**Ordinance 2021\_\_\_**

**An ordinance TO AMEND THE coosada ZONING ORDINANCE AND ZONING MAP**

**Whereas**, The Town of Coosada Planning Commission after conducting a comprehensive review and update of the City’s Zoning Ordinance and Zoning Map and holding monthly public work sessions as well a public input meeting over the past year, has made a recommendation to the Town Council for approval of said amendment; and

**Whereas**, the Town Council after holding a public hearing and duly considering comments from interested parties as well as the Planning Commission’s recommendation now finds it in the best interest of the Town of Coosada and its future long range planning to approve said amendments; and

**Whereas**, the proposed amendments have been advertised for public hearing by posting of the Ordinance of Amendment in three (3) places as required by Section 11-52-72 of the Code of Alabama;

**NOW, THEREFORE BE IT ORDAINED** by the Town Council of Coosada, Alabama, as follows:

**Section 1:** The Council of the Town of Coosada, Alabama finds and declares as the legislative body of the Town of Coosada that it is in the best interest of the Town and its citizens to approved the following amendments to the text and map of the Coosada Zoning Ordinance:

***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.

**Accessory Use, or Structure: – *(term only modified – no change to definition)***

**Bed-and-Breakfast Inn (B&B):** A private, owner-occupied business with 4 to 10 guest rooms where overnight accommodations and one or more meals are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business. The inn may host events such as wedding, small business meetings, etc.

**Bufferyard: – *remove term and change all references throughout ordinance to “landscaped area” – See Section 417***

**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.

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

**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.

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

**Extraction uses:** Including, but not limited: to underground, surface, placer, and in-situ mining; exploration, extraction, or excavation of sand, clay, gravel, oil, gas, sulfur, or other mineral deposits.

**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 Table 4-1)*

**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.

**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 and farm 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 Elmore 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 ensure that the property is legally recorded with the office of the 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.

**Manufactured Home:** See Article VIII for all standards and definitions related to manufacture homes.

**Mobile Home:** **See Article VIII**

**Nonconformance:** 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.

**Park Model RVs:** are used for camping and seasonal use as temporary accommodations and they offer more space than any other RV type. They are designed to look like a home; however, they need to be hooked up to site electricity, sewer, and water as with any RV. *(www.gorving.com)*

**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, park model RVs and motor homes.

**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.

**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.

**Single-Family Detached Dwelling:** **– *(term only modifiedv – no change to definition)***

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

**Street right-of-way”, or “Street Hierarchy” and/or the various street types thereunder were removed from the definition section of the Zoning Ordinance as these terms are delt with in the “Coosada Subdivision Regulations”.**

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

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

**Final Plat – See *“Final Plat Approval”* and *“Final Plat”* in Article II of the Coosada 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 *(current use)*. *(See Also: Coosada Comprehensive Plan)*

**Use, Accessory:** An accessory use is one which: (1) is subordinate to, and serves, a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same development site as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. See Section 411.

**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 302**. **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 Coosada, which, together with all explanatory materials contained thereon, is hereby made a part of this Ordinance.

**302.01. Maintenance of Official Copy of Zoning Map**

At least one official copy of the zoning map shall be maintained in the office of the Town Clerk, 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 Town Clerk, and shall be available at all times for inspection by the general public.

The Town 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 Office of the Town Clerk, plus official records of the 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 Town’s maps. Periodically, at an interval agreed upon by the Town and CARPDC, updated versions of the Town’s maps will be printed and forwarded to the Town for their use.

##### Section 303. 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 Commission 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:

1. ***Corporate Limits.*** Boundaries shown as following, or approximately following, the municipal corporate limits shall be construed as following such limits.
2. ***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.
3. ***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.
4. ***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.
5. ***Railroads.*** Boundaries shown as following, or approximately following, railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
6. ***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.
7. ***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.
8. ***Divisions of Land.***When zoning district boundaries divide a lot or land that is less than five acres in area and in single ownership, the zoning district lines, unless specified by dimensions, shall be determined by use of the scale appearing on the Zoning Map. The zoning district applying to the majority of the lot or land area (51% or more) shall only be extended to the entire lot or land by a ruling made by the Planning Commission. Any other interpretations, adjustments or extensions of district boundaries involving two acres or more shall require rezoning.
9. ***Vacated Rights-of-Way.*** When a public right-of-way for a street, alley or other public land, or a private right-of-way such as a railroad, is officially vacated or abandoned through proper legal procedure as established by the Code of Alabama, 1975 as amended, the **zoning** district regulations applicable to the property to which the vacated or abandoned land reverted shall apply to the vacated or abandoned land and the district boundary shall be adjusted accordingly without further action.
10. In the event of any further uncertainty exists, after the Planning Commission’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 Board of Adjustment shall determine the location of district boundaries.

