.
7. The Planning Commission shall review the character, location, and extent of any street, square, park or other public way, ground or open space or public building

or structure or major utility project whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama of 1975, as amended.

B. Ordinance and Map Comprehensive Review and Update Duties:

The Planning Commission shall periodically review this Zoning Ordinance, and its associated maps, and report on it to the City Council. Specifically, the Planning Commission shall:

1. Analyze the extent to which development has occurred in Tallassee as compared to the projected growth at the time of the last mapping of the districts created by this Ordinance.
2. Recommend any changes in the mapping of Tallassee that would be required in order to accommodate the expected 20-year growth of Tallassee for residential, industrial, commercial, and other land uses.
3. Analyze the continued validity of any other regulations imposed by this Ordinance in terms of changed conditions since the last review.
4. Provide for public input and hold a formal public hearing on any proposed changes, to Ordinance text or map, and recommend to the City Council for adoption.

Section 1003. Board of Zoning Adjustment: Duties and Powers.

The Board of Zoning Adjustment heretofore established is continued, and shall be appointed as provided by State law. No member of the Board shall vote upon any matter in which he or she, a spouse or a dependent has a direct interest. No member of the Board shall vote upon any matter involving a business with which he or she, a spouse or dependent has any interest or ownership. The Board shall have the following powers and duties:

- A. The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chair, or any three (3) members, at such times and places as the Board may determine. The Chair, or in his/her absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- B. The Board of Zoning Adjustment shall keep 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 other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

- C. The Board of Zoning Adjustment shall hear and decide appeals from a decision of the Planning Commission, or their duly authorized official, made in the performance of their duties.
- D. The Board of Zoning Adjustment shall hear and decide all petitions for variances, as provided for in Section 1006.
- E. The Board of Zoning Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Planning Commission or the Building Official in the enforcement of this Ordinance.
- F. The Board of Zoning Adjustment may post notice, in the form of a courtesy sign, on the property that is subject to a public hearing on matters coming before it.

Section 1004. Interpretations.

1004.01. Purpose. The provisions of this section are intended to provide a simple and expeditious method for clarifying ambiguities in the text of this Ordinance, the zoning map which it incorporates, and the rules and regulations adopted pursuant to it. It is also intended to provide a simple procedure for overcoming rigidities and limitations of finite use lists.

1004.02. Authority. The Planning Commission may, subject to the procedures, standards, and limitations set forth in this Section, render interpretations of any provision of this Ordinance or any rule or regulation issued pursuant to it, including interpretations of the various uses in any district not expressly mentioned in this Ordinance.

1004.03. Procedure.

- A. **Written Request for Non-Use Interpretation.** Except as provided below, a request for interpretation of any provision of this Ordinance, the zoning map, or any rule or regulation adopted pursuant to this Ordinance shall be submitted in writing to the Building Official. No fee shall be required in connection with any such request. Each such request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Planning Commission shall receive such further facts and information as are in their judgment necessary to a meaningful interpretation of the provision in question.
- B. **Application for Use Interpretation.** Applications for a use interpretation shall be submitted to the Building Official and shall, in all instances, contain at least the following information and documentation:
 - 1. The applicant's names, address, and interest in the subject property.

2. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.
3. The names and addresses of all professional consultants advising the applicant with respect to the interpretation.
4. The street address and legal description of the subject property.
5. The zoning classification and present use of the subject property.
6. A complete description of the proposed use.
7. The uses permitted by the present zoning classification, which are most similar to the proposed use.
8. Documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
9. Such other and further information or documentation as the Planning Commission may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

C. *Building Official /Planning Commission.* Within 45 days following the receipt of a completed request or application for interpretation, the Building Official shall mail a written copy of the interpretation to the applicant. The Planning Commission shall state the specific precedent, reasons, and analysis on which such interpretation is based. The failure of the Planning Commission to render an interpretation within such time, or such longer period of time as may be agreed to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation. The Building Official shall keep a copy of each such interpretation on file and shall make a copy of each such file interpretation available for public inspection during normal business hours.

D. *Appeal.* Appeals on interpretations rendered by the Planning Commission pursuant to this Section may be taken to the Board of Zoning Adjustment as provided in this Article.

1004.04. Conditions on Use Interpretations. The following conditions shall govern the Planning Commission, and the Board of Zoning Adjustment on appeals from the Planning Commission, in issuing use interpretations:

- A. No use interpretation shall allow the establishment of any use that was previously considered and rejected by the Board of Zoning Adjustment on an application for amendment.

- B. No use interpretation shall permit any use in any district unless evidence shall be presented which demonstrates that it will comply with each use limitation established for the particular district.
- C. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or conditionally permitted in a less restrictive district.
- D. If the proposed use is more similar to a conditional use than a permitted use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned upon the approval of a conditional use by the Planning Commission.
- E. Any use permitted pursuant to this Section shall fully comply with all requirements and standards imposed by this Ordinance.

1004.05. Effect of Favorable Use Interpretation. No use interpretation, finding a particular use to be permitted or conditionally permitted in a specific district, shall authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of the City of Tallassee, or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, zoning certificates, conditional use permits, building permits, and certificates of occupancy.

1004.06. Limitations on Favorable Use Interpretations. No use interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall supersede subsequent amendment to this Ordinance.

Section 1005. Amendments.

This Ordinance may be amended from time to time as conditions warrant in the following manner. As used herein, the term “application” includes City Council resolution.

- A. **Initiation Procedures.** A proposed change to the zoning district boundaries or of the regulations may be initiated by the City Council, the Tallassee Planning Commission, or by petition of one or more owners, or authorized agents of such owners, of property within the area proposed to be changed.
- B. **Text Amendments.** The application for an amendment to the text of this Ordinance shall state in particular the article, section, subsection, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall recite the reasons for such proposed change in the text.

C. Map Amendments.

1. Applications to rezone any property, or any application which seeks to change or modify the standards and requirements imposed on a particular piece of property by the text and maps of this Ordinance, including applications for variances and conditional use permits, may be instituted by the City of Tallassee or all the owners of the property sought to be affected, or their assigns.
2. In the case where the applicant is not the owner of the subject property, said applicant shall secure a notarized authorization to act as applicant from the property owner, along with the regularly required copy of the deed for the property.
3. When a development proposal involves approval of a site plan or subdivision plat in addition to a zoning map amendment, no site plan or subdivision plat approval shall be granted prior to approval of the map amendment. If a development plan, and the corresponding request for zoning change are to be addressed at the same public hearing, the Planning Commission shall render a decision on the zoning application before considering any related site plan or subdivision plat.* Such decision shall be based on the requirements of this Ordinance and the full range of uses permitted in the requested district, and not on the specific development concept proposed by the applicant. *NOTE: Planning Commission's decision on a zoning change "rezoning" is a recommendation to City Council for action. No zoning change exists until the Council has taken action, in the form of an ordinance, to approve the Planning Commission's recommendation, therefore any action on a development proposal must be subject to the Council's approval of a rezoning.*
4. All properties annexed into the City of Tallassee shall receive the AFR District designation. If another zoning designation is desired, the owner or authorized representative shall make application for rezoning in accordance with these regulations.

D. Public Hearing. Upon application, the Planning Commission shall, after giving 15 days notice, conduct a public hearing on the proposed amendment. The Planning Commission shall consider and make recommendations on all proposed amendments, taking into account: (1) the testimony at the hearing; (2) a site inspection of the property in question; (3) the recommendations from interested official bodies; and (4) the standards provided below.

1005.01. Report of the Planning Commission.

- A. The Planning Commission shall make a report to the City Council. No amendment shall be passed except by a majority vote of the members of the City Council present.

- B. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely for the interest of the applicant.
- C. For each disapproved map amendment, the Planning Commission shall make findings on each of the following matters based on the evidence presented to it:
 - 1. The suitability of the property in question for the uses permitted under the proposed zoning.
 - 2. The adequacy of public facilities, such as sewer and water, and other required public services.

Section 1006. Variances.

1006.01. Purpose. The purpose of this Section is to empower the Board of Zoning Adjustment to vary or adapt the strict application of any of the requirements of this Ordinance. It is expected that the granting of variances will be rare. However, a variance may be appropriate where by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary and exceptional situations or conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner's use of such property.

Those developments requiring a variance from any regulation of this Ordinance in conjunction with site plan review shall have the appropriate request acted upon by the Board of Zoning Adjustment. This shall include existing development sites, proposed for expansion or reconfiguration, which are nonconforming to any requirement of this Ordinance. The site plan may be reviewed concurrently with review and action on the variance request, but the site plan shall not be approved until the variance has been approved.

1006.02. Application. Any property owner may apply to the Board of Zoning Adjustment for a variance using forms to be obtained from the Building Official at least 15 days prior to the next regularly scheduled meeting of the Board.

1006.03. Standards for Variances. The Board of Zoning Adjustment shall grant no variance in the strict application of the provision of this Ordinance unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition "hardship" of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the

applicant shall establish and substantiate in writing that the appeal for the variance conforms to all of the requirements and standards listed below:

- A. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- B. The granting of the variance will not permit the establishment of any use, *which is not permitted* in the district.
- C. *There must be proof of unique circumstances.* There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought. Said circumstances or conditions must be peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.
- D. *There must be proof of unnecessary hardship.* It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with, or without, knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.
- E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.
- F. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

1006.04. Public Hearing. Upon application, the Board of Zoning Adjustment shall schedule a public hearing on the proposed variance to be held ten (10) days after a public notice has been published in the local newspaper, and after the adjacent property owners most affected by the

variance request have been notified by certified mail. *Courtesy* signs announcing the public hearing may also be posted at this time. The Board of Zoning Adjustment shall consider and decide all proposed variances taking into account the standards enumerated above. After the close of a public hearing and within ten (10) days the Board of Zoning Adjustment shall render a written decision, setting forth the reasons for such decision, which shall be accompanied by finding of fact(s) specifying the reason(s) for such decision. All such decisions are final and binding on all parties.

Section 1007. Appeals.

Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved or affected by any provision of this Ordinance or by any decision, or any order to stop, cease, and desist, issued by the Planning Commission in enforcing the provisions of this Ordinance.

1007.01. General Rules and Procedures for Appeals.

- A.** Any appeals from the ruling of the Planning Commission concerning the enforcement and interpretation of any provision of this Ordinance shall be filed with the City Clerk within 15 days after the date of the Planning Commission's decision thereon.
- B.** All appeals and applications made to the Board shall be in writing on forms prescribed by the Board and accompanied by fees prescribed by resolution of the City Council.
- C.** All appeals and applications shall refer to the specific provisions of this Ordinance involved.
- D.** The Board shall select a reasonable time and place for hearing the appeal and give due notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The Board may affirm, reverse, wholly or in part, or modify the order, requirement, decision, or determination, as in its opinion it determines ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken. The City Clerk shall maintain complete records of all appeal actions of the Board.
- E.** Within ten (10) days after the close of a public hearing the Board shall render a written decision giving the reason(s) for its decision.
- F.** In rendering a decision with respect to an appeal from any order, decision, or determination the Board shall strictly interpret the language of the Ordinance and shall find that the Planning Commission was correct in their decision or in error. However, the Board shall not render any decision which shall modify an order, decision, or determination which confers rights or privileges on the appellant that are not otherwise permissible under the strict interpretation of the language of this Ordinance.

G. Such decision shall be submitted to the appellant and the Planning Commission.

1007.02. All decisions rendered by the Board shall be final and binding on all parties. No request for a variance or appeal of an administrative decision shall be reheard, and no further application shall be accepted, once a decision has been given, except under one or more of the following conditions:

- A.** New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
- B.** The decision resulted from an error in procedures required by the Ordinance or State law made by the Board, the Planning Commission, or any other City official.
- C.** The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama.

Where no error is alleged and no new evidence is available a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board of Zoning Adjustment. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section.

If the Board finds that one or more of these conditions exists, the applicant shall be permitted to submit a new application, together with the required fees. The new application shall be heard at a subsequent meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

Section 1008. Appeals from Action of the Board of Adjustment.

Any person aggrieved by any decision of the Board may within fifteen (15) days after such decision appeal to the Circuit Court of Elmore or Tallapoosa County, Alabama as provided in 11-52-81, Code of Alabama, 1975, as amended, by filing with the Board a written notice of appeal specifying the decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings to be certified to the court in which such appeal is taken.

