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APPENDIX I - ZONING ^[62]

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FOOTNOTE(S):

⁽⁶²⁾ **Editor's note**— The ordinance included herein (No. 263) was adopted on March 26, 1979. Amendments through November 7, 1983, are indicated by history notes in parentheses. Material in brackets [] has been added by the editor for clarity. This appendix is from the compilation by the Birmingham Regional Planning Commission. [\(Back\)](#)

⁽⁶²⁾ **Cross reference**— Administration, Ch. 2; alcoholic beverages, Ch. 3, aviation, Ch. 5; buildings and building regulations, Ch. 6; licenses and business regulations, Ch. 8; planning and development, Ch. 12; subdivision regulations, App. II; Riverchase PUD, App. III; franchises, App. IV; trailer coach parked outside of trailer park, § 9-207. [\(Back\)](#)

⁽⁶²⁾ **State Law reference**— Zoning, Code of Ala. 1975, § 11-52-70 et seq. [\(Back\)](#)

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ARTICLE I. - SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of Hoover, Alabama," and the map herein referred to, identified by the title "Zoning Map of Hoover, Alabama," shall be further identified by the signature of the mayor of Hoover and attested by the city clerk. The zoning map of Hoover is hereby adopted and made a part of this ordinance. Said zoning map shall zone only territory within Hoover. Such map is filed with the clerk of Hoover at the time of the introduction of this ordinance, will remain on file in the office of the said clerk and upon the adoption of the ordinance, said map will show by endorsement thereon the date of such adoption.

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ARTICLE II. - PURPOSE AND METHOD

[Sec. 1.0. - Purpose.](#)

[Sec. 2.0. - Method.](#)

Sec. 1.0. - Purpose.

The fundamental purpose of this ordinance is to promote the public health, safety, morals and general welfare; to provide for the orderly development and growth of Hoover; to avoid congestion on the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Hoover.

Sec. 2.0. - Method.

For the purpose hereinbefore stated, the City of Hoover is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best, general civic use, protect the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other structures, including the ratio of lots occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

2.1. *Zoning districts.* In order to classify, regulate, and restrict the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the land area, and to regulate and determine the areas of open spaces within and surrounding such buildings, the City of Hoover, Alabama, is hereby divided into the following districts:

2.11. A-1 Agriculture District.

2.12. Residential Districts.

- A. E-1 Estate District.
- B. E-2 Estate District.
- C. R-1 Single-Family Residential District.
- D. R-2 Single-Family Residential District.
- E. R-3 Two-Family Residential District.
- F. R-4 Multifamily District.
- G. R-T-4 Townhouse District. (Ord. No. 310, § 1, 12-15-80)
- H. PRD Planned Residential Development District. (Ord. No. 88-764, 11-21-88)
- I. R-E Residential Equestrian District. (Ord. No. 95-1430, § 2, 12-18-95)

2.13. Commercial Districts.

- A. C-P Preferred Commercial District.
- B. C-1 Neighborhood Shopping District.
- C. C-2 Community Business District.
- D. C-3 General Business District.
- E. C-4 Commercial District.

2.14. 1-1 Light Industrial District.

2.15. PUD Planned Unit Development. (Ord. No. 322, § 1, 5-4-81)

2.16. MXD Mixed Use District. (Ord. No. 04-2013, § 1, 4-5-04)

2.2. *Zoning map.* The boundaries of the districts are as shown on the map which shall be known as the "Hoover Zoning Map." Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the centerlines 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.

2.3. *Interpretation of district boundaries.* The building official shall make an interpretation of the "Hoover Zoning Map" upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

- A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- B. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- C. Where boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or to the centerlines or alley lines of alleys or to the centerlines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the said maps.
- D. In case any further uncertainty exists, the Hoover city council shall determine the location of boundaries.

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ARTICLE III. - ADMINISTRATION AND REVIEW PROCEDURES

[Sec. 1.0. - General administration.](#)

[Sec. 2.0. - Review procedures.](#)

Sec. 1.0. - General administration.

The provisions of this ordinance shall be administered and enforced by the building official of the city. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

1.1. *Establishment of a board of adjustment.* There is hereby established for the City of Hoover a board of adjustment whose members shall be appointed by the mayor and Council [sic] of the City of Hoover within thirty (30) days following the adoption by the City of Hoover of the within ordinance. The members of the board of adjustment shall be appointed pursuant to the terms and provisions of section 11-52-80, Code of Alabama, 1975. The board of adjustment herein established shall have only those powers specifically delegated to it by the provisions of section 11-52-80, Code of Alabama, 1975. Applications pending before the board shall not be continued more than three (3) times at the request of the applicant. (Ord. No. 91-1053, § 1, 9-16-91)

1.2. *Building permit.* It shall be unlawful to commence earthwork or the construction of any building or other structure, including accessory structures, signs, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structure, until the building official of the city has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building official of the city on forms provided for that purpose. Building permits shall not be required for any excavation, construction, or alteration the cost of which is less than one thousand dollars (\$1,000.00).

1.3. *Review of building permit applications.* It shall be unlawful for the building official of the city to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. Said plan shall include:

- A. The actual shape, proportion and dimensions of the lot.
 - B. The shape, size, use, and location of all buildings, signs, or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade.
 - C. The existing and proposed facilities for the disposal of storm water drainage.
 - D. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this ordinance.
 - E. Written certification from the appropriate county department that adequate sewerage treatment facilities are available at the proposed site.
 - F. Every application for the use of land under and by virtue of the provisions of this ordinance shall include therewith a plan showing the location of necessary fire hydrants with adequate fire flow. In addition thereto, the applicant shall submit to the city a written agreement between the applicant and the appropriate water authority, which agreement shall specify that the applicant shall assume the responsibility for purchasing and having installed such fire hydrants as required by the Hoover fire department, and that the applicant shall agree to pay the annual rental therefor, and such other charges that may be levied by the water authority for a period of three (3) years from the date of their installation. Such agreement shall be submitted to the building official for his and the Hoover fire [department's] approval, and shall be in full force and effect at the time of the issuance of any building permit provided for hereunder. (Ord. No. 322, §§ 2, 3, 5-4-81)
 - G. In the event such application requests such a permit for the construction of a theatre, hotel, state building, private school building or a commercially structured building containing fifteen (15) or more rooms, the applicant shall furnish to the building official a written certification from the applicant's architect affirming that the plans have been approved by the Building Commission of the State of Alabama. (Ord. No. 335, § 6, 10-5-81)
- 1.31. *Approval of building permit applications.* If the proposed excavation, construction, moving or alteration as set forth in the application are in conformity with the provisions of this ordinance, the building official of the city shall issue a building permit accordingly. After construction of the footings and foundation, a post foundation survey shall be prepared by a registered professional land surveyor. Framing of the structure shall not commence until the surveyor has submitted to the building official, a copy of the survey which shall include the lowest finished floor elevation including basement for lots located in Flood Zone A and for lots where such elevation is required by a note on the final plat, along with a letter stating that the foundation conforms to the minimum building setbacks required in the zoning ordinance. (Ord. No. 96-1500, § 1, 8-5-96)
- 1.32. *Denial of building permit applications.* The applicant, upon notification in writing by the building official of a building permit denial may contact the city clerk and request a hearing before the board of adjustment.

1.4. *Certificate of occupancy.* No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used or occupied until the building official of the city shall have issued a certificate of occupancy.

Within three (3) days after the owner or his agent has notified the building official of the city that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building official of the city to make a final inspection thereof, to issue a certificate of occupancy if the building or premises are found to conform with the provisions of this ordinance or, if such certificate is refused, to notify such applicant in writing of the refusal and the cause or causes therefor. In the event the building official finds that a building or premises is not in conformity with this ordinance and determines that such defect(s) can be remedied, he is authorized to issue a conditional certificate of occupancy conditioned upon the correction of such defect(s) within a specified period of time. In the event the building official finds that a building or premises is not in conformity with this ordinance but that such nonconformity will correct itself within a lapse of time, he is authorized to issue a temporary certificate of occupancy to expire on the date he determines the violations should be remedied. Any such conditions or limitations shall be noted on the building official's records and spread upon the original of any such certificate of occupancy issued under these provisions. In the event that any person, firm, or corporation who has been issued a permanent or temporary certificate of occupancy fails to correct such condition(s) within the time specified therein, the building official is

authorized on behalf of the city, to seek injunctive or such other relief as may be appropriate from any court of competent jurisdiction. Appeals from the decision of the building official shall be heard by the board of adjustment.

(Ord. No. 95-1430, § 1, 12-18-95)

1.5. *Expiration of building permit.* Any building permit shall expire by limitation (i) under which no construction work has been substantially commenced above the foundation wall or other foundation support within six months from the date of issuance or (ii) where work authorized by such permit is suspended or abandoned. Work authorized by a permit shall be presumed suspended or abandoned if no substantial authorized work is conducted at the site for a period of 90 consecutive days as determined by the official. If a permittee shows, to the satisfaction of the official, good cause for not conducting work during such period, the official may, in the official's discretion, choose not to terminate such permit. Upon reapplication to the building official, a building permit which has expired by limitation may be renewable, subject to the provisions of all ordinances in force at the time of said renewal. In no event shall any permit be renewed more than one time. Notice of expiration of the building permit shall be given in writing by first class mail by the building official to the owner listed in the county tax assessor's records, to the permittee and to any mortgagee on the property.

Upon the termination, cancellation, expiration or revocation of a permit, the building official shall inspect the premises to determine whether any hazards or nuisances exist at the site and shall require owner and/or permittee to remedy such. Failure of the permittee and/or the property owner to remedy such hazards or nuisances within thirty (30) days following written notice from the building official shall cause the structure to be deemed an unlawful structure which shall be remedied by the building official as provided in Section 1.6 herein or as allowed by law. (Ord. No. 09-2181, § 10.D, 11-16-09)

1.6. *Unlawful structure.* Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this ordinance are hereby declared to be a nuisance per se. The building official is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the building official has declared a structure to be not conforming with the provisions of this ordinance, the owner or occupant shall, within seventy-two (72) hours from the issuance of a notice from the building official to vacate such premises, accomplish such vacation of such structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this ordinance.

1.7. *Penalties.* Any person, firm or corporation or other organization which violates any of the provisions of this ordinance shall, upon conviction, be fined in accordance with the provisions of section 1-5 of the City of Hoover Municipal Code; provided however, that in the event any such person, firm or corporation desires to waive a trial and enter a plea of guilty before the magistrate, the magistrate is hereby authorized to accept such plea and impose a fine as follows:

First offense \$ 50.00

Second offense 100.00

Third offense Mandatory court appearance

Each day any such violation continues shall constitute a separate offense. (Ord. No. 96-1517, 11-4-96)

1.8. *Remedies.* In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the building official of the city or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Sec. 2.0. - Review procedures.

2.10. *Rezoning or amendments.* A proposed change of the zoning district boundaries or of the regulations as they pertain to a piece of property may be initiated by the city council, the planning commission, or at the request of the owner or owners of the property to be rezoned or their authorized agents.

2.11. *[Petition.]* When a rezoning request is made by a petition the following schedule shall be followed:

- A. The applicant shall submit a complete zoning amendment application to the city clerk, at least twenty-one (21) days prior to the planning and zoning commission meeting at which the amendment is to be considered, containing as a minimum, the following information. (Ord. No. 87-634, § 1, 7-6-87; Ord. No. 97-1605, § 1, 12-15-97)
 - 1. A one hundred dollar (\$100.00) fee to defray the cost of processing the application.
 - 2. A map drawn to scale indicating: The dimensions and exact location of the site in relation to the vicinity in which it is located, location of all public rights-of-way, location of all existing and proposed sidewalks and pedestrian ways on the subject property and adjacent property, location and dimension of all existing and proposed buildings and structures on the site and adjacent sites and the nature and location of existing and proposed facilities for the disposal of storm water drainage. (Ord. No. 02-1888, § 1, 4-16-02)
 - 3. A written statement indicating:
 - (a) Reason for the rezoning request.
 - (b) Expected traffic volumes to be generated by the proposal.
 - (c) Availability of required utilities.
 - (d) Relationship of the proposed rezoning to the land use pattern of the vicinity.
 - (e) Legal description of proposed rezoning site.
- B. A minimum of fourteen (14) days prior to the planning and zoning commission meeting at which the rezoning request is initially considered the city clerk shall mail notification to all persons included on the list of adjacent property owners. The notice shall state:
 - 1. Location of rezoning request (by mailing address and legal description).
 - 2. The nature of the rezoning request (indicating the current zoning of the site and the proposed rezoning classification).
 - 3. The time, date and location of the planning and zoning commission meeting at which the rezoning request is to be reviewed.
- C. The planning and zoning commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. An application shall not be continued more than three (3) times at the request of the applicant. (Ord. No. 91-1053, § 1, 9-16-91)
- D. Upon receipt of a favorable recommendation from the planning and zoning commission, the city clerk shall, in accord with state law, schedule and advertise the proposed amendment for a public hearing before the city council. A proposed amendment shall not be continued more than three (3) times at the request of the applicant. (Ord. No. 91-1053, § 1, 9-16-91)
- E. Upon receipt of a negative recommendation from the planning and zoning commission, the city council review process must be initiated at the request of the applicant. A negative recommendation in when a majority of the planning and zoning commission members present do not vote in the affirmative for a motion to approve the request. (Ord. No. 05-2070, §§ 1, 2, 10-3-05)
- F. When the city council denies a rezoning request, the planning and zoning commission shall not reconsider the same request for a period of six (6) months. Each time the city considers a zoning request, the one hundred dollar (\$100.00) administrative fee must be paid.

2.12. *Initiation of zoning amendments by the city.* The planning and zoning commission and/or the city council, may, in accordance with state law, initiate public hearings for the consideration of any proposed amendment to the provisions of this ordinance.

2.20. *Special uses.*

- A. Prior to the issuance of a building permit for a special use addressed in Article VIII of this ordinance:
 - 1. The applicant shall submit all required information to the city clerk, a minimum of fifteen (15) days prior to a scheduled planning and zoning commission meeting.
 - 2. The planning and zoning commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with [the] above requirements. The planning and

zoning commission shall render a decision on the application before or at the next regularly scheduled meeting unless additional information is required. If additional information is required, the planning and zoning commission shall have thirty (30) days from the date of submittal of this information to the city, in which to make a decision on the proposal.

3. Appeals from a decision of the planning and zoning commission denying a special use permit shall be brought before the city council within thirty (30) days after the rendering of the planning and zoning commission decision.
- B. The cluster residential development is the only special use which [requires] city council approval prior to the issuance of a building permit. The decision of the planning and zoning commission with regard to review of a cluster residential development shall be a recommendation to the city council.
- 2.30. *Conditional uses.* Requests for conditional uses as stipulated within the zone district regulations including the PUD, are permitted only after review by the planning and zoning commission and approval of the city council. The following review procedure shall be adhered to:
- A. The applicant shall submit a complete conditional use application to the city clerk, at least twenty-one (21) days prior to the planning and zoning commission meeting at which the conditional use is to be considered, containing as a minimum, the following information. (Ord. No. 87-634, § 2, 7-6-87; Ord. No. 97-1605, § 1, 12-15-97)
1. A one hundred dollar (\$100.00) fee to defray the cost of processing the application.
 2. Fifteen (15) copies of a site development plan, each of which shall be folded to a dimension of eight and one-half (8 1/2) by eleven (11) inches, which shall show the following:
 - a. Existing and proposed topography.
 - b. Property lines.
 - c. Scale.
 - d. Storm drainage facilities and other utility easements.
 - e. Existing and proposed structures and their uses.
 - f. Exterior lighting.
 - g. General landscaping and fences.
 - h. Outside storage areas.
 - i. Parking and loading areas.
 - j. Points of ingress and egress.
 - k. Signs.
 - l. The location of all existing and proposed sidewalks and pedestrian ways on the subject property and adjacent property. (Ord. No. 02-1888, § 2, 4-16-02)
 3. Tree conservation plan. (Ord. No. 91-1048, § 2, 8-16-91; Ord. No. 94-1233, § 3, 3-21-94; Ord. No. 96-1477, § 2,)
- B. A minimum of fourteen (14) days prior to the planning and zoning commission meeting at which the conditional use request is to be considered, the city clerk shall mail notification to all adjacent property owners. The notice shall state:
1. [The] location of the conditional use request.
 2. The nature of the request, indicating the current zoning of the site and the proposed conditional use.
 3. The time, date and location of the planning and zoning commission meeting at which the request will be considered.
- C. The planning and zoning commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. An application shall not be continued more than three (3) times at the request of the applicant. (Ord. No. 91-1053, § 1, 9-16-91)
- D. Upon receipt of a favorable recommendation from the planning and zoning commission, the city clerk shall schedule and advertise the proposed conditional use request for a public hearing before the city council. A proposed conditional use request shall not be continued more than three (3) times at the request of the applicant. (Ord. No. 91-1053, § 1, 9-16-94)

- E. Upon receipt of a negative recommendation from the planning and zoning commission, the city council review process will be initiated at the request of the applicant.
- F. When the city council denies a conditional use request, the planning and zoning commission shall not reconsider the same request for a period of six (6) months. Each time the city considers a conditional use request, the fifty dollar (\$50.00) administrative fee must be paid.

2.40. *Special exception uses.* Requests for special exception uses stipulated within the zoning district regulations, including the PUD, are permitted only after review and approval by the board of adjustment. The following review procedure shall be adhered to:

- A. The applicant shall submit a complete special use application to the city clerk, at least fifteen (15) days prior to the board of adjustment meeting at which the special exception is to be considered, containing as a minimum, the following information:
 - 1. A one hundred dollar (\$100.00) fee to defray the cost of processing the application.
 - 2. Ten (10) copies of a site development plan drawn to a scale not larger than one inch equals fifty (50) feet, each of which shall be folded to a dimension of eight and one half (8½) by eleven (11) inches, which shall show the following:
 - a. Existing and proposed topography;
 - b. Property lines;
 - c. Scale;
 - d. Existing and proposed structures and their uses;
 - e. Dimensions and height of existing and proposed structures;
 - f. Exterior lighting;
 - g. Tree conservation plan;
 - h. Outside storage areas;
 - i. Parking and loading areas;
 - j. Points of ingress and egress; and
 - k. Signs.
 - l. The location of all existing and proposed sidewalks and pedestrian ways on the subject property and adjacent property. (Ord. No. 02-1888, § 3, 4-16-02)
- B. A minimum of five (5) days prior to the board of adjustment meeting at which the special exception is to be considered, the city clerk shall notify all adjacent property owners by certified mail. The notice shall state:
 - 1. The location of the special exception request;
 - 2. The nature of the request, indicating the current zoning of the site and the proposed special exception use; and
 - 3. The time, date, and location of the board of adjustment meeting at which the request will be considered.

(Ord. No. 83-360, § 1, 4-4-83; Ord. No. 97-1566, § 1, 6-16-97)

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ARTICLE IV. - DEFINITIONS

For the purpose of this ordinance certain terms used herein are herewith defined. When not consistent with the context, words used in the present tense include the future, words in the singular include the plural number and words in the plural include the singular number. The word "shall" is mandatory and not directory.

Accessory structure: A structure which is normally incidental to, subordinate to and related exclusively to the principal use of the premises. (Ord. No. 95-1386, § 1, 10-2-95; Ord. No. 97-1566, § 4, 6-16-97)

Accessory use: A use which is normally incidental, subordinate to and related exclusively to the principal use of the premise. (Ord. No. 95-1386, § 1, 10-2-95; Ord. No. 97-1566, § 5, 6-16-97)

Alley: A public thoroughfare or way which affords only a secondary means of access abutting property.

Alter and alteration: Any change or modification in construction or occupancy. (Ord. No. 85-448, § 2, 9-16-85)

Alternative support structure: A building or structure other than a tower, which is used to support an antenna (s), such as a steeple, power pole, water tank, sign, clock tower, light pole and other similar structures. (Ord. No. 97-1566, § 2, 6-16-97)

Antenna: Any exterior apparatus designed to transmit and/or receive electromagnetic waves. (Ord. No. 97-1566, § 2, 6-16-97)

Assisted living facility: A licensed facility in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four (24) hours in any week to a minimum of two (2) ambulatory adults not related by blood or marriage to the owner and/or administrator. (Ord. No. 96-1525, § 12-16-96; Ord. No. 97-1574, § 1, 7-21-97)

Awning: A frame attached to a building wall, over which canvas, cloth, plastic or other fabric is stretched, in order to provide shade or cover or to serve as an ornamental feature of the building. (Ord. No 99-1719, § 1, 2-7-00)

Awning sign: A sign which is not internally illuminated, painted upon or otherwise directly applied to an awning. (Ord. No 99-1719, § 1, 2-7-00)

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Block: All land fronting on one side of a street between the nearest intersecting streets, roads, railroad rights-of-way and waterways, meeting or crossing the aforesaid street and bounding such land.

Boarding house: A building other than a hotel or motel, where for compensation and by pre-arrangement for specific time periods, meals and lodgings are provided for not less than three (3) persons nor more than ten (10) persons.

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when supported by division walls from the ground up without ingress and egress provided between such divisions or suitable openings, each portion of such building so divided shall be deemed a separate building.

Building area: That portion of a lot occupied by the principal building, including porches, carports, accessory buildings, and other structures. (Ord. No. 95-1386, § 1, 10-2-95)

Building face or wall: All window and wall area of a building in one plane or elevation.

Building height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building of the highest point of the roof for flat roofs, to the decked line for masard [mansard] roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building line: The street-side line or lines, in the case of a corner lot, of the building or legally established line, or lines, which determine the location of the building setback with respect to the street line or lines.

Building, principal: A permanent building in which is conducted or is intended to be conducted the principal use of the lot on which said building is located. A principal building shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the principal building area. A principal building shall not be a mobile building. (Ord. No. 90-946, § 1, 11-5-90; Ord. No. 95-1386, § 1, 10-2-95)

Building, mobile: A building transportable in one or more sections, which is built on a permanent chassis, and designed to be occupied and used with or without a permanent foundation. (Ord. No. 90-946, § 1, 11-5-90)

Building street frontage, percent: The length of front building wall facing a street, divided by the length the front lot line of the subject property, abutting said street. (Ord. No. 04-2013, § 2, 4-5-04)

Building wall sign: A sign attached parallel to, supported by and not more than twelve (12) inches from, the exterior wall of a building, which may be painted on the surface of the wall or erected and confined within the limits of said wall; and a sign which is not internally illuminated, painted upon or otherwise directly applied to an awning as defined herein. (Ord. No. 86-479, § 1, 6-2-86; Ord. No 99-1719, § 1, 2-7-00)

Carport: An accessory structure attached to a principal building, having a roof with one or more open sides and intended for the sheltering of motor vehicles.

Clearing. Any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other woody vegetation which will cause the tree or woody vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials or by the change of natural grade due to unapproved excavation or filling, or damage caused by the unapproved alteration of natural physical conditions. (Ord. No. 96-1477, § 3, 4-15-96)

Concealment structure: A structure which supports or completely conceals an antenna(s), such as steeple, sign, man-made tree, clock tower and similar applications. (Ord. No. 97-1566, § 2, 6-16-97)

Cul-de-sac: The dead-end street terminated by a vehicle turnaround area having a minimum right-of-way radius of fifty (50) feet.

Day care center: Any child care facility receiving more than six (6) children for care during all or part of the day. The term does not include: programs operated as part of public or private schools; programs operated on federal governmental premises; and special activities programs such as athletics, crafts, and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations. (Ord. No. 87-611, § 2, 5-4-87)

DBH. Diameter-at-breast-height is a standard measure of tree size, and is a tree trunk diameter measured in inches at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half (4.5) feet, then the trunk is measured at its most narrow point beneath the split. (Ord. No. 96-1477, § 3, 4-15-96)

Directional sign: Any sign which serves solely to designate the location or direction of any place or area.

Double faced sign: A sign with copy area on both sides of a sign.

Dripline. A vertical line extending from the outer surface of a tree's branch tips down to the ground. (Ord. No. 96-1477, § 3, 4-15-96)

Drive-in theatre: A theatre so arranged and conducted that the customer or patron may view the performance while being seated in a vehicle.

Dwelling: Any building or portion thereof which is designed or used exclusively for residential occupancy.

Dwelling—multiple: A structure designed or used for residential occupancy by more than two (2) families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, town houses, and similar housing types, but not including hotels, motels, hospitals, or nursing homes.

Dwelling—single family: A detached building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by one family only.

Dwelling-two family: A building so designed and arranged to provide separate sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by two (2) families.

Dwelling unit: Any portion of a building used as a separate abode for a family having its own cooking and kitchen facilities.

Earthwork: The breaking of ground, except common gardening and ground care.

Electrical sign: Any sign containing electrical wiring which is attached or equipped to be attached to an electrical energy source.

Entrance walk: A free-standing masonry structure, located on private property, the sole purpose of which is to highlight or emphasize the appearance and location of a private driveway entrance from a public road.

Erect: Construct, including built, reconstruction, alteration, moved upon or any physical operations on the premises required for the building, principal structure, sign or accessory use. Excavation, earthwork, fill, drainage work, utilities installations and other work as it relates to the construction or use of a building, principal structure, sign or accessory use shall be considered within the meaning of erect.

Family: One person or a group of two (2) or more persons living together and inter-related by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit, with a common and single set of culinary facilities.

Fence: A structure intended for a barrier or enclosure.

First floor: The term "first floor" shall mean the lowest floor surface of that portion of a structure defined as a story.

Flashing sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Public service time and temperature signs are not classified as flashing signs. (Ord. No. 93-1137, § 1, 7-19-93)

Floor area, livable: The livable floor area for all residential uses shall be the area of the first floor plus the area of the floors next above, and the area under a sloping roof having a minimum ceiling height of six (6) feet. Garage floor area, basements, decks, porches, patios, terraces, and carport floor area are not included as livable floor area. (Ord. No. 85-439, § 2, 6-3-85)

Floor area nonresidential: The gross floor area, including basement, of any structure. (Ord. No. 85-439, § 1, 6-3-85)

Floor area ratio: The total floor area of all buildings on a lot or parcel, divided by the area of said lot or parcel. (Ord. No. 04-2013, § 2, 4-5-04)

Free standing sign: Any sign erected on a free standing frame, foundation, mast or pole and not attached in any way to any building.

Garage—private: A private garage is a garage for which the principal use is storage of privately owned vehicles and constituting an accessory use on the lot.

Garage—public: Any garage other than a private garage available to the public, operated for gain.

Gasoline service stations: Any building, structure or land at which the sale of combustible and flammable fuels is conducted. (Ord. No. 322, § 6, 5-4-81)

Hazardous uses: All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops, or property.

Home occupation: A use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof.

Hospital: A public or proprietary institution providing medical diagnosis, treatment, or other care of human ailments, operating under license by the Alabama State Health Department, and which, unless otherwise specified, shall be deemed to include institutions primarily for treatment of contagious diseases and the insane or feeble minded but not including nursing homes.

Hotel: A building or part thereof occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singularly for hire and in which rooms no provision for cooking is made and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guest.

Independent living facility: Attached dwellings, restricted to occupancy by handicapped persons or persons sixty-two (62) years and older, which may provide common facilities and services, but which are not defined as an assisted living facility. (Ord. No. 97-1574, § 1, 7-21-97; Ord. No. 02-1865, § 1, 2-18-02)

Indirectly illuminated sign: A sign which is illuminated by a light source which is external to the sign cabinet or structure. (Ord. No 99-1719, § 1, 2-7-00)

Industrial park: [A] tract of industrial land, [with a] minimum of forty (40) acres and subdivided into at least two (2) parcels.

Institution: A nonprofit or quasi-public use such as a church, library, public or private school, hospital, or publicly owned or operated building, structure or property used for public purpose. (Ord. No 99-1719, § 1, 2-7-00)

Internally illuminated sign: A sign which is illuminated by a light source which is behind the sign face. (Ord. No 99-1719, § 1, 2-7-00)

Junkyard: A place, structure or lot where junk, waste, discarded, salvaged or similar materials such as old iron or other metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are stored, bought, sold, exchanged, baled, packed, dissembled or handled.

Kennel—indoor: A building in which five (5) or more domestic animals are permanently or temporarily boarded, groomed, trained or treated, for compensation.

Kennel—outdoor: A lot or premises on which five (5) or more domestic animals are permanently or temporarily boarded, groomed, trained or treated, for compensation.

Land area: Property which is not water surface area. (Ord. No. 91-1058, § 1, 10-7-91)

Live entertainment: Any activity performed by persons for the entertainment of patrons on the premises of establishments dispensing alcoholic beverages. (Ord. No. 92-1086, § 1, 7-6-92)

Lot: A parcel of land intended for transfer of ownership or for building development, which shall be comprised of land area or a combination of land area and water surface area which complies with the area and dimensional regulations of the zoning district in which it is located. Each lot shall be comprised of land area in an amount equal to or greater than the minimum lot area required in the zoning district in which it is located. Said land area shall be contiguous and have principle frontage upon a public street. (Ord. No. 91-1058, § 3, 10-7-91)

Lot—corner: A lot abutting upon two (2) or more streets at their intersection.

Lot—interior: A lot other than a corner lot.

Lot line: The lines bounding a lot as defined herein.

Lot line—front: In the case of a lot line abutting upon one street. The front lot line is the line separating such lot from such a street. On corner lots the front lot line shall be considered as parallel to the streets upon which the lot is located.

Lot line—rear: The rear lot line is that opposite the front line. In case of a lot terminating at a point at the rear of the lot, or having a rear lot line less than ten (10) feet long, the rear lot line shall be considered a line parallel to the front lot line having a length not less than ten (10) feet long.

Lot line—side: Any lot line other than front lot line or rear lot line.

Lot of record: A lot-of-record is a lot shown on the records in the office of the judge of probate and which actually exists as so shown.

Lot—through: A lot which abuts two (2) parallel or approximately parallel streets.

Lot width: The width of the lot measured at the minimum front building setback line of the zoning district; unless the proposed front building setback for the lot is more than one hundred (100) feet from the public street(s) used to determine the front lot line(s), in which case lot width shall be measured at the proposed front building set back line. (Ord. No. 97-1598, 11-17-97)

Mezzanine: An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third (1/3) of the floor area of such main story.

Motel: A motel or motor court is a business comprised of a dwelling unit or a group of dwellings or dwelling units so arranged as to furnish overnight accommodations for transient guests.

Nonconforming use: The use of any building, structure or land which was lawful at the time of the passage of this ordinance, or amendment thereto but which use does not conform, after the passage of this ordinance or amendment thereto, with the use regulations of the district in which it is situated.

Nursery school, kindergarten, or day care center: Any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public school system.

Nursing home: A licensed facility providing inpatient care for convalescents or other persons not acutely ill and not in need of acute general hospital care, but do require skilled nursing care. (Ord. No. 97-1574, § 1, 7-21-97)

Office: Space or rooms for professional, administrative, clerical and similar uses.

Office/technical use. Office use combined with an equipment intensive use, wherein twenty (20) percent or more of the net usable floor area of a building is devoted to large equipment used by administrative employees for business process functions, such as data processing and communications equipment. (Ord. No. 99-1691, § 1, 5-17-99)

Parking area: Except as provided for in Article IX, Section 2.0, a parking area is defined as an open, unoccupied space which is surfaced by either bituminous pavement or concrete, used or intended to be used for parking of vehicles, and in which no business is conducted. (Ord. No. 85-453, § 1, 10-21-85; Ord. No. 93-1172, § 1, 11-15-93)

Parking space: Except as provided for in Article IX, Section 2.0, a parking space is defined as an area surface by either bituminous pavement or concrete, enclosed or unenclosed, not less than nine (9) feet wide and twenty (20) feet long. (Ord. No. 85-453, § 1, 10-21-85; Ord. No. 93-1172, § 1, 11-15-93)

Pedestrian way: An improved pedestrian walkway located on private property. (Ord. No. 02-1888, § 4, 4-16-02)

Portable sign: Any sign not permanently attached to the ground or a building.

Premises: A lot, parcel or tract of land together with the buildings and structures thereon, having a separate street address. (Ord. No 99-1719, § 1, 2-7-00)

Projecting sign: A sign, other than an awning sign, that is attached to the exterior wall of a building and extends more than fourteen (14) inches from the wall of the building. (Ord. No 99-1719, § 1, 2-7-00)

Property line: The line bounding a lot as defined herein.

Public property: Property owned by a municipality, a county, the state or the United States government, except property used for public utility purposes. All public street rights-of-way are public property. (Ord. No 99-1719, § 1, 2-7-00)

Public utility: Any person, firm, corporation, municipal department or board, duly authorized by the Alabama Public Services Commission, to provide electricity, gas, steam, telephone, telegraph, transportation, water or sewer service to the general public. (Ord. No. 97-1566, § 6, 6-16-97)

Restaurant: An establishment where food is cooked, patrons dine on or off the premises, and where there is no drive-up or walk-up window service or service to customers in their vehicles. (Ord. No. 87-581, § 2, 3-2-87)

Restaurant; catering: An establishment where food is cooked or prepared exclusively for delivery off the premises by employees. (Ord. No. 87-581, § 2, 3-2-87)

Restaurant, drive-up: An establishment where food is cooked or prepared, and where there is drive-up or walk-up window service, or service to customers in their vehicles. (Ord. No. 87-581, § 2, 3-2-87)

Restaurant, food service: An establishment where food is not cooked on the premises, but is prepared and served, including: sandwich shop, delicatessen, ice cream parlor, yogurt shop, soda fountain, and similar establishments where there is no drive-up or walk-up window service or service to customers in their vehicles. (Ord. No. 87-581, § 2, 3-2-87)

Road: That portion of a public thoroughfare or right-of-way intended for use by vehicles.