**Section 304. Renamed as follows: *Purpose and Intent of Zoning Districts.***

**Section 304.09. Was added to Read as Follows:**

* 1. **Montgomery-Maxwell Land Use Plan.**

Affective with the adoption of this ordinance any Land Use changes to The Town of Coosada’s Comprehensive Plan or Zoning Ordinance (Rezoning) which impact the Montgomery-Maxwell Land Use Plan and/or its Runway Overlay Zones should be provided to the Base Planner for comment at least 30 days prior to final action being taken on such change.

***ARTICLE IV. GENERAL AND DETAILED USE REGULATIONS – SECTION RENUMBERED AND REARRANGED AND AMENDED AS FOLLOWS: DOUBLE CHECK ALL SECTION #s HERE AND THROUGHOUT ORDINANCE***

**Section 400. Introduction, ADDED 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 Town of Coosada 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.

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

Uses permitted by right or as a conditional use shall be subject to all other regulations governing yards, lot size, lot width, building area, easements, provisions of off-street parking and loading, and to such other provisions as are specified in other Articles herein. In particular, the laws of the State of Alabama and the regulations of the Elmore 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. 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 building permit 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. Use of Land and Structures, was added to read as follows:

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

**A.** Uses specified in a zoning district as "permitted" shall, after filing a written application with the City Clerk and meeting the requirements of all other codes, ordinances, and regulations, be issued a building permit except when a Site Plan Review by the Planning Commission is required.

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

**1.** Uses specified in a zoning district as "conditional uses;"

**2.** All uses in commercial and industrial districts.

**3.** Residential developments exceeding eight dwelling units per acre; and

**4.** Manufactured home communities.

**C.** Applications for site plan review shall be prepared and processed in accordance with the requirements of Section 902 this Zoning Ordinance. Site plan reviews may be denied, approved with conditions, or approved as requested. The Planning Commission may require conditions to preserve and protect the character of the district and the public health, safety, convenience, prosperity, and general welfare of the City as a part of approval of a site plan. Building permits shall only be issued after site plan approval has been granted by the Planning Commission.

**TABLE 4-1 HAS BEEN AMENDED AS FOLLOWS: under Residential Uses: Manufactured/Modular Home\* has been added as conditional uses under the AFR & RE zoned subject to the conditions under Sections 802/804; *Institutional Uses*: Group Home added; under *Industrial Uses* Salvage/Junk Yard title expanded; Mining/Extraction added. See below for more detail:**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **TABLE 4-1**  **COOSADA TABLE OF PERMITTED USES** | | | | | | | | | | |
| **USE CATEGORY** | **ZONING DISTRICTS** | | | | | | | | | |
|  | **AFR** | **RE** | **R-1** | **R-2** | **DDH** | **TC** | **STM** | **GB** | **OI** | **I** |
| ***Residential Uses:*** |  |  |  |  |  |  |  |  |  |  |
| Manufactured /Modular Home\* | **C** | **C** | **C** | **C** | **P** |  | **C** |  |  |  |
| ***Institutional Uses:*** |  |  |  |  |  |  |  |  |  |  |
| Group Home | **P** | **P** | **P** | **P** | **P** |  | **P** | **C** | **C** |  |
| ***Industrial Uses:*** |  |  |  |  |  |  |  |  |  |  |
| Salvage Yard/Junk Yard/ *Residential Junk & debris* |  |  |  |  |  |  |  |  |  | **C** |
| Mining/Extraction |  |  |  |  |  |  |  |  |  | **C** |
| **\*Subject to Requirement of Section 802/804. \*\*Applies to Non-residential Only. ♦See Sections 423 & 424 for Airport Hazard and Flood Hazard.** | | | | | | | | | | |

**Section 404.03 was added to read as follows:**

**404.03. Montgomery-Maxwell Land Use Plan:** Affective with the adoption of this ordinance any Land Use changes to The Town of Coosada’s Comprehensive Plan or Zoning Ordinance (Rezoning) which impact the Montgomery-Maxwell Land Use Plan and/or its Runway Overlay Zones should be provided to the Base Planner for comment at least 30 days prior to final action being taken on such change.

**Section 405. Classification of Uses, was amended to read as follows:**

The Town of Coosada recognizes the limitations of a finite list of use classification as utilized in Table 4-1, Table of Permitted Uses. Therefore, in the event that a request is made for approval of a use not contained in the Table of Permitted Uses, the Planning Commission, or a duly authorized agent, is empowered to make use classification interpretations, based on Section 406 “Use Categories Defined” and a reasonable assumption that the use is more closely related to a specific use in one category that it is to that of another. Additionally, uses subject to interpretation, and not specifically listed in Table 4-1, shall be considered “C” Conditional Uses, and require conditional use approval in accordance with Section 903.