ARTICLE XI. LEGAL PROVISIONS

Section 1100. Penalties.

Any person violating any provision of this Ordinance shall be fined, upon conviction, not more than five hundred dollars (\$500.00) and costs of court for each offense. Each day the violation continues shall constitute a separate offense.

Any person who fails to obtain a Zoning Certificate or other permit prior to beginning construction or erecting any structure or sign shall be subject to doubling of all applicable fees.

Section 1101. Remedies

If any use, building or structure is initiated, erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of this Ordinance, the Planning Commission, any other appropriate authority, or any property owner who would be damaged by the violation, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to correct or abate the violation or to prevent occupancy of the buildings, structure, or land.

Section 1102. Saving Clause.

If any article, section, sub-section, paragraph, clause, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the declaration shall be limited to the part declared invalid or unconstitutional. The declaration shall not affect the validity or constitutionality of the Zoning Ordinance as a whole or any other article, section, sub-section, paragraph, clause, or provision of this Ordinance.

Section 1103. Effective Date.

This Ordinance shall take effect and be in force from and after its adoption and publication as required by law.

Section 1104. Adoption.

Adopted this _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

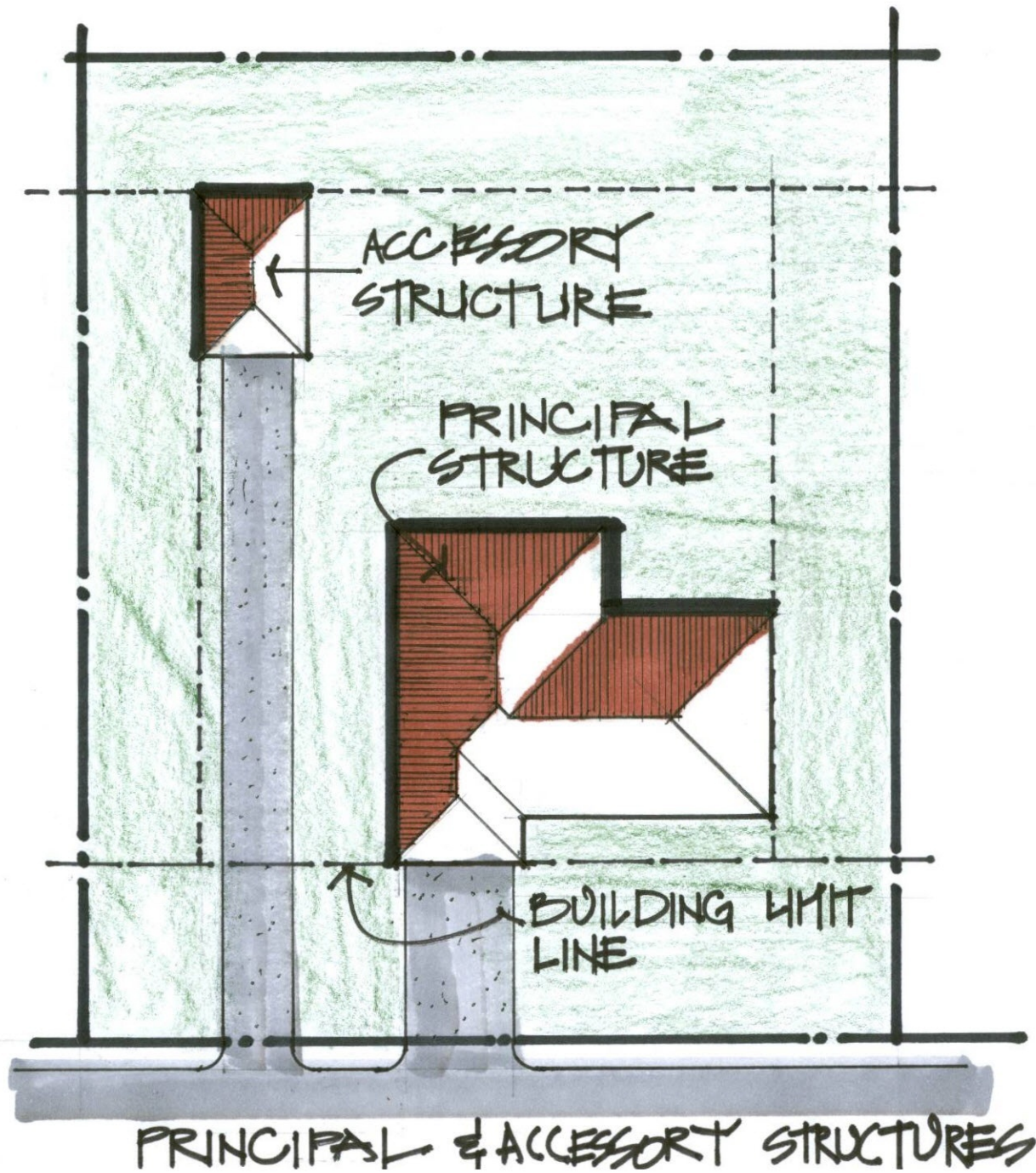


FIGURE 1

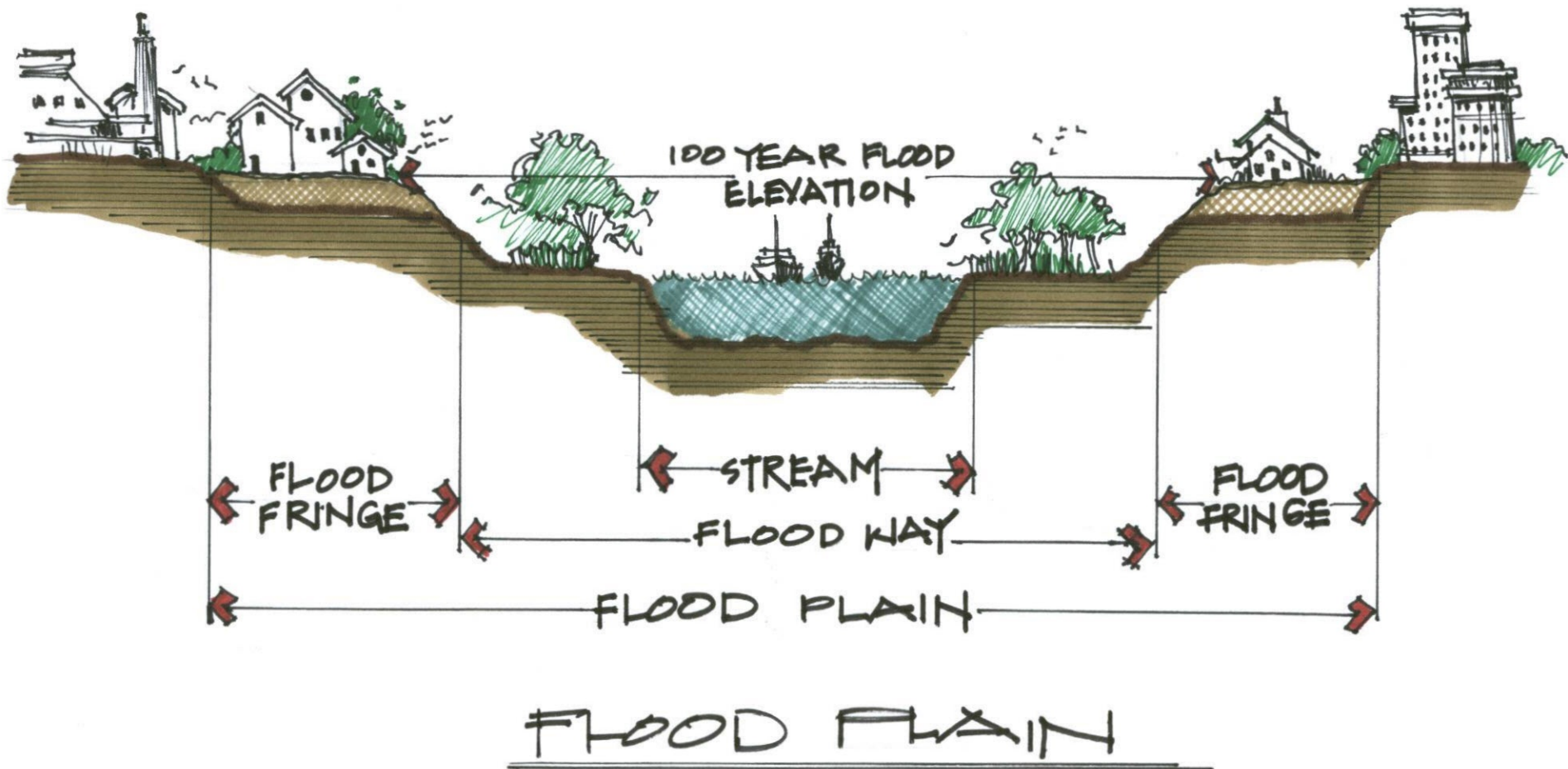
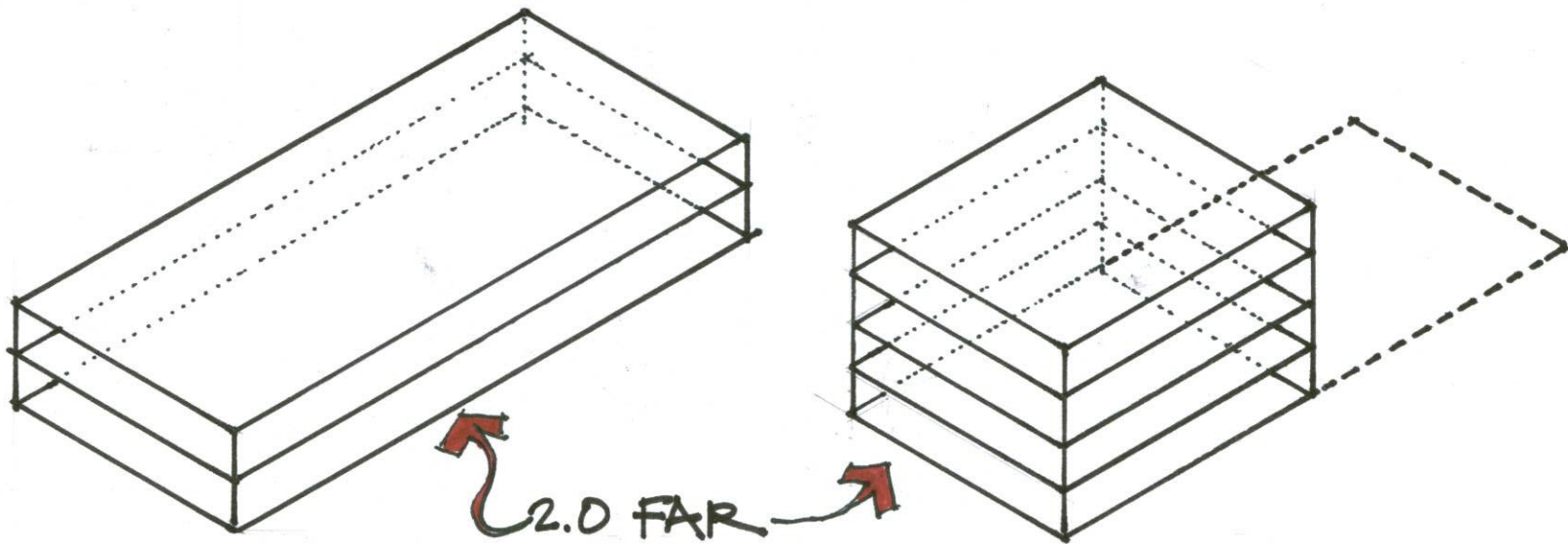
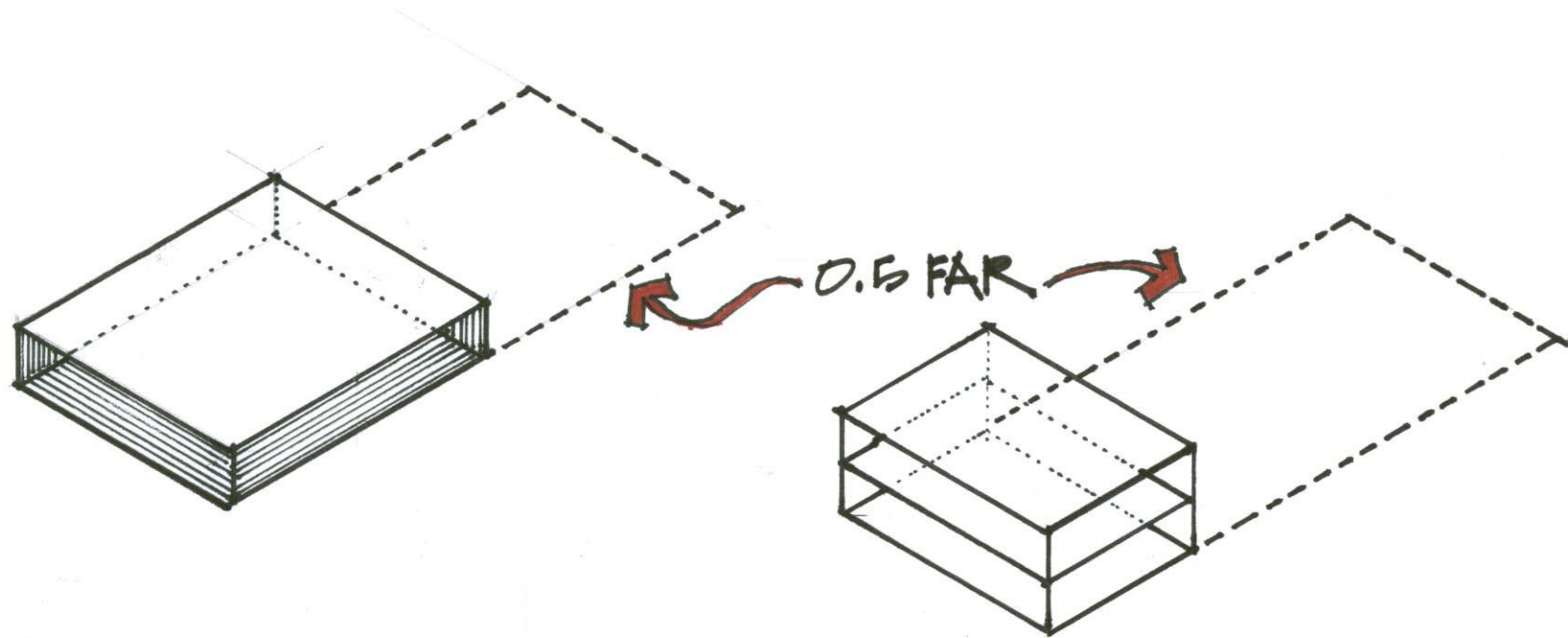