Roof line: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof sign: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof. (Ord. No 99-1719, § 1, 2-7-00; Ord. No. 01-1829, § 1, 8-6-01)

Rooming house: Either a one (1) or two (2) family dwelling other than a hotel, motel, or apartment house where lodging for one (1) or more persons not of the immediate family is provided for compensation and by pre-arrangement for definite time periods.

Self-service storage, limited access: A self-service storage facility with limited access points from the exterior of the building to interior halls that provide the only access to individual storage units. (Ord. No. 97-1605, § 1, 12-15-97)

Self-service storage, multi-access: A self-service storage facility with access points from the exterior of the building to individual storage units. (Ord. No. 97-1605, § 1, 12-15-97)

Shopping center: Two (2) or more retail or service establishments in the C-1 Commercial District, or three (3) or more such establishments in the other retail commercial districts; located in one (1) building or a group of architecturally unified buildings; said buildings being under one (1) ownership or management, with selected tenants, and having an integrated parking area. (Ord. No. 85-456, § 1, 11-18-85)

Sidewalk: A pedestrian walkway that is located within a public or private street right-of-way and complies with the minimum standards of the subdivision regulations. (Ord. No. 02-1888, § 4, 4-16-02)

Sign: A name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property.

Sign face area: The sign face area of a building wall sign or other sign with only one sign face, shall be computed by means of the smallest geometric figure that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The sign face area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are not more than forty-two (42) inches apart, with a horizontal angle no greater than thirty (30) degrees, the sign area shall be computed by the measurement of one (1) of the sign faces. (Ord. No 99-1719, § 1, 2-7-00)

Sign height: The height of a free standing sign shall be measured from the average elevation of the ground at the base of the sign to the highest point of the sign structure. Berms or fill material which raise the base of the sign above the average elevation of the surrounding ground, shall not be used to increase the height of a free standing sign. (Ord. No 99-1719, § 1, 2-7-00)

Sign structure: The structure of a sign shall include the entire sign, its supporting devices, source of illumination, and copy area. However, with regard to internally illuminated signs in which the copy area is depicted on a sign face which is designed to be removed from the sign cabinet for maintenance, repair, or change of copy, the sign structure shall not include the sign face or source of illumination. (Ord. No. 85-448, § 3, 9-16-85)

Signable area: A continuous portion of the front building facade unbroken by doors or windows, that is specifically designed to accommodate a sign, and which shall not extend above the window sill of the story above unless the establishment to which it pertains is located above the first floor. (Ord. No. 04-2013, § 2, 4-5-04)

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Story—half: A half story is a story situated within a sloping roof, the floor area of which, at a height of five (5) feet above the floor, does not exceed two-thirds ($2/3$) of the floor area in the story directly below it and the height above at least two hundred (200) square feet of floor space is seven (7) feet six (6) inches. A half story containing independent apartment or living quarters shall be counted as a full story.

Street: A thoroughfare which affords a principal means of access to abutting property which has been accepted by the city as a public street.

Structure, principal. A permanent structure which is not accessory to the principle use of a lot or parcel, including, but not limited to, off premises signs and certain types of antennas and public utility structures. (Ord. No. 95-1386, § 1, 10-2-95)

Structure, height: Except for buildings, the height of a structure shall be measured from the average ground elevation at the bottom of the structure to the highest point of the structure. (Ord. No. 97-1566, § 2, 6-16-97)

Swale: A depression in the ground which channels storm water runoff, where the side slopes are no steeper than 5:1 rise to run. (Ord. No 99-1719, § 1, 2-7-00)

Telecommunications facility: A facility owned or operated by a public utility or a business, that transmits and/or receives electromagnetic waves. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or alternative supporting structures and uses. (Ord. No. 97-1566, § 2, 6-16-97)

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and similar towers. (Ord. No. 97-1566, § 2, 6-16-97)

Townhouse: Two (2) or more dwelling units, attached by a common side wall(s), each unit of which is located on an individual lot and designed to be occupied and owned by one (1) family. (Ord. No. 310, § 2, 12-15-80; Ord. No. 86-464, § 1, 1-6-86)

Tree. Any self-supporting woody plant, usually having a single woody trunk and a potential DBH of two inches or more and normally attaining a mature height of 25 feet. (Ord. No. 96-1477, § 3, 4-15-96)

Tree cover. The area directly beneath the crown and within the dripline of a tree. (Ord. No. 96-1477, § 3, 4-15-96)

Use, principal: The purpose for which land or buildings and structures thereon are designed, arranged or intended to be used, occupied or maintained. (Ord. No. 95-1386, § 1, 10-2-95)

Used Motor Vehicle Sales Establishment: An establishment that sells previously owned motor vehicle(s) where such sale is not accessory to a new automobile dealership, except when the owner of a private motor vehicle offers not more than one of his or her own vehicles for sale on his or her own private property. (Ord. No. 02-1899, § 1, 5-6-02)

Vehicle barricade: A fence or wall less than thirty (30) inches high, located within front yard, for the sole purpose of restraining motor vehicles from entering said yard. The vehicle barricade may not be located on the public road right-of-way.

Water surface area: Property within lakes, ponds, rivers and year-round streams. Water surface area shall not include property within storm drainage structures, drainage ways which periodically contain water no swimming pools and other structures which contain water. (Ord. No. 91-1058, § 3, 10-7-91)

Wholesale establishment: Any establishment which exclusively sells goods in large quantities, as for resale by a retailer.

Yard: A ground area open to the sky, unoccupied and unobstructed. Yard measurements shall be the minimum horizontal distances.

Yard—front: A yard, or yards in the case of a corner or through lot, extending across the entire width of the lot between the street right-of-way and the principal building. (Ord. No. 95-1386, § 1, 10-2-95; Ord. No. 10-2189, § 1, 3-15-10)

Yard—rear: A yard extending across the entire width of the lot between the rear lot line and the principal building. (Ord. No. 95-1386, § 1, 10-2-95; Ord. No. 10-2189, § 1, 3-15-10)

Yard—side: A yard between the side lot line and the principal building, extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line. (Ord. No. 10-2189, § 1, 3-15-10)

(Ord. No. 87-581, § 1, 3-2-87; Ord. No. 91-1058, § 2, 10-7-91; Ord. No. 92-1086, § 2, 7-6-92)

Editor's note—

Ordinances deleting provisions from Article IV are indicated by the history note following Article IV, above.

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ARTICLE V. - GENERAL REGULATIONS

[Sec. 1.0. - General use requirements.](#)

[Sec. 2.0. - Nonconforming uses of land and buildings.](#)

[Sec. 3.0. - Structures conforming to district regulations but not other regulations.](#)

Sec. 1.0. - General use requirements.

The following general regulations pertain to the administration, enforcement of and compliance with this ordinance.

- 1.1. *Application of this ordinance.* No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the city except as specifically or by necessary implication, authorized by this ordinance.
- 1.2. *Buildings, etc.* Except as otherwise provided in this ordinance[:]
 - A. No land may be used except for a purpose permitted in the district in which it is located.
 - B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used except for a use permitted in the district in which the building is located.
 - C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.
 - D. The minimum building lines, parking spaces, including lot area per family, required by this ordinance for each and every building existing at the time of the passage of this ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this ordinance.
 - E. Except for property in a Planned Unit Development which has received Conditional Use approval for Mixed Use, and for property in a Mixed Use District, every building and structure hereafter erected or structurally altered shall be located on one lot or parcel and in no case shall there be more than one principal building or one principal structure on a lot or parcel. Apartments, commercial, office, industrial and institutional parcels may have more than one principal building, where multiple buildings and the land are owned by one entity. However, every lot or parcel shall be limited to one principal use and a dwelling shall not be accessory to any principal use. (Ord. No. 95-1386, § 2, 10-2-95; Ord. No. 02-1846, § 1, 1-22-02; Ord. No. 04-2013, § 3, 4-5-04)
- 1.3. *Joint occupancy.* Except for property in a Planned Unit Development which has received Conditional Use approval for Mixed Use, and for property in a Mixed Use District, no structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use. (Ord. No. 02-1846, § 2, 1-22-02; Ord. No. 04-2013, § 3, 4-5-04)
- 1.4. *Public utilities.* Public utility structures including, but not limited to, poles, wires, crossarms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipelines, vents, valves, hydrants, regulator meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced in any zoning district. This is not to be construed to include buildings, electric substations or telecommunications facilities. (Ord. No. 97-1566, § 7, 6-16-97)
- 1.5. *Municipal public safety facilities.* Municipal police, fire and emergency medical stations may be constructed, erected, repaired, maintained or replaced within all zoning districts as a principal permitted use. Other municipal public safety buildings and facilities may be constructed, erected, repaired, maintained or replaced within zoning districts as a principal permitted use, except in the single-family residential districts, where said uses shall be a conditional use. (Ord. No. 87-647, § 1, 8-3-87)

(Ord. No. 83-360, § 2, 4-4-83)

Sec. 2.0. - Nonconforming uses of land and buildings.

Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are

removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. The provision[s] of this section shall not apply to nonconforming signs. Nonconforming signs are addressed in Section 9, Article X. (Ord. No. 85-448, § 4, 9-16-85)

The provisions of this section shall not apply to parking and vehicle areas which do not conform to Article XIII. Such parking and vehicle areas are addressed in Article XIII, section 2.0. (Ord. No. 91-1048, § 4, 8-16-91)

- 2.1. *Continuance.* A lawful nonconforming use existing at the effective date of this ordinance may be continued, except as hereafter [sic] provided, although such use does not conform with the provisions of this ordinance.
- 2.2. *Restoration to safe condition.* Nothing in this ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.
- 2.3. *Restoration after damages.* No nonconforming building or structure which has been damaged by fire or other causes to the extent of more than fifty (50) percent of its current replacement value at the time of such damage shall be rebuilt or restored except in conformity with the provisions of this ordinance. If a nonconforming building is damaged less than fifty (50) percent of its current replacement value it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within twelve (12) months of the date of such damage.
- 2.4. *Abandonment.* A nonconforming use which has been discontinued for a continuous period of one year shall not be re-established and any future use shall be in conformity with the provisions of this ordinance.
- 2.5. *Change in use.* A nonconforming use shall not be changed to another nonconforming use of the same or a less restrictive classification. A nonconforming use which is changed to a conforming use or to another nonconforming use of a more restrictive classification shall not be permitted to revert to the original or less restrictive use.
- 2.6. *Reserved.* (Ord. No. 01-1802, § 1, 3-19-01)
- 2.7. *Abandoned right-of-way.* Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Hoover, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

Sec. 3.0. - Structures conforming to district regulations but not other regulations.

A structure or building conforming to the use regulations of a district, but not conforming to other provisions of this ordinance, may be enlarged or altered, provided, that such enlargement or alteration conforms to the provisions of this ordinance.

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ARTICLE VI. - ZONING DISTRICTS

[Sec. 1.0. - Agriculture District \(A-1\).](#)

[Sec. 2.0. - Single-Family Estate District \(E-1\).](#)

[Sec. 3.0. - Single-Family Estate District \(E-2\).](#)

[Sec. 4.0. - Single-Family District \(R-1\).](#)

[Sec. 5.0. - Single-Family District \(R-2\).](#)

[Sec. 6.0. - Two-Family District \(Duplex\) \(R-3\).](#)

[Sec. 7.0. - Multifamily District \(R-4\).](#)

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[Sec. 9.0. - Preferred Commercial \(Office\) District \(C-P\).](#)

[Sec. 10.0. - C-1 Neighborhood Shopping District.](#)

Sec. 11.0. - C-2 Community Business District.

Sec. 12.0. - C-3 General Business District.

Sec. 13.0. - C-4 Commercial District.

Sec. 14.0. - I-1 Light Industrial District.

Sec. 15.0. - PRD Planned Residential Development District.

Sec. 16.0. - Residential-Equestrian District (R-E).

Sec. 17.0. - Mixed Use District (MXD).

Sec. 1.0. - Agriculture District (A-1).

1.1. *Intent.* To establish and preserve areas for agricultural, low density residential and outdoor recreation uses without permitting an intensity of development which would require the provision of urban facilities and services.

1.2. *Permitted principal uses.* Single-family residential dwellings, the raising and keeping of livestock, the raising of crops except in greenhouses, including trees, wildlife refuges, forest preserves and roadside stands for the sale only of products produced on the same lot. The rendering, slaughtering and dressing only of animals raised on the premises is permitted. Churches, golf courses, outdoor tennis courts, outdoor swimming pools and similar outdoor recreation facilities.

1.3. *Conditional uses.* Kennels, schools, stables, riding academies, and cemeteries. (Ord. No. 97-1574, § 1, 7-21-97)

1.4. *Special exception uses.* Telecommunication facilities. (Ord. No. 97-1566, § 8, 6-16-97)

1.5. *Prohibited uses.* Duplex or two-family dwellings, townhouses, multifamily dwellings, all commercial and industrial uses except as specified in subsections 1.2, 1.3 and 1.4 of this section. (Ord. No. 97-1566, § 9, 6-16-97)

1.6. *Area and dimensional regulations.*

A. Minimum lot area: Three (3) acres per dwelling.

B. Minimum yards:

Front—Seventy-five (75) feet.

Rear—Seventy-five (75) feet.

Side—Twenty-five (25) feet.

C. Minimum interior living space:

1. One-story dwelling—One thousand (1,000) square feet.

2. One and one-half (1½) or two-story dwelling—One thousand three hundred (1,300) square feet.

D. All conditional uses requiring a structure shall have a height limitation of thirty (30) feet.

1.7. *Buffer regulations.* All conditional uses requiring a structure shall provide a twenty five (25) foot wide buffer on all rear and side property lines, except schools and churches that shall provide as a minimum a thirty-five (35) foot wide buffer on all rear and side property lines. All special exception uses shall be surrounded by a twenty (20) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility. See article XIII, section 3.0. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, § 4, 4-15-96; Ord. No. 97-1566, § 10, 6-16-97; Ord. No. 03-1982, § 1, 9-15-03)

1.8. *Additional regulations (when applicable).*

A. A minimum lot area of five (5) acres is required in order to house or raise any livestock or animals other than those permitted in the residential zones of the city.

B. Provision must be made to dispose of manure and other organic wastes in such a manner as to avoid pollution of ground water or any lake or stream.

C. All structures, cages, pens and other facilities used for the feeding or housing of any livestock or animals, which are not permitted within the residential zones of the city, must be set back a minimum of fifty (50) feet from the side and rear property lines, seventy five (75) feet from the front property line

and one hundred (100) feet from any residential dwelling other than the principal single-family dwelling located on the same tract of land.

- D. Hospital regulations, Article VIII, section 6.0.
- E. Nursing home regulations, Article VIII, section 7.0.
- F. Cemetery regulations, Article VIII, section 8.0.
- G. Off-street parking and loading regulations, Article IX.
- H. Sign regulations, Article X.
- I. Tree conservation buffers and landscaping, Article XIII. (Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, § 5, 4-15-96)
- J. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 11, 6-16-97)
- K. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

Sec. 2.0. - Single-Family Estate District (E-1).

2.1. *Intent.* To provide minimum density and maximum open space and privacy for single-family housing, free from other uses except those which are both compatible with and convenient to the residents of such a district.

2.2. *Permitted principal uses.* Detached single-family dwellings and accessory structures.

2.3. *Conditional uses.* Public elementary, middle and high schools, and parochial or private schools that do not provide residential accommodations; churches, museums, libraries, art galleries, home occupations, cluster residential developments and the following recreation facilities operated on a nonprofit basis: golf courses, parks, tennis courts and swimming pools. Conditional uses in residential districts shall be located and designed to be compatible with the surrounding residential areas. (Ord. No. 06-2127, § 1, 6-5-06)

2.4. *Special exception uses.* Telecommunications facility. (Ord. No. 97-1566, § 12, 6-16-97)

2.5. *Prohibited uses.* Duplex or two-family dwellings, townhouses, multifamily dwellings, all commercial and industrial uses except as specified in subsection 2.3 and 2.4 of this section. (Ord. No. 310, § 1, 12-15-80; Ord. No. 97-1566, § 13, 6-16-97)

2.6. *Area and dimensional regulations.*

- A. Minimum lot area: One acre.
- B. Minimum lot width: One hundred fifty (150) feet.
- C. Minimum yards:
 - Front—Seventy-five (75) feet.
 - Rear—Seventy-five (75) feet.
 - Side—Twenty-five (25) feet.
- D. Minimum livable floor area:
 - 1. One story residence—Two thousand four hundred (2,400) square feet.
 - 2. One and one-half (1½) or two-story dwelling—One thousand eight hundred (1,800) square feet on first floor; two thousand eight hundred (2,800) square feet for total floor area of dwelling.

2.7. *Buffer regulations.* All conditional uses requiring a structure shall provide as a minimum a twenty-five (25) foot wide buffer on all rear and side property lines that abut a residential district. Schools and churches shall provide as a minimum a thirty-five (35) foot wide buffer on all rear and side property lines that abut a single family residential district and a twenty-five (25) foot wide buffer on all rear and side property lines that abut a multi-family residential district. All special exception uses shall be surrounded by a twenty (20) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility. See article XIII, section 3.0. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 91-1053, 9-16-91; Ord. No. 96-1477, § 6, 4-15-96; Ord. No. 97-1566, § 14, 6-16-97; Ord. No 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

2.8. *Additional regulations (when applicable).*

- A. Off-street parking and loading regulations, Article IX.
- B. Sign regulations, Article X.
- C. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, § 7, 4-15-96)
- D. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, [§ 15](#), 6-16-97)
- E. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

Sec. 3.0. - Single-Family Estate District (E-2).

3.1. *Intent.* To provide low density, open space and privacy for single-family housing, from other uses except those which are compatible with the character of this district.

3.2. *Permitted principal uses.* Detached single-family dwellings and accessory structures.

3.3. *Conditional uses.* The same conditional uses are permitted in this district as District E-1, subject to the same conditions.

3.4. *Special exception uses.* The same special exception uses are permitted in this district as in the District E-1, subject to the same conditions. (Ord. No. 97-1566, [§ 16](#), 6-16-97)

3.5. *Prohibited uses.* The same uses are prohibited in this district as in District E-1, subject to the same conditions.

3.6. *Area and dimensional regulations.*

- A. Minimum lot area: Twenty thousand (20,000) square feet.
- B. Minimum lot width: One hundred (100) feet.
- C. Minimum yard
 - Front—Fifty (50) feet.
 - Rear—Fifty (50) feet.
 - Side—Fifteen (15) feet.
- D. Minimum livable floor area[;]
 - 1. One-story residence—Two thousand (2,000) square feet.
 - 2. One and one-half (1½) or two-story residence—One thousand four hundred (1,400) square feet on first floor[;] total minimum for dwelling—Two thousand four hundred (2,400) square feet.

3.7. *Buffer regulations.* Same as District E-1. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, § 8, 4-15-96; Ord. No 99-1719, § 1, 2-7-00)

3.8. *Additional regulations (when applicable).*

- A. Cluster development, Article VIII, section 9.0.
- B. Off-street parking and loading regulations, Article IX.
- C. Sign regulations, Article X.
- D. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 1048, § 5, 8-16-91; Ord. No. 96-1477, § 9, 4-15-96)
- E. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, [§ 17](#), 6-16-97)
- F. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

Sec. 4.0. - Single-Family District (R-1).

4.1. *Intent.* To provide medium density single-family housing free from other uses which are incompatible with the intent of this district.

4.2. *Permitted principal uses.* Detached single-family dwellings and accessory structures.

4.3. *Conditional uses.* The same conditional uses are permitted in this district as in District E-1, subject to the same conditions.

4.4. *Special exception uses.* The same special exception uses are permitted in this district as in the District E-1, subject to the same conditions. (Ord. No. 97-1566, § 17, 6-16-97)

4.5. *Prohibited uses.* The same uses are prohibited in this district as in District E-1, subject to the same conditions.

4-6. *Area and dimensional regulations.*

- A. Minimum lot area: Fifteen thousand (15,000) square feet.
- B. Minimum lot width: Seventy-five (75) feet.
- C. Minimum yards:
 - Front—Thirty-five (35) feet.
 - Rear—Thirty-five (35) feet.
 - Side—Ten (10) feet.
- D. Minimum livable floor area:
 - 1. One-story residence—One thousand five hundred (1,500) square feet.
 - 2. One and one-half (1½) or two-story dwelling—One thousand (1,000) square feet on first floor[;] total minimum for dwelling—One thousand nine hundred (1,900) square feet.

4.7. *Buffer regulations.* Same as District E-1. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, § 10, 4-15-96; Ord. No 99-1719, § 1, 2-7-00)

4.8. *Additional regulations (when applicable).*

- A. Cluster development, Article VIII, section 9.0.
- B. Off-street parking and loading regulations, Article IX.
- C. Sign regulations, Article X.
- D. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91 1048, § 5, 8-16-91; Ord. No. 96-1477, § 11, 4-15-96)
- E. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 19, 6-16-97)
- F. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

Sec. 5.0. - Single-Family District (R-2).

5.1. *Intent.* To provide medium density single-family housing free from other uses which are not compatible with the character of this district.

5.2. *Permitted principal uses.* Detached single-family dwellings and accessory structures.

5.3. *Conditional uses.* The same conditional uses are permitted in this district as District E-1, subject to the same conditions.

5.4. *Special exception uses.* The same special exception uses are permitted in this district as in the District E-1, subject to the same conditions. (Ord. No. 97-1566, § 20, 6-16-97)

5.5. *Prohibited uses.* The same uses are prohibited in this district as in the E-1 District, subject to the same conditions.

5.6. *Area and dimensional regulations.*

- A. Minimum lot area: Twelve thousand (12,000) square feet.
- B. Minimum lot width: Sixty (60) feet.
- C. Minimum yard:

Front: Twenty (20) feet.

Rear: Twenty-five (25) feet.

Side: Ten (10) feet.

- D. Minimum livable floor area:
1. One-story dwelling: One thousand five hundred (1,500) square feet.
 2. Dwelling of more than one (1) story: One thousand nine hundred (1,900) square feet.

(Ord. No. 05-2063, § 1, 3-21-05)

5.7. *Buffer regulations.* Same as District E-1. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, [§ 12](#), 4-15-96; Ord. No 99-1719, § 1, 2-7-00)

5.8. *Additional regulations (when applicable).*

- A. Cluster development, Article VIII, section 9.0.
- B. Off-street parking and loading regulations, Article IX.
- C. Sign regulations, Article X.
- D. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91 1048, § 5, 8-16-91; Ord. No. 96-1477, [§ 13](#), 4-15-96)
- E. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, [§ 21](#), 6-16-97)
- F. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

Sec. 6.0. - Two-Family District (Duplex) (R-3).

6.1. *Intent.* To provide low density two-family duplex housing free from uses incompatible with the character of this district.

6.2. *Permitted principal uses.* Single-family dwellings, two-family duplex dwellings accessory structures. (Ord. No. 322, § 7, 5-4-81)

6.3. *Conditional uses.* The same conditional uses are permitted in this district as District E-1, subject to the same conditions.

6.4. *Special exception uses.* The same special uses are permitted in this district as in the District E-1, subject to the same conditions. (Ord. No. 97-1566, [§ 22](#), 6-16-97)

6.5. *Prohibited uses.* Townhouses, multi-family dwellings, all commercial and industrial uses except as specified in subsections 6.3 and 6.4 of this section. (Ord. No. 322, § 8, 5-4-81; Ord. No. 97-1566, [§ 23](#), 6-16-97)

6.6. *Area and dimensional regulations (for two-housing units).*

- A. Minimum lot area: Fifteen thousand (15,000) square feet.
- B. Minimum lot width: Sixty (60) feet.
- C. Minimum yards:
 - Front—Thirty-five (35) feet.
 - Rear—Thirty-five (35) feet.
 - Side—Ten (10) feet.
- D. Minimum livable floor area:
 1. One-story dwelling—Two thousand (2,000) feet (two-housing units).
 2. One and one-half (1½) and two-story dwellings—One thousand six hundred (1,600) square feet on the first floor[;] total minimum for dwelling—Two thousand six hundred (2,600) square feet (two-housing units).

6.7. *Area and dimensional regulations (for one housing unit).*

- A. Minimum lot area: Seven thousand five hundred (7,500) square feet.
- B. Minimum lot width: Sixty (60) feet.

C. Minimum yards:

Front: Twenty (20*) feet.

Rear: Twenty-five (25) feet.

Side: Ten (10) feet.

*Front building setbacks for all lots that front a local street in the same block, may be reduced to five (5) feet when vehicle access to said lots is from the rear of the lots; subject to approval by the planning commission as part of the preliminary plat approval process.

D. Minimum livable floor area:

1. One-story dwelling: One thousand five hundred (1,500) square feet.

2. Dwelling of more than one (1) story: One thousand nine hundred (1,900) square feet.

6.8 *Buffer regulations.* Same as District E-1. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, § 14, 4-5-96; Ord. No 99-1719, § 1, 2-7-00; Ord. No. 05-2063, § 2, 3-21-05)

6.9. *Additional regulations (when applicable).*

A. Cluster development, Article VIII, section 9.0.

B. Off-street parking and loading regulations, Article IX.

C. Sign regulations, Article X.

D. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, § 15, 4-15-96)

E. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 24, 6-16-97)

F. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

(Ord. No. 05-2063, § 2, 3-21-05; Ord. No. 05-2063, § 2, 3-21-05)

Sec. 7.0. - Multifamily District (R-4).

7.1. *Intent.* To provide low density multifamily residential areas in which open space and compatibility with single-family neighborhoods are primary considerations, but permitting selected nonresidential uses which are compatible with the character of this district.

7.2. *Permitted principal uses.* Two-family and multiple dwellings, churches, independent living facility and assisted living facility. (Ord. No. 97-1574, § 1, 7-21-97)

7.3. *Conditional uses.* The same conditional uses as are permitted in District E-1, plus nursing homes; the offices of doctors, dentists, attorneys, and other professionals: and day care centers. (Ord. No. 87-611, § 1, 5-4-87)

7.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, § 25, 6-16-97)

7.5. *Prohibited uses.* Single-family dwellings, all commercial and industrial uses except as specified in subsections 7.3 and 7.4 of this section. (Ord. No. 97-1566, § 26, 6-16-97)

7.6. *Area and dimensional regulations.*

A. Maximum density: Seven (7) multi-family dwelling units per gross acre.

Maximum density for independent living facilities shall be one (1) dwelling unit per two thousand (2,000) square feet of gross land area.

There shall be no maximum density for assisted living facilities.

(Ord. No. 97-1574, § 1, 7-21-97; Ord. No. 05-2059(a), §§ 1, 2, 3-21-05)

B. Reserved. (Ord. No. 97-1574, § 1, 7-21-97)

C. Minimum lot width: Two hundred (200) feet.

D. Minimum yards:

Front—Thirty-five (35) feet.

Rear—Thirty (30) feet.

Side—Twenty-five (25) feet.

- E. Maximum building height:
 1. Independent living facility and assisted living facility: Three (3) stories.
 2. All Other Uses: Two (2) stories.

(Ord. No. 02-1865, § 2, 2-18-02)

- F. Minimum livable floor area:
 1. Two-family dwellings: Same as in district R-3.
 2. Multiple dwellings: One thousand (1,000) square feet per dwelling unit.
 3. Independent living facility: Five hundred (500) square feet per dwelling unit.
 4. There shall be no minimum livable floor area for assisted living facilities.

(Ord. No. 97-1574, § 1, 7-21-97; Ord. No. 05-2059(a), §§ 3, 4, 3-21-05)

4. There shall be no minimum dwelling size for assisted living facilities. (Ord. No. 97-1574, § 1, 7-21-97)

7.7. *Buffer regulations.* When any permitted or conditional use is located wholly or partially adjacent to a single-family or two-family residential district or agriculture district, said use shall provide as a minimum a twenty-five (25) foot wide buffer on all rear and side property lines that abut said districts. See article XIII, section 3.0.

All special exception uses shall be surrounded by a twelve (12) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility, unless said facility is within one hundred (100) feet of a single family or two family residential district, in which case said buffer shall be increased to twenty (20) feet in width. See article XIII, section 3.0. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, [§ 16](#), 4-15-96; Ord. No. 97-1566, [§ 27](#), 6-16-97; Ord. No. 03-1982, § 1, 9-15-03)

7.8. *Additional regulations (when applicable).*

- A. Retirement and nursing home regulations, Article VIII, section 7.0.
- B. Cluster development, Article VIII, section 9.0.
- C. Off-street parking and loading regulations, Article IX.
- D. Sign regulations, Article X.
- E. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, [§ 17](#), 4-15-96)
- F. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, [§ 28](#), 6-16-97)
- G. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

Sec. 8.0. - Townhouse District R-T-4.

8.1. *Intent.* To provide townhouse residential areas.

8.2. *Permitted principal use.* Townhouse multiple dwellings.

8.3. *Conditional uses.* Because of the unique nature of townhouse development and small lot sizes, no use other than townhouse dwellings is permitted.

8.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, [§ 29](#), 6-16-97)

8.5. *Prohibited uses.* Any use other than a townhouse dwelling and accessory structures except uses specified in subsection 8.4 of this section. (Ord. No. 97-1566, [§ 30](#), 6-16-97)

8.6. *Area and dimensional regulations.*

- A. Maximum density: Seven (7) dwellings per gross acre.
- B. Minimum lot width: Twenty-six (26) feet.
- C. Minimum building setbacks: No building located in the R-T-4 district shall be located closer than twenty (20) feet from a public street right-of-way nor closer than twenty-five (25) feet from an R-T-4 district boundary that abuts an A-1, R-E, E-1, E-2, PR-1, R-1, R-2, R-3 or PRD zoning district boundary. Front building setbacks for all lots that front a local street in the same block, may be reduced to five (5) feet

when vehicle access to said lots is from the rear of the lots; subject to approval by the planning commission as part of the preliminary plat approval process. All structures shall be located so as to conform to the International Building Code as may be amended by the city and the International Fire Prevention Code.

D. Minimum livable floor area:

1. One story townhouse: One thousand two hundred and fifty (1,250) square feet.
2. Townhouse of more than one-story: One thousand six hundred and fifty (1,650) square feet.

(Ord. No. 310, § 4, 12-15-80; Ord. No. 86-464, § 2, 1-6-86; Ord. No. 96-1482, § 3, 6-3-96; Ord. No. 97-1567, § 1, 6-16-97; Ord. No. 02-1933, § 1, 9-3-02; Ord. No. 05-2063, § 3, 3-21-05)

8.7. *Buffer regulations.* When a townhouse development is located wholly or partially adjacent to a single-family or two-family residential district or agriculture district, said use shall provide as a minimum a twenty five (25) foot wide buffer on all rear and side property lines that abut said districts. All special exception uses shall be surrounded by a twenty (20) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility. See article XIII, section 3.0. (Ord. No. 322, [§ 17](#), 5-4-81; Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, [§ 18](#), 4-15-96; Ord. No. 97-1566, [§ 31](#), 6-16-97; Ord. No. 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

8.8. *Additional regulations.*

- A. Cluster development, Article VIII, section 9 0.
- B. Off-street parking and loading regulations, Article IX.
- C. Sign regulations, Article X.
- D. Each townhouse shall be designed and constructed so as to enable the sale of each as a separate housing unit.
- E. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91 1048, § 5, 8-16-91; Ord. No. 96-1477, [§ 19](#), 4-15-96)
- F. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, [§ 32](#), 6-16-97)
- G. Highway 280 Overlay District Regulations, Article XV. (Ord. No. 99-1719, § 1, 2-7-00)

(Ord. No. 310, § 4, 12-15-80)

Sec. 9.0. - Preferred Commercial (Office) District (C-P).

9.1. *Intent.* To establish and preserve areas for employment activity and service to public which do not materially detract from nearby residential areas.