**Section 406. Use Categories Defined, along with all subsections, was added to read as follows:**

The categories of uses utilized by this Ordinance are defined in Sections 406.01 through 406.09 below. Uses not enumerated in these sections are not necessarily excluded but may require a Planning Commission interpretation as provided for in Section 1005.

**406.01. Agricultural Uses.**

1. **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.
2. **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.
3. **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.
4. **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.

**406.03. Residential Uses.**

**Single Family Detached. See Section 409.02 (Tables 4-3 & 4-4) and 409.03. A.**

**Single Family Attached. See Section 409.01 B & C.**

**Apartments. See Section 409.01. D.**

**Manufactured Housing. See Article VIII – Manufactured Housing Requirements.**

**406.04. Institutional and Special Residential Uses.** These uses include boarding houses; day or youth camps; cemeteries; churches; convents or monasteries; dormitories; day care centers; group childcare 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.

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

**406.06. Commercial Uses.**

**A. General Commercial Uses:** 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:

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| 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, upholstering) |
| 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 | ***all other commercial and entertainment uses*** |

**B. 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.

**C. 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:

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| --- | --- | --- |
| 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 | ***all other commercial support uses*** |

**D. Commercial recreational use**. These uses include amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), outdoor theaters (or amphitheaters), racetracks (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.

**E. Recreational rental dwelling uses**. These uses include travel trailer parks, recreational vehicle parks, camps or campgrounds with overnight camping or vacation cottages, rental cabins, 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.

**406.07. Recreational**

**A. Outdoor recreational.** These uses are basically open space uses and include but are not limited to: arboretums; areas for cycling, hiking, and jogging; 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, golf driving ranges, stadiums and other uses which could be considered as commercial recreational uses.

**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.

**406.08. 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.

**406.09. 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.

1. **Extraction and junkyard uses.** This category includes:
   1. *Extraction uses* including, but not limited: to underground, surface, placer, and in-situ mining; exploration, extraction, or excavation of sand, clay, gravel, oil, gas, sulfur, or other mineral deposits.
   2. *Junkyard uses* including but not limited: to, 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
   3. *Extraction and junkyard* uses may be permitted only as indicated in Table 4-1 and upon written application and Site Plan Review, in accordance with Article IX, by the Planning Commission.

**Section 411. Accessory Structures & Uses, subsection 411.03. Use limitations; paragraph F, was amended to read as follows:**

1. 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) acre or more in the AFR District shall be setback a minimum of 100 feet from the front property line.

**Section 411.08. Antennas, and 411.08 paragraph B, were amended to read as follows:**

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

1. 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 415.02. Double Front (Through) Lots “NOTE” was amended to read as follows:**

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

**Section 415.03. Flag Lots, was added to read as follows:**

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.

1. 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.
2. The Building 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 422. Broadcast/TV/Radio and Telecommunication Tower Use Regulations, was condensed and amended (with all subsections) to read as follows:**

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

**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 Town of Coosada 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.

**I.** *Height and Location Restrictions.* Regarding 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.

**422.01. Telecommunications Towers.**

In addition to the standards set out in Section 422 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 County (including those located in municipalities within Elmore 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.

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

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

**2.** Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.

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

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

**Section 423.04. Montgomery-Maxwell Land Use Plan, was added to read as follows:**

**Section 423.04. Montgomery-Maxwell Land Use Plan.** Affective with the adoption of this ordinance any Land Use changes to The Town of Coosada’s Comprehensive Plan or Zoning Ordinance (Rezoning) which impact the Montgomery-Maxwell Land Use Plan and/or its Runway Overlay Zones should be provided to the Base Planner for comment at least 30 days prior to final action being taken on such change.

**Section 424.03.** **Conditional Uses in Floodplain, was amended to read as follows and to include new subparagraph “E”:**

**Section 424.03.** **Conditional Uses in Floodplain**. The following represents a list of uses that shall be treated as conditional uses if proposed to be located in a floodplain:

1. 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.

**Section 425. Lakes and Ponds, was added to read as follows:**

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

**ARTICLE V. SIGNS.**

**Section 502. Definitions, these definitions were added or amended to read as follows:**

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

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

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

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

**Reader Board:** Permanent sign containing messages in the form of removable letters or changeable/electronic copy. A reader board may be a building sign or an integral part of a freestanding sign; however, in either case shall count toward overall allowable signage.