FIGURE 2



FLOOR AREA RATIO

FIGURE 3

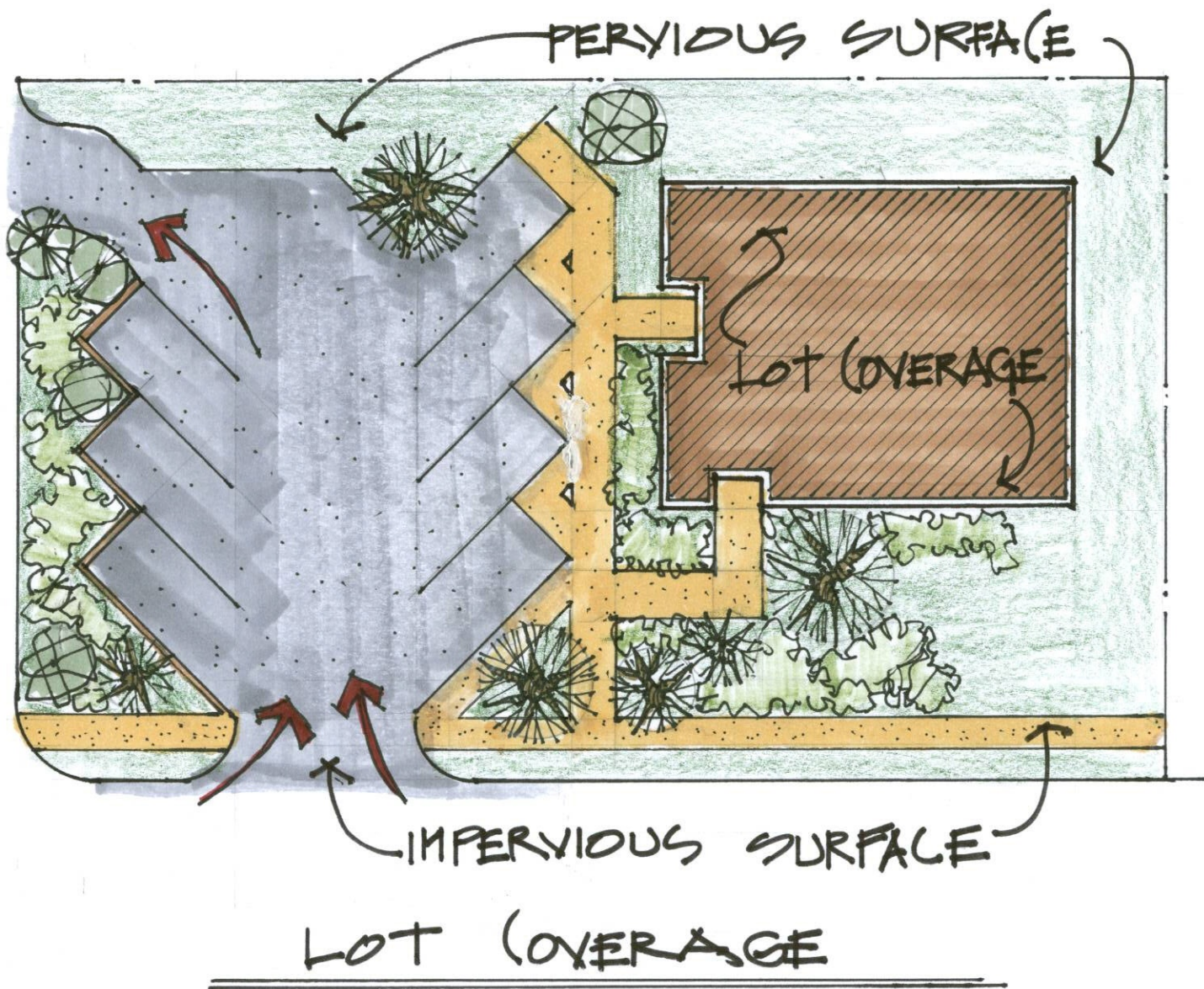


FIGURE 4

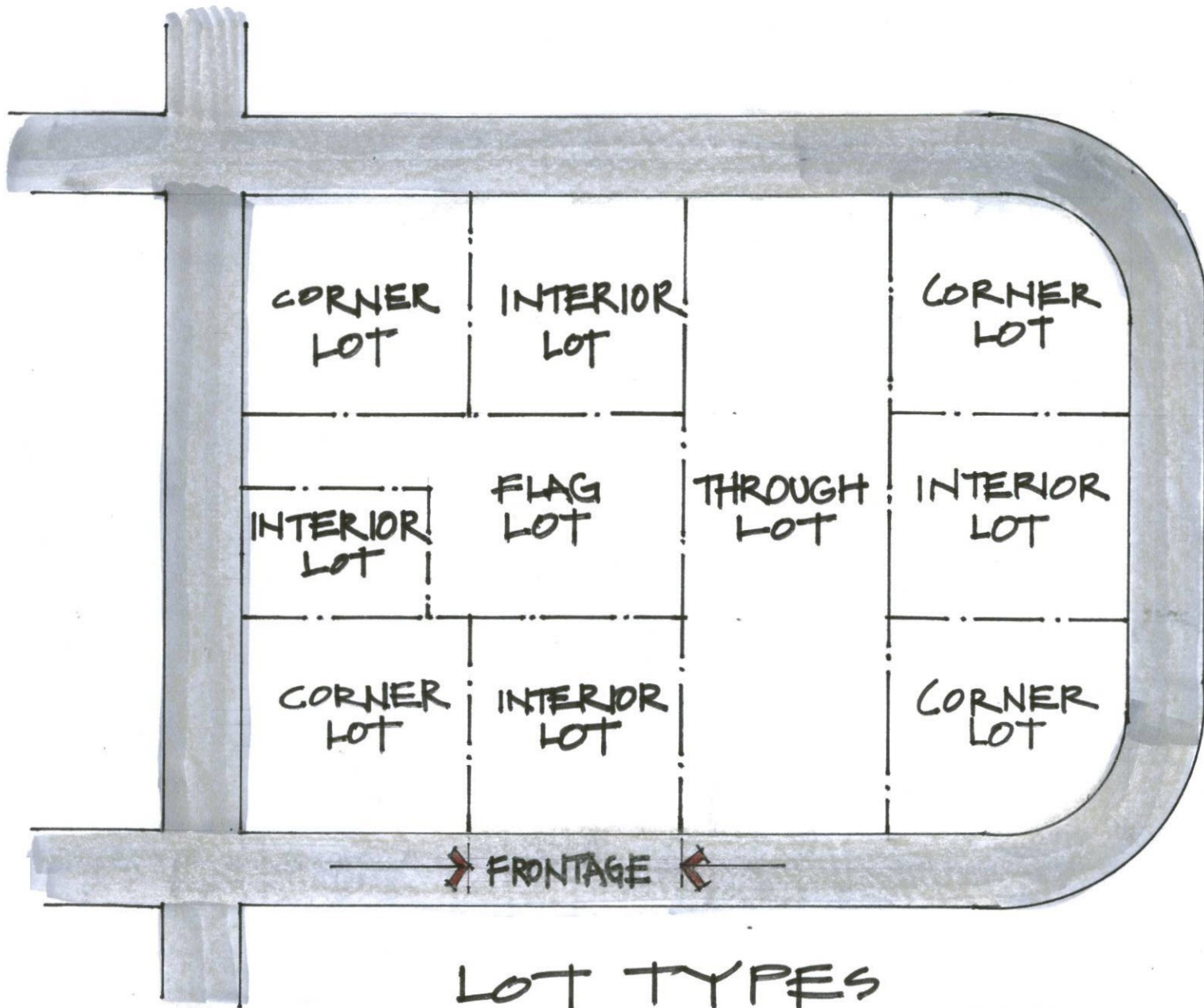
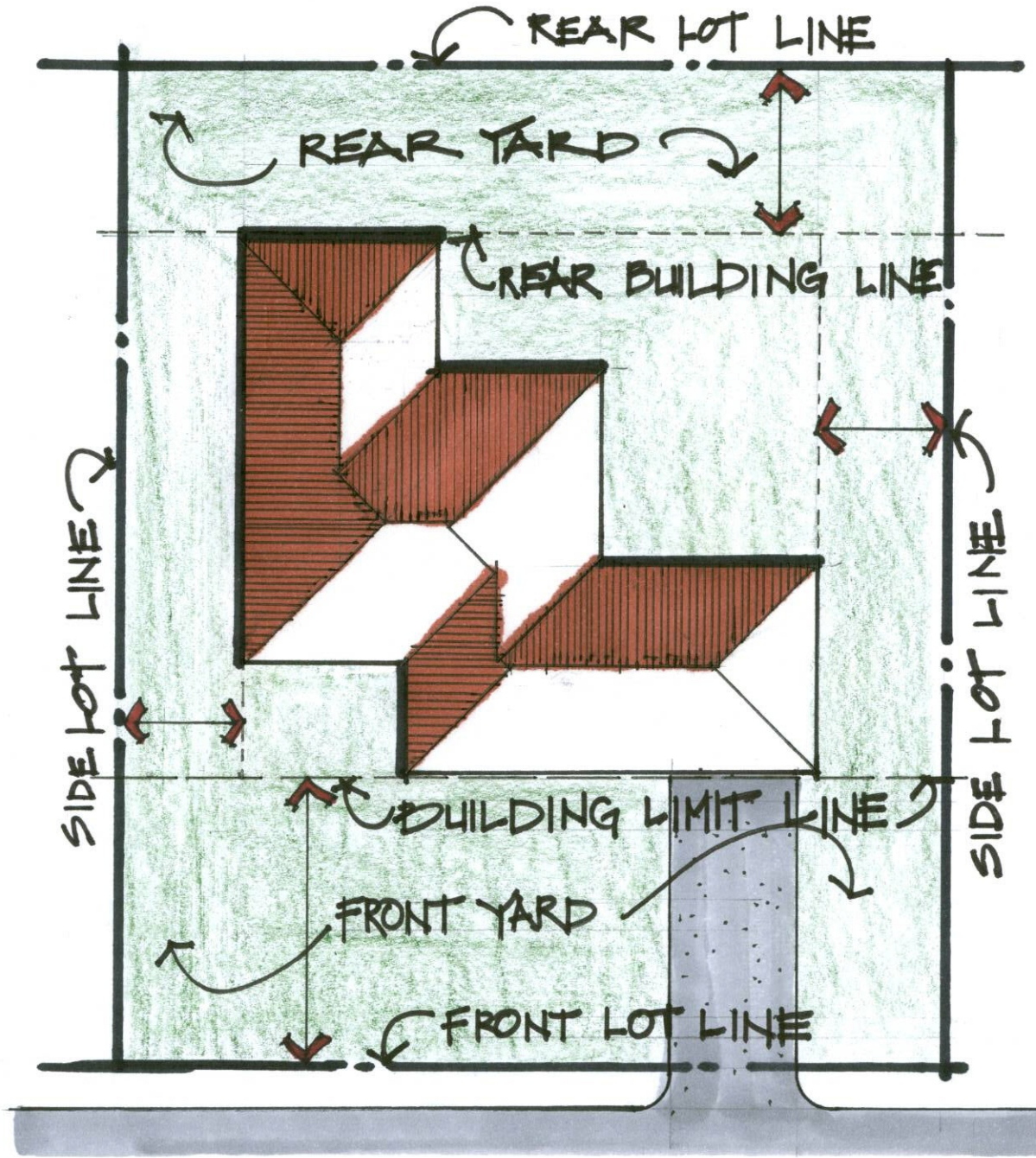
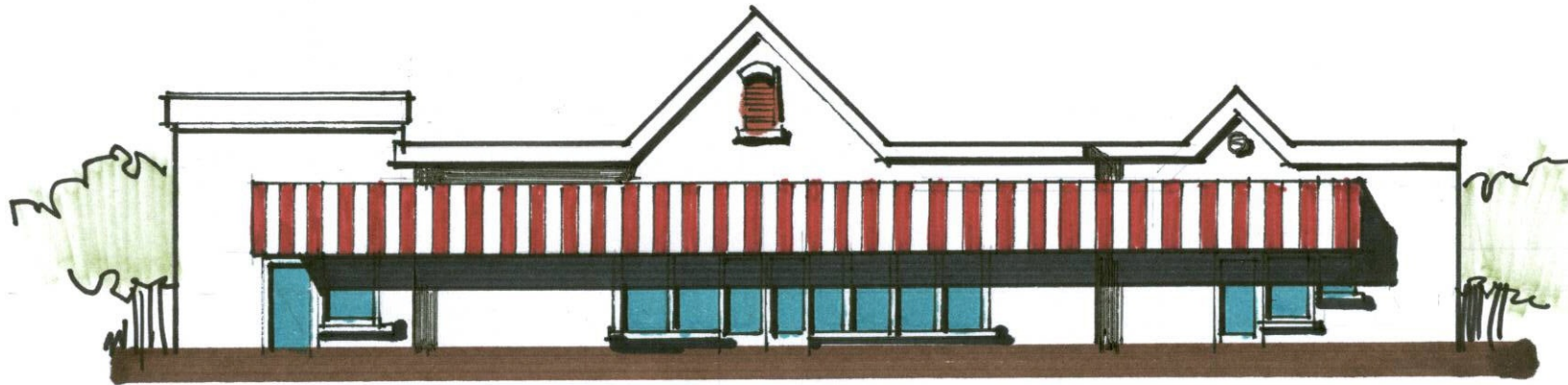