9.2. *Permitted principal uses.* Buildings used exclusively for office and office/technical uses, as defined herein. Office buildings with total floor area greater than five thousand (5,000) square feet may allocate a maximum of fifteen (15) percent of the floor area to retail uses, except any type of restaurant, which are appropriate to an office building environment and primarily intended for service to the office building tenants, visitors or patients. (Ord. No. 85-456, § 2, 11-18-85, Ord. No. 87-581, § 3, 3-2-87; Ord. No. 99-1691, § 2, 5-17-99)

9.3. *Conditional uses.* Churches, schools, clinics, nursing homes, mortuaries, banks, food service restaurants located within an office building with total floor area greater than five thousand (5,000) square feet, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 District, and other uses deemed by the planning commission to be in accordance with the intent of this district. (Ord. No. 85-456, § 3, 11-18-85; Ord. No. 87-581, § 3, 3-2-87; Ord. No. 97-1574, § 1, 7-21-97)

9.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, [§ 33](#), 6-16-97)

9.5. *Prohibited uses.* Except as provided in subsections 9.2, 9.3 and 9.4 of this section, any office, business or establishment wherein retail or wholesale trade is conducted or wherein any commodities, merchandise, or products are manufactured; on- and off-premise sale of alcoholic beverages. (Ord. No. 85-456, § 4, 11-18-85; Ord. No. 87-581, § 3, 3-2-87; Ord. No. 97-1566, [§ 34](#), 6-16-97; Ord. No. 97-1574, § 1, 7-21-97)

9.6. *Area and dimensional regulations.*

- A. Minimum yards:
 - Front—Forty (40) feet.
 - Rear—Thirty-five (35) feet*.
 - Side—Thirty-five (35) feet ^{[63]**}.
- B. Building height limit: No building shall exceed thirty (30) feet in height when any portion of the subject property is adjacent to a single-family or two-family zone and sixty (60) feet in height in all other situations.

9.7. *Buffer regulations.* When any permitted or conditional use is located wholly or partially adjacent to a residential district or agriculture district, said use shall provide as a minimum a twenty five (25) foot wide buffer on all rear and side property lines that abut said districts. See article XIII, section 3.0. All special exception uses shall be surrounded by a twelve (12) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility, unless said facility is within one hundred (100) feet of a single family or two family residential district, in which case said buffer shall be increased to twenty (20) feet in width. See article XIII, section 3.0. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, § 20, 4-15-96; Ord. No. 97-1566, § 35, 6-16-97; Ord. No 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

9.8. *Additional regulations (when applicable).*

- A. Retirement and nursing home regulations, Article VIII, section 7.0.
- B. Off-street parking and loading regulations, Article IX.
- C. Sign regulations, Article X.
- D. Applicable only when C-P District is adjacent to a residential zone:
 - 1. Each structure located in the C-P District shall have a service yard, or yard adequate for the handling of wastes and garbage and the loading and unloading of vehicles. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the structure and be enclosed on three (3) sides with a permanent wall or fence, at least six (6) feet tall and adequate to conceal the service yard from visibility.
 - 2. No exterior lighting fixture including lighting for parking areas, walkways, general illumination or any other purposes, except signs, shall extend more than twelve (12) feet in height measured from the ground and be constructed to direct the beam away from any residential area.
- E. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, § 21, 4-15-96)
- F. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 36, 6-16-97)
- G. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

(Ord. No. 310, § 5, 12-15-80)

Sec. 10.0. - C-1 Neighborhood Shopping District.

10.1. *Intent.* To establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential area, while minimizing the undesirable impact of such uses on the neighborhoods which they serve.

10.2. *Permitted principal uses.* All principal permitted uses in District C-P, plus barber or beauty shops; banks; convenience stores; drug stores; dry cleaning outlets; coin-operated laundromats; day-care nurseries; grocery stores, catering restaurants where food is not cooked with a fire which emits smoke outside the building, food service restaurants and other neighborhood service facilities. (Ord. No. 96-1468, § 1, 3-18-96)

10.3. *Conditional uses.* Schools, where the type of school is compatible with nearby residential areas, churches, shopping centers and nursing homes, veterinary clinic, no outside kennels; off-premise sale of beer and wine, and independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 District. (Ord. No. 87-581, § 4, 3-2-87; Ord. No. 97-1574, § 1, 7-21-97; Ord. No. 06-2109, § 1, 2-6-06)

10.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, § 37, 6-16-97)

10.5. *Prohibited uses.* Any wholesale establishment, any type of restaurant, any retail establishment which dispenses gasoline or requires outside storage of equipment, commodities or other materials not located within an enclosed service yard, on premise sale of alcoholic beverages, off-premise sale of liquor and live entertainment. (Ord. No. 83-356, §§ 1, 2, 3-2-83; Ord. No. 85-456, § 5, 11-18-85; Ord. No. 87-581, § 4, 3-2-87; Ord. No. 92-1086, § 3, 7-6-92; Ord. No. 96-1468, § 2, 3-18-96; Ord. No. 97-1574, § 1, 7-21-97)

10.6. *Area and dimensional regulations.*

A. Minimum yards:

Front—Eighty (80) feet.

Rear—Thirty (30) feet*.

Side—Twenty-five (25) feet ^{[64]**}.

B. Building height limitation: No structure shall be higher than thirty (30) feet.

C. The maximum permitted size of a retail or service establishment located in a shopping center shall be four thousand five hundred (4,500) square feet.

Shopping centers are prohibited on lots or parcels with less than sixty thousand (60,000) square feet of area. The maximum floor area of buildings containing one (1) retail or service establishment, and of shopping centers, shall be determined as a percent of lot or parcel area, as follows:

MAXIMUM BUILDING FLOOR AREA

Type of Building	Lot or Parcel Area in Square Feet			
	Less than 40,000	40,000 to 59,999	60,000 to 99,999	100,000 or more
Type of Building Maximum floor area of a building containing one retail or service establishment, expressed as a percent of lot or parcel area	8%	12%	12%	12%
Maximum floor area of a shopping center building, expressed as a percent of lot or parcel area	N/A	N/A	20%	25%

(Ord. No. 85-456, § 6, 11-18-85)

10.7. *Buffer regulations.* When any permitted or conditional use is located wholly or partially adjacent to a residential district, office or agriculture district, said use shall provide as a minimum a twenty-five (25) foot wide buffer on all rear and side property lines that abut said districts. See article XIII, section 3.0. All special exception uses shall be surrounded by a twelve (12) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility, unless said facility is within one hundred (100) feet of a single family or two family residential district, in which case said buffer shall be increased to twenty (20) feet in width. See article XIII, section 3.0. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, [§ 22](#), 4-15-96; Ord. No. 97-1566, [§ 38](#), 6-16-97; Ord. No 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

10.8. *Additional regulations (when applicable).*

- A.. Shopping centers, Article VIII, section 3.0.
- B. Retirement and nursing homes, Article VIII, section 7.0.
- C. Off-street parking and loading requirements, Article IX.
- D. Sign regulations, Article X.
- E. Each commercial structure located in the C-1 District shall have a service yard, adequate for the handling of wastes and garbage and loading and unloading of vehicles. Such service yard shall be paved, have access to a public street or alley, be located to the side or rear of the structure and be enclosed on three (3) sides with a permanent wall or fence, at least six (6) feet tall and adequate to conceal the service yard from visibility.
- F. No exterior lighting fixture including lighting for parking areas, walkways, general illumination or any other purposes, except signs, shall extend more than twelve (12) feet in height measured from the ground. All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent residential areas.
- G. No materials, supplies nor equipment shall be stored in any area on a site except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from neighboring properties and public streets.
Said visual barrier shall be either a planting screen of evergreen shrubs or a wall or fence constructed of material similar to and compatible with that of the building.
- H. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 89-856 § 3, 1-15-90; Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, § 23, 4-15-96)
- I. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 39, 6-16-97)
- J. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

(Ord. No. 310, § 6, 12-15-80)

Sec. 11.0. - C-2 Community Business District.

11.1. *Intent.* To establish and preserve retail business district convenient to the public and attractive for a wide range of retail uses.

11.2. *Permitted principal uses.* Any permitted principal use in the C-P and C-1 districts, plus automobile dealerships, auto parts store, bakery which bakes goods for on-premise retail sale only, building material sales-no outside lumber yard, department stores, domestic equipment rental, furniture stores, grocery stores, main bank, motels and hotels, motion picture theatre, all types of restaurants, veterinary clinic-no outside kennels, nursing home, other retail stores deemed appropriate by the city. (Ord. No. 82-344, § 1, 6-21-82; Ord. No. 86-533, § 1, 9-2-86; Ord. No. 87-581, § 5, 3-2-87; Ord. No. 97-1574, § 1, 7-21-97)

11.3. *Conditional uses.* Shopping centers, hospitals, self-service storage facilities, uses listed in section 12.2 (B) of the General Business District, commercial recreation and amusement facilities, on and off-premise sale of alcoholic beverages, live entertainment, churches and schools, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 district, bakery which contains a restaurant that serves goods baked on the premises, retail nurseries, garden centers and other retail establishments wherein the retail sale of plant material is the primary use of the premises, but which also provide landscaping installation and/or maintenance services or wholesale distribution of plant materials as a secondary use of the premises, used motor vehicle sales establishment. (Ord. No. 83-356, § 3, 3-2-83; Ord. No. 92-1086, § 4, 7-6-92; Ord. No. 97-1574, § 1, 7-21-97; Ord. No. 97-1605, § 1, 12-15-97; Ord. No. 00-1788, § 1, 12-18-00; Ord. No. 01-1794, § 1, 3-19-01; Ord. No. 01-1821, § 1, 7-16-01; Ord. No. 02-1899, §§ 2, 3, 5-6-02; Ord. No. 06-2109, § 2, 2-6-06)

11.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, § 40, 6-16-97)

11.5. *Prohibited uses.* Any wholesale establishment, any industrial, manufacturing, storage or other use not in accordance with the intent of this district, including but not limited to uses listed in sections 14.2(B) and 14.3 of the Light Industrial District and establishments where on-premise sale of alcoholic beverages is the primary use or business activity. (Ord. No. 335, § 4, 10-5-81; Ord. No. 92-1086, § 5, 7-6-92; Ord. No. 97-1574, § 1, 7-21-97)

11.6. *Area and dimensional regulations.*

- A. Minimum yards:
 - Front—Fifty (50) feet.
 - Rear—Thirty (30) feet*.
 - Side—Fifteen (15) feet ^{[65]**}.
- B. Building height limitations: No structure shall exceed sixty (60) feet.

11.7. *Buffer regulations.* When any permitted or conditional use with floor area less than one hundred thousand (100,000) square feet is located wholly or partially adjacent to a single family or two-family residential district or agriculture district, said use shall provide as a minimum a fifty (50) foot wide buffer on all rear and side property lines that abut said districts. When any permitted or conditional use with floor area equal to or greater than one hundred thousand (100,000) square feet is located wholly or partially adjacent to a single family or two-family residential district or agriculture district, said use shall provide as a minimum a one hundred (100) foot wide buffer on all rear and side property lines that abut said districts. When any permitted or conditional use is located wholly or partially adjacent to a multi-family residential or office district, said use shall provide as a minimum a twenty-five (25) foot wide buffer on all rear and side property lines that abut said districts. See article XIII, section 3.0.

All special exception uses shall be surrounded by an eight (8) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility. If the facility is adjacent to an office or multi-family residential district said buffer shall be increased to twelve (12) feet in width. If the facility is within one-hundred feet of a single family or two family residential district, said buffer shall be increased to twenty (20) feet in width. See article XIII, section 3.0. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, [§ 24](#), 4-15-96; Ord. No. 97-1566, § 41, 6-16-97; Ord. No 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

11.8. *Additional regulations (when applicable).*

- A. Shopping center regulations, Article VIII, section 3.0.
- B. Reserved. (Ord. No. 85-434, § 1, 5-20-85)
- C. Drive-up restaurant regulations, Article VIII, section 5.0. (Ord. No. 87-581, § 6, 3-2-87)
- D. Hospital and sanitarium regulations, Article VIII, section 6.0.
- E. Retirement and nursing home regulations, Article VIII, section 7.0.
- F. Off-street parking and loading regulations, Article IX.
- G. Sign regulations, Article X.
- H. Mini-warehouses regulations, Article VIII, section 10.0.
- I. Off-premise sale of liquor regulations, Article VIII, section 11.0.
- J. No materials, supplies nor equipment shall be stored in any area on a site except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from neighboring properties and public streets.
Said visual barrier shall be either a planting screen of evergreen shrubs or a wall fence constructed of material similar to and compatible with that of the building.
- K. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 89-856 § 3, 1-15-90; Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, [§ 25](#), 4-15-96)
- L. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 42, 6-16-97)
- M. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

(Ord. No. 83-356, § 4, 3-2-83)

Sec. 12.0. - C-3 General Business District.

12.1. *Intent.* To establish and preserve a retail business district which is easily accessible to a large volume of vehicular traffic and provides retail activity in support thereof.

12.2. *Permitted principal uses.*

- A. Permitted principal uses of the C-P, C-1 and C-2 Districts, plus:

- B. Gasoline service station, car wash, and other retail and minor repair establishments which serve automotive functions such as muffler, tire, battery, brake and transmission shops.

(Ord. No. 339, § 4, 2-15-82; Ord. No. 97-1605, § 1, 12-15-97)

12.3. *Conditional uses.* Shopping centers, hospitals, self-service storage facilities, commercial recreation and amusement facilities, off-premise sale of alcoholic beverages, churches and schools, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 district. (Ord. of 92-1086, § 6, 7-6-92; Ord. No. 97-1574, § 1, 7-21-97; Ord. No. 97-1605, § 1, 12-15-97; Ord. No. 01-1794, § 2, 3-19-01; Ord. No. 06-2109, § 3, 2-6-06)

12.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, § 43, 6-16-97)

12.5. *Prohibited uses.* Any wholesale establishment, any industrial, manufacturing, storage or other uses not in accordance with the intent of this district, including but not limited to uses listed in sections 14.2(B) and 14.3 of the Light Industrial District; on-premise sale of alcoholic beverages and live entertainment. (Ord. No. 83-356, § 5, 3-2-83; Ord. No. 92-1086, § 7, 7-6-92; Ord. No. 97-1574, § 1, 7-21-97)

12.6. *Area and dimensional regulations.*

- A. Minimum yards:

Front—Fifty (50) feet.

Rear—Thirty (30) feet*.

Side—Fifteen (15) feet ^{[66]**}.

- B. Building height limitations: No structure shall exceed sixty (60) feet.

12.7. *Buffer regulations.* Same as the C-2 district, article VI, section 11.7. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, § 26, 4-15-96; Ord. No. 97-1566, § 44, 6-16-97; Ord. No 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

12.8. *Additional regulations (when applicable).*

- A. Shopping center regulations, Article VIII, section 3.0.
- B. Gasoline service station regulations, Article VIII, section 4.0.
- C. Drive-up restaurant regulations, Article VIII, section 5.0. (Ord. No. 87-581, § 7, 3-2-87)
- D. Hospital and sanitarium regulations, Article VIII, section 6.0.
- E. Retirement and nursing home regulations, Article VIII, section 7.0.
- F. Off-street parking and loading regulations, Article IX.
- G. Sign regulations, Article X.
- H. Mini-warehouses regulations, Article VIII, section 10.0.
- I. Off-premise sale of liquor, Article VIII, section 11.0.
- J. No materials, supplies nor equipment shall be stored in any area on a site except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from neighboring properties and public streets.
Said visual barrier shall be either a planting screen of evergreen shrubs or a wall or fence constructed of material similar to and compatible with that of the building.
- K. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 89-856, § 3, 1-15-90; Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, § 27, 4-15-96)
- L. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 45, 6-16-97)
- M. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

(Ord, No. 339, § 5, 2-15-82; Ord. No. 83-356, § 6, 3-2-83)

Sec. 13.0. - C-4 Commercial District.

13.1. *Intent.* To establish areas for the sale and consumption of on-premise alcoholic beverages.

13.2. *Permitted uses.* Establishments where on-premise sale of alcoholic beverages is the primary use or business activity. (Ord. No. 92-1086, § 8, 7-6-92)

13.3. *Conditional uses.* Live entertainment. (Ord. No. 92-1086, § 9, 7-6-92)

13.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, § 46, 6-16-97)

13.5. *Prohibited uses.* Off-premise sale of alcoholic beverages. (Ord. No. 92-1086, § 9, 7-6-92)

13.6. *Area and dimensional regulations.*

A. Minimum yards:

Front—Fifty (50) feet.

Rear—Thirty (30) feet*.

Side—Fifteen (15) feet ^{[67]**}.

B. Building height limitations: Sixty (60) feet.

13.7. *Buffer regulations.* Same as the C-2 district, article VI, section 11.7. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 92-1086, § 9, 7-6-92; Ord. No. 96-1477, § 28, 4-15-96; Ord. No. 97-1566, § 47, 6-16-97; Ord. No 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

13.8. *Additional regulations.*

A. Off-street parking and loading regulations, Article IX.

B. Sign regulations, Article X.

C. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 92-1086, § 9, 7-6-92; Ord. No. 96-1477, § 29, 4-15-96)

D. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 48, 6-16-97)

E. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

Sec. 14.0. - I-1 Light Industrial District.

14.1. *Intent.* To establish and preserve areas for industrial and selected commercial uses that are compatible with light industry.

14.2. *Permitted principal uses.*

A. Principal permitted uses in the C-P, C-1, C-2 and C-3 Districts.

B. Major automobile repair or renovation facilities not housed in the same structure or accessory structure to an automobile sales establishment, bakery, bottling plant, building material sales with outside storage and lumber yards, contractor yards, domestic animal kennels, farm machinery and farm supply sales, heavy equipment sales and service, highway maintenance yards and buildings, janitorial and maintenance service, laundry or dry cleaning plant, printing establishments, sanitary sewage treatment facilities, warehouses, water storage tanks, wood-working shops, self-service storage facilities, other wholesale or light industrial uses deemed appropriate by the planning commission. (Ord. No. 322, § 9, 5-4-81; Ord. No. 97-1605, § 1, 12-15-97)

14.3. *Conditional uses.* Shopping center, hospitals and sanitariums; churches and schools, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 District; and cemeteries. (Ord. No. 97-1574, § 1, 7-21-97; Ord. No. 06-2109, § 4, 2-6-06)

14.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, § 49, 6-16-97)

14.5. *Prohibited uses.* Any storage of junk or wrecked vehicles for purposes other than for repair or service, garbage disposal plants or landfills, any other uses which are detrimental to property or to the health and safety beyond the district by reason of the emission of odor, dust, gas, fumes, smoke, noise, vibration or waste material, on-premise and off-premise sale of alcoholic beverages and live entertainment. (Ord. No. 335, § 5, 10-5-81; Ord. No. 92-1086, § 10, 7-6-92; Ord. No. 97-1574, § 1, 7-21-97)

14.6. *Area and dimensional regulations.*

- A. Minimum yards:
 - Front—Thirty-five (35) feet.
 - Rear—Thirty-five (35) feet.
 - Side—Thirty-five (35) feet ^[68]*
- B. Building height limitations: Sixty (60) feet.

14.7. *Buffer regulations.* Same as the C-2 district, article VI, section 11.7. (Ord. No. 91-1048, § 3, 8-16-91; Ord. No. 96-1477, § 30, 4-15-96; Ord. No. 97-1566, § 50, 6-16-97; Ord. No. 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

14.8. *Additional regulations (when applicable).*

- A. Shopping center regulations, Article VIII, section 3.0.
- B. Gasoline service station regulations, Article VIII, section 4.0.
- C. Drive-up restaurant regulations, Article VIII, section 5.0. (Ord. No. 87-581, § 8, 3-2-87)
- D. Hospital and sanitarium regulations, Article VIII, section 6.0.
- E. Retirement and nursing home regulations, Article VIII, section 7.0.
- F. Cemetery regulations, Article VIII, section 8.0.
- G. Off-street parking and loading regulations, Article IX.
- H. Sign regulations, Article X.
- I. Mini-warehouses regulations, Article VIII, section 10.0.
- J. Reserved. (Ord. No. 92-1086, § 11, 7-6-92)
- K. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, § 31, 4-15-96)
- L. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 51, 6-16-97)
- M. Highway 280 Overlay District Regulations, Article XV. (Ord. No. 99-1719, § 1, 2-7-00)

(Ord. No. 339, § 6, 2-15-82; Ord. No. 83-356, § 7, 3-2-83)

14.9. *Development criteria for industrial parks.* Prior to issuance of a building permit, the applicant shall submit and obtain approval from the planning and zoning commission of a site plan which meets the following requirements:

- A. Access by way of a major thoroughfare adequate and suitable for the accommodation of truck traffic.
- B. All streets, or roadways within an industrial park shall have a minimum right-of-way width of seventy (70) feet, a maximum gradient of five (5) percent and shall conform to City of Hoover standards for commercial streets, or as otherwise approved by the planning commission.
- C. Off-street parking and loading shall be provided in accordance with Article IX of this ordinance.
- D. Outdoor storage in an industrial park shall be permitted only when accessory to a permitted principal use, and only when storage areas are suitably screened by either landscaping, fences or walls, and are located at least fifty (50) feet from any property lines and at least one hundred (100) feet from any street lines. Such storage areas shall not cover more than fifteen (15) percent of the site areas. The planning commission shall approve plans for the location and screening of all outdoor storage areas before a building permit shall be issued for their construction.
- E. A greenbelt not less than twenty (20) feet wide shall be provided along all property lines of an industrial park which abut a residential zone.
- F. Cul-de-sac streets shall be permitted in industrial parks when they are less than five hundred (500) feet long as measured from the terminal point of the cul-de-sac street to the closest intersection, and when such terminal point is provided with a paved vehicle turnaround area having a minimum radius of seventy (70) feet.
- G. Street lighting shall be provided as approved by the City of Hoover.
- H. Sight distances at all points of ingress and egress to public thoroughfares or highways shall not be less than five hundred (500) feet, except where a traffic signal light is installed.

- I. Where points of ingress to or egress from industrial parks are located on public thoroughfares having speed limits in excess of thirty (30) miles per hour, there shall be provided on the public thoroughfare, acceleration and deceleration lanes. the lengths of which shall be determined by the following schedule:

Speed limit in miles per hour	30	40	50	55
Distance in feet	100	200	300	400

- J. A report of sub-surface soil conditions shall be provided to the planning commission by a registered professional engineer.
- K. A preliminary plan or engineering feasibility report shall be submitted to the planning commission which provides for the site grading, storm drainage, sanitary sewerage, and water supply, prepared by a registered professional engineer.
- L. A copy of brief of intended deed restrictions shall be provided to the planning commission.

Sec. 15.0. - PRD Planned Residential Development District.

15.1. *Intent.* Planned Residential Development (PRD), is a method of residential zoning which requires land to be developed in compliance with an approved site development plan. It encourages the preservation and enhancement of natural amenities of the site; flexibility and creativity of design, and a greater diversity of building types, open space arrangements and other aspects of residential land planning, while at the same time preserving public health, safety and general welfare and the intent of the zoning ordinance.

15.2. *Permitted principal uses.* Detached single family dwellings and accessory structures.

15.3. *Conditional uses.* The same conditional uses are permitted in this district as in the E-1 district, subject to the same conditions; plus uses ancillary to residential uses in the PRD, including, but not limited to: nonprofit recreation facilities, and commonly owned improvements intended to serve the residents of the PRD; and home occupations.

15.4. *Special exception uses.* Telecommunications facilities. (Ord. No. 97-1566, § 52, 6-16-97)

15.5. *Prohibited uses.* The same uses are prohibited in this district as in the E-1 district, subject to the same conditions.

15.6. *Area and dimensional regulations.*

- A. Minimum lot width: Sixty (60) feet, except that the minimum lot width shall be fifty (50) feet when vehicle access to the lot is limited to a rear alley.
- B. Minimum building setbacks: No building located in the PRD district shall be located closer than twenty (20) feet from a public street right-of-way nor closer than twenty-five (25) feet from a PRD district boundary that abuts an A-1, R-E, E-1, E-2, PR-1, R-1, R-2, or R-3 zoning district boundary. Front building setbacks for all lots that front a local street in the same block, may be reduced to five (5) feet when vehicle access to said lots is from the rear of the lots, and may be reduced to fifteen (15) feet when the garages are setback more than thirty five (35) feet from the fronting street; subject to approval by the Planning Commission as part of the preliminary or final plat approval or amendment processes. If the reduced front setback prevents installation of the front yard tree(s) required in Article XIII, the required tree(s) shall be installed in a viable location in the side or rear yard of the subject lot. All structures shall be located so as to conform to the International Building Code, as adopted and as may be amended by the city and the International Fire Prevention Code.

(Ord. No. 07-2155, § 1, 1-7-08; Ord. No. 09-2179, § 1, 7-20-09)

- C. The maximum permitted density of a PRD shall be four (4) dwellings per gross acre. Although areas within the PRD may exceed the permitted density, when the number of dwellings in the PRD are divided by the gross acreage of the PRD, the average density shall be less than or equal to four (4) dwellings per gross acre. No portion of the PRD shall exceed ten (10) dwellings per gross acre.
- D. A minimum of twenty (20) percent of the gross PRD land area shall be devoted to commonly owned open space when any portion of the PRD exceeds six (6) dwellings per gross acre. Said open space shall be distributed throughout the PRD in a manner which is useable by the residents.
- E. Maximum building height shall be thirty-five (35) feet. Minimum livable floor area for a one-story dwelling shall be one thousand five hundred (1,500) square feet. Minimum livable floor area for one and one-half and two-story dwellings shall be one thousand nine hundred (1,900) square feet, with at least one thousand (1,000) square feet of livable floor area on the first floor. This ordinance shall have prospective operation only. (Ord. No. 90-908, § 1, 7-16-90)
- F. The PRD should preserve and enhance the natural amenities and unique features of the site and compliment the existing natural and manmade environment of the area.

(Ord. No. 91-1014, § 3, 4-15-91; Ord. No. 94-1253, § 1, 5-16-94; Ord. No. 94-1273, § 1, 8-15-94; Ord. No. 97-1567, § 1, 6-16-97; Ord. No. 02-1933, § 2, 9-3-02; Ord. No. 05-2063, § 4, 3-21-05)

15.7. *Buffer regulations.* All conditional uses requiring a structure shall provide as a minimum a twenty-five (25) foot wide buffer on all rear and side property lines that abut a residential district. Schools and churches shall provide as a minimum a thirty-five (35) foot wide buffer on all rear and side property lines that abut a single family residential district and a twenty-five (25) foot wide buffer on all rear and side property lines that abut a multi-family residential district. All special exception uses shall be surrounded by a twenty (20) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility. See article XIII, section 3.0. (Ord. No 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

15.8. *Zoning application requirements.* In addition to the requirements of Article III, section 2.0, of this ordinance, the applicant shall submit to the city clerk:

- A. A vicinity map which depicts the area within five hundred (500) feet of the subject property, showing the location of the subject property; and all property lines, public rights-of-way, zoning districts, and use of land in the vicinity.
- B. A written statement which describes the general approach to development, including: The proposed number and percentage of each dwelling type; characteristics of land and dwelling ownership; and density expressed in dwellings per gross acre, for each dwelling type, each acre of the PRD and the total development.
- C. A copy of proposed protective covenants and deed restrictions, including provisions for ownership and maintenance of any commonly owned open space which may be part of the PRD.
- D. A site development plan which contains the following:
 1. The direction of north; appropriate scale; topography in not more than five-foot contour intervals; and the location of natural and manmade features which influence the design of the PRD.
 2. The proposed location and dimensions of lots or dwellings, accessory and conditional uses, open space, greenbelts, fences or walls, and other proposed structures and improvements.
 3. Proposed traffic circulation for the PRD, to include the location of streets, off street parking areas and points of ingress and egress to the property from the public street system.
 4. Legal description of the subject property.
 5. An approval certification block as follows:

I, _____, City Clerk of the City of Hoover, Alabama, hereby certify that this PRD Development Plan was approved by the Hoover City Council, by Ordinance Number _____, at a meeting of said Council on this _____/_____/_____ day of _____, 20_____.

15.9. *Site development plan review.* The approved development plan and all notes and certifications thereon, as well as other stipulations and conditions which are part of or referred to in the adopting ordinance, shall govern the development of the property depicted on the plan. Because of the conceptual nature of the site development plan, its approval by the city is subject to compliance with all applicable land development law, including, but not

limited to: the zoning ordinance, subdivision regulations, building and fire codes. Variances to the above-stated laws may be approved by the city, through procedures set forth therein. Approval of a site development plan does not constitute approval of a subdivision plat.

15.10. *Site development plan amendment.* Minor changes in the location of dwellings or other improvements depicted on approved development plan may be authorized by the building official. The building official shall not vary a dimension by more than ten (10) percent, nor permit a variance to any minimum or maximum requirement of the zoning ordinance, subdivision regulations, protective covenants, development plan, nor development plan adopting ordinance.

Major changes to the development plan shall be approved by the planning and zoning commission and city council, in compliance with the requirements of Article III, subsection 2.11, of this ordinance.

15.11. *Additional regulations.*

- A. Off-street parking and loading regulations, Article IX, page 41.
- B. Sign regulations, Article X, page 45.
- C. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 91-1048, § 5, 8-16-91; Ord. No. 96-1477, § 32, 4-15-96)
- D. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 54, 6-16-97)
- E. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

(Ord. No. 88-764, § 1, 11-21-88)

Sec. 16.0. - Residential-Equestrian District (R-E).

16.1. *Intent.* To provide low density residential areas where the raising and keeping of horses is permitted as an accessory use.

16.2. *Permitted uses.* Detached single family dwellings and accessory uses including the raising and keeping of horses, along with necessary buildings and structures, subject to the requirements of this district.

16.3. *Conditional uses.* The same conditional uses are permitted in this district as in District E-1, subject to the same conditions.

16.4. *Special exception uses.* Telecommunications facility. (Ord. No. 97-1566, § 55, 6-16-97)

16.5. *Prohibited uses.* The same uses are prohibited in this district as in District E-1, subject to the same conditions.

16.6. *Area and dimensional regulations.*

- A. Minimum lot area: One acre.
- B. Minimum lot width: One hundred fifty (150) feet.
- C. Minimum yards:
 - Front—Seventy-five (75) feet.
 - Rear—Seventy-five (75) feet.
 - Side—Twenty-five (25) feet.
- D. Minimum livable floor area:
 - 1. One story residence—Two thousand four hundred (2,400) square feet.
 - 2. One and one-half (1½) or two-story residence—Two thousand eight hundred (2,800) square feet.

16.7. *Regulations pertaining to the raising and keeping of horses.*

- A. A minimum lot area of five (5) acres is required to raise or keep horses. The maximum number of horses permitted on a premises shall be one horse per acre.
- B.

The raising and keeping of horses is permitted as an accessory use to residential use. The raising and keeping of horses is permitted only on premises where a single family detached dwelling is the principal use. Horse shows, rodeos and other activities which detract from the residential environment of the neighborhood are prohibited.

- C. Article VII, Section 5.0(G) pertaining to accessory structures shall apply to accessory structures which are not related to the raising or keeping of horses. Accessory structures related to the raising or keeping of horses shall be located in the rear yard of the premises, shall not occupy more than fifteen (15) percent of the rear yard of the premises, and shall be setback a minimum of fifty (50) feet from the side and rear property lines, seventy-five (75) feet from the front property line and one hundred (100) feet from any dwelling other than the principle dwelling located on the premises.

16.8. *Buffer regulations.* All conditional uses requiring a structure shall provide as a minimum a twenty-five (25) foot wide buffer on all rear and side property lines that abut a residential district. Schools and churches shall provide as a minimum a thirty-five (35) foot wide buffer on all rear and side property lines that abut a single family residential district and a twenty-five (25) foot wide buffer on all rear and side property lines that abut a multi-family residential district. All special exception uses shall be surrounded by an twenty (20) foot wide buffer on all property or boundary lines that form the smallest geometric figure enclosing the facility, except as necessary for access to the facility. See article XIII, section 3.0. (Ord. No. 96-1477, [§ 33](#), 4-15-96; Ord. No. 97-1566, § 56, 6-16-97; Ord. No 99-1719, § 1, 2-7-00; Ord. No. 03-1982, § 1, 9-15-03)

16.9. *Additional regulations (when applicable).*

- A. Off-street parking and loading regulations, Article IX.
- B. Sign regulations, Article X.
- C. Tree conservation, buffers and landscaping, Article XIII. (Ord. No. 96-1477, [§ 34](#), 4-15-96)
- D. Telecommunications regulations, Article XIV. (Ord. No. 97-1566, § 57, 6-16-97)
- E. Highway 280 Overlay District Regulations, Article XV. (Ord. No 99-1719, § 1, 2-7-00)

(Ord. No. 95-1430, § 2, 12-18-95)

Sec. 17.0. - Mixed Use District (MXD).

- 17.1. *Intent.* To create communities with a unified development concept that is diverse, compact and pedestrian oriented.
- 17.2. *Permitted uses.* Commercial, office, institution, and residential uses that are mixed horizontally and vertically on the site, and open space.
- 17.3. *Conditional uses.* Sale of alcoholic beverages and live entertainment.
- 17.4. *Special exception uses.* Telecommunications facility.
- 17.5. *Prohibited uses.* Industrial or manufacturing uses and any use that requires the outdoor storage of materials or equipment.
- 17.6. *Density.*
 - A. When the subject property is large enough and has suitable shape and dimensions, the Mixed Use District shall be divided into blocks defined by public or private streets. Block size shall range from: 400' by 400' to 400' X 600'.
 - B. Minimum floor area ratio (FAR) for each lot or parcel: 0.5.
 - C. Minimum building street frontage for each lot or parcel: 75 percent.
 - D. Pedestrian oriented open space, including parks, plazas, courtyards, outdoor dining areas and landscaping shall comprise at least ten (10) percent of the gross land area of the Mixed Use District. This requirement shall satisfy the requirements of article XIII.
- 17.7. *Diversity.* All buildings shall be multi-story and feature more than one use, such as retail on the ground floor with office or residential uses on the floors above.
- 17.8. *Design.*
 - A. The Mixed Use District shall have a unified architectural design for buildings, streetscapes, open space, plazas and parking areas.
 - B.