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

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

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

**Vehicle Sign:** Any sign affixed to a vehicle, trailer or other means of transport. (See Also Portable Sign)

**Wall Sign:** See Building Sign

**Section 503.02. Community Event Displays, was amended to read as follows:**

**503.02. Community Event Displays.** Temporary decorations, and/or non-commercial signs that have significance to the entire community. All displays may be erected thirty (30) days prior to the event and shall be removed within three (3) days of the event’s completion.

**Section 503.14.** **Political Signs, subparagraph A, was amended to read as follows:**

1. Political signs 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 503.15. Real Estate Signs, Table in subparagraph A, was amended to include the following NOTE:**

|  |
| --- |
| ***NOTE: All real estate signs shall be located only on the property that is for sale, lease or rent.*** |

**Section 503.15. Real Estate Signs, Table in subparagraph B, was amended to read as follows:**

1. **Model Homes/Open House.** Temporary signs attracting attention to a model home, and open house viewing provided that the aggregate area of such signage is not to exceed 16 square feet. Only one (1) sign is permitted and only on the property to which it pertains.

**Section 503.16. Vehicle Sign, last sentence in first paragraph 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 503.17. Window Sign, was amended to read as follows:** Any sign located on the inside or outside of a window and is visible from the street or adjoining properties. Such signs must contain a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located, and shall not occupy more than 25% of the total glass area.

**Section 504. Prohibited Signs, subparagraph M was amended to include as the second paragraph the following:**

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.

**Section 505.01. Freestanding Signs, Subparagraph A. General Business Signs:**

**Last sentence in 1st paragraph amended to read as follows**: Those electing to erect **monument** signs no more than 12 feet in height may increase their allowable sign area to 120 square feet.

**3rd paragraph amended to read as follows**: Corner or double frontage lots shall be allowed two (2) freestanding signs – **one on each street frontage**. The combined area of these signs shall not exceed one hundred 150 square feet.

**Section 505.01. Freestanding Signs, Subparagraph B Shopping Center Sign, paragraphs 2, 3, & 4**

**Paragraph 2, 3rd sentence amended to read as follows:** The total area of said sign shall not exceed 120 square feet. Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs – **one on each street frontage**.

**Paragraph 3, 3rd sentence amended to read as follows:** Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs – **one on each street frontage**.

**Paragraph 4, 3rd sentence amended to read as follows:** Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs – **one on each street frontage**.

**Section 505.01. Freestanding Signs, Subparagraph C Freestanding Signs in Small Town Mix District, paragraphs 3, 1st sentence amended to read as follows:** Corner or double frontage lots shall be allowed two (2) freestanding signs – **one on each street frontage.**

**Section 505.03. Subdivision Identification Marker, amended to read as follows:**

A sign marking an entrance to a residential subdivision, office park, or industrial park. A subdivision marker shall contain no advertising other than the name of the residential subdivision, office park, or industrial park and/or the developer. Subdivision markers must be within the perimeter of the subdivision and shall not be located within the public right of way, except for those located in a landscaped traffic island. Subdivision Markers shall meet the following standards:

1. ***Maximum Number:*** 1 per street front; 2 sign faces may be used with a wall, fence or other architectural entrance feature.
2. ***Maximum Area:*** 24 sq. ft.
3. ***Maximum Height:*** 8 ft.
4. Permitted for all-residential, mixed use, and non-residential projects of 10 acres or more.
5. Limited to name and/or logo.

For subdivision markers located in traffic islands as mentioned above, the following criteria shall apply:

**A.** The sign must be placed in a designated curbed median.

**B.** The sign must be constructed of a durable material such as brick.

**C.** The developer must indicate the location of sign on a site plan or subdivision plat and provide construction details for review and approval.

**D.** Any utilities involved with construction of the sign, shall be permitted through the Town of Coosada.

**E.** If the sign is ever damaged by natural or human causes the sign will not be repaired or replaced at the expense of the Town, nor shall it be allowed to remain in a damaged condition.

**F.** The developer's engineer must certify that site distance around the sign meets minimum requirement established by the Town.

***Maintenance.*** All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, the sign should become damage or destroyed and no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer, owner or by the Town of Coosada at the developer’s or property owners’ expense.

**Section 508.01. Has been amended to read as follows:**

**508.1. Abandoned Signs.**

Except as otherwise provided in this article, any sign that is located on property which becomes vacant/unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.

Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the property owner. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

In the event that a sign whose message is obsolete is modified to remove said message, in conformance with these regulations, such modification shall not result in the exposing of bare electrical wires, bulbs, internal mechanisms or other unsafe or unsightly materials. A blank panel may be installed in the place of such obsolete message until such time as a new tenant chooses to use the sign. Should the owner wish to place a “bag” covering over the sign, said “bag” must be kept in good condition at all times to avoid further action on the part of the Town.

**Section 508.02. Illegal Signs, has been added to read as follows:**

The following signs shall be considered to be illegal and a violation of the terms of this article:

A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein.

