

## The following amendments are proposed for the Tallassee Zoning Ordinance and Map:

### **ARTICLE I – TITLE, PURPOSE AND JURISDICTION – No Amendments**

### **ARTICLE II – DEFINITIONS -- The following definitions were added or amended to read as shown below:**

**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.

**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.

**Church:** See Place of Worship.

**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.

**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.

**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.

**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.

**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.)

**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.

**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.

**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.

**Lot:** Refers to a single undivided portion of land that is either legally recorded in the office of the Tuscaloosa 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)*

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

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

**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.

**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.

**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.

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

**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.

**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.

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

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

**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.

**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.

### ARTICLE III. ESTABLISHMENT OF DISTRICTS

#### Section 300. Establishment of Zoning Districts, amended to read as follows:

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, second paragraph amended to read as follows:

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, amended to read as follows:

The following use districts are established.

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

#### Section 303. Map of Zoning Districts, amended to read as follows:

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.

##### Section 303.01. Maintenance of Official Copy of Zoning Map, amended to read as follows:

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, amended to read as follows:

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.** *No Change*

**I. Vacated Rights-of-Way.** *No Change*

**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.** *(Section title change only)*

**Section 305.05. Historic Downtown District (HD):** *The term "Downtown Historic" (DH) changed throughout the ordinance to "Historic Downtown" (HD).*

**Sections 305.06. Small Town Mix District (STM), and 305.07. General Business District (GB), have been removed and replaced with the following three new sections:**

**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.

**Old Section 304.09. Airport Hazard Overlay (AH) removed.**

#### **ARTICLE IV. "GENERAL AND DETAILED USE REGULATIONS" DIVIDED INTO TO ARTICLES**

#### **ARTICLE IV. RENAMED "GENERAL USE REGULATIONS"**

##### **Section 400. Introduction, amended to read as follows:**

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, amended to read as follows:**

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.

**Section 401.01. Uses Permitted by Right, Uses Permitted with Conditional Use Permits, and Uses Not Permitted, amended to read as follows:**

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.

**Section 402. Classification of Uses, the last sentence amended to read as follows:**

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.

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
<b>Agricultural Uses:</b>												
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
<b>Agricultural Support :</b>												
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
<b>Residential Uses:</b>												
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
<b>Institutional Uses:</b>												
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
<b>Special Residential Uses:</b>												
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
<b>Office Uses:</b>												
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
<b>Commercial &amp; Entertainment Uses:</b>												
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
Mini-Warehouse									P	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		
	SDS	AFR	RE	R-1	R-2	DDH	HD	NB	GB	HC	OI	I
<b>Road Service Uses</b>												
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
<i>Commercial Support:</i>												
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
<i>Commercial Recreation Uses</i>												
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
<i>Recreational Rental Dwellings</i>												
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
<i>Outdoor Recreational Uses:</i>												
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
<b>Public Service Uses:</b>												
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
<b>Industrial Uses:</b>												
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/ Residential Junk & debris	x											
Warehouse, Distribution												P
Warehouse, Distribution, Assembly (15,000 sq. ft. or less)										P		P
<div><div>"P" = Permitted Use</div><div>"C" = Conditional</div><div>"Blank Cell" = Not Permitted</div><div><div>*Applies to Non-residential Only.</div><div>** See Section 408.02</div><div>See Also Section 445 Flood Hazard</div></div></div>												

**Section 403. Use Categories Defined, added along with subsections 403.01 through 403.09 to read as follows:**

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><b>all other commercial and entertainment uses</b></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	<b><i>all other commercial support uses</i></b>

**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, added to read as follows:**

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.

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. Hotel/motel: 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 Historic Downtown.
4. 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.
5. 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:** In the Neighborhood Business (NB) and Historic Downtown 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 406. Buildings - General**

**406.01. Buildings and Structures to Conform to Regulations. *Title addition only.***

**406.02. One Main Structure on a Detached Residential Lot. *Title addition only.***

**407.02. Exemptions from Height Requirement: Item A.4. removed as follows:**

- ~~4. Flag poles over eight feet (8') shall not be permitted in the Historic Downtown District.~~

**408.03. B. The term "City House" changed to "Townhouse" and all references to "City House" throughout the ordinance have been similarly changed.**

**408.04. Residential Uses in the "Downtown Historic" (DH) District. The term "Downtown Historic" (DH) changed to "Historic Downtown" (HD) and all references to "Downtown Historic" (DH) throughout the ordinance have been similarly changed.**

**Section 409.03. Non-Standard Lots, amended to read as follow:**

**Corner Lots: (*Last sentence 1<sup>st</sup> paragraph reads as follows*):** When the lot frontages are approximately the same distance the owner may declare which frontage is the front.\*

**Double Front (Through) Lots: (*Last sentence 1<sup>st</sup> paragraph and Note amended to reads as follows*):** 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: (Added)** 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.