- Minimum building height: 2 stories.
- C. Maximum front building setback: five (5) feet, except where outdoor dining areas, plazas, courtyards or other amenities front the street.
 - D. All streets shall include sidewalks that are at least eight (8) feet wide and street trees that qualify for tree canopy credit, planted on thirty (30) foot centers.
 - E. Primary building entrances on the ground floor shall front the street, unless the tenant space does not adjoin the street.
 - F. Off-street parking shall be located to the side or rear of the building.
 - G. Building service equipment shall be located on the roof or to the rear of the building.
 - H. Building facades shall feature architectural recesses at street level which are set back from the street line so as to create articulation of the building wall.
 - I. Facade treatment shall reflect different interior uses, combining larger degrees of transparency for retail space and smaller openings for residential space. Retail facades shall incorporate transparent areas that integrate the interior space with street activity.
 - J. Minimum ground floor height: 14 feet.
- 17.9. *Parking.* The Mixed Use District shall feature a combination of on-street and off-street parking, if the on-street parking is approved by the city.
- The minimum parking ratios shall be:

USE	MINIMUM PARKING REQUIREMENT
General Retail and Office	4 Spaces per 1,000 square feet of gross floor area
Restaurants	8 Spaces per 1,000 square feet of gross floor area
Residential	1.5 Spaces per unit
Other	As required in article IX

- 17.10. *Buffers.* Because each Mixed Use District is unique in terms of scale and the manner in which it relates to the surrounding area, the width of required buffers shall be determined as part of the zoning/site development plan review process.
- 17.11. *Zoning application requirements.* The Mixed Use District shall be developed in compliance with the approved site development plan. The following requirements are in addition to, and not in lieu of, the requirements of article III, section 2.11A.2. with respect to an application for a zoning amendment. The site development plan shall show, as a minimum, the following information:
1. The dimensions and exact location of the site in relation to the vicinity.
 2. Existing and proposed topography.
 3. Property lines and public and private street rights-of-way.
 4. Sidewalks and other pedestrian ways.
 5. The location and dimensions of all structures and their uses, including building floor area by use, building footprint area and building street frontage.
 6. The location of all building entrances.
 7. The location and dimensions of pedestrian oriented open space, parks, plazas, courtyards, outdoor dining areas, landscaping, service areas, signs, fences, walls, light poles, power poles, outdoor utility equipment and structures, roof and ground mounted mechanical appurtenances, parking and loading areas and points of ingress and egress.
 8. Other information necessary to show compliance with the requirements of the Mixed Use District.

The zoning application shall also include a Tree Conservation Plan, as well as text and drawings that describe the urban design concept for the Mixed Use District, including the design and appearance of the streetscape, buildings, outdoor lighting, outdoor seating and congregation areas, pedestrian oriented open space, and signs. This information, other information submitted and the site development plan shall govern development of the Mixed Use District. Amendments to any of the foregoing information, that would change the character, density or intent of the Mixed Use District, shall

be reviewed in accordance with the requirements of this sub-section for a Mixed Use District zoning application.

(Ord. No. 04-2013, § 4, 4-5-04)

FOOTNOTE(S):

- ⁽⁶³⁾ *Rear yard to be 15 feet if adjoining property is zoned commercial. ([Back](#))
- ⁽⁶³⁾ **Side yard to be 10 feet if adjoining property is zoned commercial. ([Back](#))
- ⁽⁶⁴⁾ *Rear yard to be 15 feet if adjoining property is zoned commercial. ([Back](#))
- ⁽⁶⁴⁾ **Side yard to be 10 feet if adjoining property is zoned commercial. ([Back](#))
- ⁽⁶⁵⁾ *Rear yard to be 15 feet if adjoining rear property is zoned commercial. ([Back](#))
- ⁽⁶⁵⁾ **Side yard to be 5 feet if adjoining side property is zoned commercial. ([Back](#))
- ⁽⁶⁶⁾ *Rear yard to be 15 feet if adjoining rear property is zoned commercial. ([Back](#))
- ⁽⁶⁶⁾ **Side yard to be 5 feet if adjoining side property is zoned commercial. ([Back](#))
- ⁽⁶⁷⁾ *Rear yard to be 15 feet if adjoining property is zoned commercial. ([Back](#))
- ⁽⁶⁷⁾ **Side yard to be 5 feet if adjoining property is zoned commercial. ([Back](#))
- ⁽⁶⁸⁾ *Side Yard to be 5 feet if adjoining property is zoned industrial. ([Back](#))

Hoover, Alabama, Code of Ordinances >> - MUNICIPAL CODE >> [APPENDIX I - ZONING](#) >> ARTICLE VII. - SUPPLEMENTAL REGULATIONS >>

ARTICLE VII. - SUPPLEMENTAL REGULATIONS

[Sec. 1.0. - Area modification for lots of record.](#)

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[Sec. 17.0. - Portable storage containers in the A-1, RE, E-1, E-2, R-1, R-2, R-3, RT-4, PRD and PR-1 zoning districts.](#)

[Sec. 18.0. - Portable trash containers in the A-1, RE, E-1, E-2, R-1, R-2, R-3, R-T-4, PRD and PR-1 zoning districts.](#)

[Sec. 19.0. - Storage in the A-1, RE, E-1, E-2, R-1, R-2, R-3, R-T-4, PRD and PR-1 zoning districts.](#)

Sec. 1.0. - Area modification for lots of record.

Where a lot of record at the time of the effective date of this ordinance has less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site upon an appeal to and approval by the board of adjustment.

Sec. 2.0. - General yard modifications.

A.

Every part of a required yard shall be open to the sky unobstructed by any structure or part thereof and unoccupied for storage, servicing or similar uses except as provided herein.

- B. Where more than one principal building is located on a lot or parcel, the buildings shall not encroach upon the front, side nor rear yards required by the district regulations. (Ord. No. 95-1386, § 3, 10-2-95)

2.1. *Front yard modifications.* The required front yards heretofore established may be modified in the following cases:

- A. Where forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five (5) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
- B. Where forty (40) percent or more of the frontage on one side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
1. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings, or
 2. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- C. Through lots shall provide the required front yard on both sides.
- D. Corner lots shall provide a front yard on each street side.

2.2. *Rear yard modifications.* Where a lot abuts an alley, one-half of the alley width be considered as part of the required rear yard.

Sec. 3.0. - Height modifications.

- A. Any limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which located.
- B. Chimneys, elevator bulkheads, public utility water tanks, steeples and similar architectural features, where permitted, may be erected to any height not in conflict with existing or hereafter adopted ordinances of the city. (Ord. No. 97-1566, § 58, 6-16-97)

Sec. 4.0. - Fences and walls.

- A. Except as provided in subsections B. and C. of this section, no fence or wall shall be constructed in any front yard, or yards in the case of a corner or through lot, of any dwelling located in a residential district except as required for a retaining wall or vehicle barricade.
- B. In residential districts, the front yard of a corner or through lot that extends the entire width of the lot between the front of the dwelling and the street right-of-way is the primary front yard of said lot. Other front yards of a corner or through lot are secondary front yards.
1. A fence or wall may be constructed in the secondary front yard of a corner or through lot, provided the fence or wall complies with the minimum front building setback of the residential district.
 2. When a fence or wall exists in a secondary front yard and does not comply with the front building setback of the residential district, it may be replaced provided that the replacement fence or wall does not exceed six and one-half (6½) feet in height and does not extend more than four (4) feet above the centerline elevation of the abutting street.
- C. Commonly owned decorative masonry walls or wrought iron fences may be constructed along the perimeter of residential subdivisions, subject to the following restrictions:
1. The wall or fence shall be located in a recorded easement for that purpose, and the easement, wall or fence shall be owned in common by all owners in the subdivision.
 - 2.

The wall or fence shall not be located between the front of any dwelling and the street right-of-way. If the fence or wall is located along a boundary street, it shall extend along the entire length of the subdivision's boundary fronting that street.

3. Decorative masonry walls shall have a stucco, brick or stone surface. Wrought iron fences shall have vertical support columns surfaced in brick, installed on at least ten-foot centers.
- D. A masonry entrance feature is permitted at the intersection of a residential driveway and the street right-of-way on lots that are at least one hundred (100) feet wide and where the dwelling is setback at least one hundred (100) feet from the street right-of-way. The entrance feature shall not exceed ten (10) feet in height nor extend more than twelve (12) feet from the edges of the driveway.
- E. No fence or wall located in a residential district may exceed a height of six and one-half (6½) feet.
- F. No fence, wall, entrance feature, structure or vehicle barricade may be located in the street right-of-way.

(Ord. No. 10-2189, § 1, 3-15-10)

Sec. 5.0. - Porches, terraces, balconies, cornices, eaves and accessory structures.

- A. Sills or ornamental features of a structure may project into any yard not to exceed six (6) inches.
- B. Cornices or eaves may project into any required yard not to exceed twenty-four (24) inches.
- C. Except as regulated for elsewhere in this section, terraces, uncovered porches, under ground fallout shelters or ornamental features which are constructed as part of a single-family or two-family dwelling and do not extend more than four (4) feet above grade may project into a required yard, provided such projections be not closer than twenty-five (25) feet from the front lot line, six (6) feet from the side lot line, and twenty-five (25) feet from the back lot line. Said terraces, porches, shelters and ornamental features, when constructed as part of a multifamily dwelling, may extend a maximum of fifteen (15) feet beyond the dwelling into the rear and front yards and a maximum of five (5) feet into the side yard. (Ord. No. 92-2007, § 1, 8-17-92)
- D. In single-family and two-family residential districts, except the RT-4 and PRD districts, an unenclosed and uncovered balcony, deck, or fire escape may project into a required yard provided such structures shall not be located closer than twenty-five (25) feet from the rear property line nor ten (10) feet from either side property line.

All such structures with floor elevations at or below the first floor elevation of the dwelling in the RT-4 and PRD districts shall have no minimum side or rear setbacks and may project no more than five (5) feet beyond the minimum front setback of the district.

All such structures, excluding stairs or ramps, with floor elevations above the first floor elevation of the dwelling in the RT-4 and PRD districts, may project into a required rear yard provided they shall not be located closer than seventeen (17) feet from an RT-4 or PRD district boundary which abuts an E-1, E-2, R-1, R-2 or PR-1 district, nor twelve (12) feet from a rear property line. The minimum side setback for such structures shall be the same as the subject dwelling. No such structure may project into the front yard more than five (5) feet beyond the front wall of the dwelling. (Ord. No. 92-2007, § 2, 8-17-92; Ord. No. 93-1105, § 1, 2-15-93; Ord. No. 94-1233, § 2, 3-21-94; Ord. No. 1253, § 2, 5-16-94; Ord. No. 1273, § 2, 8-15-94)

- E. In multifamily residential zones, an unenclosed balcony, porch, deck or fire escape may project into a required rear yard for a distance not to exceed twelve (12) feet, and may project into a required side yard for a distance not to exceed eight (8) feet, but in no instance shall said structures be located closer than twenty-five (25) feet from any property line.
- F. In Commercial and industrial zones, the dimensions and location of a proposed unenclosed balcony, porch, deck or fire escape shall be determined on an individual basis by the planning and zoning commission.
- G. Accessory buildings and structures may be built in a rear yard only but such accessory buildings and structures shall not occupy more than fifteen (15) percent of the required rear yard and shall not be nearer than five (5) feet to any side or rear lot line.

Sec. 6.0. - Temporary structures and building material storage.

Building material or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land or public right-of-way before appropriate building permits have been approved by the building official

and issued by the city clerk. Such building materials and temporary structures shall be removed upon completion or abandonment of the construction work.

(Ord. No. 90-913, § 1, 7-16-90)

Sec. 7.0. - Outdoor storage of recreation vehicles.

The outdoor storage or parking of any airplane, vehicle, boat, trailer, motorized home and equipment shall be prohibited for a period greater than forty-eight (48) hours in all residential districts, except where expressly permitted by other provisions of this ordinance unless the following minimum conditions are met:

- A. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front building line or lines in the case of a corner lot, but no closer than three (3) feet to any side or rear lot line.
- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
- C. In the case of multifamily structures, all such recreation vehicles shall be stored at one location and be screened from view by a fence or vegetation adequate to conceal the vehicles from view from off the premises.
- D. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

Sec. 7.1. - Reserved.

Editor's note—

Ord. No. 05-2070, § 3, adopted Oct. 3, 2005, repealed section 7.1 in its entirety. Former section 7.1 pertained to storage of inoperable motor vehicles, and derived from Ord. No. 90-903, adopted June 4, 1990.

Sec. 8.0. - Private swimming pools.

- A. Permanent swimming pools which are wholly or partially above grade level shall be located in the rear yard of a single- or two-family dwelling and be located not closer than twenty-five (25) feet from any property line. No mechanical appurtenance shall be located within ten (10) feet of any property line.
- B. Private swimming pools constructed below grade level shall be:
 1. A pool shall be located in the rear yard only when in a single-family or two-family residential zone.
 2. Located, including mechanical appurtenances, no closer than ten (10) feet from any property line.
 3. Enclosed by a fence of not less than four (4) feet in height constructed in accordance with section 4.0 of this article. The owner of any existing pool shall be allowed a period of six (6) months from the effective date of this ordinance in which to provide a fence for such pool as herein required.
 4. All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property. Said fixtures may not extend higher than ten (10) feet.
 5. Swimming pools for multifamily and commercial use shall meet minimum standards deemed by the planning and zoning commission to be appropriate upon review of the specific proposal.

Sec. 9.0. - Private tennis courts.

9.1. All tennis courts constructed in a single-family or two-family residential district shall meet the following minimum requirements:

- A. The tennis court must be located in the rear yard.

- B. The tennis court may not be located any closer than twenty-five (25) feet from any property line and residential structure.
- C. All fences must meet the requirements of section 4.0 of this article.
- D. All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property.

9.2. Tennis courts for multifamily and commercial uses shall meet standards deemed by the planning and zoning commission to be appropriate upon review of the specific proposal.

Sec. 10.0. - Reserved.

Editor's note—

Ord. No. 96-1477, § 35, adopted April 15, 1966, amended the zoning ordinance by repealing Art. VII, § 10.0, in its entirety. Former § 10.0 pertained to landscape buffer regulations, and derived from Ord. No. 91-1048, adopted August 16, 1991. Former § 10.0 has been replaced by the provisions of Art. XIII, Tree conservation, buffers and landscaping.

Sec. 11.0. - Storage and dispensing of combustible and flammable liquids, other than for sale.

11.1. *Above ground storage.* The above ground storage of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited within the city, except that protected above ground storage tanks at commercial, industrial, governmental or manufacturing facilities, intended for fueling vehicles used in connection with those facilities, may be allowed when approved by the fire official.

Temporary use of movable tanks in conjunction with the dispensing of such liquids into the fuel tanks of motorized equipment on premises not normally accessible to the public is permitted only after written approval for such use has been obtained from the fire official.

11.2. *Below ground storage.* The below ground storage and/or dispensing of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited in residential zones, except at governmental facilities when approved by the fire official. Such storage of hazardous liquids, other than for sale, is permitted in non-residential zones, upon written approval of the fire official.

(Ord. No. 322, § 10, 5-4-81; Ord. No. 94-1273, § 3, 8-15-94)

Cross reference— Fire prevention and protection, Ch. 7.

Sec. 12.0. - Accessory antennas.

This section governs antennas which are accessory to the principal use of a premises. Commercial radio and television transmission antennas, television receiving antennas for cable television systems, telecommunications antennas, and other antennas which constitute a separate business from the principal use of the premises or which are an integral part of the principal use of the premises, are not accessory antennas, and are governed by Article XIV.

12.1. *Applicability.* Accessory antennas are limited to the following:

- A. The following antennas which are accessory to residential use are permitted in any residential district:
 1. Radio and television antennas, other than parabolic antennas, which do not exceed fifty (50) feet in height and are located on the same premises as the dwelling to which they are accessory.
 2. Parabolic antenna greater than two (2) feet in diameter, which is located on the same premises as the dwelling which it serves, subject to the provisions of subsection 12.2.
 3. Parabolic antenna less than two (2) feet in diameter, which is attached to the dwelling to which it is accessory and does not extend more than six (6) feet above the roof line of the dwelling.
 4. Federally licensed amateur radio station antenna which does not exceed seventy (70) feet in height and is located upon the same premises as the dwelling to which it is accessory.
- B.

The following antennas which are accessory to commercial use are permitted in any commercial district:

1. Radio and television receiving antennas, other than parabolic antennas, which do not exceed the maximum building height of the zoning district and are located on the same premises as the business to which they are accessory.
2. Transmitting and receiving antennas for communication with vehicles owned by the business, which do not exceed the maximum building height of the zoning district and are located on the premises of the business to which they are accessory.
3. Parabolic antenna which is located on the same premises as the business which it serves, subject to the provisions of subsection 12.2.

12.2. *Parabolic Antennas.*

- A. *Intent.* Parabolic antennas, due to their size, shape, appearance, and proliferation, have the potential to generate negative impact upon adjacent property and the general welfare of the city. Therefore, parabolic or "dish" antennas are more strictly regulated than other forms of accessory antennas.
- B. *Applicability.* A parabolic antenna subject to the regulations of this subsection is any antenna which has a parabolic, dish, or circular shape, is more than two (2) feet in diameter, and is used or designed for receiving television signals as an accessory use to the principal use of the property.
- C. *General regulations*
 1. A maximum of one parabolic antenna is permitted per lot.
 2. Parabolic antennas shall be located and designed to minimize negative impact on surrounding property. Materials used in constructing the antenna shall not be unnecessarily bright, shiny or reflective. A parabolic antenna constructed of mesh material will have less negative impact than an antenna constructed of visually impervious material.
 3. An antenna used for advertising purposes is a sign and is governed by Article X.
 4. All parabolic antennas shall be located behind the front building setback line, or lines, in the case of a corner lot.
 5. Parabolic, as well as other antennas, are structures, and shall require the issue of a building permit and conform to the city's building codes.
- D. *Regulations pertaining to the A-1, E-1, E-2, R-1, R-2, R-3, R-T-4, RE and PRD districts.* A parabolic antenna shall be permanently attached to the ground, located in the rear yard at least twelve (12) feet from a property line and shall not exceed sixteen (16) feet in height.
- E. *Regulations pertaining to the R-4 District.*
 1. Ground-mounted parabolic antennas shall be permanently attached to the ground, located in the rear yard at least twenty-five (25) feet from a public street right-of-way, ten (10) feet from a property line and shall not exceed sixteen (16) feet in height.
 2. Roof-mounted parabolic antennas shall be located at least fifty (50) feet from a single family residential district boundary and shall not extend more than ten (10) feet above the roof line.
- F. *Regulations pertaining to the commercial and industrial districts.*
 1. A ground-mounted parabolic antenna shall be permanently attached to the ground, located in the rear yard at least twenty-five feet from a public street right-of-way, ten (10) feet from a property line, and shall not exceed sixteen (16) feet in height.
 2. Roof-mounted parabolic antennas which exceed six (6) feet in diameter shall be at least fifty (50) feet from a single family residential district boundary. Roof-mounted parabolic antennas shall not extend more than ten (10) feet above the roof line.

(Ord. No. 85-454, § 1, 11-4-85; Ord. No. 97-1566, § 59, 6-16-97)

Sec. 13.0. - Each business to be located in permanent building.

The principal building of a permanent or temporary business shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the principal building area. The permanent building and premises shall conform in all respects to

the applicable land and building development codes and ordinances of the city. The principal building of any permanent or temporary business shall not be a tent, shelter, mobile building or other structure which does not comply with the intent of this section. This section shall only apply to entities to which the provisions of Chapter 8 of the Hoover Municipal Code are applicable.

(Ord. No. 90-946, § 1, 11-5-90; Ord. No. 95-1386, § 4, 10-2-95)

Sec. 14.0. - Temporary seasonal storage of bulk merchandise.

In the C-2 and PC Districts, a permanent retail business located in a permanent main building may store seasonal bulk merchandise outside of the main building on a temporary basis, subject to the following restrictions:

1. Such merchandise shall be limited to the following landscaping and planting materials: fertilizer, seed, soil, mulch material, shrubs, trees and plants.
2. All fertilizer, seed, soil and mulch materials shall be in containers for individual retail sale and shall not be loose piles of material.
3. Storage areas shall not obstruct pedestrian or vehicle traffic nor a fire lane and shall not be located within any required parking space, access aisle or public right-of-way.
4. To the extent possible, storage areas shall be screened from view from off the premises.
5. Temporary outside seasonal storage of bulk merchandise shall be limited to the shortest period of time practical.

(Ord. No. 98-1648, § 1, 8-17-98)

Sec. 15.0. - Sidewalks and pedestrian ways.

1. All sidewalks located within a public or private street right-of-way shall be constructed to the standards set forth in the subdivision regulations. All sidewalks and pedestrian ways shall be designed and located to enhance tree conservation and preservation. The city may require pedestrian ways that are located within environmentally sensitive tree conservation or preservation areas be surfaced with gravel or other materials that are not impervious, except where steep slopes or storm drainage considerations dictate that paving is required in order to maintain the pedestrian way.
2. Sidewalks shall be constructed within the right-of-way, on at least one side of all public and private streets submitted to the city for preliminary plat approval after the effective date of this ordinance; except that sidewalks shall not be required along the radius of a cul-de-sac nor along cul-de-sac streets that are less than three hundred (300) feet in length.
3. Property which is the subject of a final subdivision plat that is not pursuant to a preliminary plat approved prior to adoption of this ordinance, zoning amendment, conditional use, variance or special exception application, submitted after the effective date of this ordinance, shall provide sidewalks and pedestrian ways as determined by the city as part of the review and approval process. Sidewalks shall not be required for final plat approval of one single family residential lot when said lot is located more than three hundred (300) feet from an existing sidewalk.
4. The need for sidewalks and pedestrian ways serving property which is not the subject of a preliminary plat, final plat, zoning amendment, conditional use, variance or special exception application, shall be determined by the City as part of the building permit review and approval process.
5. In determining the need for sidewalks and pedestrian ways, the City shall consider the following:
 - a. Proposed use.
 - b. Current and projected pedestrian traffic within and around the subject property.
 - c. Presence of a pedestrian circulation network in the surrounding area.
 - d. Proximity to public facilities and shopping.
 - e. Public safety.

(Ord. No. 02-1888, § 5, 4-16-02)

[Sec. 16.0.] - Used Motor Vehicle Sales.

Each used motor vehicle sales establishment, new automobile dealership or other business that sells used motor vehicles, shall have an Alabama retail dealers license, in addition to required city licenses.

(Ord. No. 02-1899, § 4, 5-6-02)

Editor's note—

Ord. No. 02-1899, § 4, adopted May 6, 2002, amended appendix I, article VII, with the addition of a new section 15.0. In order to avoid the duplication of section numbers, the provisions of said ordinance have been included herein as section 16.0 at the discretion of the editor.

Sec. 17.0. - Portable storage containers in the A-1, RE, E-1, E-2, R-1, R-2, R-3, RT-4, PRD and PR-1 zoning districts.

1. These regulations shall only apply to portable storage containers with more than one hundred (100) cubic feet of volume serving a lot that is improved with a dwelling that is not the subject of a current building permit. Portable storage containers shall not include: accessory structures or buildings, utility buildings or garbage and trash containers.
2. Each such lot may have a maximum of one (1) portable storage container, on a temporary basis, subject to the following restrictions:
 - a. A maximum of one (1) container is permitted per dwelling for a period not to exceed ninety-six (96) hours.
 - b. The container shall be located on the lot that it serves, and shall not be located in an existing or proposed public or private street right-of-way.

(Ord. No. 05-2070, § 4, 10-3-05)

Sec. 18.0. - Portable trash containers in the A-1, RE, E-1, E-2, R-1, R-2, R-3, R-T-4, PRD and PR-1 zoning districts.

Portable trash containers with more than fifty (50) cubic feet of volume shall only be permitted to serve a lot that is the subject of a current building permit. Such container shall be located on the premises it serves or on the street right-of-way abutting the premises, but shall not be located on the pavement of an existing or proposed public or private street.

(Ord. No. 05-2070, § 4, 10-3-05)

Sec. 19.0. - Storage in the A-1, RE, E-1, E-2, R-1, R-2, R-3, R-T-4, PRD and PR-1 zoning districts.

1. A single-family dwelling shall not be used for storage purposes to the extent that the storage use becomes the principle use of the building and thereby changes the residential character of the premises.
2. Except in the A-1 and RE zoning districts, the following shall not be placed or stored on any lot or parcel unless a current building permit for the premises has been obtained and posted, and the vehicles or equipment are used pursuant to that building permit:

Construction vehicles and equipment including but not limited to:

- Backhoes
- Trenching machines
- Bulldozers and other tracked equipment
- Lifts and cranes
- Front-end loaders including bobcats
- Heavy trucks and trailers
- Similar construction equipment and vehicles.

Because of the rural nature of property in the A-1 and RE zoning districts, such construction vehicles and equipment used for maintenance of a lot or parcel improved with a dwelling in said districts is permitted, provided that said vehicles and equipment shall be stored in a location on the premises that is not visible from a public or private street

right-of-way by virtue of their storage in an enclosed building or being screened by privacy fencing, topography and/or vegetation.

3. The following building materials and equipment shall not be placed or stored on any lot or parcel unless:
 - (a) A current building permit for such lot or parcel has been obtained and posted as required by law, and the materials and equipment are used pursuant to that building permit; or
 - (b) Said materials and equipment are located on a lot that is improved with a dwelling, are not used for business purposes and are not visible from a public or private street right-of-way by virtue of their storage in an enclosed building or being screened by privacy fencing, topography and/or vegetation.

Building materials and equipment including but not limited to:

Lumber, blocks, bricks, pipes, wire, metal or wooden supports or posts, fencing, plumbing fixtures, HVAC equipment, shingles and other roofing material, trusses, doors, windows, sheet rock, cement, concrete forms, ladders, scaffolding, cement mixers, and similar building materials and equipment.

Recognizing that those who purchase property within or choose to live in an area where construction is continuing, and because building materials and equipment are being used in such area, this section does not apply to any property owner in any sector, phase, or addition of a recorded plat with lots currently under active construction until such storage by the owner exceeds ninety (90) days after the city determines a violation exists.

4. Power equipment, vehicles, trailers, tools and similar items used for maintenance of a lot or parcel improved with a dwelling shall be stored in a location on the premises that is not visible from a public or private street right-of-way by virtue of their storage in an enclosed building or being screened by privacy fencing, topography and/or vegetation. Such equipment, vehicles, trailers and tools that are used for business purposes shall not be stored on the premises. Inoperable power equipment, vehicles, trailers, tools and similar items that are not used for business purposes shall be stored in an enclosed building on the premises.
5. Vacant residential lots and parcels shall not be used for storage except as permitted in paragraphs 2. and 3. of this section. A vacant residential lot(s) owned by the same person or entity as an adjoining lot that is improved with a dwelling, may be considered as part of the adjoining improved lot for the purposes of regulating storage in paragraphs 3.(b) and 4. of this section.

(Ord. No. 05-2070, § 4, 10-3-05)

Hoover, Alabama, Code of Ordinances >> - MUNICIPAL CODE >> [APPENDIX I - ZONING](#) >> ARTICLE VIII. - SPECIAL USE REGULATIONS >>

ARTICLE VIII. - SPECIAL USE REGULATIONS

This article identifies certain land use activities for special zoning treatment. The nature of these uses is such that when properly regulated, they are appropriate in several zones. In order to bring about the proper integration of these uses into the community's land use pattern, a special set of standards is provided for each use. The planning and zoning commission shall review all site development plans for compliance with the appropriate standards before application for building permits are approved. The cluster residential development plan requires planning and zoning commission and city council approval prior to the issuance of a building permit. The special use regulations set forth in this article are supplemental to the individual district regulations in Article VI of this ordinance.

[Sec. 1.0. - Applicable uses.](#)

[Sec. 2.0. - Approval for development.](#)

[Sec. 3.0. - Shopping centers.](#)

[Sec. 4.0. - Gasoline service stations.](#)

[Sec. 5.0. - Drive-up restaurants.](#)

[Sec. 6.0. - Hospitals and sanitariums.](#)

[Sec. 7.0. - Reserved.](#)

[Sec. 8.0. - Cemeteries.](#)

[Sec. 9.0. - Cluster residential development.](#)

[Sec. 10.0. - Self-service storage facilities.](#)

[Sec. 11.0. - Off-premise sale of liquor.](#)

Sec. 12.0. - Off-premise sale of beer and wine.**Sec. 1.0. - Applicable uses.**

Except when in conformance with the provisions of this article no building, structure or part thereof shall be erected or altered, or premises used, when such building, structure or premises is designed for or intended to be used for one or more of the following specified uses:

- A. Shopping center.
- B. Gasoline service station.
- C. Drive-up restaurant. (Ord. No. 87-581, § 9, 3-2-87)
- D. Hospital and sanitarium.
- E. Retirement and nursing home.
- F. Cemetery.
- G. Cluster residential development.
- H. Self-service storage facilities. (Ord. No. 97-1605, § 1, 12-15-97)
- I. Off-premise sale of liquor.

(Ord. No. 339, § 7, 2-15-82)

Sec. 2.0. - Approval for development.

- A. Uses specified in this article shall require approval of a site development plan by the planning and zoning commission prior to issuance of a building permit. The site development plan shall include the following information:
 - 1. General topography;
 - 2. Property lines;
 - 3. Scale;
 - 4. Storm drainage facilities;
 - 5. Utility easements;
 - plus the location and dimension of all:
 - 6. Buildings and structures,
 - 7. Exterior lighting;
 - 8. Greenbelts and fences;
 - 9. Outside storage areas;
 - 10. Parking and loading areas;
 - 11. Points of ingress and egress;
 - 12. Signs.
- B. Specific procedures for review of development plans, as well as additional required information, are set forth in Article III, section 2.2 of this ordinance.
- C. Tree conservation plan. (Ord. No. 91-1048, § 7, 8-16-91; Ord. No. 96-1477, § 36, 4-15-96)

Sec. 3.0. - Shopping centers.

3.1. *Location.* Permitted only in zones C-1, C-2, C-3 and I-1.

3.2. *Requirements.*

- A. Submission of a site development plan.
- B. Minimum site depth of two hundred (200) feet in the C-1 zone and three hundred (300) feet in the C-2, C-3 and I-1 zones.
- C. Traffic impact information indicating projected vehicle flows to and from the site.

- D. Copy of a brief of intended deed restrictions.

Sec. 4.0. - Gasoline service stations.

4.1. *Location.* Permitted only in zones C-3 and I-1. (Ord. No. 85-434, § 2, 5-20-85)

4.2. *Requirements.*

- A. Submission of a site development plan.
- B. No gasoline service station shall be located within a radius of three hundred (300) feet from a place of public assembly.
- C. All permanent storage of material, merchandise and equipment shall be within the principal building or within the setback lines, with the exception of garbage and trash, which shall be located in an area enclosed on three (3) sides by an opaque fence of at least six (6) feet high and located within the setback lines.
- D. Yard requirements.
1. Minimum site of twelve thousand (12,000) square feet.
 2. Frontage on a public road of one hundred twenty (120) feet.
 3. Structures permitted on said site not to exceed one principal structure, and three (3) islands of triple pumps.
 4. All yards shall be a minimum of twenty (20) feet set back from street.
 5. All driveways shall be set back a minimum of twenty (20) feet from property corners, shall not exceed thirty-five (35) feet in width and shall be thirty (30) feet apart.
 6. A minimum of one thousand six hundred (1,600) square feet of lot area is required for each additional triple pump island, one thousand two hundred (1,200) square feet of lot area shall be provided for each service bay or car wash, and one hundred fifty (150) square feet for a separate pay station.
- E. Applicable only to construction of gasoline pumps and facilities to existing establishments. The following minimum standards shall apply to the gasoline dispensing area including pump islands and approach drives:
1. One triple pump island—Two thousand seven hundred (2,700) square feet.
 2. One pay station and one triple pump island-Five thousand two hundred (5,200) square feet.
 3. A minimum of one thousand six hundred (1,600) square feet of lot area shall be provided for each additional triple pump island and a minimum of one thousand two hundred (1,200) square feet of lot area shall be provided for each service bay and car wash.
- F. The following are prohibited uses in gasoline service stations located in any zone other than industrial zones:
1. Storage of vehicles. On premises for purposes other than periodic maintenance or repair.
 2. Major automotive repairs.
 3. Body work and spray painting.
 4. Buying or selling of new or used motor vehicles.
 5. Any use performed inside the building which is offensive or dangerous or which [constitutes] a nuisance to the occupants of adjacent properties, by reason of the emission of smoke, fumes, dust, odor, vibration, noise or unsightliness.

(Ord. No. 322, § 11, 5-4-81)

Sec. 5.0. - Drive-up restaurants.

5.1. *Location.* Permitted only in zones C-2, C-3 and I-1.

5.2. *Requirements.*

- A. Submission of a site development plan.