FIGURE 5

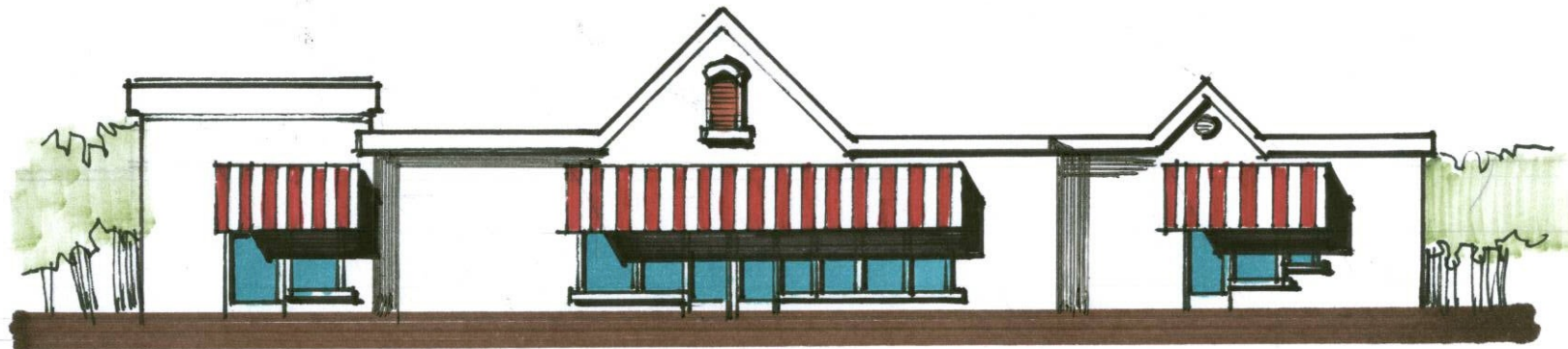


PROPERTY & BUILDING LINES

FIGURE 6



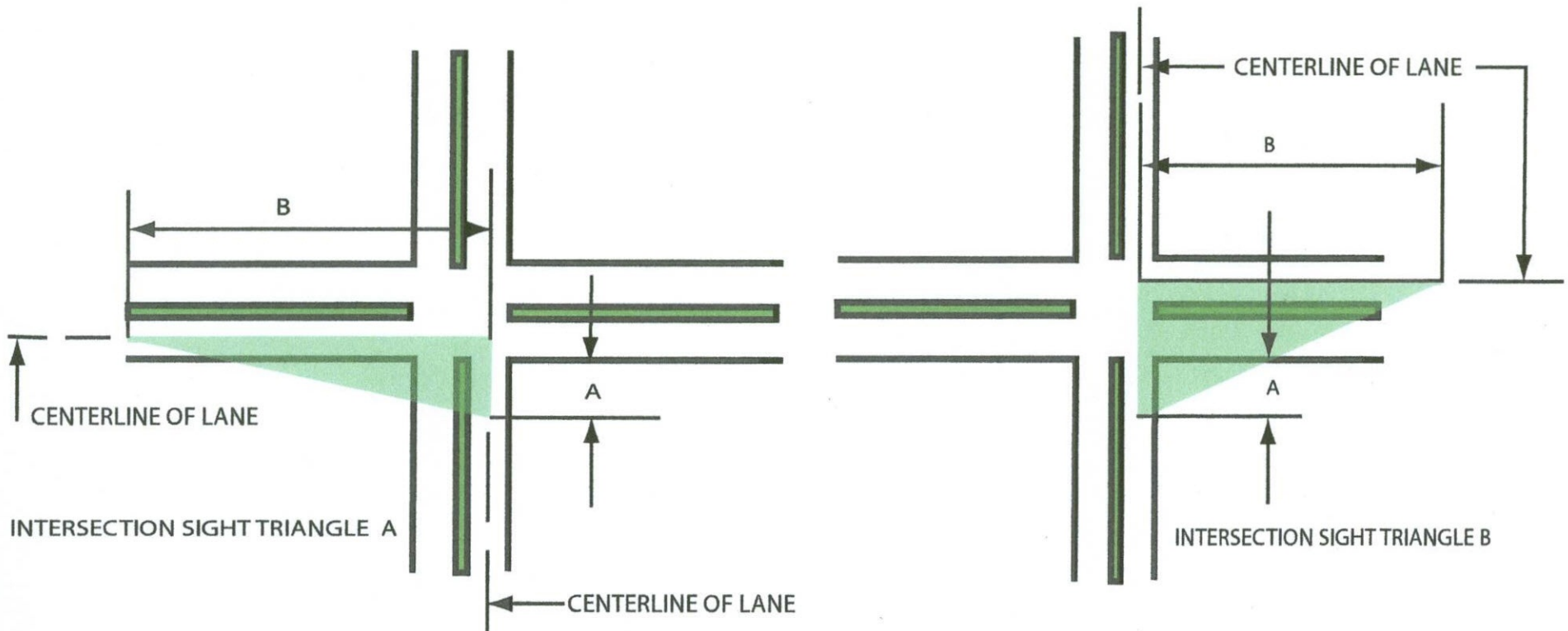
UNACCEPTABLE AWNING LAYOUT



ACCEPTABLE AWNING LAYOUT

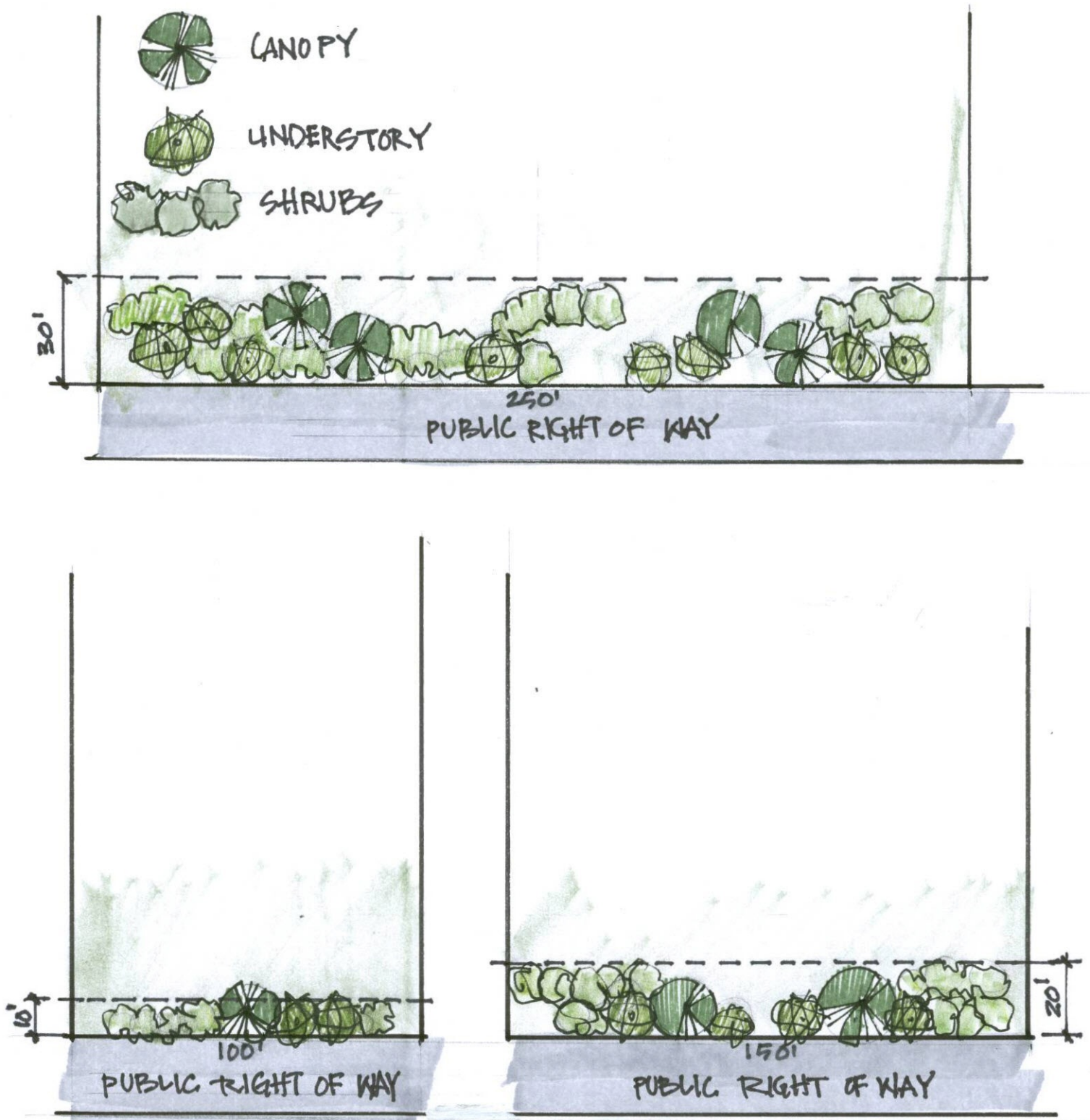


OFF SET BUILDING FACADE



UNITED STATES CUSTOMERY		
DESIGN SPEED IN MPH	DISTANCE IN FEET "A" FROM EDGE OF PAVEMENT	DISTANCE IN FEET "B"
15	14'6"	170
20	14'6"	225
25	14'6"	280
30	14'6"	335
35	14'6"	390
40	14'6"	445
45	14'6"	500
50	14'6"	555
55	14'6"	610
60	14'6"	665
65	14'6"	720
70	14'6"	775
75	14'6"	830
80	14'6"	885