A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection.

An abandoned sign.

Upon determination by the Planning Commission and/or the Building Official that a certain sign is illegal, the Building Official shall act to remedy the violation, which may include, but not limited to:

Causing the issuance of a notice of violation to the individual who owns, is responsible for, or benefits from the display of such sign.

Prescribing the action necessary to make the sign legal and conforming to the terms contained herein.

Ordering the removal of the illegal sign.

Prescribing the time which the individual is afforded to accomplish such action.

The removal of any illegal sign located on public property, or on private property located on public property, including any such sign located within a street right-of-way in which case the Town shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of the Town of Coosada and shall be subject to the remedies and penalties provided by such ordinance and by state law.

**Section 509. Variances and Waivers, has been added to read as follows:**

It is the explicit intent that this section be enacted to accomplish the purposes as set forth in Section 500 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 503 (M), and prior to being removed as required by Section 507.02; 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 510. Severability Clause, has been added to read as follows:**

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 VI. NON-CONFORMITIES.***

**Section 601. Definitions**, **has been amended to include the following definition:**

**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 602.05, has been amended to read as follows:**

**602.05.** The burden of establishing the legal nonconforming status of any structure or land use under the terms of this Article, in all cases, shall be upon the owner of such nonconformity and not upon the Town of Coosada.

**Section 602.06, has been amended to read as follows:**

**602.06.** In the event that a structure or premise occupied by a nonconforming use becomes and remains vacant for a period of twelve (12) months or is occupied by a use permitted in the associated zoning district, thereafter, the use of said structure or premise shall conform to the standards of this Ordinance and the associated zoning district.

**Section 603.03. Appeal to Build on Non-conforming Vacant Lot of Record, subparagraph B, has been amended to read as follows:**

**B.** Application is made to the Board of Zoning Adjustment,and a variance granted from applicable requirements that cannot be met.

**Section 605.01. Expansion of Non-conforming Use within an Existing Building or Structure, 1st sentence has been amended to read as follows:**  The expansion of non-conforming 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 610. Nonconforming Heights in Airport Hazard Overlay District, subparagraph D, has been added to read as follows:**

1. **Montgomery-Maxwell Land Use Plan.** Affective with the adoption of this ordinance any Land Use changes to The Town of Coosada’s Comprehensive Plan or Zoning Ordinance (Rezoning) which impact the Montgomery-Maxwell Land Use Plan and/or its Runway Overlay Zones should be provided to the Base Planner for comment at least 30 days prior to final action being taken on such change.

***ARTICLE VII. PARKING AND ACCESS.***

**Section 701. Off-street Parking, General Design Requirements, has been amended to read as follows:**

Each use, building and structure shall be provided with the number of off-street parking spaces specified in the "Schedule of Off-street Parking Requirements" and meet the following requirements:

1. Each off-street automobile parking space shall have an area of not less than 200 square feet (10’ x 20’) exclusive of 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.
2. The minimum width of aisles in parking lots shall be:

**1)** Ninety-degree (90º) or perpendicular parking - twenty-two (22) feet.

**2)** Sixty-degree (60º) parking - eighteen (18) feet.

**3)** Forty-five-degree (45º) parking - fifteen (15) feet.

**4)** Parallel parking - twelve (12) feet.

1. Except as provided for elsewhere in this section, all parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable, hard surface, permanent type of pavement.
2. If the required number of spaces is not a whole number, the number of required spaces shall be rounded up to the next higher whole number.
3. Parking spaces shall be arranged in such a manner that vehicles do not extend beyond the parking space, obstruct any access or circulation drive, or protrude into required berm, landscape screening or open space areas.
4. Parking shall be arranged in such a manner that no vehicle, with the exception of single and two-family residences, is required to back into a street right-of-way.
5. No parking shall be permitted on commercial or industrial access drives and parking shall be arranged so that no vehicle is required to back into an on-site access drive.
6. Except as provided in Section 704.04, 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.
7. All parking spaces shall be delineated by appropriate fixed curbing, painted lines, a minimum of four inches (4”) wide, or other fixed markers.
8. Alternative forms of parking (i.e., compact spaces) other than that defined as “standard” above shall be considered by the Planning Commission on a case-by-case basis. Under no circumstances shall such parking comprise more than fifteen (15) percent of the overall required parking.
9. Queuing/Stacking Spaces shall be ten feet (10’) by twenty-four feet (24’).
10. Truck loading spaces shall be an accessible rectangle having a width of twelve feet (12’) and a length of seventy feet (70’). Any overhead obstructions shall have a vertical clearance of fifteen feet (15’)
11. Required off-street parking and storage spaces shall be located on the same lot as the use, building or structure they are intended to serve. Required residential off-street parking shall be located within 150' of the use the parking is intended to serve. Required commercial off-street parking shall be located within 300' of the use the parking is intended to serve.
12. In all applicable districts, the following off street loading requirement 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 703.01. Parking Requirements by Land Use Category, has been amended to include the following introductory sentence, and include new item 10.