- B. Fixed lighting to be arranged so as not to reflect or shine off the premises.
- C. All permanent outside containers for refuse and garbage maintained within an enclosed yard located in the rear yard of the premises. Said enclosed yard shall be surrounded on three (3) sides by a fence at least six (6) feet tall and adequate to conceal the trash containers from view.

(Ord. No. 87-581, § 10, 3-2-87)

Sec. 6.0. - Hospitals and sanitariums.

6.1. *Location.* Permitted only in zones A-1, C-2, C-3 and I-1.

6.2. *Requirements.*

- A. Submission of a site development plan.
- B. A preliminary plan or engineering feasibility report providing for the site grading, storm drainage, sanitary sewerage and water supply, prepared by a registered professional engineer.
- C. Where deemed necessary by the planning and zoning commission, traffic analysis indicating the estimated traffic flows to and from the hospital or sanitarium, prepared by a registered professional engineer.
- D. For each bed in a hospital or sanitarium there shall be two hundred (200) square feet of outdoor open space, exclusive of required front yards, side yards, greenbelts, parking area, loading space or other purposes. Said outdoor open space shall be open and unobstructed from the ground upwards.

Sec. 7.0. - Reserved.

(Ord. No. 97-1574, § 1, 7-21-97)

Sec. 8.0. - Cemeteries.

8.1. *Location.* Permitted only in zones A-1 and I-1.

8.2. *Requirements.*

- A. Submission of a site development plan.
- B. A six (6) foot high protective wall or fence shall be located on all property lines.
- C. The principal entrance or entrances to a cemetery shall be located not closer than five hundred (500) feet from the boundary of a single- or two-family residential zone.
- D. Mausoleums, crematoriums or any other building or structure accessory to or incidental to a cemetery shall not be closer than two hundred (200) feet to any property line and shall not exceed thirty-five (35) feet in height.
- E. No burial plots shall be located closer than fifty (50) feet from any property lines, nor one hundred fifty (150) feet from any water pipe, main or well.

Sec. 9.0. - Cluster residential development.

9.1. *Intent.* Cluster residential development is a method of residential development which permits a tract of residential land to be developed as one lot, rather than many separate lots. The technique permits the development of higher densities of land use in conjunction with functional open space. It is the only land use development procedure set forth in this article which requires planning and zoning commission and city council review and approval prior to issuance of a building permit.

9.2. *Location.* Permitted only in zones E-1, E-2, R-1, R-2, R-3, R-4 and R-T-4. (Ord. No. 310, § 11, 12-15-80)

9.3. *Requirements.*

- A. [Site development plan.] A site development plan which complies with the following criteria:
 1. Minimum tract size of ten (10) acres.

2. The direction of north, appropriate scale and topography in not greater than five-foot contour intervals.
 3. The proposed location, dimensions and height and use of all structures and buildings.
 4. The location and dimension of all streets, driveways, walkways, fire hydrants, fire lanes, signs, greenbelts developed and natural open space areas, fences, walls, parking and loading areas, exterior lighting, storm drainage facilities, utility easements and sewage collection and disposal facilities.
- B. [Setback.] No building shall be located less than thirty-five (35) feet from any boundary of the cluster residential development.
- C. [Density.] The maximum density, expressed in dwelling units per gross acre of any cluster residential development shall be determined by the average maximum density per gross acre permitted within the zone in which the cluster is utilized. The following is a schedule of permitted densities for cluster developments within the various zones:

Zone	Density (Dwellings Per Gross Tract Acre)
E-1	1.0
E-2	2.2
R-1	2.9
R-2	3.6
R-3	3.6
R-4	10.9
R-T-4	10.0

(Ord. No. 310, § 12, 12-15-80)

Although specific areas within the cluster development may exceed the above permitted densities, when the gross acreage of the cluster development is divided by the total number of dwelling units in the cluster development, the over-all density must be less than or equal to the above permitted densities.

- D. *Open space.*
1. At least twenty (20) percent of the gross tract area of the cluster development shall be devoted to "improved commonly owned open space" which is defined as: Space devoid of buildings and other physical structures, except where accessory to the provision of recreation opportunities, which is owned in common, and which is developed as an improved recreation area providing: Athletic facilities, gardens, walkways, bikeways, trails, lawns, picnic areas, playgrounds, swimming facilities or other similar outdoor recreation activities approved by the planning and zoning commission.
 2. At least ten (10) percent of the gross tract area of the cluster development shall be maintained as commonly owned natural open space which is defined as land preserved in its natural condition, for the benefit and enjoyment of the residents of the cluster development.
 3. All commonly owned open space shall be integrated throughout the cluster development and easily accessible to all residents. In determining the adequacy of the land proposed to be used as commonly owned open space, the planning and zoning commission shall consider the following characteristics:
 - (a) *Surface characteristics.* Up to twenty-five (25) percent of the proposed area designated as commonly owned natural open space may be water surface area.
 - (b) *Dimension.* The area of each parcel of commonly owned open space shall be at least five thousand (5,000) square feet in area and no less than twenty-five (25) feet in its smallest dimension.
 - (c) *Location.* Open space shall be distributed throughout the cluster development in relation to the dwelling units of the people it is intended to serve.
 - (d)

Slope. Whenever possible, at least fifty (50) percent of all commonly owned open space shall have a finished grade not to exceed twenty-five (25) percent.

- (e) *Natural amenities.* The planning and zoning commission whenever possible, require the preservation of natural, environmental or scenic areas of the site through their inclusion in the open space requirements of the cluster development.
- E. *Minimum building setbacks.* No building located in a Cluster District shall be located nearer a dedicated street or property line than thirty-five (35) feet. All structures shall be located so as to conform to the International Building Code as may be amended by the City and the International Fire Prevention Code. (Ord. No. 322, § 12, 5-4-81; Ord. No. 02-1933, § 3, 9-3-02)
- F. *[Deed restrictions.]* A copy of any deed restrictions to be recorded.
- G. *[Stages.]* If the development is to be staged, a schedule indicating the approximate date when each stage of development is to begin and end.
- H. *[Common property.* A] statement of the manner in which title to all commonly held parks, streets, recreational facilities, planted or forested areas and other improved or unimproved property shall be held and the manner in which the same shall be maintained.
- I. *[General.]* Any other information necessary to establish compliance with this ordinance or availability of adequate utility capacity.

9.4. *Ownership and maintenance of common areas.*

- 9.41. *Ownership.* Title to all streets, parks, recreation facilities, planted or forested areas and other improved or unimproved real property lying within a clustered residential development may be held by a trustee for the benefit of said residents, by a private corporation, as undivided interests held by the owners of lots lying within said development or by an association of the residents thereof, each of whom, jointly and severally, shall be charged with the proper care and maintenance of such property.

Said private corporation or organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space), without first offering to dedicate the same to the city.

- 9.42. *Maintenance.* Should the owner of the common area fail to properly maintain said improvements, the city may[,] at its discretion, make the required repairs, removal or any other maintenance deemed necessary. The cost of said maintenance shall be paid to the city and until paid, shall constitute a lien in favor of the city upon all property held jointly and severally in the cluster residential development.

Sec. 10.0. - Self-service storage facilities.

- 10.1. *Location.* Conditional use in the C-2, C-3 and PC districts permitted use in the I-1 and PI districts.

10.2. *Requirements for self-storage facilities.*

- A. Submission of a site development plan
- B. Self-service storage facilities shall be limited to the rental of storage units and the pick-up and deposit of goods or property in dead storage.
- C. Vehicle and trailer rental may be permitted on the premises as an accessory use, subject to review and approval as a conditional use. Rental vehicles shall not be parked in required parking spaces, drives or parking lanes.
- D. Storage units shall not be used to manufacture, fabricate or process goods; conduct servicing or repair; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.
- E. Individual storage units shall not have electrical outlets except ceiling light fixtures and necessary switches.
- F. The maximum gross floor area of an individual storage unit shall be three hundred forty (340) square feet.
- G.

- Individual storage units or private postal boxes within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address in order to obtain a business license or other governmental permit or license to do business; nor as a legal address for residential purposes.
- H. The following materials shall not be stored in any self-service storage unit. Each lessee shall be required to sign a written statement certifying that none of the following will be stored in the unit leased by that individual or corporation:
1. Hazardous materials;
 2. Flammable and combustible liquids;
 3. Explosives; and
 4. Black powder and smokeless powder
- I. Except as provided herein, all property stored on the premises shall be entirely within an enclosed building. Open storage of recreation vehicles and boats is permitted, subject to the following:
1. Storage shall occur only in a designated area which is clearly delineated for open storage.
 2. Such areas shall not exceed ten (10) percent of the lot or parcel area.
 3. Such areas shall be screened from view from property zoned for detached single family residential use and public property, including the public right-of-way.
 4. Storage shall not occur in required parking spaces, drives, parking lanes nor within required building setback areas.
 5. No vehicle maintenance, washing or repair shall be permitted.
- J. Exterior light fixtures shall be designed and installed so that the light is focused down upon the premises and so that a minimum amount of light shines on adjacent property or the public right-of-way. If a facility abuts a residential district, exterior light fixtures shall not exceed sixteen (16) feet in height.
- K. A caretaker or security guard dwelling is permitted on the premises.
- L. Required parking spaces shall be located adjacent to the budding or use which they serve. Floor area within the rental or leasing office, which is devoted to uses other than the rental of storage units, shall be provided with additional parking spaces, at a ratio of one space per two hundred (200) square feet of gross floor area.
- M. Self-service storage facilities which feature both multi-access and limited access storage facilities shall comply with an of the requirements pertaining to both types of storage units.
- N. Supplemental regulations pertaining only to multi-access facilities.
1. Minimum lot area shall be three (3) acres.
 2. All drives which provide direct access to storage units shall have an adjacent parking lane which extends the full length of the access drive, and is located between the access drive and the storage units. Access drives with direct access to storage units on only one side of the drive shall be at least twenty (20) feet wide, plus one parking lane at least ten (10) feet wide, for a total width of thirty (30) feet. Access drives with direct access to storage units on both sides of the drive shall be at least twenty (20) feet wide, plus one parking lane at least eight (8) feet wide on each side of the drive, for a total width of thirty-six (36) feet.
 3. Storage unit doors shall be screened from view from property zoned for detached single family residential use.
 4. The facility shall feature appropriate access and circulation by vehicles and emergency equipment.
- O. Supplemental regulations pertaining only to limited access facilities.
1. Multi-story facilities located in the C-2 or C-3 zoning districts shall feature building materials and architectural design which reduces the scale and mass of the structure, so that the building appears to be an office building, not a storage facility.
 2. Each entry point to the building used to access hallways leading to the storage units shall accommodate a minimum of two (2) loading berths and related maneuvering areas. The loading and maneuvering areas shall not interfere with the traffic circulation system of the premises.

Sec. 11.0. - Off-premise sale of liquor.

11.1. *Location.* Permitted only as a conditional use in C-2 and C-3. (Ord. No. 92-1086, [§ 12](#), 7-6-92)

- A. Liquor for off-premise consumption shall be sold only in retail establishments where off-premise sale of alcoholic beverages is the only use and such sales may be made only to legally qualified buyers within the interior of the premises.
- B. Such establishments shall have a minimum floor area of one thousand (1,000) square feet; and shall not be located within one thousand (1,000) feet of religious institutions, schools, single family residential district, kindergartens or child care facilities, public or private parks or public playgrounds. The distance provided for herein shall be measured from the closest point of the facility authorized herein to the nearest point on the property line of the proscribed institution or facility.
- C. Definitions of liquor, wine and beer shall be the same as those set forth in Title 28, [Chapter 3](#), Article 1, of the Code of Alabama, 1975, as amended. (Ord. No. 91-1030, § 1, 6-17-91)

Sec. 12.0. - Off-premise sale of beer and wine.

- 1. Beer and wine shall be sold only in retail establishments which have a minimum retail floor area of 700 square feet. Such sales may be made only to legally qualified buyers within the interior of the premises.
- 2. Definitions of wine and beer shall be the same as those set forth in Title 28, [Chapter 3](#), Article 1, of the Code of Alabama, 1975, as amended.

(Ord. No. 89-856, § 2, 1-15-90)

Cross reference— *Alcoholic beverages, Ch. 3.*

Editor's note—

The current definitions are found in Code of Ala. 1975, § 28-3A-2.

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ARTICLE IX. - OFF-STREET PARKING AND LOADING REQUIREMENTS

[1691](#)

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Sec. 1.0. - Parking requirements for specific uses.

The following are the off-street parking standards for the City of Hoover:

1.1. *Residential dwellings.*

A.	Single-family dwelling	2 spaces
B.	Two-family dwelling	2 spaces per dwelling unit
C.	Multifamily and townhouse dwelling (Ord. No. 310, § 13 , 12-15-80)	2 spaces per dwelling unit
D.	Dormitory, boarding or rooming house	1 space per bedroom
E.	Senior Housing	
	1. Retirement apartments or independent living	1 space per dwelling unit
	2. Assisted living facility	.65 spaces per dwelling unit

(Ord. No. 96-1525, § 2, 12-16-96)

1.2. *Public and semi-public facilities.*

A.	Auditorium, arena, stadium, theatre, churches, concert hall, and other spectator facilities	.35 spaces times the seating capacity
B.	College, university, vocational school	1 space per 50 square feet of classroom floor area
C.	Hospital	1 space per 3 beds plus 1 space per 2 employees
D.	Library	1 space per 800 square feet of floor area plus one space per 2 employees
E.	Post office	1 space per 300 square feet of floor area
F.	Public and private schools	
	1. Elementary and junior high schools	1 space per 8 auditorium seats or 2 spaces per classroom, whichever is greater.
	2. High school	1 space per 6 students and one space per 3 employees

1.3. *Commercial and industrial facilities.*

1.	Automotive dealership	1 space per 1,000 square feet of floor area
2.	Automotive repair and service	1½ spaces per [employee]
3.	Automotive parts and accessory sales (retail)	1 space per 150 square feet of floor area
4.	Bank	1 space per 150 square feet of floor area
5.	Barber shop and beauty shop	2.5 spaces per employee
6.	Bowling alley	2 spaces per alley
7.	Car wash	1 space per 2 employees
8.	Convenience store	1 space per 125 square feet of floor area
9.	Dance or music studio	1 space per 100 square feet of floor area
10.	Day care or nursery	1.5 spaces per employee
11.	Doctor-dentist office	1 space per 250 square feet of floor area
12.	Funeral home	1 space per 50 square feet of floor area
13.	Gasoline service station	1 space per pump and 2 spaces per repair bay
14.	Golf course	7 spaces per golf hole (public) or 1 space per 5 members (private)
15.	Golf, carpet	1 space per golf hole
16.	Laundromat	.5 spaces per machine
17.	Light industry	1 space per 3 employees on the maximum working shift
18.	Lumber yard-building material sales	space per 200 square feet of floor area and 1 space per 1,000 square feet of outdoor storage area
19.	Motel or hotel	1 space per unit
20.	Nursing home	1 space per 4 beds
21.	Office building	1 space per 200 square feet of floor area
21.A.	Office/technical use (Ord. No. 99-1691, § 3, 5-17-99)	1 space per 250 square feet of floor area
22.	Restaurant, food service restaurant, tavern, bar, and night club (Ord. No. 87-581, § 11, 3-2-87)	1.2 spaces per 100 square feet of floor area
23.	Restaurant, drive-up (Ord. No. 87-581, § 11, 3-2-87)	1 space per 100 square feet of floor area
24.	Retail establishments such as: Major appliance, carpet, furniture, bicycle and motorcycle showrooms which require an unusually large showroom area to display oversized commodities	1 space per 800 square feet of floor area
25.	Wholesale establishments	1½ spaces per 2 employees and 1 space
26.	Veterinary establishments and other kennel facilities	1 space per 1,000 square feet of floor and kennel area
For uses not specifically listed above, the following requirements apply:		
27.	Retail stores and service establishments	1 space per 200 square feet of floor area and 1 space per 500 square feet of permanent outdoor sales or storage area
28.	Self-storage facility, limited access (Ord. No. 97-1605, § 1, 12-15-97)	1 space per 30 storage units plus five spaces for the storage unit rental office, plus 1 space per 200 square feet of gross floor area devoted to sales or rental of other services or materials

	Self-storage facility, multi-access (Ord. No. 97-1605, § 1, 12-15-97)	Parking lanes as required in Article VIII, section 10.2(N)(2), plus 5 spaces for the storage unit rental office, plus 1 space per 200 square feet of gross floor area devoted to sales or rental of other services or materials
29.	Private swim and tennis clubs	1 space per 75 square feet of swimming pool water surface area and 2 spaces per tennis court.
30.	Shopping Centers with more than 500,000 square feet of floor area (Ord. No. 02-1846, § 3, 1-22-02)	4.5 spaces per 1,000 feet of floor area

31. The minimum parking requirements for specific uses shall apply to the Mixed Use District, except as follows:

USE	MINIMUM PARKING REQUIREMENT
General Retail and Office	4 spaces per 1,000 square feet of gross floor area
Restaurants	8 spaces per 1,000 square feet of gross floor area
Residential	1.5 spaces per unit

Designated off-street parking spaces shall be provided for residential uses in the Mixed Use District.

(Ord. No. 04-2013, § 5, 4-5-04)

(Ord. No. 322, § 13, 5-4-81; Ord. No. 339, § 9, 2-15-82; Ord. No. 91-1020, § 1, 5-6-91)

Sec. 2.0. - Rules in applying off-street parking standards.

In applying the standards of section 1.0 of this article, the following rules shall apply:

- A. A parking space shall be a minimum of nine (9) feet wide and twenty (20) feet long except for the following situations:
 - (1) A parking space in a parking structure, which does not serve a retail or service use, shall be a minimum of eight and one-half (8 1/2) feet wide and eighteen (18) feet long.
 - (2) A maximum of ten (10) percent of all parking spaces in a parking structure which serve a retail or service use may be a minimum of eight and one-half (8 1/2) feet wide and eighteen (18) feet long. (Ord. No. 85-453, § 2, 10-21-85)
- B. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- C. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- D. These standards shall apply fully to all uses and buildings established after the effective date of this ordinance.
- E. These standards shall apply to all additions, expansions, enlargements or reconstructions on the basis of the addition, expansion, enlargement or reconstruction only.
- F. Off-street parking areas and spaces servicing publicly owned recreation facilities, may have a surface other than bituminous pavement or concrete, subject to the approval of the city engineer. (Ord. No. 93-1172, § 2, 11-15-93)

2.1. Location and design of off-street parking areas.

- A. In districts E-1, E-2, R-1, R-2, R-3, R-4 and R-T-4, required off-street parking shall be provided on the same lot as the use to which the parking pertains. In other districts such parking may be provided either on the same lot or an adjacent lot, not in one of the above districts, when an increase in the number of spaces is required by a change of use or enlargement of the building served, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments.

(Ord. No. 310, § 14, 12-15-80)

- B. Up to fifty (50) percent of the parking spaces required for (a) theaters, public auditoriums, bowling alleys and up to one hundred (100) percent of the parking spaces required for a church auditorium may

be provided and used jointly by (b) establishments not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.

- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit, and shall be in full force and effect until release by resolution of the city council.
- D. All parking areas shall be provided with safe entrance to and exit from the public thoroughfare. Permit for the location of such entrance and exit shall be obtained from the planning and zoning commission which shall also approve the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
- E. No off-street parking spaces, except for residential uses, shall be entered or exited directly from a public street or alley.
- F. The use of any required parking space for the storage of any motor vehicle for sale, repair or any other purpose other than the parking of motor vehicles, is prohibited.

Sec. 3.0. - Loading area requirements.

- 3.1. *Required loading space.* On the same premises with every building or structure involving the receipt or dispatch of vehicles as a necessity for, or incidental to, the operation, or use of the building, there shall be provided and maintained adequate space for standing, loading and unloading services, in order to avoid undue interference with public use of streets, or alleys. Each such space shall have a minimum clear height of fifteen (15) feet and shall be a minimum of fourteen (14) feet wide by forty (40) feet long, where vans are to be received, or a minimum of fourteen (14) feet wide by sixty (60) feet long, where tractors and semitrailers are to be received.
- 3.2. *Loading area site arrangement.* All loading areas shall be provided with safe entrance to and exit from the public thoroughfare. The planning and zoning commission shall approve the design and construction of loading areas in the interests of safety, adequate drainage and other public requirements. The entire loading area shall be paved and graded to properly drain.

Sec. 4.0. - Mixed Use Development.

Mixed use development in the Mixed Use District or as a conditional use in the PUD, PC District shall utilize on street parking, if approved by the city. On street parking spaces may be used to satisfy the off street parking requirements of this article. The appropriateness, location and number of on street parking spaces shall be determined by the city as part of the conditional use and/or zoning review and approval process. The city shall consider the following when reviewing the appropriateness of on street parking:

- A. Configuration of commercial establishments.
- B. Functional classification of the street.
- C. Coordination with the pedestrian circulation network.
- D. Proximity of the on street parking spaces to the subject businesses.
- E. Design of the on street parking spaces in relation to the traveled ways of the street.
- F. Relationship of the on street parking spaces to the overall design of the project.

(Ord. No. 02-1846, § 4, 1-22-02; Ord. No. 04-2013, § 5, 4-5-04)

FOOTNOTE(S):

⁽⁶⁹⁾ *Cross reference— Stopping, standing and parking, § 9-96 et seq. (Back)*

ARTICLE X. - SIGN REGULATIONS 1701

Sec. 1.0 - Intent.

Sec. 2.0. - Permits, fees, and inspections.

Sec. 3.0. - Signs permitted within zones A-1, E-1, E-2, R-1, R-2, R-3.

Sec. 4.0. - Signs permitted in zones R4, R-T-4, and C-P.

Sec. 5.0. - Signs permitted in zone C-1.

Sec. 6.0. - Signs permitted in the MXD District.

Sec. 7.0. - Signs permitted in zones C-2, C-3, C-4 and I-1.

Sec. 8.0. - Location of free-standing signs.

Sec. 9.0. - Signs prohibited in the city.

Sec. 10.0. - Permit exceptions, exempt and temporary signs.

Sec. 11.0. - Nonconforming signs.

Sec. 12.0. - Abandonment.

Sec. 1.0 - Intent.

These sign regulations are intended to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord. No. 03-1972, § 1, 6-16-03)

Sec. 2.0. - Permits, fees, and inspections.

- 2.1 *Permits required.* Except as otherwise provided in this ordinance it shall be unlawful for any person to erect, construct, enlarge, move alter or convert any sign in the city or cause the same to be done, without first obtaining a building permit for each sign from the building official as required by this ordinance. Permits are not required for routine sign maintenance.
- 2.2 *Application for permit.* Application for a permit shall be made to the city building official upon a form provided by the building official and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city, including.
 - A. Name and address of owner of the sign.
 - B. Name and address of owner of the person in possession of the premises where the sign is located or to be located.
 - C. Clear and legible drawings with description definitely showing the location of the sign which is subject to the permit and all other existing signs.
 - D. Drawings showing the dimensions, construction supports, size, electrical wiring and component materials of the sign and method of attachment.

In the event that the application for permit as submitted by the applicant includes all information necessary to assure compliance with all appropriate laws and regulations, then in that event, the building official shall notify the applicant in writing within thirty (30) days of the date of the application whether or not his application will be issued or denied. In the event the building official fails to provide written notification to the applicant as to the disposition of said building permit application within the prescribed thirty (30) day period, said application shall be deemed to be approved and the building official shall issue a permit for construction of improvements described in said application.

- 2.3 *Issuance denial.* When a permit is denied by the building official, the building official shall give written notice to the proper applicant of the denial with a written statement of the reason or reasons for the denial. Said denial and statement shall be made as an attachment to the permit application.

2.4

Appeals of permit denial. An appeal of the denial for a building permit may be taken to the board of adjustment. At such time as the applicant receives notice of the denial by the building official of the applicant's permit, he shall have the right to notify the board of adjustment of his intent to appeal. The applicant shall submit an appeal for administrative review before the board of zoning adjustment, on forms provided by the city clerk, within thirty (30) days after the date the applicant has received notice of the denial of the permit application or he is deemed to have waived his right to appeal to the board of zoning adjustment. An appeal of the denial of a building permit for a sign shall be heard at the next regularly scheduled meeting of the board of adjustment, after compliance with application and notification procedures for said appeal

- 2.5 *Permit fees.* Application for permits shall be filed with the building official, together with a permit fee, as specified by the building official for each sign in accordance with this ordinance. Building permit fees for signs shall be determined in the same manner as other building permits issued by the city.
- 2.6 *Inspection of signs.* The person erecting, altering, relocating, enlarging or converting any sign shall notify the building official upon completion of the work for which permits are required an issued. All freestanding signs shall be subject to a footing inspection and all signs to an electrical inspection by the building official.
- 2.7 *Unlawful signs.* Every sign in the city shall be maintained in good structural condition. The building official may inspect and shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or abandoned or removal will be at the sign owner's expense.

(Ord. No. 03-1949, §§ 1, 2, 2-17-03; Ord. No. 03-1972, §§ 1—3, 6-16-03)

Sec. 3.0. - Signs permitted within zones A-1, E-1, E-2, R-1, R-2, R-3.

- A. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification. Said sign shall not exceed forty-eight (48) square feet of copy area nor six (6) feet in height and shall be located so as not to cause a safety hazard. (Ord. No. 91-1014, § 2, 4-15-91)
- B. With the exception of home occupations, conditional uses in the above stated districts are permitted one (1) freestanding or building wall sign, which does not exceed thirty-two (32) square feet of copy area. Freestanding signs shall not exceed ten (10) feet in height.
- C. Signs authorized by this section shall not be internally illuminated. Indirectly illuminated signs shall be constructed so that the light does not shine off the premises. (Ord. No 99-1719, § 1, 2-7-00)

(Ord. No. 322, § 14, 5-4-81; Ord. No. 89-776, § 1, 3-6-89; Ord. No. 03-1972, § 1, 6-16-03)

Sec. 4.0. - Signs permitted in zones R4, R-T-4, and C-P.

- A. One (1) sign which is not illuminated, that does not exceed thirty-two (32) feet of sign face area, is permitted per facing street. (Ord. No 99-1719, § 1, 2-7-00)
- B. All such signs shall be attached to an entrance wall or to a building wall. Signs shall not extend more than eighteen (18) inches from the wall nor twelve (12) feet from the ground.
- C. Office buildings with a minimum floor area of ten thousand (10,000) square feet are permitted one (1) free standing sign which is not illuminated, that does not exceed twelve (12) feet in height nor fifty (50) square feet of sign face area, plus one (1) building wall sign not to exceed twenty (20) square feet of sign face area. (Ord. No. 86-479, § 2, 6-2-86; Ord. No 99-1719, § 1, 2-7-00)
- D. An office building with a retail tenant(s) shall incorporate signage for the retail tenant(s) into the type of sign and copy area permitted for the office building. (Ord. No. 85-456, § 8, 11-18-85)

(Ord. No. 310, § 15, 12-15-80; Ord. No. 03-1972, § 1, 6-16-03)

Sec. 5.0. - Signs permitted in zone C-1.

- A. Non-retail establishments are permitted one (1) building wall sign not to exceed twenty (20) square feet of sign face area. (Ord. No. 86-479, § 3, 6-2-86)
- B. Permitted signs for free standing retail structures:

	Less than 2,400 square feet of floor area	More than 2,400 square feet of floor area
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Type Sign Permitted	Building Wall Sign	Free Standing Sign	Building Wall Sign	Free Standing Sign
Sign Face Area ¹ (square feet)	50	20	50	25
Maximum Height	Top of building wall	16 feet	Top of building wall	18 feet
Number	One	One	One	One

(Ord. No. 86-479, § 4, 6-2-86)

C. Permitted signs for retail establishments located in a shopping center:

	Less than 3,000 square feet of floor area	More than 3,000 square feet of floor area
Type Sign Permitted	Building Wall Sign	Building Wall Sign
Sign Face Area ¹ (square feet)	30	50
Maximum Height	Top of building wall	Top of building wall
Number	One	One

(Ord. No. 86-479, § 5, 6-2-86)

¹Indicates maximum size for one sign face.

D. Permitted shopping center locator signs:

	Less than 6,000 square feet of floor area	6,000 to 15,000 square feet of floor area	More than 15,000 square feet of floor area
Sign Face Area ¹ (square feet)	30	40	50
Maximum Height	16 feet	18 feet	20 feet
Number	One	One	One

¹Indicates maximum size for one sign face.

E. Size of permitted signs may be increased: Establishments located in the C-1 District may qualify for a larger building wall sign if the establishment is situated more than one hundred (100) feet from the public street right-of-way on which it fronts:

Distance from Public Right-of-Way	Percent Increases In Permitted Building Wall Sign, Face Area
100' to 200'	20
200' to 300'	30
300' to 400'	40
More than 400'	50

(Ord. No. 83-390, § 1, 11-7-83; Ord. No. 86-479, § 6, 6-2-86; Ord. No. 03-1972, § 1, 6-16-03)

Sec. 6.0. - Signs permitted in the MXD District.

Each retail or service business may have one (1) building wall sign or one (1) projecting sign per exterior wall of the tenant space or establishment, except that such signs are not permitted on a rear building wall unless the business has a customer entrance in the rear of the tenant space or establishment that enters directly to pedestrian

oriented open space or a parking area. Each retail or service business may also have one awning sign on the front building facade, if the tenant space or establishment fronts the street.

Each office or institution may have one (1) building wall sign or one awning sign on the front building wall of the tenant space or establishment

Internally illuminated signs and free standing signs are prohibited.

The copy area of each building wall sign for retail and service businesses shall not exceed sixty (60) percent of the signable area of the front building wall of the Tenant space or establishment. The copy area of each building wall sign for offices, institutions and similar uses shall not exceed forty (40) percent of the signable area of the front building wall of the tenant space or establishment.

Signable area is defined as a continuous portion of the front building facade unbroken by doors or windows, that is specifically designed to accommodate a sign, and which shall not extend above the window sill of the story above unless the establishment to which it pertains is located above the first floor.

The copy area of a canopy sign shall not exceed twenty (20) percent of the canopy area. Only cut-out letters and/or symbols may be attached to, painted, stenciled, or otherwise placed on a canopy.

Projecting signs shall clear sidewalks by at least eight (8) feet. They shall project not more than four (4) feet from the building wall or one-third of the sidewalk width, whichever is less. They shall be pinned away from the wall at least six (6) inches and shall project from the wall at an angle of ninety (90) degrees. Angular projection at the corner of a building is prohibited. Projecting signs shall not extend vertically above the window sill of the second story.

(Ord. No. 04-2013, § 6, 4-5-04)

Editor's note—

Ord. No. 04-2013, § 6, adopted April 5, 2004, added a new section 6.0 and renumbered former sections 6.0—11.0 as new sections 7.0—12.0.

Sec. 7.0. - Signs permitted in zones C-2, C-3, C-4 and I-1.

- A. Non-retail establishments with less than ten thousand (10,000) square feet of floor area are permitted one (1) building wall sign not to exceed twenty (20) square feet of sign face area. (Ord. No. 86-479, § 7, 6-2-86)
- B. Non-retail establishments with more than ten thousand (10,000) square feet of floor area are permitted one (1) building wall sign not to exceed twenty (20) feet of sign face area and one (1) free standing sign not to exceed twelve (12) feet in height nor sixty (60) square feet of sign face area. (Ord. No. 86-479, § 8, 6-2-86)
- C. Gasoline service stations, in addition to other permitted signs, are authorized:
 1. Two (2) signs advertising the price of gasoline, credit cards accepted, or oil, not to exceed twelve (12) square feet of sign face area.
 2. A total of seventy-six (76) square feet of copy area is permitted on the canopy and spandrells of a gasoline service station with not more than six (6) pumps or multiple dispensing units. Permitted copy area may be increased by not more than twenty-eight (28) square feet for each additional island of two (2) or more pumps or multiple dispensing units.
All such copy shall be limited to the brand name and logo of the oil company. The signs shall be constructed as an integral part of the canopy and spandrell structures and shall not extend above the roof-line of the canopy.
Copy area on the canopy and spandrells shall be the smallest geometric figure which describes the area enclosed by the actual copy of the signs, not the entire area of the canopy face or spandrell.
 3. Each car wash may have one building wall sign not to exceed twenty-four (24) square feet of copy area, which identifies the car wash. (Ord. No. 95-1362, § 1, 5-15-95)
- D. Permitted signs for free-standing retail structures:

*Indicates maximum size for one sign face.

*Permitted free-standing sign copy area may be applied to permitted building wall sign copy area.