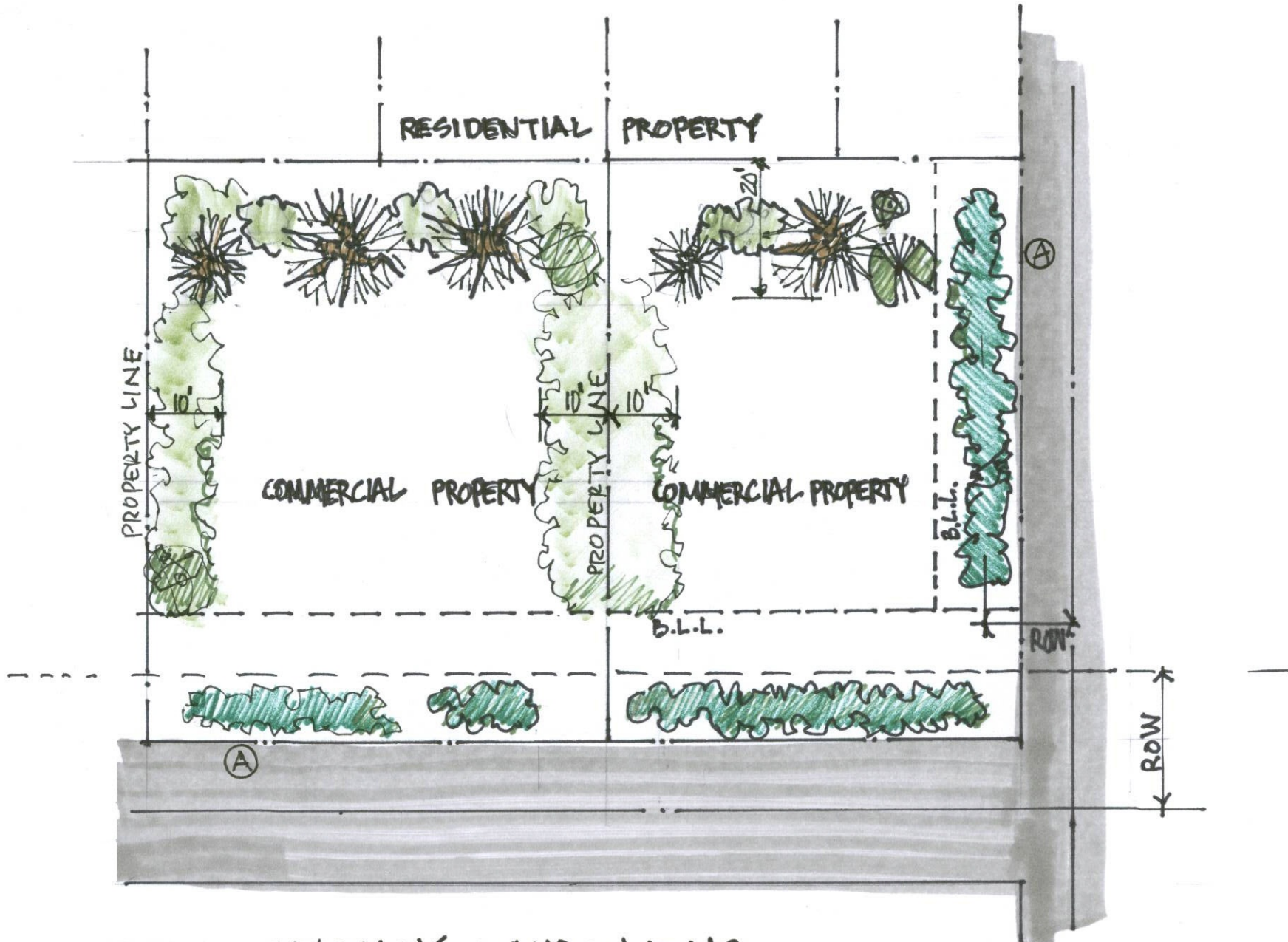
FIGURE 8



FRONTAGE LANDSCAPE

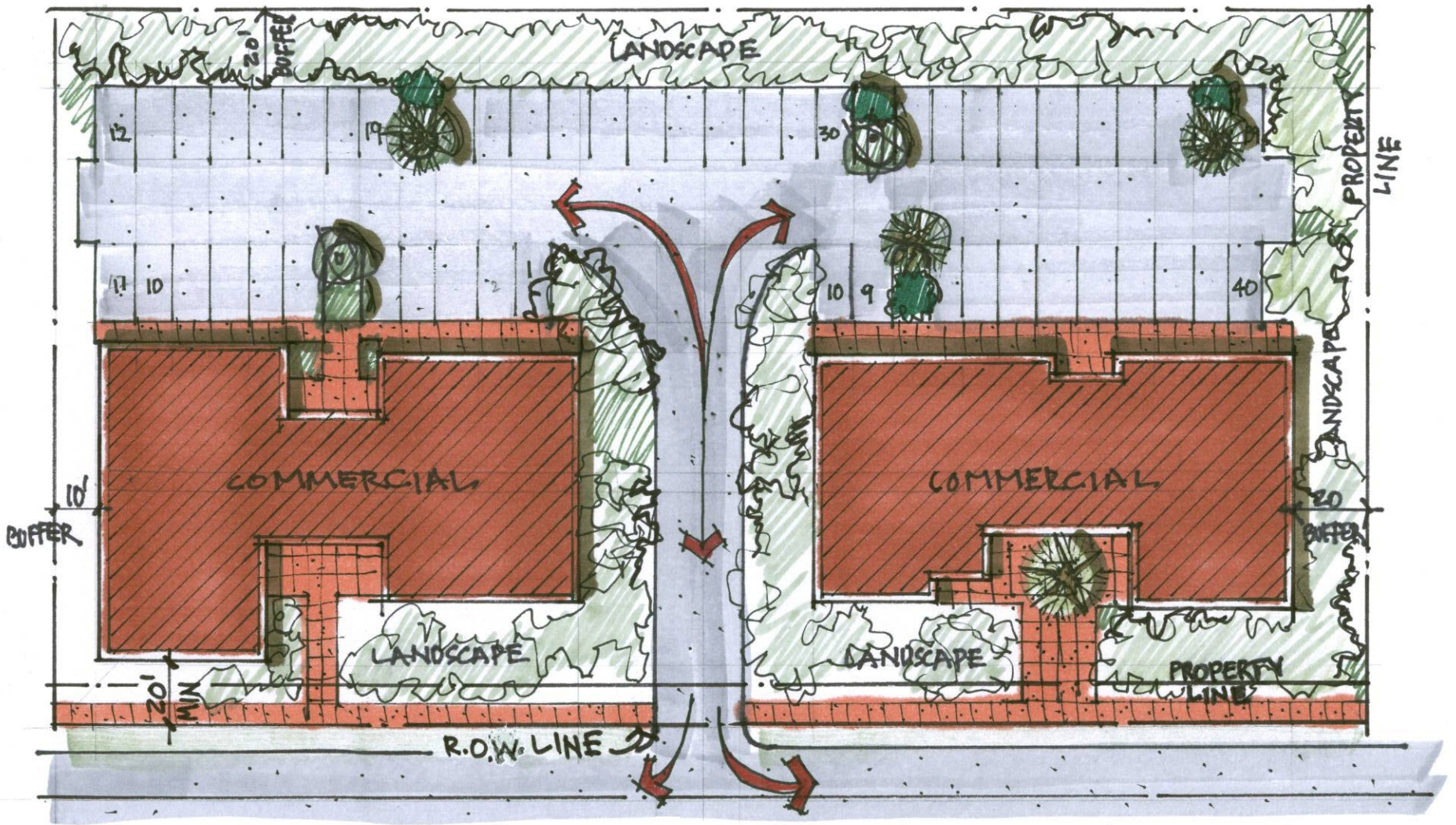
FIGURE 9

Ⓐ CANNOT COUNT TOWARD
LANDSCAPE PERIMETER
REQUIREMENT.