**Section 410. Open Space, added to read as follows:**

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 Tallahassee 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. Full 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. , added to read as follows:**

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, added to read as follows:**

**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, added to read as follows:**

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, added to read as follows:**

**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, amended to read as follow:**

#### **415.01. Floodways. *No Change.***

#### **415.02. Uses Permitted in Flood Fringe. *No Change***

#### **415.03. Conditional Uses in Floodplain. Added the following text:**

- A.** The following represents a list of uses that shall be treated as conditional uses if proposed to be located in a floodplain:

- 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.

#### **415.04. Flood Hazard Area Standards. Subsection B.3.b. amended to read as follows:**

##### **3. Manufactured Homes.**

- 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.

**A New ARTICLE V. "DETAILED USE REGULATIONS" created and all preceding articles renumbered accordingly.**

**ARTICLE V. "DETAILED USE REGULATIONS"** which encompasses all remaining materials pulled from the former Article IV, as well as the following additions and amended to read as shown below:

**Section 500. Purpose, added to read as follows:**

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, added to read as follows:**

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

**Section 501.03. Voluntary Dedication of Property for a Public Purpose, amended to read as follows:**

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.

**Section 501.04. Limitations on Animals. Sections B & D amended to read as follows:**

**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.

**D.** See Tallassee City Code Ordinance #88-240 as amended.

**Section 502. Broadcast/TV/Radio and Telecommunication Tower Use Regulations, amended to read as follows:**

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 Tallahassee 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.

**Section 502.01. Telecommunications Towers, amended to read as follows:**

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.

**Section 502.02. Exemptions, added to read as follows:**

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 503.02. Manufactured Homes As In-fill Dwellings, subsection A,1 & 4 amended to read as follows:**

- 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.
  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.

**Section 503.03. Standards for All Manufactured Homes, subsections B, E & J amended to read as follows:**

- 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.
- E.** The Tallahassee 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.

- 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.

**Section 503.04. Manufactured Homes as Office Uses, first sentence and last bullet point amended to read as follows:**

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:

- There shall be a five (5) year limit on manufactured buildings as temporary industrial office uses

**Section 505. Master Development Plan, added to read as follows:**

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), added to read as follows:**

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, added to read as follows:**

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.

**508.03. Use limitations, Subsection F, amended to read as follows:**

- 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)*

**508.06. Private Swimming Pools and Tennis Courts Accessory to a Residential Use. Subsection D, amended to read as follows:**

- 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, first sentence and subsection B, amended to read as follows:**

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

- 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.

**Section 509. Temporary Uses, added to read as follows:**

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, amended to read as follows:**

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, *title amendment only.***

**Section 512.01. Off-street Parking, General Requirements, amended to include the following:**

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.

- 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

**Section 512.02. Residential Off-Street Parking Requirements, amended to include the following:**

- 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.

**Section 512.03. Non-Residential Off-Street Parking Requirements, first and last introductory paragraphs amended to read as follows:**

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.

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.

**Section 512.03, subsection A. Parking Requirements by Land Use Category, amended to include the following:**

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

**10. Retail:** one (1) space per 250 square feet of gross floor area.

**Section 512.03, subsection B. Parking Requirements for Specified Uses, amended to include the following:**

**2. Assembly, Places of:** one (1) space per four seats of maximum capacity.

**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.

**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.

**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")

**22. Dry cleaning facility:** one (1) space per 1,000 square feet of gross floor area, or three (3) spaces, whichever is greater.

**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.

**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.

**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. ♦
- 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. ♦
- 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.
- 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.
- 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.
- 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.

**Section 512.06. Location and Criteria for Residential Parking – Apartments and Other Attached Housing. *Title amendment only.***

**Section 512.08. Unimproved Parking. *Amended to include the following paragraph:***

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.

**Section 514. Shared Parking. *Second paragraph, last sentence amended to read as follows:***

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.

**Section 514.01. Reduction in the Number of Required Off-Street Parking Spaces for Large Uses (over 500,000 square feet of gross floor area). Subsection C. amended to read as follows:**

- 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 516. Parking and Storage of Certain Vehicles. Subsection B amended to read as follows:**

- B. 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. Amended to read as follows:**

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.

**Landscape and Bufferyard Requirements, formerly Article XII has become Article VI with the following additions or amendments:**

#### **ARTICLE VI. LANDSCAPE AND BUFFER REQUIREMENTS**

**All Sections have been renumbered to reflect new Article VI designations.**

#### **Section 603. Applicability.**

**First sentence of first paragraph amended to read as follows:**

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.

**Second and third paragraphs amended to read as follows:**

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, Added to read as follows:**

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.**

### **Section 605.01, added to read as follows:**

**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.

### **Section 605.03. General information, subsections C., D., & E, amended to read as follows:**

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.

**Section 606.01. Site protection and general planting requirements, subsection D., 1-3 amended to read as follows:**

- 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.

**Subsection D., 4.c. amended to read as follows:**

- 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.