	Less than 2,800 square feet of floor area		2,800 to 15,000 square feet of floor area		15,000 to 30,000 square ² feet of floor area	
Type Sign Permitted	Building Wall Sign	Free Standing Sign	Building Wall Sign	Free Standing Sign	Building Wall Sign	Free Standing Sign
Sign Face Area* (square feet)	40	60	40	80	100	100
Maximum Height	Top of building wall	16 feet	Top of building wall	20'	Top of building wall	20'
Maximum Number	One	One	One per facing street	One	One per facing street	One

	30,000 to 45,000 square feet of floor area		More than 45,000 square feet of floor area	
Type Sign Permitted	Building Wall Sign	Free Standing Sign	Building Wall Sign	Free Standing Sign
Sign Face Area* (square feet)	180	100**	320	120**
Maximum Height	Top of building wall	20 feet	Top of building wall	20 feet
Maximum Number	N/A	One	N/A	One

(Ord. No. 86-479, § 9, 6-2-86; Ord. No. 86-518, § 2, 8-4-86; Ord. No. 87-574, § 1, 1-5-87; Ord. No. 03-1982, § 2, 9-15-03)

E. Permitted signs for retail establishments located in a shopping center:

	Less than 2,000 square feet of floor area	2,000 to 10,000 square feet of floor area	10,000 to 30,000 square feet of floor area
Type Sign Permitted	Building Wall Sign	Building Wall Sign	Building Wall Sign
Sign Face Area ¹ (square feet)	30	60	140
Maximum Height	Top of building wall	Top of building wall	Top of building wall
Number	One	One	One per facing street

¹Indicates maximum size for one sign face.

Type Sign Permitted	30,000 to 45,000 square feet of floor area Building wall sign	More than 45,000 square feet of floor area Building wall sign
Sign Face Area	200	300
Maximum Height	Top of building wall	Top of building wall
Number	Two	Two

(Ord. No. 86-479, § 10, 6-2-86; Ord. No. 86-518, § 3, 8-4-86)

F. Permitted shopping center locator signs:

	Less than 10,000 square feet of floor area	10,000 to 30,000 square feet of floor area	More than 30,000 square feet of floor area
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Sign Face Area*(square feet)	75	100	200
Maximum Height	20 feet	20 feet	20 feet
Maximum Number	One	One per facing street, total sign face area of all signs not to exceed 200 square feet	One per facing street, total sign face area of all signs not to exceed 400 square feet

*Indicates maximum size for one sign face.

(Ord. No. 03-1982, § 2, 9-15-03)

- G. Size of permitted signs may be increased: Establishments located in the C-2, C-3, C-4 and I-1 Districts may qualify for a larger building wall sign if the establishment is situated more than two hundred (200) feet from the public street right-of-way on which it fronts:

Distance from Public Right-of-Way	Percent Increase in Permitted Building Wall Sign, Face Area
200' to 300'	20
300' to 400'	30
400' to 500'	40
More than 500'	50

- H. Because of the number of automobile dealerships located in the City of Hoover and their unique signage requirements, sign regulations for automobile dealerships with one franchise on the premises are as follows:

Type Sign Permitted	Auto dealership with floor area less than 30,000 square feet		Auto dealership with floor area of 30,000 square feet or greater	
	Building Wall Sign	Free-Standing Sign	Building Wall Sign	Free-Standing Sign
Sign Face Area (square feet)	100	220*	100	380*
Maximum Height	Top of building wall	20 feet	Top of building wall	20 feet
Maximum Number	N/A	3	N/A	3

*Permitted free-standing sign copy area may be applied to permitted building wall sign copy area. The maximum sign face area of a free-standing sign shall be two hundred sixty (260) square feet.

Automobile dealerships with more than one automobile franchise may increase the permitted copy area for building wall and free-standing signs by thirty-three (33) per cent and the maximum number of free-standing signs by two (2), for each additional automobile franchise on the premises; except that no automobile dealership with floor area less than thirty thousand (30,000) square feet may have more than five hundred forty (540) square feet of total copy area and no dealership with floor area greater than thirty thousand (30,000) square feet may have more than eight hundred (800) square feet of total copy area.

- I. Because of the unique nature of limited access self service storage facilities, sign regulations for limited access self service storage facilities that are two or more stories in height, are as follows:

Type Sign Permitted	Buildings with floor area less than 100,000 square feet		Buildings with floor area of 100,000 square feet or greater	
	Building Wall Sign	Free-Standing Sign	Building Wall Sign	Free-Standing Sign
Sign face area (sq. ft.)	100*	60	200*	60

Maximum height	Top of Building Wall	20 Feet	Top of Building Wall	20 Feet
Maximum number	One per facing street	One	One per facing street	One

*Total, combined sign face area of all building wall signs

(Ord. No. 07-2148A, § 1, 9-17-07)

(Ord. No. 83-390, § 2, 11-7-83; Ord. No. 86-479, § 11, 6-2-86; Ord. No. 86-518, § 1, 8-4-86; Ord. No. 03-1972, § 1, 6-16-03; Ord. No. 04-2013, § 6, 4-5-03)

Editor's note—

See Editor's note following section 6.0.

Sec. 8.0. - Location of free-standing signs.

- A. No sign may extend beyond the property lines of the property on which the sign is located nor interfere with any public right-of-way.
- B. No sign shall be located as to cause a public hazard, obstruct or impair motorists' vision, diminish safe ingress and egress to any property or impede flow of pedestrian or vehicular circulation in parking areas, sidewalks, or public roads.

(Ord. No. 04-2013, § 6, 4-5-03)

Editor's note—

See Editor's note following section 6.0.

Sec. 9.0. - Signs prohibited in the city.

- A. Flashing signs, traveling lights, or intensely lighted signs; including electronically changeable message signs and reader boards, except public service time and temperature signs and scoreboards located within athletic facilities which are not intended to be viewed from off the premises. (Ord. No. 93-1137, § 1, 7-19-93)
- B. Signs located in public areas or rights-of-way.
- C. Miscellaneous signs and posters, banners, pennants, twirling signs, balloons, and unofficial flags.
- D. Off-premise billboards and signs which direct attention to a business commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same property upon which such sign is displayed. (Ord. No. 85-435, § 1, 5-20-85)
- E. Portable signs. (Ord. No. 85-435, § 2, 5-20-85)
- F. Roof signs. (Ord. No. 01-1829, § 1, 8-6-01)

(Ord. No. 03-1972, § 1, 6-16-03; Ord. No. 04-2013, § 6, 4-5-03)

Editor's note—

See Editor's note following section 6.0.

Sec. 10.0. - Permit exceptions, exempt and temporary signs.

10.1. Permit exceptions.

- A. Changing of the advertising copy of message on an existing approved sign or marquee which [is] specifically designed for the use of replaceable copy.
- B. Painting, cleaning or other normal maintenance and repair of a sign not involving structural changes.

10.2. Exempt signs.

- A. Construction signs, instructional signs, official flags, governmental signs, holiday decorations, interior signs, plaques, public notices, public signs, symbols or insignia, warning signs and signs awarded by the Hoover beautification board. (Ord. No. 94-1288, § 1, 10-17-94)
- B. Political campaign signs, subject to the following:
 1. Signs shall only be located in a residential zoning district on property which is improved with a dwelling.
 - 2.

Signs shall not be affixed to utility poles nor trees and shall not exceed four (4) feet in height nor three (3) square feet in sign face area. Signs shall not be illuminated.

3. Owners of residential property may grant permission for the placement of signs in their yard and on portions of the street right-of-way they maintain, provided that no sign shall protrude over paved or improved streets, including valley gutters. Any signs which are a hazard to vehicular traffic are prohibited.
4. Portable, trailer or mobile signs are prohibited, except signs placed in windows or on the sides of motor vehicles.
5. Signs shall be removed by the candidate within three (3) days following the election. Otherwise the city shall remove the signs at the candidate's expense. (Ord. No. 85-435, § 3, 5-20-85; Ord. No. 88-702, § 1, 3-7-88; Ord. No. 91-1014, § 1, 4-15-91)

10.3. *Temporary signs.*

- A. Temporary signs which advertise events of a civic, educational or religious nature may be displayed for a period not to exceed two (2) weeks. Such signs shall not be illuminated and shall not exceed thirty-two (32) square feet of sign face area. (Ord. No 99-1719, § 1, 2-7-00)
- B. Each new business in the city is permitted one sign which is not illuminated, that does not exceed thirty-two (32) square feet of sign face area, for a period not to exceed two (2) weeks. (Ord. No 99-1719, § 1, 2-7-00)
- C. Real estate signs:
 1. On-premise real estate "for sale" or rental signs (residential): One "for sale" or rental sign for residential property, provided such sign is located entirely within the property, does not exceed four (4) square feet in copy area and is removed within five (5) days after the sale or rental of the property.
 2. Off-premise real estate or rental signs (residential): Three (3) off-premise sign advertising the selling or rental of such property not to exceed two (2) square fee [of] copy area. No such sign shall be permitted for a period longer than ninety (90) days or five (5) days after closing of the sale or rental of the property.
 3. On-premise real estate "for sale" or "for rent" signs (commercial): One real estate "for sale" or "for rent" sign for commercially zoned properties, provided such sign is located entirely within the property and does not exceed thirty-two (32) square feet of copy area. Such sign shall be removed within five (5) days of closing of sale or rental.
 4. Off-premise real estate "for sale" or "for rent" signs (commercial): One (1) off-premise sign advertising the selling or rental of such property, not to exceed two (2) square feet of copy area. Such sign shall be removed within five (5) days of closing of such sale or rental or ninety (90) days from erection, whichever comes first.
 5. Residential subdivisions with five (5) or more lots may have a temporary identification sign while the subdivision is being developed, which shall not exceed thirty-two (32) square feet nor ten (10) feet in height. The sign shall not be illuminated and shall be, removed when seventy-five (75) per cent of the homes in the subdivision have been constructed or the permanent subdivision identification sign is erected, whichever occurs first. (Ord. No. 94-1233, § 4, 3-21-94)

(Ord. No. 03-1972, § 1, 6-16-03; Ord. No. 04-2013, § 6, 4-5-03)

Editor's note—

See Editor's note following section 6.0.

Sec. 11.0. - Nonconforming signs.

All signs constructed after adoption of this ordinance shall conform in all respects to the requirements and provisions contained herein.

Within the districts established by this ordinance or amendments that may later be adopted, there exists signs which were lawful before the ordinance was passed or amended, but which would be prohibited, regulated or

restricted under the terms of the ordinance or future amendment. It is the intent of this ordinance to permit these nonconforming signs to remain until they are removed, discontinued or altered, but not to encourage their survival.

Any off-premise signs or billboards in existence now or which are located on the property annexed into the city after the adoption of this ordinance shall be removed on or before the expiration of three (3) years from the effective date of this ordinance or within three (3) years from the annexation of the property upon which such sign is located.

(Ord. No. 85-435, § 4, 5-20-85; Ord. No. 85-448, § 5, 9-16-85; Ord. No. 85-462, § 1, 12-16-85)

11.1. *Nonconforming on-premise signs.*

- A. Nonconforming signs which are structurally altered shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
- B. Nonconforming signs shall be maintained. If a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
- C. The copy area of an internally illuminated nonconforming sign may be removed from the sign structure without jeopardizing the legal nonconforming status of the sign, provided the sign message is not changed.
- D. Maintenance of copy area on a nonconforming sign in which the copy area is an integral and permanent part of the sign structure, shall require the sign to conform in all respects to the provisions of this ordinance.

(Ord. No. 85-448, § 6, 9-16-85; Ord. No. 85-462, § 1, 12-16-85)

11.2. *Nonconforming off-premise signs.* Structural alteration of a nonconforming off-premise sign shall require its removal. The message of a nonconforming off-premise sign may change without jeopardizing the legal nonconforming status of the sign. (Ord. No. 85-448, § 6, 9-16-85; Ord. No. 85-462, § 1, 12-16-85)

11.3. *Restoration after damages.* A nonconforming sign which is damaged by fire, wind, or other causes, to the extent that repair of the sign requires structural alteration, shall upon completion of the alteration, conform in all respects to the provisions of this ordinance. (Ord. No. 85-448, § 6, 9-16-85; Ord. No. 85-462, § 1, 12-16-85)

(Ord. No. 03-1972, § 1, 6-16-03; Ord. No. 04-2013, § 6, 4-5-03)

Editor's note—

See Editor's note following section 6.0.

Sec. 12.0. - Abandonment.

A sign which no longer advertises a bona fide business, institution, person, event, location, product, or service for a continuous period of sixty (60) days or more, shall be altered or removed to conform in all respects to the provisions of this ordinance.

(Ord. No. 85-448, § 6, 9-16-85; Ord. No. 03-1972, § 1, 6-16-03; Ord. No. 04-2013, § 6, 4-5-03)

Editor's note—

See Editor's note following section 6.0.

FOOTNOTE(S):

⁽⁷⁰⁾ *Editor's note—* Ord. No. 03-1972, § 1, adopted June 16, 2003, added a new section 1.0 to article X and renumbered former sections 1.0—10.0 as new sections 2.0—11.0. ([Back](#))

⁽⁷⁰⁾ *Cross reference—* Buildings and building regulations, ch. 6. ([Back](#))

ARTICLE XI. - LEGAL STATUS PROVISIONS

Sec. 1.0. - Interpretation and purpose.

Sec. 2.0. - Severability clause.

Sec. 1.0. - Interpretation and purpose.

In their interpretation and application the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

Sec. 2.0. - Severability clause.

If any section, subsection, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

Hoover, Alabama, Code of Ordinances >> - MUNICIPAL CODE >> **APPENDIX I - ZONING** >> ARTICLE XII. - PLANNED UNIT DEVELOPMENT >>

ARTICLE XII. - PLANNED UNIT DEVELOPMENT 171

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Sec. 2.0. - Application and requirements for PUD.

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Sec. 8.0. - Definitions.

Sec. 9.0. - Changes to zoning ordinance.

Sec. 1.0. - Intent.

Planned unit development ("PUD") is a method of development which permits more than one use to be developed on a tract of land, in part or whole, in accordance with an approved master development plan; the intent of which is to:

- A. Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units such as industrial or office parks or complexes, commercial uses, service centers, residential developments of multiple or mixed housing, including multifamily dwellings, attached and detached single-family dwellings, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;
- B. Permit higher densities of land in conjunction with provisions for functional open space and community services;
- C. Promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, circulation systems and utilities;
- D. Combine and coordinate uses, building forms, building relationships, and architectural styles within the PUD;

- E. Promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible, and utilize such features in a harmonious fashion;
- F. Except a development from the conventional zoning regulations regarding setbacks, minimum yard size, minimum greenbelts, off-street parking regulations, minimum floor areas, and other regulations to achieve the intent described herein; (Ord. No. 87-682, § 1, 11-16-87)
- G. Give the developer reasonable assurance of ultimate approval before expending complete design monies while providing city officials with reasonable assurance that the development will retain the character envisioned at the time of concurrence.
- H. Promote increased security and privacy by permitting the use of security points to control access on public streets. However, the installation of security points is subject to approval by the city as part of the PUD and subdivision review process. (Ord. No. 97-1556, § 1, 5-19-97)

Sec. 2.0. - Application and requirements for PUD.

2.1. *Submission of application.* In lieu of the provisions of Article III, section[s] 2.10 and 2.11 (A) herein, the owner (or his duly appointed representative) of a tract of land shall submit to the city clerk[,] a minimum of twenty-one (21) days prior to a regularly scheduled planning and zoning commission meeting[,] an application for approval of a PUD, which shall meet the requirements of this section 2.0.

2.2. *Area requirements.* Except when the master development plan of an existing approved PUD is amended by the original applicant, successor or assigns, to include, additional area as provided in section 6.3 of this article, any tract of land to be zoned PUD shall have a minimum of seventy-five (75) acres. (Ord. No. 87-578, § 1, 2-2-87)

2.3. *Contents of application.* The application submitted in accordance with this section 2.0 shall contain. the following:

- A. *Application fee.* A one hundred dollar (\$100.00) fee to defray the cost of processing the application.
- B. [Plan.] A master development plan of the PUD and any maps necessary to show the following minimum information:
 - 1. The direction of north, appropriate scale and topography (in not greater than five (5) feet contour intervals) waterways, and forest cover.
 - 2. The location of the various land uses by PUD land use districts as listed in section 4.0 of this Article XII.
 - 3. [The] location of any existing and proposed public streets and thoroughfares, greenbelts, natural or man-made open spaces, schools, parks and community service areas within and adjacent to the project area.
 - 4. The location of any proposed security points for control of access on public streets. (Ord. No. 97-1556, § 1, 5-19-97)
 - 5. Pedestrian circulation network. (Ord. No. 02-1888, § 6, 4-16-02)
- C. *The planning criteria of the PUD.* The application shall include the following written statements and other matters:
 - 1. A legal description of the total site proposed for the PUD.
 - 2. A general description of the surrounding area, including current zoning and/or land uses.
 - 3. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made by the applicant in relation to the over-all community growth.
 - 4. A development schedule indicating the estimated date when construction of the PUD or stages of the PUD can be expected to begin.
 - 5. Quantitative data for the following:
 - (a) Percentage or acreage planned for each land use district.
 - (b)

Development criteria which shall include minimum/maximum land use densities, setbacks or other location methods, floor areas, signage, loading, and off-street parking requirements for each type of land use to be applied within any PUD land use district and/or any other development criteria which the owner/developer may propose.

6. Provisions and/or plans for providing adequate utilities including water and sewer and others.
7. Protective and/or restrictive covenants, charters, if any.
8. Any planned street/subdivision designs, including street, traffic, and informational signage or other standards.
9. Any planned interim uses.
10. Tree conservation standards which meet or exceed the requirements of Article XIII, section 2.0. (Ord. No. 96-1477, § 37, 4-15-96)
11. A statement as to the effect of any proposed security points for the control of access on public streets upon traffic circulation within and outside of the PUD, adjacent and surrounding properties and the provision of municipal and other public services. (Ord. No. 97-1556, § 2, 5-19-97)
12. Detailed design and construction plans for each proposed security point for the control of access on a public street, in sufficient detail to determine compliance with the city's minimum standards for security points which are in the Appendix of the Subdivision Regulations. (Ord. No. 97-1556, § 2, 5-19-97)

2.4. *Other regulations not applicable.* It is the intent of this Article XII that the PUD application set forth development criteria applicable to the property and that flexibility be allowed in the construction of improvements thereon. Accordingly, for the purposes of this Article XII, Articles VII, IX and X (except as set forth in section 4.2 of this Article XII) shall not apply to this Article XII.

2.5. *Control of access.* Because of the unique qualities of a planned unit development approved under the provisions of this article, the city may approve, as part of the PUD and subdivision approval processes, the installation of security points for the control of access on public streets. Security points shall be privately owned and maintained. Prior to installation of a security point, the owner shall post a maintenance bond or other security approved by the city, in an amount determined by the city to be sufficient to insure the proper maintenance of the security point.

As a minimum, the city shall consider the following a part of the approval process for the installation of security points for the control of access on public streets:

- a. The number and location of security points
- b. Traffic circulation within and outside of the PUD
- c. Effect upon adjacent and surrounding properties
- d. The provision of municipal and other public services

When a previously approved PUD requests permission to dedicate private streets and install or maintain a security point on said streets, the city may require dedication of all private streets which are connected to the private streets proposed for dedication.

The use of security points for the control of access on public streets shall not be permitted outside of a PUD approved under the provisions of this article.

2.6. *Sidewalks and pedestrian ways.* The application shall contain a pedestrian plan which provides a pedestrian circulation network throughout the PUD that connects to the pedestrian circulation network in the vicinity of the PUD.

- A. All sidewalks located within a public or private street right-of-way shall be constructed to the standards set forth in the subdivision regulations. All sidewalks and pedestrian ways shall be designed and located to enhance tree conservation and preservation. The city may require pedestrian ways that are located within environmentally sensitive tree conservation or preservation areas be surfaced with

gravel or other materials that are not impervious, except where steep slopes or storm drainage considerations dictate that paving is required in order to maintain the pedestrian way.

- B. Sidewalks shall be constructed within the right-of-way, on at least one side of all public and private streets submitted to the city for preliminary plat approval after the effective date of this ordinance; except that sidewalks shall not be required along the radius of a cul-de-sac and shall not be required along cul-de-sac streets that are less than three hundred (300) feet in length.

(Ord. No. 02-1888, § 1, 4-16-02)

(Ord. No. 97-1556, § 1, 5-19-97)

Sec. 3.0. - Review procedure.

3.1. *General.* The application shall be reviewed as provided in Article III, section 2.1(B—H) herein.

3.2. *Approval.* Approval of the application for the PUD by the city council shall be an approval of the master development plan and planning criteria of the application (the "plan"). The developer of the PUD may proceed with the development of the property in accordance with the plan, and no further approvals shall be required except as set forth in section 5.0 of this Article XII.

3.3. *Special uses not applicable.* Section 2.20 of Article III and Article VIII of this zoning ordinance shall not apply within areas having a PUD designation as provided in this Article XII.

Sec. 4.0. - PUD land use districts.

The following PUD land use districts shall apply to all or part of a PUD.

- A. Planned single family (PR-1).
1. *Intent.* To provide for maximum flexibility in the development of single-family residences and to coordinate with appropriate community services.
 2. *Permitted principal uses.* Attached and detached single-family dwellings, duplexes and accessory structures.
 3. *Conditional uses.* Public elementary or high school, or parochial or private school having a curriculum compatible to the above public school, but not providing residential accommodations; child day-care centers; church; museum; library; art gallery; open spaces; residential information offices and community buildings; recreational facilities operated on a nonprofit basis; golf courses[;] swimming pools; tennis courts; parks; including playgrounds, tot lots, ballfields, picnic areas, home occupations, convenience commercial uses, and other uses, all as may be approved by the planning and zoning commission and city council. (Ord. No. 87-647, § 2, 8-3-87)
 4. *Special exception uses.* Telecommunications facility subject to the requirements of Article XIV. (Ord. No. 97-1566, § 60, 6-16-97)
 5. *Maximum building height.* Buildings in the PR-1 District shall not exceed three (3) stories in height and shall conform to the International Building Code, as may be amended by the City and the International Fire Prevention Code. (Ord. No. 87-682, § 2, 11-16-87; Ord. No. 02-1933, § 4, 9-3-02)
 6. *Area and dimensional regulations:*
 - a. *Minimum lot width:* Sixty (60) feet for detached dwellings and twenty-six (26) feet for attached dwellings, except that the minimum lot width for detached dwellings shall be fifty (50) feet when vehicle access to the lot is limited to a rear alley. (Ord. No. 07-2155, § 2, 1-7-08)
 - b. *Minimum building setbacks:* No dwelling shall be located closer than twenty (20) feet from a public street right-of-way, except that the front building setbacks for all lots that front a local street in the same block, may be reduced to five (5) feet when vehicle access to said lots is from the rear of the lots, and may be reduced to fifteen (15) feet when the garages are setback more than thirty five (35) feet from the fronting street; subject to

approval by the Planning commission as part of the preliminary or final plat approval or amendment processes. If the reduced front setback prevents installation of the front yard tree(s) required in Article XIII, the required tree(s) shall be installed in a viable location in the side or rear yard of the subject lot. All structures shall be located so as to conform to the International Building Code, as adopted and as may be amended by the City and the International Fire Prevention Code. (Ord. No. 07-2155, § 2, 1-7-08; Ord. No. 09-2179, § 2, 7-20-09)

c. *Minimum livable floor area:*

1. One-story detached dwelling: One thousand five hundred (1,500) square feet.
2. Detached dwelling of more than one (1) story: One thousand nine hundred (1,900) square feet.
3. One-story attached dwelling: One thousand two hundred and fifty (1,250) square feet.
4. Attached dwelling of more than one (1) story: One thousand six hundred and fifty (1,650) square feet.

(Ord. No. 05-2063, § 5, 3-21-05)

B. *Planned multifamily (PR-2).*

1. *Intent.* To provide for maximum flexibility in the development of multifamily residences and to coordinate with appropriate community services.
2. *Permitted principal uses.* Multifamily dwellings and accessory structures, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 District, attached and detached single family dwellings and duplexes. (Ord. No. 97-1574, § 1, 7-21-97; Ord. No. 02-1912, §§ 1, 2, 6-17-02)
3. *Conditional uses.* Those principal and conditional uses allowed by PR-1; plus nursing homes, and offices of doctors, dentists, attorneys and other professionals; and other uses, all as may be approved by the planning and zoning commission and city council. A building which is more than five hundred (500) feet from a single-family residential district boundary may exceed ten (10) stories in height upon approval as a conditional use. (Ord. No. 87-682, § 3, 11-16-87)
4. *Special exception uses.* Telecommunications facility subject to the requirements of Article XIV. (Ord. No. 97-1566, § 61, 6-16-97)
5. *Maximum building height.* When a building is within three hundred (300) feet of a single-family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than three hundred (300) feet but less than five hundred (500) feet from a single-family residential district boundary, said building shall not exceed six (6) stories in height. When a building is more than five hundred (500) feet from a single-family residential district boundary, said building shall not exceed ten (10) stories in height, unless approved as a conditional use. All buildings shall conform to the International Building Code, the International Fire Prevention Code as may be amended by the City of Hoover. (Ord. No. 87-682, § 4, 11-16-87; Ord. No. 02-1933, § 5, 9-3-02)
6. *Area and dimensional regulations:*
 - a. Maximum density: Seven (7) dwelling units per gross acre.
 - b. Minimum livable floor area of dwelling unit: One thousand (1,000) square feet.

(Ord. No. 05-2063, § 6, 3-21-05)

C. *Planned office (PO).*

1. *Intent.* To provide for maximum flexibility in the development of areas for coordinated employment activity, services and compatible residential uses which do not materially detract from nearby residential areas.
2. *Permitted principal uses.* Public buildings, banks and other lending institutions, professional offices occupied by physicians, dentists, surgeons, attorneys, architects, engineers and other similar professions; and offices used exclusively for office purposes, wherein retail or wholesale trade or business is not conducted or wherein no merchandise or products are manufactured, stored, handled, conveyed, sold or otherwise disposed of, together with usual related support

businesses (such as, but not limited to, restaurants and food service restaurants, drug stores, barber shops, beauty parlors, and like uses), provided that such related support uses are physically located inside the structures devoted to the permitted principal uses set forth above. (Ord. No. 87-581, [§ 12](#), 3-2-87)

3. *Conditional uses.* Those principal and conditional uses allowed by PR-2, except detached single-family dwellings, duplexes and accessory structures; and other uses, all as may be approved by the planning and zoning commission and city council. A building which is located more than five hundred (500) feet from a single-family residential district boundary may exceed ten (10) stories in height upon approval as a conditional use. (Ord. No. 87-682, § 5, 11-16-87)
4. *Special exception uses.* Telecommunications facility subject to the requirements of Article XIV. (Ord. No. 97-1566, § 62, 6-16-97)
5. *Maximum building height.* When a building is within three hundred (300) feet of a single-family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than three hundred (300) feet but less than five hundred (500) feet from a single-family residential district boundary, said building shall not exceed six (6) stories in height. When a building is more than five hundred (500) feet from a single-family residential district boundary, said building shall not exceed ten (10) stories in height, unless approved as a conditional use. All buildings shall conform to the International Building Code, the International Fire Prevention Code as may be amended by the City of Hoover. (Ord. No. 87-682, § 6, 11-16-87; Ord. No. 02-1933, § 6, 9-3-02)

D. *Planned commercial (PC).*

1. *Intent.* To provide for maximum flexibility in the development of retail business districts and other compatible uses.
2. *Permitted principal uses.* Those principal uses allowed by PO; plus retail establishments, including but not limited to barber or beauty shops; banks, convenience stores; drug stores; dry cleaning outlets; coin-operated laundromats; day care or nurseries; grocery stores; neighborhood service facilities; schools; shopping centers; nursing homes; veterinary clinics (no outside kennels); auto dealerships; auto parts stores; bakery which bakes goods for on-premise retail sale only; building material sales—no outside lumber yard; all types of restaurants; department stores; radio and TV stations (no antennas); domestic equipment rental; furniture stores; motels or hotels; motion picture theatres; hospitals; gasoline service establishments which serve auto functions such as muffler, tire, battery, brake and transmission shops. (Ord. No. 86-549, § 1, 10-6-86; Ord. No. 87-581, [§ 12](#), 3-2-87)
3. *Conditional uses.* Those principal and conditional uses allowed by PO, except attached single-family dwelling, duplexes, and accessory structures; commercial and recreation and amusement facilities; on-premise and off-premise sale of alcoholic beverages, including private clubs, live entertainment, liquor stores and lounges; self-service storage facilities; mixed use development, which may include any combination of permitted and conditional uses in the PR-1, PR-2, PO and PC districts; and other uses as may be approved by the planning and zoning commission and city council. A building which is more than five hundred (500) feet from a single-family residential district boundary may exceed ten (10) stories in height upon approval as a conditional use. (Ord. No. 86-549, § 2, 10-6-86; Ord. No. 87-682, § 7, 11-16-87; Ord. No. 92-1086, [§ 13](#), 7-6-92; Ord. No. 97-1605, § 1, 12-15-97; Ord. No. 02-1846, § 5, 1-22-02)
4. *Special exception uses.* Telecommunications facility subject to the requirements of Article XIV. (Ord. No. 97-1566, § 63, 6-16-97)
5. *Mixed use density.* Mixed use development shall comply with the maximum percentage of impervious surfaces requirement of the PUD Development Criteria.

Upon approval of the PUD architectural review committee and the City of Hoover as part of the conditional use review and approval process, a mixed use development may exceed the maximum density expressed in square feet of building or units per acre, established by the PUD development criteria. In such cases, the architectural review committee and/or the city may require that the maximum percentage of impervious surfaces in the mixed use development be

reduced beyond that which is permitted by the PUD development criteria. (Ord. No. 87-682, § 8, 11-16-87; Ord. No. 02-1846, § 5, 1-22-02)

6. *Maximum building height.* When a building is within three hundred (300) feet of a single-family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than three hundred (300) feet but less than five hundred (500) feet from a single-family residential district boundary, said building shall not exceed six (6) stories in height. When a building is more than five hundred (500) feet from a single-family residential district boundary, said building shall not exceed ten (10) stories in height, unless approved as a conditional use. All buildings shall conform to the International Building Code, the International Fire Prevention Code as may be amended by the City of Hoover.

There shall be no stated maximum height for buildings in a mixed use development. The maximum height of buildings in a mixed use development shall be determined as part of the conditional use review and approval process. (Ord. No. 02-1846, § 5, 1-22-02; Ord. No. 02-1933, § 7, 9-3-02)

E. *Planned light industrial (PI).*

1. *Intent.* To provide for maximum flexibility in the establishment of areas compatible with commercial and light industrial uses.
2. *Permitted principal uses.* Those principal permitted uses allowed by PC; plus major auto repair or renovation facilities not housed in the same structure or accessory structure to an auto sales establishment, bakery, bottling plant; building material sales with outside storage and lumber yards; construction yards; distribution yards for gasoline and fuel or tanks; domestic animal kennels; farm machinery and farm supply sales; heavy equipment sales and service, highway maintenance yards and buildings; janitorial and maintenance service; laundry and dry cleaning plant, printing establishments; light industrial, fabricating, processing, assembling and manufacturing uses; sanitary sewage treatment facilities; warehouses; water or liquid storage tanks, wood working shops and self-service storage facilities. (Ord. No. 97-1605, § 1, 12-15-97)
3. *Conditional uses.* Those principal and conditional uses allowed by PC, except multi family residential, on premise and off premise sale of alcoholic beverages, live entertainment and mixed use development; and other uses, all as may be approved by the planning and zoning commission and city council. When a building is more than five hundred (500) feet from a single family residential district boundary said building shall not exceed ten (10) stories in height, unless approved as a conditional use. All buildings shall conform to the Standard Building Code, the National Fire Code and the Standard Fire Prevention Code; as adopted and amended by the City of Hoover. (Ord. No. 87-682, § 9, 11-16-87; Ord. No. 92-1086, § 14, 7-6-92; Ord. No 97-1574, § 1, 7-21-97; Ord. No. 02-1846, § 6, 1-22-02)
4. *Special exception uses.* Telecommunications facility subject to the requirements of Article XIV. (Ord. No. 97-1566, § 64, 6-16-97)
5. *Maximum building height.* When a building is within three hundred (300) feet of a single-family residential district boundary, said building shall not exceed three (3) stories in height. When a building is more than three hundred (300) feet but less than five hundred (500) feet from a single-family residential district boundary, said building shall not exceed six (6) stories in height. When a building is more than five hundred (500) feet from a single-family residential district boundary, said building shall not exceed ten (10) stories in height, unless approved as a conditional use. All buildings shall conform to the International Building Code, the International Fire Prevention Code as may be amended by the City of Hoover. (Ord. No. 87-682, § 10, 11-16-87; Ord. No. 02-1933, § 8, 9-3-02)

4.1. *Sign, off-street parking and loading requirements.* It is intended that the development criteria submitted with the application for the PUD will set forth sign, off-street parking and loading requirements. If the application does not contain such information, then the provisions of Articles IX and X of this zoning ordinance shall apply, but not otherwise.

4.2. *Reserved.* (Ord. No. 02-1846, § 7, 1-22-02)

Sec. 5.0. - Building permit.

5.1. *General.* The developer of the PUD shall proceed with the development of the property in accordance with the plan and no further approvals shall be required except as set forth in this section 5.0. If plans are submitted for the construction of improvements on any particular parcel within the PUD, a building permit shall be approved or disapproved according to the procedure set forth in this section 5.0.

5.2. *Issuance of building permits for principal permitted uses.* Upon application for a building permit for the construction of improvements on any parcel within the PUD, if the building official shall determine that the intended use of the improvements is a "principal permitted use" within the applicable land use district of the PUD, then a building permit shall be issued in accordance with the provisions of section 1.0 of Article III of this zoning ordinance.