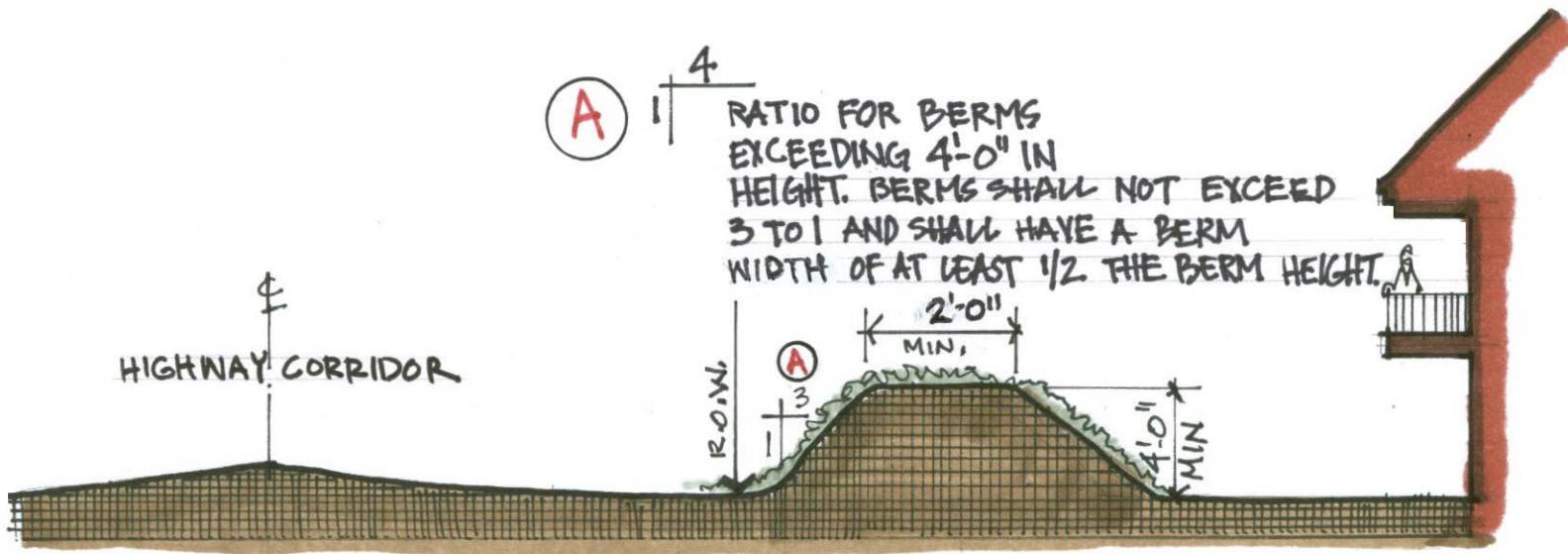
ADJACENCY LANDSCAPING

FIGURE 10



INTERIOR PARKING LANDSCAPING

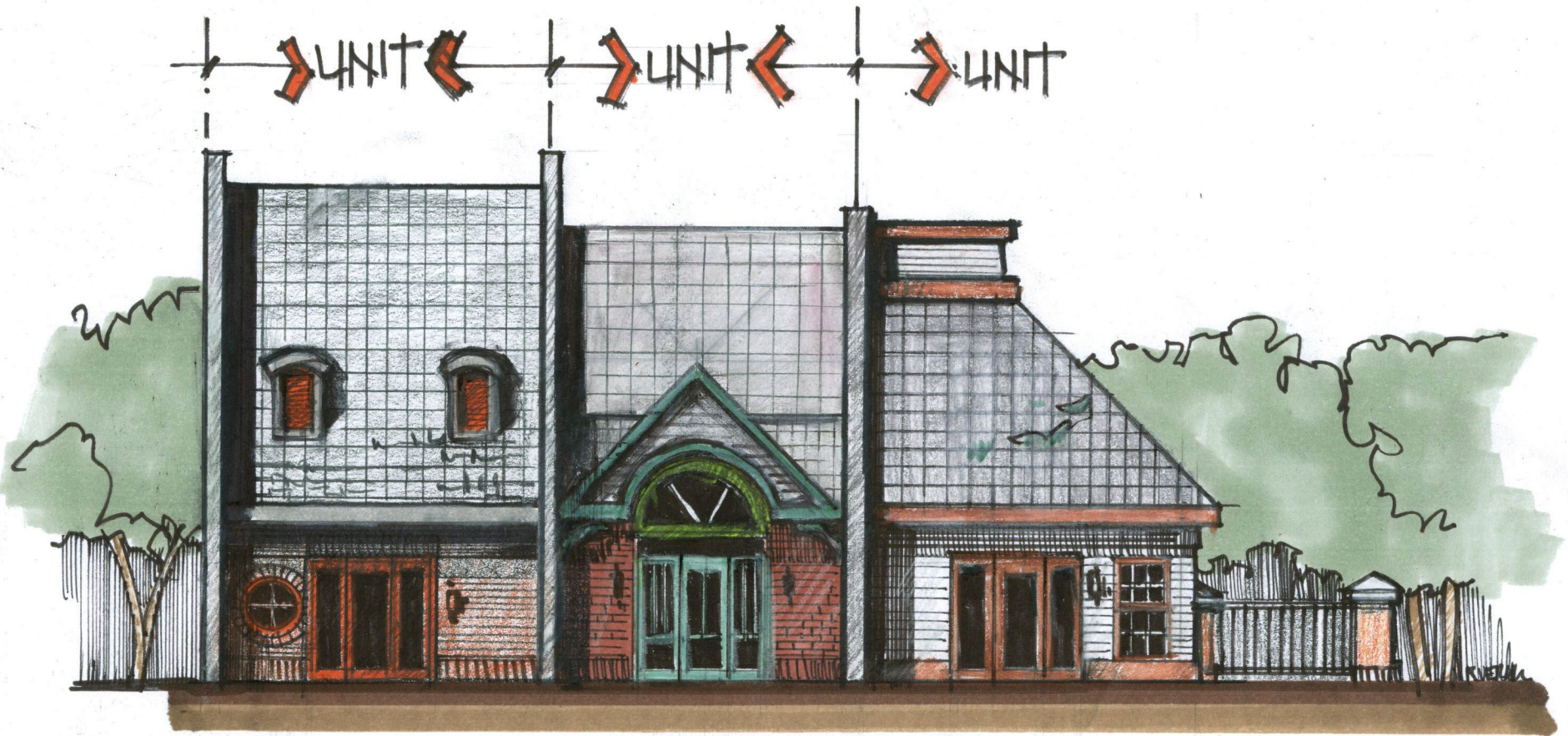
FIGURE 11



BERM @ HIGHWAY CORRIDOR

FIGURE 12

FIGURE 13
INTENTIONALLY LEFT BLANK



TOWN HOUSE UNITS

FIGURE 14

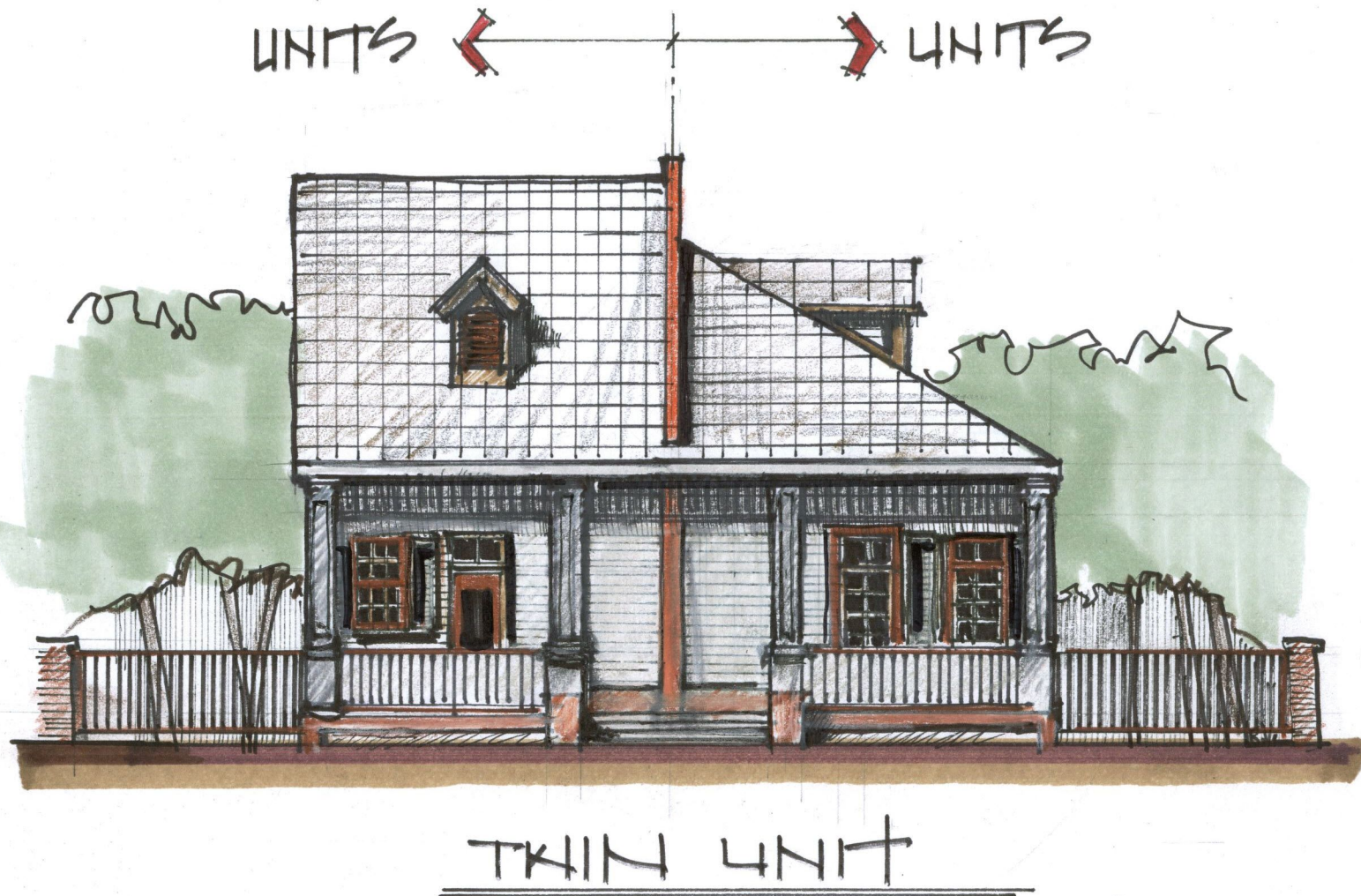
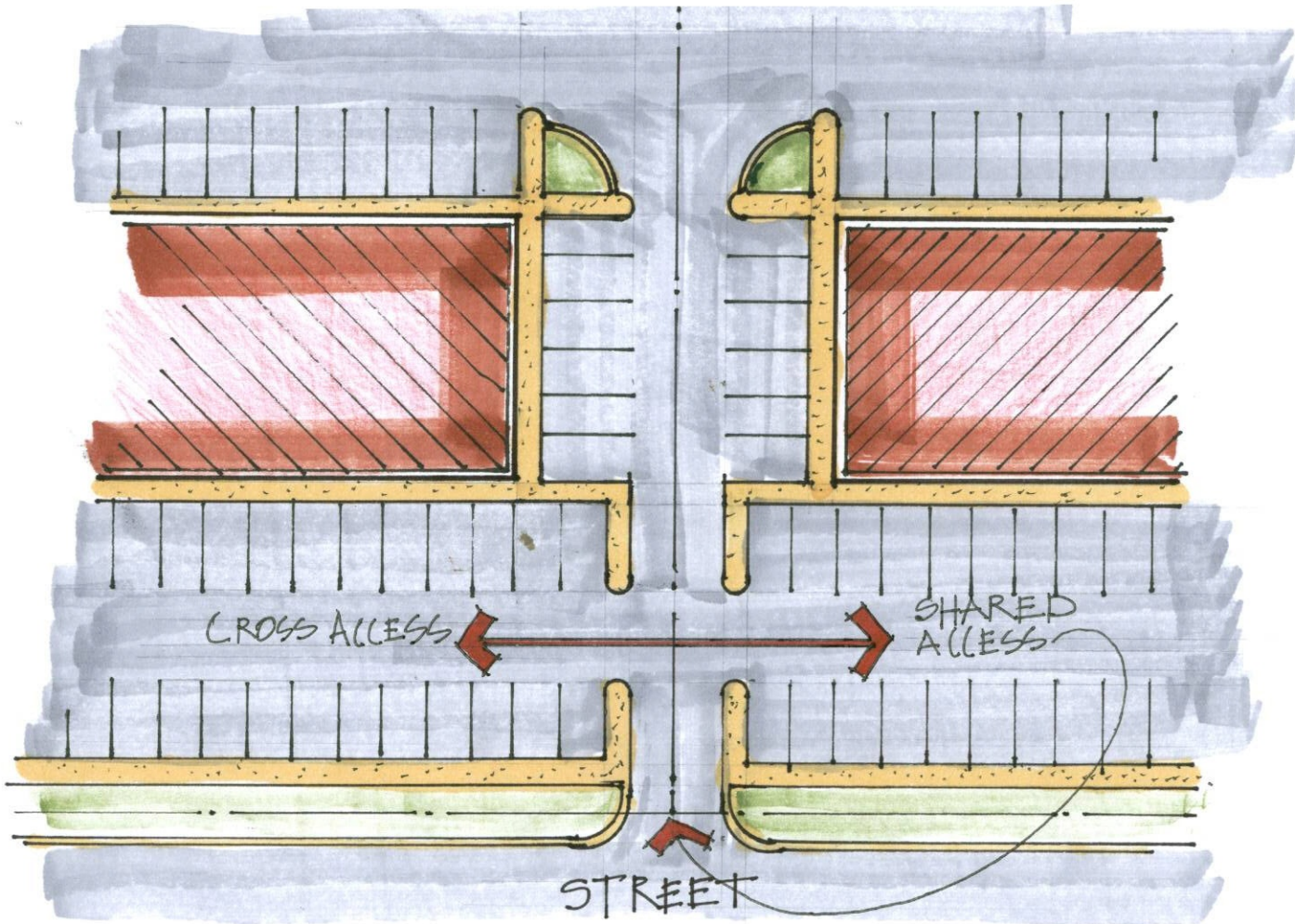
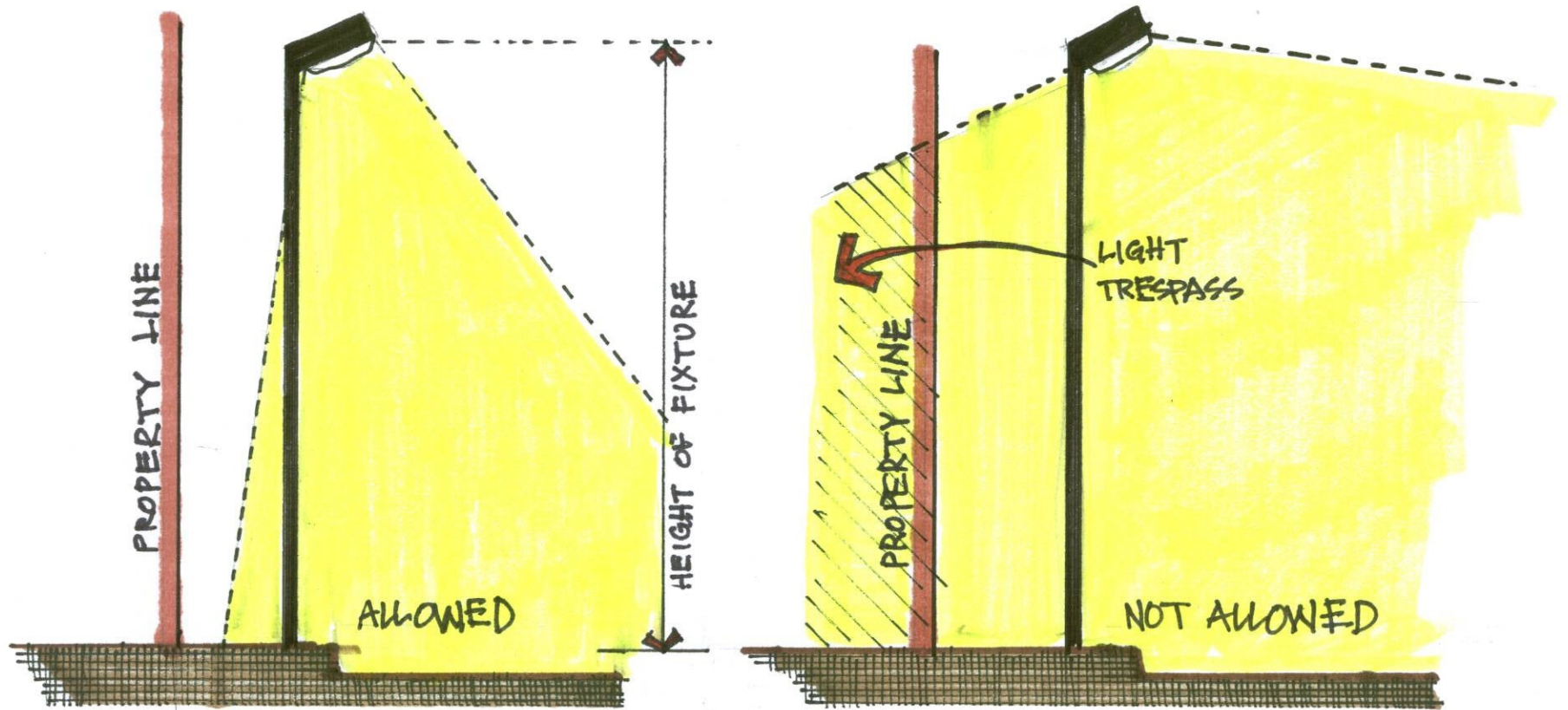