# The following criteria shall be used when no *“Requirement for Specific Use”* has been provided in Section 703.02 below.

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

**Section 702.02.**  **Parking Requirements for Specified Uses, has been amended to include the following new or amended parking standards:**

1. **Assembly, Places of:** One (1) space per four seats of maximum capacity.
2. **Assisted living facilities:** One (1) space per dwelling unit.
3. **Automated, freestanding walk-up facility:** one (1) space per facility (not including stacking lanes). If accessory to another use, no additional spaces are required.
4. **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.
5. **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 standards set out in Section 704.04. 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.
6. **Community, civic and recreation center:** one (1) space per 250 square feet of gross floor area.
7. **Contractor’s storage yard:** one (1) improvedspace 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. ♦
8. **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 706 “Shared Parking”).
9. **Dry cleaning facility:**  one (1) space per 1,000 square feet of gross floor area, or three (3) spaces, whichever is greater.
10. **Exterminator:** one (1) space per 800 square feet of gross floor area, plus one space per company vehicle.
11. **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.
12. **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.
13. **Hotel or motel:** one and one quarter (1.25) space per room, and one (1) space per 500 square feet of banquet or meeting room floor area. 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 for hotel guests shall not require additional parking above that of the base rate.
14. **Kennel:** one (1) space per 500 square feet of gross floor area, but not less than three (3) spaces. ♦
15. **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. ♦
16. **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.
17. **Restaurant, fast food:** **Added the following last sentence**: “In no instance shall stacked vehicles block primary ingress/egress to the site.”
18. **Restaurant, standard:** one (1) space per four (4) patron seats or one (1) space per 150 square feet of gross floor area, whichever is greater**.** *(Including outdoor seating)*
19. **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.

1. 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.
2. **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 twenty (20) spaces.
3. **Vehicle repair and maintenance services:** one (1) space per 400 square feet of office and indoor display area, plus one (1) space per service bay (excluding bay).
4. **Warehouse:** one space per 2,000 square feet of gross floor area, plus one (1) space per company vehicle normally stored on the premises.

**Amended Section Heading 703.02, to read as follows: 703.02. Location and Criteria for Residential Parking – Apartments and Other Attached Housing**

##### Added Section Heading: 704.01. Parking for Uses, Buildings or Structures.

**Section 704.04. Unimproved Parking, amended to include paragraph 3 to read as follows:**

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 704.06. Parking and Storage of Certain Vehicles, subparagraph B, amended to read as follows:**

**B. *Commercial vehicles*** **above a Class 4 as shown in the Appendices**, and construction vehicles shall not be parked overnight, or stored in residential areas or on public rights-of-way.

**Section 706. Shared Parking, paragraph 2 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 706.01. Reduction in the Number of Required Off-Street Parking Spaces for Large Uses (over 500,000 square feet of gross floor area), subparagraph C, last sentence amended to read as follows:**

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.

***ARTICLE VIII. ManufactureD Housing Regulations.***

**Section 801. Definitions, has been amended to include the following new or amended definitions:**

**Manufactured Home.** **(Single wide, multiple wide,):** "A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site is three hundred and twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems therein." Said home shall conform to the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et. Seq.

*Single Wide* - A manufactured home that is manufactured having a width of more than 8 feet and less than 14 feet, excluding expansion bays and a length of not less than 40 feet.

*Multiple Wide* - A manufactured home that is manufactured in two or more parts, that when assembled on a lot becomes a single structural unit having a width greater than 14 feet and a length of not less than 40 feet.

**Manufactured home community/subdivision.** A development that has been planned, improved, and used for the placement of four (4) or more manufactured homes for residential occupancy. The lots in said community/subdivision shall be for fee simple sale to individuals wishing to place a manufactured home on said lot and shall not be used for lease or rental purposes. This development type must be constructed to conform with the standards for subdivision development as set out in the most currently adopted version of the Coosada Subdivision Regulations.

**Manufactured Home Park (Lease/Rental):** An area of land under single ownership or control where the landowner retains the right of ownership and creates two or more sites for the placement of manufactured homes. This shall be extended to apply whether the sites are occupied or vacant and regardless of whether or not a charge is made for such accommodations. Manufactured home community shall be extended to include the lease and rental of sites where the manufactured home is provided with the site but shall not be extended to include the display and sale of manufactured homes.