**Subsection D., 5. added to read as follows:**

- 5. Avoid planting trees and shrubs on underground utility easements; root systems may damage or restrict the installed systems.

**Subsections E through I, added to read as follows:**

- 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.

**Section 607. Redevelopment, added to read as follows:**

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:

<b>Total Original Square Footage</b>	<b>Proposed Expansion</b>
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

**Sections 608.01 through 608.04, added to read as follows:**

**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.

3.

#### **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 611. Compliance, the following two paragraphs added at the end of Section:**

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 Tallahassee 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, subsection B amended to include the following:**

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, amended to include subsection D. as follows:**

- 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.

**Sections 614 and 615, added to read as follows:**

**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**

**Sign Regulations, formerly Article V has become Article VII with the following additions or amendments:**

**All Sections have been renumbered to reflect new Article VII designations.**

**Section 702. Definitions, Added or amended the following definitions:**

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

**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)*

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

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

**Section 703.02. Banners & Temporary Signs, Subsection B., amended to read as follows:**

- 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.

**Section 702.16. Political Signs, Subsection A., amended to read as follows:**

- 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.

**Section 703.18. Vehicle Sign, last sentence of amended to read as follows:**

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.

**Section 704. Prohibited Signs, Subsection M., the following paragraph added as paragraph 2:**

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.

**Section 705. Permitted Signs amended as follows:**

**Subsection B.** the phrase “one on each street frontage” added where addressing double frontage lots.

**Subsection C., last paragraph amended to read as follows:** Billboards shall only be permitted in areas zoned GB, HC, OI and I along the following Roadways:

State Highway 14

State Highway 229

**Section 707.02. Abandoned Signs, added the following paragraph at the end:**

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.

**Section 707.03. Illegal Signs, amended the first sentence of the second paragraph to read as follows:**

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:

**Sections 708 and 709 have been added to read as follows:**

**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, subsection B., amended to read as follows:**

- 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.

**Section 801. Definitions, added the following:**

**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.**

**Section 802.02, added the following to the end of paragraph one:**

Normal maintenance and incidental repair of a nonconformity shall be permitted, provided said repair does not violate any other section of the Article.

**Section 802.06, added to read as follows:**

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.

**Section 805.01. Expansion of Nonconforming Use within an Existing Building or Structure, first sentence amended to read as follows:**

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.

**Section 806. Construction Prior to Adoption or Amendment of Zoning Ordinance, subsection B., amended to read as follows:**

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.

**Old Section 610. “Nonconforming Heights in Airport Hazard Overlay Districts” removed from the Ordinance.**

**ARTICLE IX. DEVELOPMENT APPROVAL PROCESS**

The term “zoning certificate” replaced “building permit” in this section, and elsewhere in this Ordinance.

The term “Building Official” replaced “City Clerk” throughout this section.

The term “Site Plan” replaced “Development Plan” throughout this section.

**Section 902.03. Site Plan Review Follows Other Reviews, amended to read as follows:**

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.

**Section 902.06. Review Procedures, subsection E., amended to read as follows:**

- E. **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.

**Section 902.13. Applications for Site Plan Review, the first sentence amended to read as follows:**

Applications for site plan review shall include a location map, administrative data and a detailed site plan as required below.

**Section 903.02. Procedures, subsection B., amended to read as follows:**

- 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.

**Subsection D., last sentence amended to read as follows:**

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.

**Subsection E., second paragraph amended to read as follows:**

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.

**Section 904.01. Application Requirements for Building permits, the first sentence of paragraph four amended to read as follows:**

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.

**Section 904.02. Procedures, last sentence of subsection B., amended to read as follows:**

- B. 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.

**Section 905. Certificate of Occupancy, amended to add the following second paragraph:**

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.

**ARTICLE X. ADMINISTRATION AND ENFORCEMENT**

The term "Building Official" has replaced "City Clerk" throughout this section.

**Section 1001. Building Official: Duties and Powers, subsection O., amended to read as follows:**

- O. Issue a monthly report on all administrative approvals to the Planning Commission.

**Section 1002. Duties of the Planning Commission, subsection A.6., amended to read as follows:**

- 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.

**Subsection B., title and first sentence have been amended and B.4. added to read as follows:**

**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.

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, subsections A. and B. amended as follows:**

**Subsection A., 2<sup>nd</sup> and 3<sup>rd</sup> sentences to read as follows:**

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.

**Subsection B., to read as follows:**

- 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.

**Section 1005. Amendments, subsection C.3., amended to include a note at the end to read as follows:**

***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.***

**Section 1006. Variances.**

**Section 1006.01. Purpose, last sentence in the first paragraph amended to read as follows:**

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.

**Section 1006.04. Public Hearing, the first sentence amended to read as follows:**

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.

**Section 1008. Appeals from Action of the Board of Adjustment, the first sentence amended to read as follows:**

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.

**ARTICLE XI.      LEGAL PROVISIONS – *No Amendments***