FIGURE 15



SHARED AND CROSS ACCESS

FIGURE 16



SITE LIGHTING

FIGURE 17

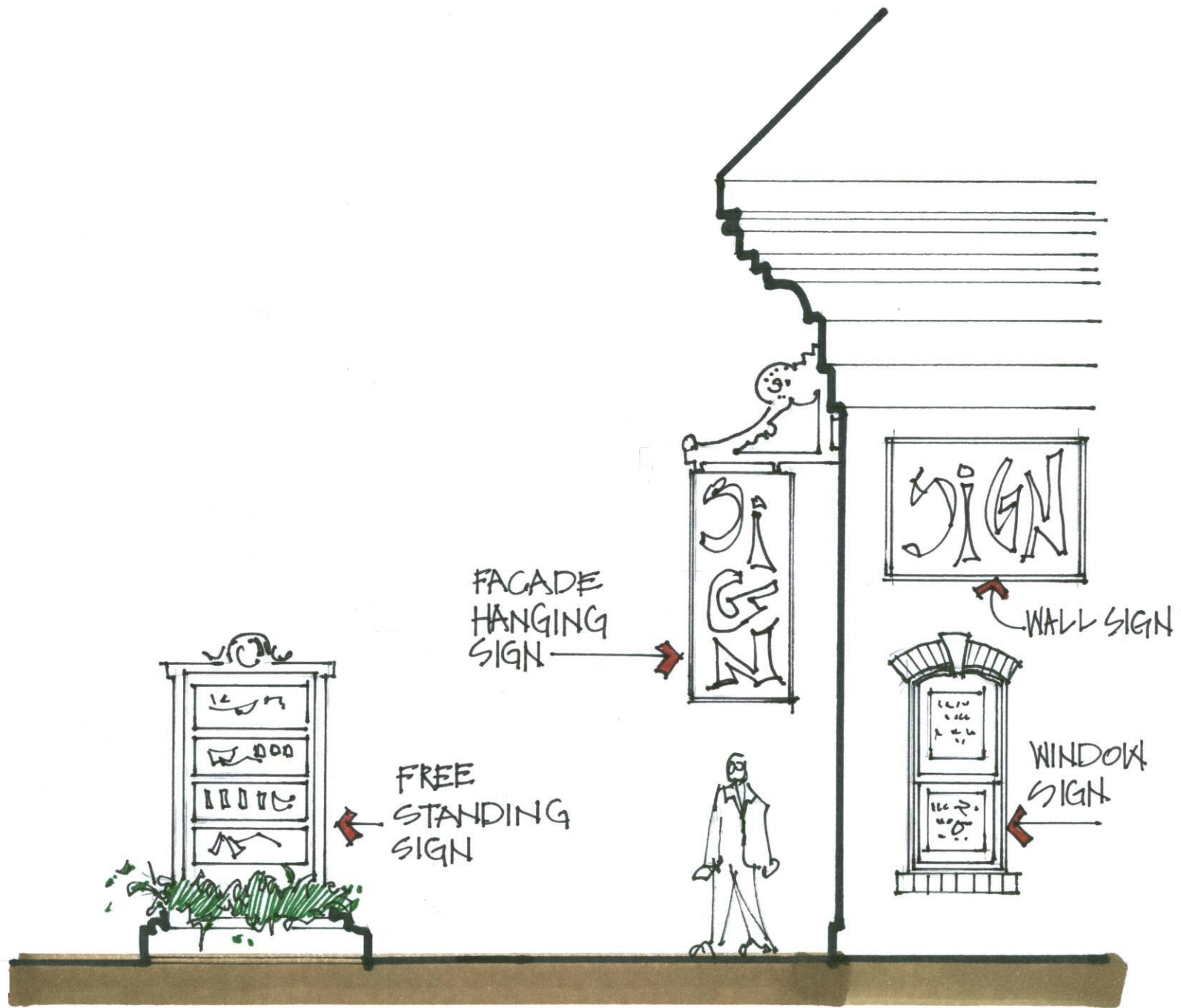


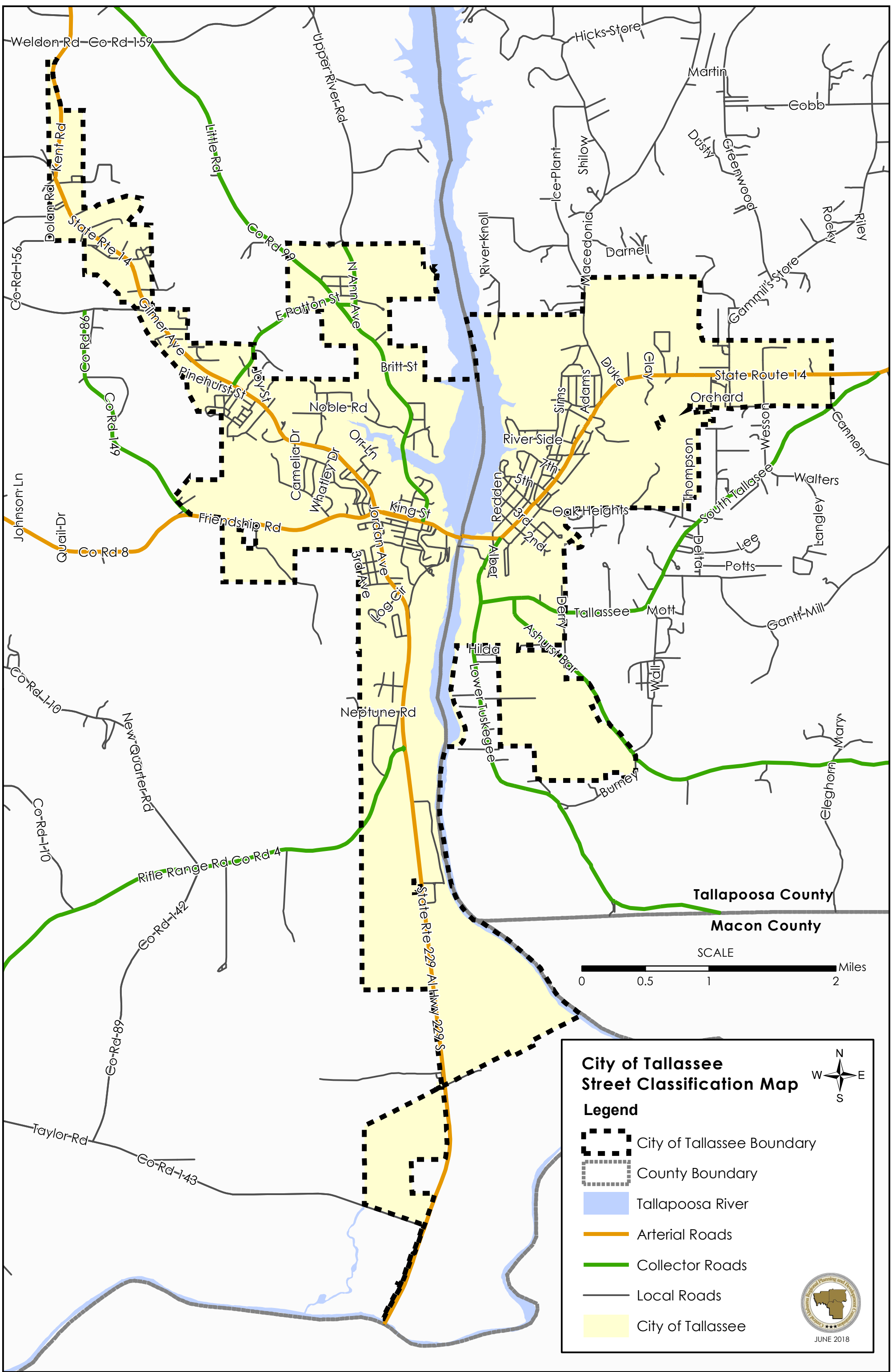
FIGURE 18

APPENDIX A

FORESTRY BOUNDARY MAP

APPENDIX B

STREET CLASSIFICATION SYSTEM



Tallahpoosa County
 Macon County
 SCALE
 0 0.5 1 2 Miles

**City of Tallassee
 Street Classification Map**

Legend

- City of Tallassee Boundary
- County Boundary
- Tallahpoosa River
- Arterial Roads
- Collector Roads
- Local Roads
- City of Tallassee




JUNE 2018

APPENDIX C

TRUCK SIZES IN THE USA


APPENDIX C: TRUCK SIZES IN THE USA – A GUIDE FOR DRIVERS

CLASS 1 6,000 LBS OR LESS





PICKUP TRUCK CARGO VAN SUV MINIVAN

CLASS 2 6,001 TO 10,000 LBS




FULL-SIZE PICKUP CARGO VAN STEP VAN MINIVAN

CLASS 3 10,001 TO 14,000 LBS



HEAVY-DUTY PICKUP WALK-IN VAN CITY DELIVERY BOX TRUCK

CLASS 4 14,001 TO 16,000 LBS


LARGE WALK-IN VAN CITY DELIVERY BOX TRUCK

CLASS 5 16,001 TO 19,500 LBS



BUCKET TRUCK LARGE WALK-IN VAN CITY DELIVERY

CLASS 6 19,501 TO 26,000 LBS





SCHOOL BUS BEVERAGE TRUCK RACK TRUCK SINGLE-AXLE

CLASS 7 26,001 TO 33,000 LBS

CITY BUS FURNITURE REFUSE TRUCK TRACTOR

CLASS 8 33,001+ LBS

TRUCK TRACTOR CEMENT TRUCK DUMP TRUCK SLEEPER CAB

APPENDIX D

TREE MATRIX
APPROVED TREE LIST

APPENDIX D: TREE MATRIX - Approved Tree List

Trees contained in the following list meet the requirements of this Ordinance. Any tree which is not on this list may be submitted for approval to the Planning Commission and/or their designee, prior to the approval of a Site Plan. Trees which exhibit poor health characteristics, are not native to the climate range in Tallassee or are considered invasive will not be approved for installation.