**Mobile Home or House Trailer.** Any detached residential dwelling built prior to June 15, 1976, prior to the National Manufactured Housing Construction Safety Standards Act. Designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be occupied as a dwelling, completed and ready for occupancy includes the plumbing, heating, air conditioning and electrical systems. ***NOTES:*** (1) The units described here are not permitted uses in the Town of Coosada – See Table 4-1. (2) Tiny Houses, travel trailers, campers, recreational vehicles, including park model RVs and motor homes are not to be considered as Manufactured Homes, Mobile Homes, or House Trailers.

**Section 802. Manufactured Homes as In-fill Dwellings, section A, subparagraph A.1. has been amended to read as follows:**

1. **Compatibility Standards – Location Restrictions.** Manufactured Homes may be permitted on a vacant lot within the DDH, AFR, RE, R-1, R-2, and STM zoning districts, subject to full compliance with the following conditions:
2. Manufactured homes being considered for placement in an AFR, RE, R-1, R-2 or STM zoning district are allowed only upon first receiving conditional use approval.

**Section 802. Manufactured Homes As In-fill Dwellings, subparagraph A.4. has been added as follows:**

1. 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 802. Manufactured Homes As In-fill Dwellings, subparagraph B.7. has been amended to read as follows:**

1. **Underpinning.** Manufactured homes used as Infill dwellings must be placed on a permanent foundation of a type consistent with and compatible to site-built homes in adjacent locations.

# Section 803. Standards for All Manufactured Homes, subparagraph B, has been amended to read as follows:

1. All manufactured homes placed after the effective date must comply with the requirements of this Zoning Ordinance, have a valid HUD Seal and be of a current year model.

**Section 804. Placement for Family Use, has been amended to read as follows:**

**804.01. Purpose:** The standards below are intended to allow for owners, of a sufficiently sized parcel, to provide sites for the location of manufactured homes belonging to family members. Further it is intended to create circumstances under which each individual unit may, in the future, be subdivided and stand as a conforming legal lot of record meeting the requirements of this Ordinance.

**804.02. Placement Intended for Family Use:**  Subject to obtaining the required permits, for each unit, from the Town of Coosada, a property owner may place up to three (3) manufactured homes, for family use only, on a single lot of sufficient size to meet the requirements of Section 804.03 below. Placement of said units are only permitted in R-1 & R-2 zoning districts and are specifically not allowed in the AFR and RE zones. Said units are not to be rented or leased in any fashion to anyone, and as such will not be considered as a manufactured home park under this Ordinance. Each permit application must be made by the property’s owner of record, or their authorized representative or agent.

**804.03. Standards for Placement:** Manufactured homes located on a single parcel as described above shall meet the following criteria:

* ***Each unit*** must be individually connected to all basic utilities.
* Parcel must meet all minimum lot size requirements ***for each unit***.
* ***Each unit*** must meet all setback requirements as if standing on its own lot.
* ***Each unit*** must face and have direct access to a publicly maintained street.
* ***Each unit*** must comply with the “Standards for All Manufactured Homes” as set out in Section 803 of this Ordinance.

**804.04. Existing Family Use Placements:** All “family use” placements created prior to the approval of this Ordinance not meeting these standards will be considered legal nonconformities and shall not be alerted in any way that would increase the degree of nonconformity. This includes the placement of more than three units, placement of units not meeting requirements of this ordinance and all other actions that would be considered an increase in nonconformity as set out in Article VI of this Ordinance.

**Section 806. Manufactured Buildings as Office Uses, has been moved to Article VIII as follows:**

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

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

# *ARTICLE IX. DEVELOPMENT APPROVAL PROCESS*

**Section 902.03.** **Site Plan Review Follows Other Reviews, has been 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, septic tank permit from County Health Department, etc.,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, subparagraph E, has been 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, or Commission, 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 902.09, Section Title has been amended to read as follows: “ Expiration of Site Plan Certificate of Approval.”**

**Section 902.09, has been amended to replace the term “Building Official” with either “Town Clerk” or “duly authorized representative”.**

**Section 902.10. Amendment or Withdrawal of Site Plan has bee amended as follows:**

**The term “Development Plan” has been replaced with “Site Plan”**

**The term “Building Official” has been replaced with either “Town Clerk” or “Planning Commission”**

**Section 902.13. Applications for Site Plan Review, has bee amended as follows:**

**The term “Development Plan” has been replaced with “Site Plan”**

**Section 903.02, subparagraphs B, E & F have been 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.

**E.** **Paragraph 2 has been amended to read as follows:**

Following a public hearing the Town Council shall either approve, or disapprove, the application and shall establish the specific conditions under which the application is approved. Said conditions may reflect those established by the Planning Commission (see “D” above) or some other statement of conditions as determined by the Council.