5.3. *Conditional uses.* Upon application for a building permit for the construction of improvements on any parcel within the PUD, if the building official shall determine that the intended use of the improvements is a conditional use with the applicable land use district of the PUD, the building official shall defer said applicant and application to the planning and zoning commission, for review in accord with Article III, section 2.3 of this ordinance. (Ord. No. 02-1846, § 8, 1-22-02)

5.4. *Conditional uses.* Requests for conditional uses as stipulated within the zone district regulations including the PUD, are permitted only after review by the planning and zoning commission and approval of the city council. The following review procedure shall be adhered to:

- A. A minimum of twenty-one (21) days prior to a regularly scheduled planning and zoning commission meeting the applicant shall submit to the city clerk:
 1. A fifty dollar (\$50.00) fee to defray the cost of processing the application.
 2. A site development plan which shall include:
 - a. Existing and proposed topography.
 - b. Property lines.
 - c. Scale.
 - d. Storm drainage facilities and other utility easements.
 - e. Existing and proposed structures and their uses.
 - f. Exterior lighting.
 - g. General landscaping and fences.
 - h. Outside storage areas.
 - i. Parking and loading areas.
 - j. Points of ingress and egress.
 - k. Signs.
 - l. The location of all existing and proposed sidewalks and pedestrian ways on the subject property and adjacent property. (Ord. No. 02-1888, § 8, 4-16-02)
- B. A minimum of fourteen (14) days prior to the planning and zoning commission meeting at which the conditional use request is to be considered, the city clerk shall notify all adjacent property owners by mail. The notice shall state:
 1. [The] location of the conditional use request.
 2. The nature of the request, indicating the current zoning of the site and the proposed conditional use.
 3. The time, date and location of the planning and zoning commission meeting at which the request will be considered.
- C. The planning and zoning commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. The planning and zoning commission shall render a decision on the application before or at the next regularly scheduled meeting unless additional information is required. If additional information is required, the planning [and zoning] commission shall have thirty (30) days from the date of submittal of this additional information to the city in which to make a recommendation on the request to the city council.

- D. Upon receipt of the recommendation of the planning and zoning commission with regard to the conditional use request, the city council shall schedule same for a public hearing.
- E. The city clerk shall repeat the notification process as set forth in paragraph "B" of this subsection.
- F. At the time and place scheduled for the public hearing of the request, the city council shall hear the presentation of the applicant, review the recommendation of the planning and zoning commission, and hear any arguments in opposition and support of the proposal by the general public.
- G. When the city council denies a conditional use request, the planning and zoning commission shall not consider the same request for a period of six (6) months. Each time the city considers a conditional use request, the fifty dollar (\$50.00) administrative fee must be paid. (Ord. No. 327, § 1, 8-17-81)

5.5. *Subdivision plats roads.* Nothing in this section 5.0 shall be construed to require a building permit for approval of subdivision plats or road designs or the construction of roads within the PUD.

Sec. 6.0. - Amendment of the plan.

6.1. *Intent.* It is the intent of this Article XII to provide for flexibility in the development of the property submitted for the PUD, and to allow minor changes in the plan without any additional approvals. Accordingly, additional approvals shall be required only for major changes as defined in section 6.2 of this Article XII.

6.2. *Major change.* A "major change" in the plan shall be defined as:

- 1. A change in the boundaries of any land use district reflected on the master development plan. No segment, tract, or lot or parcel of land within the approved PUD shall be processed for a change of land use district to another PUD land use district or to a conventional zoning district unless the total PUD is submitted along with the rezoning request.
- 2. Approval of a security point for the control of access on a public street which was not approved on the master development plan, a change in the location of such a security point which was approved on the master development plan, and the public dedication of private streets which contain security points.
- 3. Any changes in the planning criteria submitted with the master development plan.

Any other changes shall be considered "minor changes" and shall not require any additional approvals, other than the plat approval which shall be obtained through the typical plat approval procedures of the city.

(Ord. No. 97-1556, § 1, 5-19-97)

6.3. *Approval of major changes.* Whenever the developer of the PUD shall request a major change in the plan, the developer shall file an application for change which shall be reviewed in accordance with the provisions of section 3.0 of this Article XII.

Sec. 7.0. - Time limit for development of plan.

If no construction has begun [within] six (6) months from the estimated and approved start up date of the PUD, as indicated by section 2.3(C)(4) of this Article XII, said approval shall lapse and be of no further effect. The planning and zoning commission, upon showing of good cause by the developer, may extend for period(s) of three (3) months for the beginning of construction[,] and development shall commence each year on ten (10) percent of the total PUD or fifty (50) acres (whichever is less) and said construction should continue and be completed within a reasonable time.

Sec. 8.0. - Definitions.

8.1. *Intent.* The intent of this section 8.0 is to clarify terms of this Article XII. For the purpose of this Article XII of this ordinance, certain terms used herein are herewith defined, and if any terms defined herewith in this section 8.0 shall contradict or conflict with any terms defined in Article IV or in any other section of this ordinance, those terms as defined in Article IV or other sections shall not apply to this Article XII.

8.2. *Definitions.*

Attached single-family dwelling: Shall refer to those buildings so designed and arranged [to provide separate sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy of more than two (2) families whereby the living units are built for sale, [in] fee simple, and not for lease and including condominiums and townhouses.

Detached single-family dwelling: A detached building so designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy by one family only.

Interim uses: An interim use shall be any temporary use of land in any area of a PUD which has been approved as a part of the PUD development plan and criteria. An interim use can be any use and may or may not be a principal permitted use or a conditional use of the land use district in which it is located.

Multifamily dwellings: Shall refer to a structure designed or used for residential occupancy by more than two (2) families, with or without common or separate kitchen facilities or dining facilities, and which is leased in part or whole, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, or similar housing types, but not including hotels, motels, hospitals, or nursing homes.

Open space: Any greenbelt, park, lake[,] river, or recreational development or area which is owned in common or private, devoid of any buildings and other physical structures, except where accessory to the provision of recreation opportunities, and which is developed, located and/or maintained so as to provide relatively permanent recreation opportunity either in the passive sense (such as the viewing of pleasant vistas, gardens, etc.), or in the active sense, (such as the participation in athletic endeavors, playground activities, etc.), to the general public, or segment thereof.

Plat: Any drawing or drawings and related written material indicating the manner or layout of a road, parcel, and/or subdivision to be submitted to the City of Hoover approvals and/or recording purposes.

Security point: A security point shall consist of a guardhouse, located within the median of a public street, which may be staffed with security personnel, for the purpose of monitoring traffic on the public street. A security point shall not have any mechanical or other device for blocking or obstructing traffic on the public street. (Ord. No. 97-1556, § 1, 5-19-97)

Sec. 9.0. - Changes to zoning ordinance.

No amendment or modification of this zoning ordinance shall be effective as to any PUD approval issued prior to such amendment or modification, unless the developer of a PUD approved prior to such amendment elects to amend the master development plan to incorporate such an amendment or modification of this zoning ordinance; it being intended that the PUD shall continue to be developed in accordance with the zoning ordinance in effect at the time of such prior approval unless the developer elects to subject the PUD to subsequent zoning ordinance amendments.

(Ord. No. 274, §§ 1.0—9.0, 8-23-79; Ord. No. 09-2179, § 3, 7-20-09)

FOOTNOTE(S):

⁽⁷¹⁾ *Cross reference— Riverchase PUD, App. III. [\(Back\)](#)*

Hoover, Alabama, Code of Ordinances >> - MUNICIPAL CODE >> **APPENDIX I - ZONING** >> ARTICLE XIII. - TREE CONSERVATION, BUFFERS AND LANDSCAPING >>

ARTICLE XIII. - TREE CONSERVATION, BUFFERS AND LANDSCAPING

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[Sec. 1.0. - Purposes and objectives.](#)

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[Sec. 4.0. - Landscaping for parking and vehicle areas.](#)

Sec. 5.0. - Automatic irrigation system regulations.

Sec. 6.0. - Enforcement.

Sec. 1.0. - Purposes and objectives.

The purposes of this article are to promote the quality of life in the city by promoting health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to encourage a responsible land ethic. This article has been made with reasonable consideration, among other things, to the character of the zoning districts and their peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

The objectives are achieved by the conservation and protection of the land, water, air, vegetation and other natural resources of the city by requiring measures to preserve and/or replace trees during all phases of land disturbing activity, to make incompatible land uses more compatible by requiring a buffer between the uses and to provide shade within and enhance the appearance of parking and other vehicle maneuvering areas.

Benefits derived to the community include the protection and enhancement of property values, as well as reduced storm water run-off, soil erosion and sedimentation. Trees and other forms of vegetation, in the process of photosynthesis, remove some carbon dioxide from the atmosphere, generate a significant amount of oxygen that is necessary for life support, and absorb and hold some chemical pollutants.

(Ord. No. 96-1477, § 38, 4-15-96)

Sec. 2.0. - Tree conservation.

Tree conservation is intended to create incentives to retain a small percentage of the trees during the land development process. The incentive is created by the establishment of a minimum percentage of each lot or parcel which must have trees after development is complete. This minimum percentage may be comprised of trees which were retained, planted trees or a combination of both.

In residential development, techniques such as retaining trees in areas of severe terrain, flood areas, and along rear property lines, drainage ways and the periphery of the project, are the most practical ways to comply with the minimum standards of this article. Trees required in the front yard of each dwelling also count toward the minimum requirement for the subdivision.

In nonresidential projects, trees within the parking areas and buffers may be applied to the required minimum coverage. Retention and planting of trees in areas of severe terrain and along the periphery of the project will facilitate compliance with the minimum standards.

In all districts, planning for the location of tree save areas prior to land disturbance is the most practical way to comply with the requirements of this article. This approach is reinforced by the requirement to submit a tree conservation plan to the city prior to land disturbance.

2.1. *Method.* A land disturbance permit shall be required prior to any land disturbance that is regulated by this article. The permit shall only be issued by the city upon receipt and approval of a land disturbance permit application. If the property is the subject of a conditional use, special use, special exception, variance or Mixed Use District zoning application, a tree conservation plan shall be submitted as part of said application. (Ord. No. 04-2013, § 7, 4-5-04)

2.2. *Applicability.* Land disturbance is defined as the making of any material change to the natural surface of the land or the removal of trees and other woody vegetation, including clearing, grading, excavating, filling, borrowing, creating spoil areas, and dumping of materials.

- A. The following land disturbance shall be exempt from the provisions of this article:
 1. Land disturbance on an occupied single family residential lot; provided that such disturbance is conducted by the owner/occupant or his or her agent.

2. Enlargement of a single family residential dwelling or the construction or placement of an accessory building or structure on the premises of an existing single family dwelling.
 3. Repair and maintenance of public utilities and storm drainage structures.
 4. Installation and maintenance of structures and facilities of a railroad company.
 5. Construction of streets within a public right-of-way or within an area approved by the city as a public street right-of-way on a preliminary subdivision plat.
 6. Emergency work to protect life, limb or property and emergency repairs.
- B. Each PUD approved after the effective date of this article shall adopt and enforce tree conservation requirements which meet or exceed the requirements of section 2.0 Tree conservation, but may be exempt from the requirements of section 6.0 Enforcement. Such requirements shall be submitted for review by the city as part of the PUD zoning application.

2.3. *Tree conservation plan.* A tree conservation plan as defined in subsection 2.4 or 2.5 of this article shall be approved prior to issue of a land disturbance permit, clearing permit, grading permit, or building permit. The purpose of the plan is to incorporate tree conservation with site development to provide an economically feasible project with the least amount of site disturbance.

The tree conservation plan is intended to provide a site development plan for property which delineates areas of site disturbance, tree save areas and/or areas for the replanting of trees, in compliance with the requirements of this and all other land development regulations. If a buffer or landscaping within a parking or vehicle maneuvering area is required for the proposed development, those requirements shall be part of the tree conservation plan.

2.4. *Land disturbance permit application.* The land disturbance permit application shall be filed on forms provided by the city and accompanied by a tree conservation plan, drawn to a scale no smaller than one inch equals fifty (50) feet with topographic information at five-foot contour intervals.

- A. For residential uses in the A-1 District and for permitted uses in the RE, E-1, E-2, R-1, R-2, R-3 and PRD districts, a tree conservation plan may be approved for individual lots or for more than one lot.
1. A tree conservation plan for an individual lot, pursuant to a building plan, shall not require topography and shall contain the following information:
 - a. The boundaries of all tree save areas.
 - b. All dimensions and distances, property lines, easements and rights-of-way.
 - c. Existing and proposed buildings and structures.
 - d. Bodies of water, including water detention and retention areas.
 - e. Driveways and parking areas.
 - f. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this section are fully satisfied.
 - g. The plan shall be accompanied by quantitative data which certifies compliance with the tree conservation standards of section 2.9
 2. A tree conservation plan which covers more than one lot shall be a conceptual plan which shows the manner in which the tree conservation standards of section 2.9 will be fulfilled. The plan shall contain the following information:
 - a. The boundaries of all tree save areas.
 - b. All dimensions and distances, property lines, easements and rights-of-way.
 - c. Bodies of water, including water detention and retention areas.
 - d. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this section are fully satisfied.
 - e. The plan shall be accompanied by a statement which describes the manner in which the tree conservation standards of section 2.9 are to be met and certification that the tree conservation plan complies with those standards.
- B. For uses other than a dwelling in the A-1 district and for conditional uses in the RE, E-1, E-2, R-1, R-2, R-3 and PRD districts and for all uses in the R-T-4, R-4, C-P, C-1, C-2, C-3, C-4, I-1 and Mixed Use

districts, the tree conservation plan that is pursuant to a building plan, shall contain the following information: (Ord. No. 04-2013, § 7, 4-5-04)

1. The boundaries of all tree save areas.
2. All dimensions and distances, property lines, easements, rights-of-way and buffers.
3. Existing and proposed buildings and structures, including signs, dumpsters, light and power poles, utility and drainage structures.
4. Existing and proposed buildings and structures on adjacent property affected by a required buffer. When the finished floor elevation of buildings on the subject property differs by ten (10) feet or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include an elevation which accurately shows the comparative elevations of the buildings.
5. Bodies of water, including water detention and retention areas.
6. Driveways, parking areas, existing and proposed parking spaces, access aisles and other vehicle maneuvering areas.
7. The location, species, size, description and spacing of all required ground covers, shrubs and trees to be planted. Shrub bed plantings at a scale of one inch equals twenty (20) feet and sections of planting through typical berms and slopes greater than ten (10) percent gradient shall be provided at the request of the administrator.
8. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this article are fully satisfied.
9. The plan shall be accompanied by:
 - a. A grading plan which shows all areas of cut and fill as well as borrow areas and areas for stockpiling of soil and materials.
 - b. Quantitative data which certifies compliance with the tree conservation standards of section 2.9.
 - c. Detailed drawings and specifications of tree protection measures including: Protective tree fencing, erosion control fencing, tree protection signs, transplanting specifications, tree wells and aeration systems, staking specifications, and other applicable drawings.

2.5. *Speculative land disturbance.* The following restrictions shall apply to land disturbance on property for which building plans are not available.

- A. Speculative land disturbance in the E-1, R-E, R-1, R-2, and R-3 districts shall leave twenty (20) percent of the land area in tree cover area, as required in subsection 2.9. The tree cover area shall be located along the rear and side property lines of a tract or parcel and along the rear property line of a lot.
- B. Speculative land disturbance in the E-1, R-E, R-1, R-2 and R-3 districts, on property owned by an entity which is a conditional use in those districts, shall not be permitted within fifty (50) feet of an adjacent single family residential district boundary nor within any required buffer.
- C. Speculative land disturbance in the A-1, PRD, R-4 and R-T-4 districts shall not be permitted within fifty (50) feet of an adjacent single family residential district boundary nor within any required buffer.
- D. Speculative land disturbance in the C-P, C-1, C-2, C-3, C-4, and I-1 districts and those areas not yet zoned by the city, shall not be permitted within one hundred (100) feet of an adjacent single family residential district boundary nor within any required buffer.
- E. A tree conservation plan drawn to a scale no smaller than one inch equals fifty (50) feet, which contains the following information, shall be approved by the administrator prior to any speculative land disturbance.
 1. The boundaries of all tree save areas.
 2. All dimensions and distances, property lines, easements and rights-of-way.
 3. Bodies of water, including water detention and retention areas.
 4. Sufficient information and detail to clearly demonstrate that all applicable requirements of this subsection 2.5 are fully satisfied.
- F.

A complete tree conservation plan, as required in subsection 2.4, shall be submitted as part of any subsequent conditional use, special use, special exception or variance application and prior to issue of any building permits.

2.6. *Land disturbance guidelines.*

- A. Land disturbance shall not include any unnecessary clearing.
- B. Water retention and detention areas and sedimentation basins shall be constructed so as to take advantage of the natural terrain in order to minimize grading and vegetation removal.
- C. Proposed utilities shall be located so as to have minimum impact upon existing vegetation. Adequate clearing shall be shown for the installation of utilities, including equipment access, excavating and deposition of soil.

2.7. *Review of land disturbance permit applications.* Upon receipt of a complete land disturbance permit application, the administrator shall either approve, return for revisions or deny the application. All tree protection measures, as required in the administrative guidelines, shall be installed and inspected by the administrator prior to land disturbance.

2.8. *Maintenance.* Except for occupied single family dwellings, the owner shall be responsible for the maintenance of all plant material required by this section. All plant material shall be tended and maintained in a healthy growing condition and replaced when dead.

2.9. *Tree conservation standards.* All land disturbing activities regulated by this article shall include the preservation and/or planting of trees on the site to the extent that minimum tree cover shall be provided as follows:

Zoning Districts	Percent Coverage
Permitted Uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD districts	20%
Permitted and Conditional uses in the R-T-4, R-4, and CP districts and Conditional Uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD districts	15%
Permitted and Conditional Uses in the C-1, C-2, C-3, C-4, and I-1 districts	10%
Mixed Use District	See paragraph H.

(Ord. No. 04-2013, § 7, 4-5-04)

- A. For detached single family residential dwellings and subdivisions, the percent coverage shall be applied to gross land area minus public street rights-of-way. For all other uses, the percent coverage shall be applied to the adjusted gross site area which is defined as gross site area in square feet, minus:
 - 1. The footprint area of all buildings, excluding parking deck structures.
 - 2. Public street, utility and drainage easements and rights-of-way.
 - 3. Lakes, detention and retention ponds, based upon the normal surface elevation.
 - 4. Absorption fields for on-site sewage disposal systems.
 - 5. Baseball, softball, football, soccer and similar athletic fields.
- B. Enlargement of a building, other than a single family residential dwelling or accessory building, by twenty (20) or less percent of the building floor area, shall be exempt from the percent coverage requirements of this section, provided no trees are cleared as part of the development process. If trees are cleared, then trees equaling the tree cover area of the trees which were cleared shall be planted on the property, in a location determined by the administrator.
- C. Enlargement of a building, other than a single family residential dwelling or accessory building, by more than twenty (20) percent of the building floor area, shall require that the premises of the enlarged building comply with the percent coverage requirements of this section.
- D. The twenty (20) percent tree coverage requirement for single family detached dwellings may be applied to each lot or to the area covered by the tree conservation plan as a whole. If applied to the area as a

whole, a tree conservation plan shall be submitted and approved for the entire area within the boundary of the tree conservation plan prior to clearing of any lots within that area.

- E. The following minimum number of trees shall apply to each front yard(s) of all residential lots in the A-1, RE, E-1, E-2, R-1, R-2, R-3, R-T-4 and PRD zoning districts.

Lot Width	Minimum Number of Large Deciduous Trees
70 feet or less	1
More than 70 feet	2

If the prospective homeowner states in writing that trees are not desired in the front yard, then the trees allocated to that lot may be re-allocated to other front yard or public street plantings within the boundary of the tree conservation plan.

- F. When a tree conservation plan is submitted for an individual single family residential lot, compliance with the tree conservation standards of this section shall not result in the requirement to plant more than four large deciduous trees on the subject lot.
- G. When a tree conservation plan is submitted for more than one single family residential lot, compliance with the tree conservation standards of this section shall not result in the requirement to plant a total number of large deciduous trees which is greater than the number of lots in the tree conservation plan, multiplied by the number four (4).
- H. In the Mixed Use District, pedestrian oriented open space, including parks, plazas, courtyards, outdoor dining areas and landscaping shall comprise at least ten (10) percent of the gross land area of the Mixed Use District. (Ord. No. 04-2013, § 7, 4-5-04)

2.10. *Tree preservation credit.*

- A. Existing trees may meet all or part of the tree cover requirements of this section. Existing trees shall qualify for tree cover credit if they are located within a tree save area identified on the tree conservation plan, protected during land disturbance as required in the administrative guidelines and meet the minimum requirements of this section.
- B. The credit allowed for a freestanding tree or cluster of trees shall be one and one-quarter (1.25) multiplied by the area defined by the boundaries of the existing drip line of a freestanding tree or group of trees as delineated on the tree conservation plan.
- C. The minimum size tree to be allowed for tree cover credit shall be two (2) inches DBH.
- D. When existing trees are to be preserved for tree cover credit, efforts should be made to avoid fragmentation of the preservation areas from other woodlands within or contiguous to the site.
- E. Tree cover credit shall only be given to trees with main trunks located on the subject property.
- F. If during construction, trees that are shown to be preserved are cleared or removed, so that the tree cover standard is no longer met, then replacement trees shall be required. Conversely, if additional trees are preserved in compliance with the administrative guidelines, then tree cover credit may be added to the calculations in accordance with this section.

2.11. *Tree planting credit.*

- A. Tree cover credit shall only be given to trees with main trunks located on the site being developed, except that required trees may be planted within an adjacent public street right-of-way, if shown on the approved tree conservation plan and approved by all applicable governments and utilities.
- B. The tree cover calculations for planted trees shall be based upon the tree coverage area for each tree as shown in the tree selection and cover guide. Other trees and larger tree sizes may be given tree cover credit with submission of supporting tree cover data to the administrator.
- C. The trees that are to be planted shall be selected from species suitable for the proposed site conditions.

(Ord. No. 96-1477, § 38, 4-15-96)

Sec. 3.0. - Buffers.

3.1. *Applicability.* Buffer regulations are set forth in each of the zoning district sections of Article VI. If proposed development activity requires a buffer, a tree conservation plan including supplemental information required in this section, shall be submitted pursuant to the requirements of this article. (Ord. No 99-1719, § 1, 2-7-00)

3.2. *Standards.* In order to decrease incompatibility between neighboring uses, the following standards shall apply to all buffers required by the zoning ordinance.

- A. When a required buffer adjoins property that is zoned for detached, single-family dwellings, an undisturbed buffer that is at least fifty (50) percent of the width of the required buffer shall be provided adjacent to said property, with the balance of the required buffer being a planted buffer. If the undisturbed portion of the buffer does not provide a visually impervious barrier, supplemental plantings may be required. All other buffers required by this ordinance may be planted buffers. Planted buffers shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of four (4) feet above grade throughout the entire length and width of the planting. The buffer shall only be planted with plant materials listed in the Tree Selection and Cover Guide that are noted with (# and ^), and at least one (1) tree that qualifies for tree canopy credit in the Tree Selection and Cover Guide, for each thirty (30) linear feet of buffer. Within one (1) year after installation, that portion of the buffer planted as prescribed above shall be at least six (6) feet above grade throughout the entire length and width of the planting. (Ord. No. 06-2128, § 1, 8-7-06)
- B. Where topography provides a more effective buffer than the above described buffer, or where topography renders the above described buffer ineffective, the city may:
 - 1. Reduce the width of the required buffer by not more than fifty (50) percent,
 - 2. Reduce the width or waive the required undisturbed buffer,
 - 3. Allow reforestation with native vegetation in lieu of all or a portion of the required planted buffer,
 - 4. Any combination of the above stated measures.

(Ord. No. 03-1982, § 3, 9-15-03; Ord. No. 06-2128, § 1, 8-7-06)

- C. Privacy walls or fences, if incorporated in the buffer, shall be visually impervious, at least six (6) feet high, and shall be used in conjunction with landscaping materials which compliment the purpose of the required buffer, as determined by the administrator. Chain link fence shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be approved by the city.
- D. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties in the same type finish as the interior portion. All walls and fences shall be maintained in perpetuity by the owner.
- E. Electrical, telephone, gas, water, sanitary sewers, storm drainage and other utility facilities may be constructed in the required buffer under the following conditions:
 - 1. The developer shall submit adequate data such as an existing tree survey and photographs to verify predevelopment conditions in the affected buffer area.
 - 2. The administrator shall condition the land disturbance and building permits upon restoration of the area in compliance with the approved tree conservation plan within four (4) months after utility construction is complete.
 - 3. The developer shall be required to restore the buffer in compliance with the approved tree conservation plan.
 - 4. If construction of utilities will result in the disturbance of more than fifty (50) continuous feet of the required buffer, the administrator may require additional planting to satisfy the buffer standards.
- F. When easements or rights-of-way that prevent planting of the required vegetation are located within a buffer, the width of the easement or right-of-way shall not be included when calculating the width of the buffer, except as follows:
 - 1. Where twenty-five (25) and thirty-five (35) foot wide buffers are required, the width of the buffer may be reduced by one (1) foot for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than twenty (20) feet in width.

2. Where a fifty (50) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than thirty-five (35) feet in width.
 3. Where a one hundred (100) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than eighty (80) feet in width. (Ord. No. 03-1982, § 3, 9-15-03)
- G. Buffers which are approved as undisturbed buffers shall not require irrigation. All planted buffers shall be irrigated in compliance with section 5.0 of this article. (Ord. No. 03-1982, § 3, 9-15-03)
- H. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

(Ord. No. 96-1477, § 38, 4-15-96; Ord. No. 03-1982, § 3, 9-15-03)

Sec. 4.0. - Landscaping for parking and vehicle areas.

4.1. *Applicability.* These regulations apply to all areas, (hereinafter referred to as parking areas), which are open to the general public or visible from the public right-of-way, and used for off-street parking and loading, vehicular storage, display, maneuvering, vehicle washing, and the dispensing of motor fuels. All such areas with less than five (5) vehicle spaces are exempt from the provisions of this section.

This section shall apply to new parking areas or enlargement of existing parking areas by ten (10) percent or more, for all conditional uses and for permitted uses in the R4, R-T4, C-P, C-1, C-2, C-3, C-4 and I-1 districts. If proposed development activity requires the installation of landscaping in parking areas, a tree conservation plan, including supplemental information required in this section, shall be submitted pursuant to the requirements of this article.

4.2. *Design standards.*

A. *Interior parking areas.*

1. Each parking area shall have interior landscaping covering not less than ten (10) percent of the total parking area, all of which shall be devoted to tree canopy area. Such landscaping shall be in addition to all planting within six (6) feet of a building.
2. The primary landscaping materials used in parking areas shall be shade trees. Shrubs and other planting materials may be used to compliment the shade tree planting, but shall not be the sole component of the landscaping.
3. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

B. *Peripheral parking area landscaping adjacent to rights-of-way.*

1. A landscaped strip at least fifteen (15) feet wide, which shall not include a sidewalk or trail, shall be located between the parking area and the public right-of-way, except where driveways are located. Required landscaping and trees may be planted within the adjacent public street right-of-way, if shown on the approved tree conservation plan and approved by all applicable governments and utilities. (Ord. No. 03-1982, § 3, 9-15-03)
2. Shrubs shall be evergreen and a minimum of thirty (30) inches high at installation, with a minimum height of three (3) feet within one growing season. Required shrubbery shall be planted in double staggered rows on not more than thirty six (36) inch centers within the planting strip. (Ord. No. 03-1982, § 3, 9-15-03)
3. At least one tree for every thirty (30) linear feet or portion thereof shall be planted in the landscaped strip, however, this shall not be construed as requiring the planting of trees on thirty-foot centers.
- 4.

Landscaping near parking areas shall not obstruct the driver's view of the right-of-way at driveways and intersections, where plant height shall be limited to thirty (30) inches to provide vision clearance triangles.

5. Vision clearance triangle setbacks shall be ten (10) feet in parking areas, thirty (30) feet at intersections and as required by the Alabama Department of Transportation. Trees are permitted but branches shall be trimmed and maintained to a minimum height of eight (8) feet above finished grade.
- C. *Peripheral parking area landscaping adjacent to private property.*
1. A landscaped strip at least eight (8) feet wide shall be located between the parking area and abutting property lines, except where driveways are located. (Ord. No. 03-1982, § 3, 9-15-03)
 2. At least one tree for every thirty (30) feet or portion thereof shall be planted in the landscaped strip, however, this shall not be construed as requiring the planting of trees on thirty-foot centers.
- D. *Maintenance.* The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- E. *Irrigation.* All required landscaping shall be irrigated in compliance with the automatic irrigation system regulations of this article; except required landscaping within an existing parking area which is being landscaped to comply with the requirements of this section.

4.3. *Plant materials standards.* All plant material shall conform to the American Standard for nursery stock, latest addition, published by the American Joint Committee on Horticultural Nomenclature. Only trees and shrubs that are listed in the Tree Selection and Cover Guide may be planted in required landscaping and buffer areas. (Ord. No. 03-1982, § 3, 9-15-03)

(Ord. No. 96-1477, § 38, 4-15-96)

Sec. 5.0. - Automatic irrigation system regulations.

- A. Complete irrigation plans which comply with the plumbing code of the city, shall be submitted as part of every tree conservation plan which must comply with sections 2.0 or 3.0 of this article. Irrigation plans shall be drawn at the same scale as the tree conservation plan and shall cover the entire area where irrigation is required.
- B. A fully automated irrigation system shall be constructed where irrigation is required. Automatic controllers shall be screened from view, locked and not easily accessible to pedestrian traffic.
- C. Required back flow prevention devices connected to the public water system shall be screened from view and shall not be set in lawn areas.
- D. Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half inch from the edge of curbs and walks and six (6) inches from architectural structures.
- E. The owner shall keep the irrigation systems in proper working condition as part of a regular maintenance program.
- F. Workmanship and materials shall conform to the plumbing code of the city.
- G. At the conclusion of the work, the contractor shall submit three (3) copies of the as-built plans to the city.

(Ord. No. 96-1477, § 38, 4-15-96)

Sec. 6.0. - Enforcement.

6.1. *Permitted and conditional uses in the R-T-4, R-4, CP, C-1, C-2, C-3, C-4, and I-1 districts and conditional uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD districts:*

- A. No tree conservation plan required by this article shall be approved by the administrator until a financial guarantee of performance is submitted, in an amount determined by the administrator to be not less than one hundred ten (110) percent of the cost of implementing the tree conservation plan. The

guarantee shall be in the form of a bond, irrevocable letter of credit or certificate of deposit made payable to the city.

- B. Prior to release of the financial guarantee and prior to issuance of a certificate of occupancy for the premises, the administrator shall determine that the tree conservation plan has been implemented.

6.2. *Permitted Uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts.* A certificate of occupancy shall not be issued for any dwelling until the lot on which the dwelling is located complies with the tree conservation plan approved for the lot or tree conservation plan area as a whole.