<u>Scientific Name</u>	<u>Common Name</u>
<i>CANOPY TREES:</i>	
<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Acer freemanii</i>	'Autumn Blaze'
<i>Acer x freemanii</i>	Freeman Maple
<i>Betula nigra</i>	River Birch
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Carya ssp.</i>	Hickory
<i>Cedrus deodora</i>	Deodor Cedar
<i>Celtis laevigata</i>	Sugarberry
<i>Celtis occidentalis</i>	Hackberry
<i>Cornus x 'Rutican'</i>	Constellation Dogwood
<i>Cryptomeria japonica</i>	Japanese Cedar
<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Ginkgo biloba</i>	Ginkgo; Maidenhair
<i>Liquidambar styraciflua 'Rotundaloba'</i>	Fruitless Sweetgum
<i>Liriodendron tulipifera</i>	Tulip Tree; Tulip Poplar; Yellow Poplar
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i>	Black Tupelo (Black Gum, Sour Gum)
<i>Ostrya virginiana</i>	Hophornbeam
<i>Pinus elliotii</i>	Slash Pine
<i>Pinus glabra</i>	Spruce Pine; Walter's Pine
<i>Pinus palustris</i>	Longleaf Pine
<i>Pinus taeda</i>	Loblolly Pine
<i>Pinus virginiana</i>	Virginia Pine
<i>Pistacia chinensis</i>	Chinese Pistache
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus spp.</i>	Oak Tree
<i>Salix babylonica</i>	Weeping Willow
<i>Sequoia sempervirens</i>	Redwood
<i>Taxodium distichum</i>	Bald Cypress
<i>Tsuga canadensis</i>	Eastern Hemlock; Canadian Hemlock

<i>CANOPY TREES: (cont.)</i>	
Ulmus alata	Winged Elm
Ulmus parvifolia	Chinese Elm; Lace Bark Elm
Zelkova serrata	Japanese Zelkova
<i>UNDERSTORY TREES:</i>	
Acer barbatum	Florida Maple
Acer buergeranum	Trident Maple
Acer palmatum	Japanese Maple
Amalanchier x 'Autumn Brilliance'	Autumn Brilliance Serviceberry
Cercis canadensis	Eastern Redbud
Cornus florida	Flowering Dogwood
Cornus kousa	Kousa Dogwood
Crataegus phaenopyrum	Washington Hawthorn
Ilex latifolia	Lusterleaf Holly
Ilex x attenuate fosteri	Foster Holly
Ilex x 'Emily Bruner'	Emily Bruner Holly
Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly
Ilex x attenuate 'Savannah'	Savannah Holly
Ilex x attenuate 'East Palatka'	East Palatka Holly
Ilex verticillata	Winterberry; Holly; Black Alder
Juniperus virginiana	Eastern Red Cedar
Juniperus virginiana 'Idylwild'	Idylwild Juniper
Lagerstroemia indica	Crape Myrtle
Magnolia grandiflora 'Claudia Wannamaker'	Claudia Wannamaker Magnolia
Magnolia grandiflora 'Bracken's Brown Beauty'	Bracken's Brown Beauty Magnolia
Magnolia grandiflora 'Little Gem'	Little Gem Magnolia
Magnolia grandiflora 'D.D. Blanchard'	D.D. Blanchard Magnolia
Magnolia grandiflora "Margaret Davis"	Margaret Davis Magnolia
Magnolia stellata	Star Magnolia
Magnolia x soulangiana	Saucer Magnolia
Magnolia virginiana	Sweet Bay Magnolia
Malus spp.	Crabapple
Myrica cerifera	Southern Wax Myrtle
Osmanthus fortunei	Fortune's Osmanthus
Osmanthus fragrans	Tea Olive
Oxydendrum arboreum	Sourwood; Lily of the valley tree; Sorrell tree
Prunus serrulata	Japanese Flowering Cherry
Prunus subhirtella	Higan Cherry
Prunus x yedoensis	Yoshino Cherry
Thuja occidentalis	Eastern White Cedar
Vitex agnus-castus	Lilac Chaste Tree

<i>DECIDUOUS SHRUBS:</i>	
Abelia x grandiflora	Glossy Abelia
Aesculus parviflora	Bottlebrush Buckeye
Berberis thunbergii atropurpurea 'Crimson Pygmy'	Crimson Pygmy Barberry
Buddleia davidii	Butterfly-Bush
Chaenomeles speciosa	Common flowering quince
Cotinus coggygria	Common Smokebush
Euonymus alatus compactus	Burning Bush; winged euonymus
Exochorda racemosa	Pearlbush
Forsythia xintermedia	Border Forsythia
Hibiscus syriacus	Shrub althea; Rose of Sharon
Hydrangea macrophylla	Big Leaf Hydrangea
Hydrangea quercifolia	Oakleaf Hydrangea
Jasminum floridum	Showy Jasmine
Jasminum nudiflorum	Winter Jasmine
Kerria japonica	Japanese kerria
Kolkwitzia amabilis	Beautybush
Lagerstroemia indica/fairiei	Crape Myrtle
Magnolia stellata	Star Magnolia
Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Bumalda Spirea
Spiraea cantoniensis	Reeves Spirea; Double Reeves Spirea
Spiraea prunifolia	Double Bridalwreath Spirea
Spiraea thunbergii	Thunberg Spirea
Spiraea x vanhouttei	Vanhoutte Spirea
Viburnum x burkwoodi	Burkwood Viburnum
Viburnum carlesii	Korean Spicebush
Viburnum dentatum	Arrowwood viburnum; Southern arrowwood
Viburnum prunifolium	Blackhaw Viburnum
Viburnum plicatum	Japanese Snowball
Viburnum plicatum var. tomentosum	Doublefile viburnum
Vitex agnus-castus	Lilac Chastetree
Weigela florida	Old Fashioned Weigela
<i>EVERGREEN SHRUBS:</i>	
Berberis sargentiana	Sargent Barberry
Berberis julianae	Wintergreen Barberry
Buxus microphylla japonica	Japanese Boxwood
Buxus microphylla koreana	Korean Boxwood
Buxus microphylla cultivars	Wintergreen boxwood
Eaeagnus ebbengai	Ebbengei elaeagnus
Elaeagnus pungens reflexa	Bronze Eaeagnus
Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly
Ilex x aquipernyi	Brilliant Holly

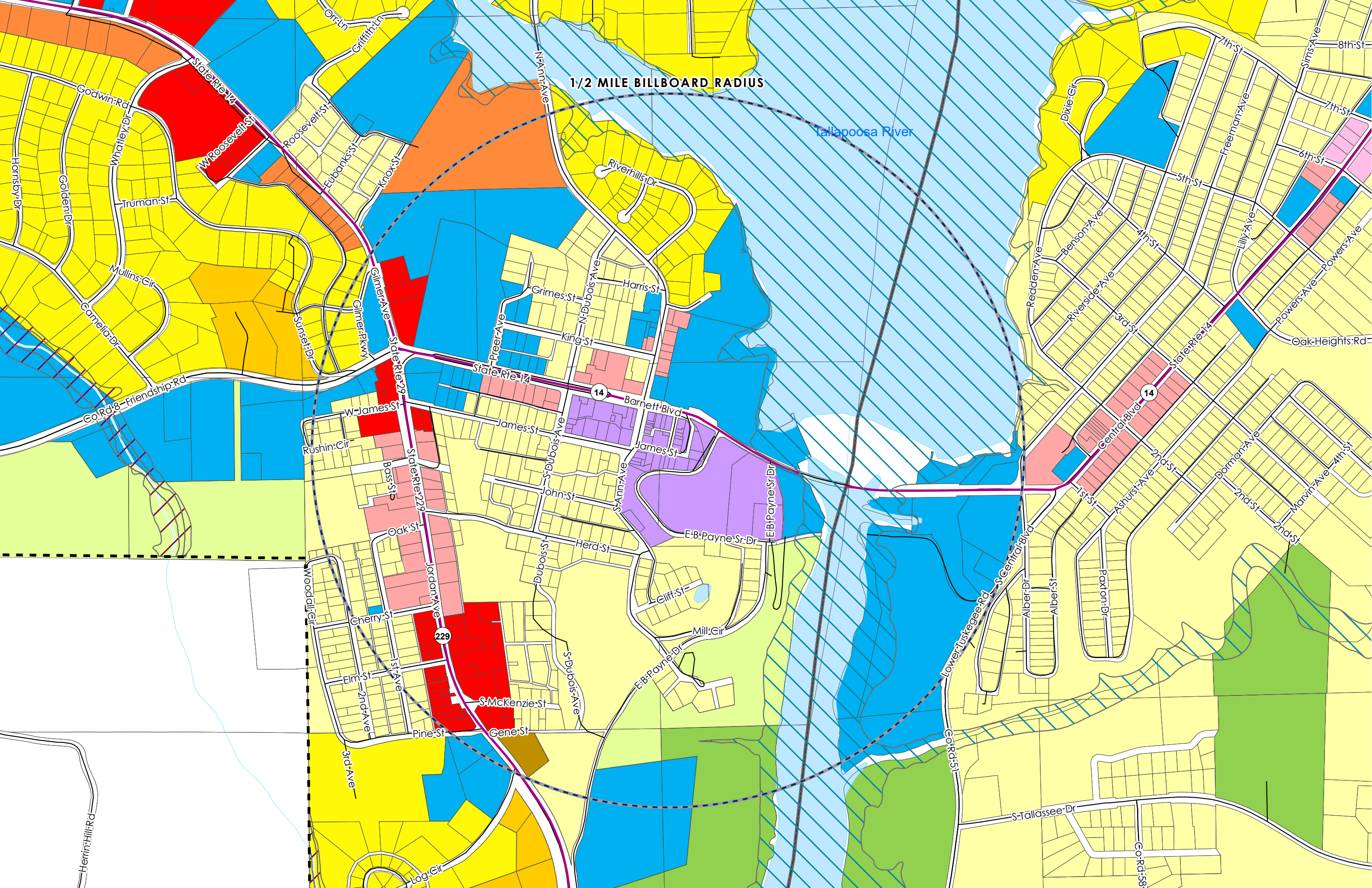
Ilex x attenuate ‘Savannah’	Savannah Holly
<i>EVERGREEN SHRUBS: (cont.)</i>	
Ilex attenuate ‘Fosteri’	Foster Holly
Ilex cassine	Dahoon
Ilex cornuta ‘Burfordii’	Burford Chinese Holly
Ilex cornuta ‘Carissa’	Carissa Holly
Ilex cornuta ‘Needlepoint’	Needlepoint Holly
Ilex cornuta ‘Rotunda’	Rotunda Chinese Holly; Dwarfed horned holly
Ilex cornuta ‘Burfordii Nana’	Dwarf Burford Holly
Ilex crenata ‘Hetzii’	Hetz Japanese Holly
Ilex crenata ‘Rotundifolia’	Roundleaf Japanese Holly
Ilex crenata ‘Helleri’	Heller Japanese Holly
Ilex crenata ‘Compacta’	Compacta Japanese Holly
Ilex crenata ‘Convexa’	Convexleaf Japanese Holly
Ilex glabra	Inkberry
Ilex latifolia	Lusterleaf Holly
Ilex vomitoria	Yaupon Holly
Ilex vomitoria ‘Pendula’	Weeping Yaupon
Ilex vomitoria ‘nana’	Dwarf Youpon Holly
Illicium parviflorum	Small Anise-tree
Juniperus chinensis spp.	Juniper
Juniperus conferta ‘Blue Pacific’	Shore Juniper; Blue Pacific Juniper
Juniperus horizontalis ‘Bar Harbor’	Bar Harbor Juniper
Juniperus horizontalis ‘;Plumosa compacta’	Andorra juniper
Juniperus horizontalis ‘Wiltoni’	Blue Rug Juniper
Juniperus parsoni	Parsons Juniper
Leucothoe populifolia	Rainbow Leucothoe
Ligustrum japonicum	Japanese Privet
Ligustrum japonicum ‘Rotundifolium’	Curlyleaf Ligustrum
Lonicera fragrantissima	Winter Honeysuckle
Mahonia bealei	Leatherleaf Mahonia
Michelia figo	Banana Shrub
Myrica cerifera	Southern Waxmyrtle
Nandina domestica	Nandina
Osmanthus heterophyllus	Holly Osmanthus; Holly Tea Olive; False Holly
Osmanthus x fortunei	Fortunes Osmanthus/Tea Olive

APPENDIX E

*HISTORIC DISTRICT
½ MILE BILLBOARD RADIUS MAP*

1/2 MILE BILLBOARD RADIUS

Tallapoosa River



APPENDIX F

SAMPLE APPLICATION FORMS & CHECK LISTS

*(PLEASE SEE CITY PLANNING OFFICE FOR MOST
CURRENT FORMS AND FEE SCHEDULES)*

**INSERT SAMPLE PLANNING &
ZONING APPLICATION FORMS &
CHECKLISTS
HERE**

APPENDIX G

ORDINANCES OF AMENDMENT

**INSERT COPIES OF FUTURE
ORDINANCE AMENDMENTS
HERE**

*FORWARD A COPY TO CARPDC FOR
UPDATE OF ELECTRONIC DOCUMENT*