**F.** **Second sentence has been amended to read as follows:**

The Planning Commission shall then take action to process the building permit application for the development to which the conditional use permit applies.

**Section 904. Building permits, second paragraph has been amended to read as follows:**

Building permits must be accompanied, where required, by plans and specifications approved by the Planning Commission, Town Engineer, or other duly authorized official. Building permits shall be valid for a maximum of 12 (twelve) months from the date of issuance unless an extension has been granted by the Planning Commission. Extensions may only be granted in the event of just cause beyond the control of the applicant. Insufficient financial provisions shall not be considered just cause. No more that two (2) extensions shall be grant for a maximum period of six (6) months each.

**904.01. Application Requirements for Building permits, second & fourth paragraphs have been amended to read as follows:**

When a building permit is sought for a development that is a part of a platted subdivision, which has received final plat approval or which has been issued a conditional use permit, the plat or conditional use permit, together with any covenants, conditions, or other restrictions related thereto, shall be submitted as a part of the application for the building permit.

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 Town Clerk will accept an application for a building permit. If the development for which a building permit is sought is required by this Ordinance to undergo site plan review, the approved site plan shall be made a part of the application for a building permit and shall suffice as the statement of proposed use required by this Section.

**Section 904.02. Procedures, subparagraph B has been amended to read as follows:**

1. In any case where an application is denied, the Planning Commission shall state the specific reasons and shall cite the specific chapters, articles, and sections of this Ordinance upon which denial is based. If relief of such denial might be resolved through variance, the Planning Commission shall so state and shall refer the applicant to the appropriate sections of this Ordinance.

**Section 906. Access, has been amended to read as follows:**

As a precondition to approval of any site plan, subdivision plat, building permit, or any other type of development permit, the subject site shall have legal access to a publicly owned and maintained road.

***ARTICLE X. ADMINISTRATION AND ENFORCEMENT***

**Section 1003. Duties of the Planning Commission, subsection B, first paragraph, has been amended 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 Town Council. Specifically, the Planning Commission shall:

**AND, Item #4 has been added as follows:**

1. 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 1004. Board of Zoning Adjustment: Duties and Powers, the term “Chairman” has been replaced with the term “Chair”; and subparagraph “G” has been added to read as follows:**

1. The Board of Zoning Adjustment ***has no authority*** to overturn decisions of the Town Council nor to grant variances, exceptions or waivers to conditions set out in the Coosada Subdivision Regulations.

**Section 1006. Amendments, subparagraph C, item #3 has been amended to add the following:**

***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 1007.01. Purpose, 1st paragraph, last sentence has been amended to read as follows:**

It is expected that the granting of variances will be rare; however, a variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary and exceptional situations or conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner’s use of such property.

**Section 1007.04. Public Hearing, has been 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 posted in three (3) community locations 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 be posted on the property in question at the call of the Board. The Board of Zoning Adjustment shall consider and decide all proposed variances taking into account the standards enumerated above. After the close of a public hearing and within ten (10) days the Board of Zoning Adjustment shall render a written decision, setting forth the reasons for such decision, which shall be accompanied by finding of fact(s) specifying the reason(s) for such decision. All such decisions are final and binding on all parties.

**The Title of Section 1009, has been amended to read as follows: *Appeals from Action of the Board of Adjustment.***

***ARTICLE XI. LEGAL PROVISIONS – NO AMENDMENTS***

***REQUESTED MAP CHANGES:***

**The following owners have requested zoning changes to their parcels as indicated:**

* **Carolyn Crow has requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcels 1507260003001004 and 1507260003001018 off Kennedy Avenue.**
* **Billy Wesson has requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcel 1507260003001012 off Kennedy Avenue.**
* **Jeanne H. Ashley has requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcel 1508340001002002 on Lindsey Road.**
* **Mae D. Tolbert Buggs has requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcel 1508340002001003 on Walker Way.**
* **Mae D. Tolbert Buggs and Clarence Buggs have requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcel 1508340001002003 on Walker Way.**
* **Edward L. Walker has requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcel 1508340002001006 on Walker Way.**
* **Alma Walker-Sims has requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcel 1508340002001002 on Walker Way.**
* **Alma Walker-Sims has requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcel 1508340002001000 on Airport Road.**
* **Alma Walker-Sims and William A. Sims Sr. have requested a zoning change from Residential Estate (RE) to Agriculture/Forestry/Residential (AFR) for, parcels 1508340001002005, 1508340001002006, and 1508340001002007 on Walker Way.**

***NOTE: The above requests for zoning change will be considered by the Planning Commission and Council and may be approved, denied, or amended as deemed appropriate.***