(Ord. No. 96-1477, § 38, 4-15-96)

TREE SELECTION AND COVER GUIDE (Deciduous)		
No.	Botanical Name/Common Name	2"–3"
SMALL DECIDUOUS TREES (up to 40' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure at 6" from ground)
1	Acer barbatum/Florida Maple # * ^	100
2	Acer leucoderme/Chalkbark Maple #	75
3	Acer palmatum/Japanese Maple # *	75
4	Carpinus caroliniana/American Hornbeam #	75
5	Cercis Canadensis/Eastern Redbud # *	75
6	Chionanthus virginicus/American Fringetree #	75
7	Cladastris kentuckea/Kentucky Yellowwood # *	75
8	Cornus florida/Florida Dogwood #	75
9	Cornus kousa/Kousa Dogwood # *	75
10	Halesia tetraptera/Carolina Silverbell #	75
11	Koelriuteria paniculata/Goldenraintree # *	100
12	Lagerstroemia indica/Common Crapemyrtle cultivars	25
	- mature height (0'–10')	
	- mature height (10'–20') # *	50
	- mature height (20' +) # * ^	75
13	Magnolia soulangeana/saucer Magnolia # *	75
14	Ostrya virginiana/American Hophornbeam #	75
15	Oxydendrum arboreum/Sourwood # * ^	100
16	Pistacia chinensis/Chinese Pistache # * ^	100

17	Prunus L./various flowering cherries and plums # *	75
18	Rhus copallina/Shining Sumac #	75
MEDIUM DECIDUOUS TREES (from 40'–60' in height)		Tree Cover Area in Square Feet and Caliper at Planting (measure at 6" from ground)
19	Acer rubrum/Red Maple # * ^	200
20	Acer saccharum/Sugar Maple # * ^	200
21	Betula nigra/River Birch # * ^	200
22	Diospyros virginiana/Common Persimmon # * ^	200
23	Fagus grandifolia/American Beech # * ^	200
24	Fraxinus pennsylvanica/Green Ash # * ^	250
25	Nyssa sylvatica/Black Gum # * ^	250
26	Quercus acutissima/Sawtooth Oak # * ^	300
27	Quercus lyrata/Overcup Oak # * ^	300
28	Quercus nuttallii/Nuttall Oak # * ^	300
29	Quercus phellos/Willow Oak # * ^	300
30	Quercus stellata/Post Oak # * ^	300
31	Quercus shumardii/Shumard Oak # * ^	300
32	Taxodium distichum/Common Baldcypress # * ^	250
33	Ulmus parvifolia/Chinese elm # * ^	250
LARGE DECIDUOUS TREES (60' and above)		Tree Cover Area in Square Feet and Caliper at Planting (measure at 6" from ground)
34	Fraxinus americana/American ash # ^	250
35	Ginkgo biloba/Ginkgo # ^	200
36	Liriodendron tulipifera/Tulip poplar # ^	250
37	Liquidambar styraciflua/Sweetgum # * ^	300
38	Metasequoia glyptostroboides/ Dawn Redwood # * ^	300
39	Platanus occidentalis/Sycamore planetree # * ^	300
40	Quercus alba/White Oak # * ^	300

41	Quercus macrocarpa/Bur oak # * ^	250
42	Quercus palustris/Pin Oak # * ^	250
43	Quercus prinus/Chestnut Oak # * ^	250
44	Ulmus americana/American elm # * ^ - Dutch Elm Disease resistant cultivars	250
45	Zelkova serrata/Japanese zelkova # * ^	250

Permitted in landscaped buffers

* Rates interior credit

^ Rates canopy credit

Requires shade

TREE SELECTION AND COVER GUIDE (Evergreen)

SMALL EVERGREEN TREES AND TALL SHRUBS (Mature growth potential of less than 25' in height)		Tree Cover Area in Square Feet and Height at Planting		
No.	Botanical/Common Name	4'–6'	6'–8'	8'–10'
1	Ilex x attenuata 'Fosteri'/Foster's Holly # *	50	75	100
2	Ilex c. burfordi/Burford Holly # *	50	75	100
3	Ilex latifolia/Lusterleaf Holly # *	50	75	100
4	Ilex x 'Nellie R. Stevens'/Nellie R. Stevens' Holly # *	50	75	100
5	Ilex vomitoria/Yaupon Holly # *	50	75	100
6	Ligustrum japonicum/Japanese Privet # *	50	75	100
7	Ligustrum sinense/Chinese Privet 'Variegatum' # *	50	75	100
8	Magnolia grandiflora x 'Little Gem' Magnolia # *	50	75	100
9	Myrica cerifera/Southern Wax Myrtle # *	50	75	100
10	Prunus caroliniana/Carolina Cherrylaurel # * ^	50	75	100
MEDIUM EVERGREEN TREES (Mature growth		Tree Cover Area in Square Feet and Caliper at Planting(measure at 6" above ground)		

potential of 25' to 50' in height)			
No.	Botanical Name/Common Name	2"–3"	
11	Cryptomeria japonica/Japanese Cedar # * ^	125	
12	Cupressocyparis leylandii/Leyland Cypress # * ^	125	
13	Ilex opaca/American Holly # * ^	200	
14	Magnolia grandiflora x (medium height cultivars) # * ^	150	
15	Magnolia virginiana/Sweetbay Magnolia *	100	
BUFFERING AND REFORESTING MATERIAL		Tree Cover Area in Square Feet and Height at Planting	
No.	Botanical Name/Common Name	BR	2'–4'–6' 4'
16	Pinus echinata/Shortleaf Pine # *	5	10 15
17	Pinus virginiana/Virginia Pine # *	5	10 15
LARGE EVERGREEN TREES (Mature growth potential of at least 50' in height)		Tree Cover area in Square Feet and Caliper at Planting (measure at 6" above ground)	
No.	Botanical Name/Common Name	2"–3"	
18	Cedrus atlantica/Atlas Cedar # * ^	200	
19	Cedrus deodara/Deodar Cedar # * ^	200	
20	Juniperus virginiana/Eastern Red Cedar # * ^	200	
21	Magnolia grandiflora/Southern Magnolia # * ^	250	
22	Quercus virginiana/Live Oak # * ^	300	
BUFFERING AND REFORESTING MATERIAL		Tree Cover Area in Square Feet and Height at Planting	
No.	Botanical Name/Common Name	BR	2'–4'–6' 4'
23	Pinus elliottii/Slash Pine # * ^	5	10 15
24	Pinus glabra/Spruce Pine # * ^	5	10 15

25	Pinus palustris/Longleaf Pine # * ^	10	15	25
26	Pinus taeda/Loblolly Pine # * ^	5	10	15

Permitted in landscaped buffers

* Rates interior credit

^ Rates canopy credit

(Ord. No. 03-1982, § 3, 9-15-03)

FOOTNOTE(S):

⁽⁷²⁾ **Editor's note**— Ord. No. 96-1477, § 38, adopted April 15, 1996, amended the zoning ordinance by repealing former Art. XIII, and adding a new Art. XIII. Former Art. XIII pertained to landscaping regulations for parking and vehicle areas, and derived from the original zoning ordinance (Ord. No. 263, adopted March 26, 1979) and Ord. No. 91-1048, adopted August 16, 1991. ([Back](#))

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ARTICLE XIV. - TELECOMMUNICATIONS REGULATIONS

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Sec. 1.0. - Purpose.

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, these regulations are necessary in order to (1) facilitate the provision of wireless telecommunications services to the residents and businesses of the city; (2) minimize adverse visual effects of towers through careful design and siting standards; (3) avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and (4) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications antennas in order to reduce the number of towers needed to serve the community.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 2.0. - Applicability.

This article shall apply to antennas, towers and other supporting structures which are integral to the principal use of the premises or which are a separate business from the principal use of the property, including, but not limited to: Commercial radio and television transmission antennas, television receiving antennas for cable television systems, telecommunications antennas, and other antennas which are not an accessory use of the premises. All

such uses shall be a special exception use, except the following uses which shall be a permitted use in all zoning districts.

- A. Installation of antennas on existing towers where the tower height is not increased and all accessory structures and uses are located within the existing tower compound.
- B. Installation of antennas on power poles where the height of the pole is not increased and accessory cabinets and boxes have a volume of less than two (2) cubic feet.
- C. Installation of antennas owned by public utilities which are accessory to: remote terminal units serving pad mounted switch gear, remote switch controllers and similar telemetry antennas; provided the antenna is attached to a power transmission or distribution pole and does not exceed the height of the pole, or the antenna is attached to a building and does not extend more than ten (10) feet above the roof line of the building or the antenna is ground mounted and does not exceed twenty (20) feet in height. Said antennas shall also be exempt from the permitting requirements of section 10.0 of this article.
- D. Installation of antennas which are accessory to supervisory control and data acquisition facilities located within an electric power substation, provided the antenna does not exceed the height of the poles or substation structure. Said antennas shall also be exempt from the permitting requirements of section 10.0 of this article.
- E. Installation of antennas on concealment structures, except concealment towers, where the antenna is not visible from off the premises and the accessory cabinet has a volume of less than forty (40) cubic feet or is not visible from off the premises.
- F. Installation of antennas on buildings which comply with all of the following conditions.
 - 1. The building is not located in a single family residential district.
 - 2. The property is not subject to a conditional use, variance or other zoning restriction which exceeds the requirements of the zoning ordinance.
 - 3. The antenna does not exceed the maximum building height in the zoning district nor extend more than twelve (12) feet above the roof line of the building.
 - 4. The accessory cabinet does not exceed forty (40) cubic feet in volume or is located where it is not visible from off the premises.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 3.0. - Availability of suitable existing towers or other structures.

No new towers, which are a special exception under the terms of this article, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city that no existing tower or structure can accommodate the applicant's needs.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 4.0. - Principal uses to be on lots.

All telecommunication towers and other supporting structures which are not an integral part of the principal use of the premises shall be the principal use of the premises on which they are located and shall be located on a separate lot. Because of the unique nature of these structures, said lots shall be exempt from the requirement to have principal frontage upon a public street, any minimum lot area or width requirements and any setback requirements of the zoning district where they are located. However, the lot for any telecommunications tower shall be large enough to accommodate the tower and accessory structures of the applicant, as well as the accessory structures of at least one additional co-locating service provider.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 5.0. - Setbacks.

Towers shall be placed no closer than a distance equal to the height of the tower from any dwelling located in the A-I, R-E, E-1, E-2, R-1, R-2, R-3, PRD, PR-I or RT-4 zoning district. However, because of the unique nature of

telecommunications facilities, other required setbacks from property lines shall be determined on an individual basis by the board of adjustment as part of the special exception process. The board shall consider the following factors when establishing minimum setbacks.

- A. The type of telecommunications facility;
- B. Relationship to other properties and buildings;
- C. Relationship to the public right-of-way;
- D. Size of the subject lot or parcel;
- E. Accessibility for public safety and other purposes; and
- F. Other factors which effect the telecommunications facility, surrounding property and community at large.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 6.0. - Aesthetics and lighting.

- A. Towers shall either maintain a galvanized steel finish, or subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness.
- B. The design of the buildings and accessory structures and uses shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and built environment.
- C. If an antenna is installed on a structure other than a tower, the antenna and accessory uses and structures must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related facilities as visually unobtrusive as possible.
- D. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting must be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
- E. No portion of any antenna array may extend beyond the property line.
- F. Accessory buildings, cabinets and structures shall not exceed sixteen (16) feet in height, and shall be compatible with the surrounding area.
- G. The city may require a special design of any telecommunications facility where findings of particular sensitivity are made.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 7.0. - Federal requirements.

All towers and antennas must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners expense.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 8.0. - Building codes and safety standards.

The owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes, the applicable standards for towers that are published by Electronic Industries Association as amended, and all applicable codes adopted by the city.

- A. In addition to any other applicable standards and requirements, the following shall apply to all towers and telecommunications facilities:

1. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass and injury.
 2. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anticlimbing device.
 3. At least ten (10) feet of horizontal clearance must exist between any antennas and any power lines, unless more clearance is required to meet Alabama Public Service Commission standards.
 4. All towers and telecommunications facilities must be designed and/or sited so that they do not pose a potential hazard to nearby residences or surrounding properties or improvements. Any tower shall be designed and maintained to withstand without failure, the maximum forces expected from wind, hurricanes, and other natural occurrences, when the tower is fully loaded with antennas, transmitters, and other telecommunications facilities, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the building official prepared by a structural engineer licensed in the State of Alabama describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the building official at least every five (5) years of an inspection report prepared by an Alabama registered structural engineer indicating the number and types of antennas and related telecommunications equipment actually present, and indicating the structural integrity of the tower. Based on this report, the building official may require repair of, or if a serious problem exists, removal of the tower or any telecommunications facilities.
- B. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of a tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owners expense.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 9.0. - Radio frequency standards.

All applicants shall comply with federal standards for a radio frequency emissions. Within six (6) months after the commencement of any operations utilizing a tower, antenna or related telecommunications facilities, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the city finds that the facility does not meet federal standards, the city may require corrective action within a reasonable period of time, and if not corrected, may require removal of the telecommunications facilities. Any reasonable costs incurred by the city, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 10.0. - Permits.

Except as specifically exempted in section 2.0 of this article, towers, antennas and telecommunications facilities are considered structures, requiring issuance of a building permit. In addition to any information required pursuant to Article III, section 1.0 in connection with the issuance of a permit for a tower, antenna or telecommunications facility, the applicant shall, prior to a permit being issued, submit the following to the building official:

- A. A maintenance/facility removal agreement, binding the applicant, the property owner (if other than the applicant) and the applicant's and/or owner's successors in interest, to properly maintain the exterior appearance of and ultimately the removal of the tower and telecommunications facilities in compliance with the provisions of this article and any conditions of approval.
- B.

An agreement to pay to the city all costs of monitoring compliance with, and enforcement of, the maintenance, removal, and/or disposal of any tower and telecommunications facilities, and to reimburse the city for all costs incurred to perform the work required of the applicant by this agreement that the applicant may fail to perform. Such agreement for reimbursement shall include all costs of collection and reasonable attorneys fees.

- C. An agreement to allow the city to enter onto the property and undertake any maintenance or removal activities so long as:
1. The building official has provided the applicant written notice requesting the work needed to comply with this article and providing the applicant at least forty-five (45) days to complete it; and a follow up notice of default specifying failure to comply within the time period permitted, and indicating the city's intent to commence the required work within ten (10) days of the notice; and
 2. The applicant has not filed an appeal pursuant to Article III section 1.32 within ten (10) working days of the notice of the city's intent to commence the required work. If an appeal is filed, the city shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it is taken in favor of the city.
 3. Notwithstanding anything contained in this section to the contrary, the city shall not be required to provide the notice described herein if there is a significant risk to the public health and safety requiring immediate remedial measures.
- D. In addition to any building permit fees and special exception application fees, the applicant shall pay a telecommunications facilities permit fee in an amount that shall be set from time to time by city council resolution. The fees for towers may be set at different levels than the fees set for antennas. The city council resolution may further provide for a waiver of fees in the case of:
1. Construction of new towers with excess capacity, where the applicant commits in advance to allow co-location;
 2. Co-location of antennas on existing towers and/or alternative tower structures;
 3. Location of antennas on existing alternative tower structures;
 4. Other conditions which the city believes will minimize the need for construction of new towers.
- E. A statement that the applicant agrees to allow for the potential co-location of additional telecommunications equipment by other providers on the applicant's tower or within the same site location, subject to reasonable conditions.
- F. If the applicant seeks a permit for a tower or telecommunications facility on leased property, a copy of the lease agreement, memorandum of lease, or a verified written statement of the landlord indicating that the landlord is permitted to enter into leases with other telecommunications providers.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 11.0. - Application requirements.

- A. Each applicant requesting a special exception under this article shall, in addition to submitting all information required in article III, section 2.4, submit the following information:
1. Scaled elevation view and other supporting drawings, calculations, and documentation, signed and sealed by appropriate registered professionals.
 2. Radio frequency coverage and tower height requirements.
 3. Other information deemed by the board as necessary to determine compliance with this article.
- B. Each applicant for an antenna or tower shall submit an inventory of its existing towers that are either within the city or within one-quarter ($\frac{1}{4}$) mile of the city's boundaries, including specific information about the location, height, and design of each tower. The city may share such information with other organizations seeking to locate antennas within the city, provided however that the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

If the applicant owns the electric power or telephone poles in the area, it is not the intent of this article to require a map showing all such poles, however, it is the intent of this article for the applicant to submit a map

showing the location and height of all such poles in the vicinity of the property which is the subject of the special exception use.

- C. Each applicant for an antenna or tower shall submit a copy of its one- and five-year plans for development of its telecommunications facilities in the city.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 12.0. - Factors considered in granting special exception permits for towers and antennas.

The city shall consider the following factors in determining whether to issue a special exception for a telecommunications facility:

- A. Height of the proposed tower;
- B. Proximity of the tower to residential structures and residential district boundaries;
- C. Nature of uses on adjacent and nearby properties;
- D. Surrounding topography;
- E. Surrounding tree coverage and foliage;
- F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- G. Proposed ingress and egress;
- H. An evaluation of the applicant's one-and five-year plans for development of its telecommunications facilities within the city, as well as those plans on file from other telecommunications providers;
- I. Availability of suitable existing towers and other structures; and
- J. Any other information that the city deems reasonably necessary in connection with the review of the application.

(Ord. No. 97-1566, § 65, 6-16-97)

Sec. 13.0. - Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The city, in its sole discretion, may require an abandoned tower or antenna to be removed. The owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the city notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the city may remove and dispose of such antenna or tower at the owners expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Ord. No. 97-1566, § 65, 6-16-97)

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ARTICLE XV. - HIGHWAY 280 OVERLAY DISTRICT REGULATIONS

Sec. 1.0. - Intent.

Sec. 2.0. - Highway 280 Access.

Sec. 3.0. - Building design and orientation.

Sec. 4.0. - Fences and walls.

Sec. 5.0. - Exterior lighting.

Sec. 6.0. - Grading and drainage.

Sec. 7.0. - Signs.

Sec. 8.0. - Buffers and landscaping.

Sec. 1.0. - Intent.

[1.1.] It is the intent of this article to establish minimum standards for the development of property in the Highway 280 Corridor, as depicted on the zoning map. All of requirements of the Hoover Zoning Ordinance (Ordinance No. 263 as amended), shall apply to property in the Highway 280 Corridor as shown on the zoning map. The requirements of this article supplement the requirements of the zoning ordinance as amended. Where the requirements of this article conflict with other requirements of the zoning ordinance, the more restrictive requirement shall apply.

1.2. *Compliance.* Prior to issue of a building permit for property located in the Highway 280 Corridor as depicted on the zoning map, the property owner or his or her agent shall submit a site plan and accompanying information to the building official. The applicant should meet with the building official to review the proposed site plan, prior to preparation and submission of the final site plan. The site plan shall be drawn to a scale no smaller than one (1) inch equals fifty (50) feet and shall show the following information:

- A. All dimensions and distances, property lines, easements, landscaping, buffers and public and private rights-of-way.
- B. Existing and proposed buildings and structures, including signs, trash containers, fences, walls, light poles, power poles, outdoor utility equipment and structures, and roof and ground mounted mechanical appurtenances.
- C. Location, height, size, materials, color and lighting of all signs.
- D. Existing and proposed buildings and structures on adjacent property affected by a required buffer.
- E. Bodies of water, water detention areas, drainage structures and sanitary sewer lines and facilities and water distribution lines.
- F. Driveways, accommodations for bicycles and pedestrians, parking areas, existing and proposed parking spaces, access aisles, other vehicle maneuvering areas and all required landscaping.
- G. All existing and proposed built improvements, natural features such as rock out-crops, streams, and other landscape elements; plant materials keyed to a planting schedule with botanical names, common names, quantity of materials and size of materials at time of planting.
- H. Sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this article are fully satisfied.
- I. The site plan shall be accompanied by:
 1. A grading plan which shows all areas of cut and fill and the grade of all finished floor elevations in relation to the elevation of the Highway 280 pavement which adjoins the property.
 2. An access management plan which shows compliance with section 2.0. Proposed median access cuts must be approved by the Alabama DOT prior to submission of the site plan and access management plan
 3. Certification that building orientation, materials and design comply with the requirements of sections 3.0, 4.0 and 6.0.
 4. An exterior lighting plan which shows compliance with section 5.0, including the proposed foot candles of artificial light on and off premises.
 5. A sign plan which shows compliance with section 7.0.
 6. A tree conservation plan, pursuant to Article XIII.
 7. An erosion and sedimentation plan.
 8. Other plans or specifications necessary to show compliance with this article.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 2.0. - Highway 280 Access.

All parcels which adjoin private property shall either share access with adjoining properties or have access to a frontage road.

- A.

- The number and location of access points to Highway 280 shall be determined as part of the site plan review process.
- B. The development of each parcel in areas where a frontage road is either available or planned, shall incorporate the frontage road into the site design.
 - C. In areas where a frontage road is not available or planned, each parcel shall be designed to share paved highway access drives with adjoining properties, unless the adjoining property is zoned for residential use.
 - D. Access to Highway 280 may be prohibited from any tract having access to a street intersecting Highway 280 or any tract with frontage on Highway 280 which has access through an existing joint-use access easement or driveway. Otherwise, access to Highway 280 shall be limited to one driveway unless otherwise permitted.
 - E. Maximum practical spacing between driveways shall be required. Unless otherwise approved by the city engineer, no driveway accessing Highway 280 shall be located:
 1. Closer than three hundred (300) feet from the nearest adjacent driveway, unless no other access is available to a parcel of land;
 2. Where the sight distance is less than ten (10) times the posted speed limit;
 3. On the inside radius of a curve; or,
 4. Where the roadway grade of Highway 280 exceeds seven and one-half (7.5) percent.
 - F. Minimum spacing between local streets intersecting Highway 280 shall be six hundred (600) feet and between collector streets shall be one thousand three hundred twenty (1,320) feet; and, improvements to intersections will be based upon a review of a professional traffic analysis.
 - G. Highway 280 medians shall be landscaped. The number of median breaks on Highway 280 should be minimized. All future connecting streets should align with median breaks to the greatest extent practicable.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 3.0. - Building design and orientation.

The following standards shall apply to all development in the corridor, except single family detached dwellings:

- A. Minimum building setback from the Highway 280 right-of-way shall be fifty (50) feet. Minimum front building setback from other public street rights-of-way shall be forty (40) feet. Minimum side and rear building setbacks from other public street rights-of-way shall be twenty-five (25) feet.
- B. Service and loading areas, outdoor storage areas, trash receptacles, utility equipment, mechanical units and similar appurtenances shall be located so as to minimize visibility from off the premises and shall be visually screened from view from public property. Trash receptacles shall be located within a four sided structure which completely conceals the trash receptacle. The color and architecture of the structure shall be compatible with that of the building which it serves.
- C. The outdoor display of sales merchandise, except automobiles, live plants, Christmas trees and vending machines; and outdoor storage when permitted; shall not be visible from public property.
- D. Mechanical units shall be ground mounted when feasible. Roof mounted units shall be screened from view from public property.
- E. Building orientation shall be such that loading and service areas do not face Highway 280, except in the case of double frontage lots, where such areas may be located in a rear or side yard which faces the highway. All loading and service areas shall be screened from view from off the premises.
- F. In order to ensure the permanency of buildings, reduce the need for periodic maintenance and maintain a character which is commensurate with the public interest, the following materials shall be used as primary exterior building wall finishes on portions of the building which are visible from the Highway 280 right-of-way: brick, stone, glass, wood, stucco, imitation stucco, pre-cast concrete, poured concrete, and/or split-face concrete block.
- G. Awnings shall not project more than seven (7) feet from the building wall, shall not be lower than eight feet nor higher than fourteen (14) feet above grade and shall not be internally illuminated.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 4.0. - Fences and walls.

- A. Screening walls and fences shall match the color and materials of the building on the premises.
- B. Fences designed to create privacy or separation shall be made of masonry, ornamental metal, durable wood, vinyl which is designed and fabricated to appear as wood, or a combination of these materials. Chain link, plastic or wire fencing is not permitted for fences visible from public property.
- C. When visible from public property, solid fences shall have an evergreen landscaped strip on the Highway 280 side of the fence.
- D. Fences and walls shall not restrict traffic intersection sight lines.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 5.0. - Exterior lighting.

- A. Lighting shall have underground electric service, except where the lights, service poles and wires are not visible from public property.
- B. The intensity, location and design of lighting shall be such that not more than one foot (1) candle of light is cast upon adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises.
- C. Exterior lights shall not exceed twenty (20) feet in height.
- D. Wooden light poles are prohibited on private property.
- E. Light poles and fixtures shall be compatible with the architecture of the buildings on the premises.
- F. Flashing, blinking or intermittent lights and neon tubing, are prohibited.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 6.0. - Grading and drainage.

- A. Except for retaining walls, smooth topographic transition shall be provided throughout the site and between properties. Slopes steeper than 1:3 rise to run are prohibited.
- B. The exterior surface of retaining walls shall be compatible with the architecture and site design of the property.
- C. Retaining walls which exceed eight feet in height and are visible from public property, shall be visually screened with vegetation.
- D. In areas which are visible from public property, subsurface drainage structures and grass swales shall be used to manage storm water. Open ditches are prohibited.
- E. The use of crushed granite or limestone for slope stabilization and storm drainage is prohibited in the public right-of-way and areas which are visible from the through and auxiliary lanes of Highway 280.
- F. Prior to issue of a certificate of occupancy for the premises, all slopes shall be stabilized with grass or other evergreen groundcover or other vegetation.

(Ord. No 99-1719, § 1, 2-7-00)

Sec. 7.0. - Signs.

7.1. *Permits, fees and inspections.*

[7.11. *Reserved.*]

7.12. *Permits required.* Except as otherwise provided in this ordinance it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done, without first obtaining a building permit for each sign from the building official as required by this ordinance. Permits are not required for routine sign maintenance.

7.13. *Application for permit.* Application for a permit shall be made to the building official upon a form provided by the building official and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city, including:

- A. Name and address of owner of the sign.
- B. Name and address of the owner or the person in possession of the premises where the sign is located or to be located.
- C. Clear and legible drawings which show the location of the sign which is subject to the permit and all other existing signs.
- D. Drawings showing the dimensions, construction supports, size, electrical wiring and components, materials of the sign and method of attachment.

7.14. *Issuance denial.* When a permit is denied by the building official, he or she shall give notice to the proper applicant of the denial with a written statement of the reason or reasons for the denial. Said statement shall be made as an attachment to the permit application.

7.15. *Appeals of permit denial.* Appeal may be taken to the board of adjustment upon denial by the building official to issue a building permit.

7.16. *Permit fees.* Application for permits shall be filed with the building official, together with a permit fee, as specified by the building official for each sign in accordance with this ordinance. Building permit fees for signs shall be determined in the same manner as other building permits issued by the city.

7.17. *Inspection of signs.* The person erecting, altering, relocating, enlarging or converting any sign shall notify the building official upon completion of the work for which permits are required and issued. All free standing signs shall be subject to a footing inspection and all signs to an electrical inspection by the building official.

7.18. *Unlawful signs.* Every sign in the city shall be maintained in good structural condition. The building official may inspect and shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or abandoned. Removal will be at the sign owner's expense.

7.2. *Signs permitted in the A-1, E-1, E-2, R-1, R-2, R-3, PRD, R-T-4 and RE districts*

- A. Each residential subdivision is permitted a maximum of two, non-illuminated or indirectly illuminated, free-standing signs per public street entrance to the subdivision. A maximum of one (1) sign is permitted on each side of the entrance street. The signs shall only identify the name of the subdivision and shall be incorporated into landscaping which compliments the design of the signs and creates an entrance feature for the subdivision. The signs shall not be located in the public street right-of-way.
 1. Maximum height of the sign shall be six feet.
 2. The maximum sign face area of the sign shall be thirty-two (32) square feet.
 3. Signs shall be setback at least three feet from any property line.
- B. With the exception of home occupations, conditional uses in the above stated districts are permitted one freestanding sign which does not exceed thirty-two (32) square feet of sign face area; or one building wall sign which does not exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum sign face area of thirty-two (32) square feet. Freestanding signs shall not exceed eight (8) feet in height. Signs shall not be internally illuminated. All indirectly illuminated signs shall be constructed so that the light is focused on the premises and does not illuminate off the premises.

7.3 *Signs permitted in the R-4 District.*

- A. One indirectly illuminated sign, not to exceed thirty-two (32) square feet of sign face area, is permitted per public street entrance.
- B. All such signs shall be attached to an entrance wall, shall not exceed six (6) feet in height and shall be setback at least ten (10) feet from any property line.

7.4. *Signs permitted in the C-P District.*

- A. Signs permitted for individual buildings.
 - 1. Buildings with less than twenty thousand (20,000) square feet of floor area are permitted one indirectly illuminated, free-standing sign not to exceed eight (8) feet in height nor thirty-two (32) square feet of sign face area, or one building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of twenty (20) square feet of sign face area.
 - 2. Buildings with more than twenty thousand (20,000), but less than one hundred thousand (100,000) square feet of floor area, are permitted one indirectly illuminated, free-standing sign not to exceed eight (8) feet in height nor thirty-two (32) square feet of sign face area, and one building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of twenty (20) square feet of sign face area.
 - 3. Buildings with more than one hundred thousand (100,000) square feet of floor area are permitted one (1) indirectly illuminated free-standing sign not to exceed eight (8) feet in height nor eighty (80) square feet of sign face area, and one (1) building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of sixty (60) square feet of sign face area.
 - 4. An office building with a retail tenant(s) shall incorporate signage for the retail tenant(s) into the type of sign and sign face area permitted for the office building.
- B. Signs permitted for office park identification. Each office park which contains more than two (2) buildings, other than accessory buildings, may have one (1) free-standing sign per public street entrance, which identifies the name of the park.
 - 1. Maximum height of the sign shall be eight (8) feet.
 - 2. The maximum sign face area of an internally illuminated sign shall be forty-eight (48) square feet; one hundred (100) square feet for developments with buildings which contain a total of more than five hundred thousand (500,000) square feet of gross floor area.
 - 3. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be sixty (60) square feet; one hundred and twenty (120) square feet for developments with buildings which contain a total of more than five hundred thousand (500,000) square feet of gross floor area.
 - 4. Signs with sign face area of one hundred (100) square feet or more, shall be setback at least fifty (50) feet from any property line.

7.5. Signs permitted in the C-I District.

- A. Nonretail uses which are permitted or conditional uses in the residential or C-P districts shall have signs as permitted for that use in the applicable subsection of this section.
- B. Nonretail establishments which are not a permitted or conditional use in the residential or C-P districts, are permitted one (1) building wall sign not to exceed twenty (20) square feet of sign face area.
- C. Permitted signs for free standing retail structures.

Table 1

	Less Than 2,400 Square Feet of Floor Area		More Than 2,400 Square Feet of Floor Area	
Type of sign permitted	Building wall sign	Free standing sign	Building wall sign	Free standing sign
Sign face area (square feet)	15% or* 50 square feet	20	15% or* 50 square feet	25
Maximum height	Top of building wall	16 feet	Top of building wall	18 feet
Maximum number	One	One	One	One

Note To Table 1:

*Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed fifty (50) square feet of sign face area.

- D. Permitted signs for retail establishments located in a shopping center.

Table 2

	Less Than 3,000 Square Feet of Floor Area	More Than 3,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign	Building wall sign
Sign face area	15% or* 30 square feet	15% or* 50 square feet
Maximum height	Top of building wall	Top of building wall
Maximum number	One	One

Note To Table 2:

*Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed the maximum sign face area expressed in square feet.

E. Permitted shopping center locator signs:

Table 3

	Less Than 6,000 Square Feet of Floor Area	6,000 to 15,000 Square Feet of Floor Area	More Than 15,000 Square Feet of Floor Area
Type sign permitted	Free standing sign	Free standing sign	Free standing sign
Sign face area (square feet)	30	40	50
Maximum height	16 feet	18 feet	20 feet
Maximum number	One	One	One

F. Establishments located in the C-1 District may qualify for a larger building wall sign if the establishment is situated more than one hundred (100) feet from the public street right-of-way on which it fronts.

Table 4

Distance From Public Right-of-Way	Percent Increase in Permitted Building Wall Sign Face Area
100 to 200 feet	20
200 to 300 feet	30
300 to 400 feet	40
More than 400 feet	50

(Ord. No 99-1719, § 1, 2-7-00)

7.6. Signs permitted in the C-2, C-3 and C-4 Districts.

- A. The following signs are permitted for nonretail uses which are not located in a shopping center:
1. Nonretail uses which are permitted or conditional uses in the residential or C-P districts shall have signs as permitted for that use in the applicable subsection of this section.
 2. Nonretail establishments with less than ten thousand (10,000) square feet of floor area, which are not a permitted or conditional use in the residential or C-P districts, are permitted one (1) building wall sign not to exceed twenty (20) square feet of sign face area.
 3. Nonretail establishments with more than ten thousand (10,000) square feet of floor area, which are not a permitted or conditional use in the residential or C-P districts, are permitted one (1) building wall sign not to exceed twenty (20) feet of sign face area and one (1) free standing sign not to exceed twelve (12) feet in height nor sixty (60) square feet of sign face area.
- B. Nonretail uses located in a shopping center may have signs as permitted for retail uses located in a shopping center.
- C. Permitted building wall signs for free-standing retail structures.

Table 5

Note to Table 5:

*Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed the maximum sign face area expressed in square feet.

	Less Than 15,000 Square Feet of Floor Area	15,000 to 30,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign	Building wall sign
Sign face area	15% or* 40 square feet	15% or* 100 square feet
Maximum height	Top of building wall	Top of building wall
Maximum number	One	One

Table 6

	More Than 45,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign
Sign face area	15% or* 150 square feet
Maximum height	Top of building wall
Maximum number	One per facing street

Note to Table 6:

*Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed one hundred fifty (150) square feet.

D. Permitted free standing signs, eight (8) or less feet in height, for free standing retail structures.

Table 7

	Less Than 2,800 Square Feet of Floor Area		2,800 to 15,000 Square Feet of Floor Area	
Type of illumination	Internally illuminated	Indirectly or nonilluminated	Internally illuminated	Indirectly or nonilluminated
Sign face area (square feet)	60	60	66/80*	80
Maximum height	8 feet	8 feet	8 feet	8 feet
Maximum number	One	One	One	One

Note To Table 7:

*Maximum sign face area may be increased one-half (0.5) square foot for each foot of building setback in excess of fifty (50) feet, up to a maximum sign face area of 80 square feet.

Table 8

	15,000 to 45,000 Square Feet of Floor Area	
Type of illumination	Internally illuminated	Indirectly or nonilluminated
Sign face area (square feet)	66/100*	80/100**
Maximum height	8	8
Maximum number	One per facing street	One per facing street

Notes To Table 8:

*Maximum sign face area is 66 square feet, but it may be increased one-half (0.5) square foot for each foot of building setback in excess of fifty (50) feet, up to a maximum sign face area of one hundred (100) square feet.

**Maximum sign face area is eighty (80) square feet, but it may be increased one-half (0.5) square foot for each foot of building setback in excess of fifty (50) feet, up to a maximum sign face area of one hundred (100) square feet.

E. Permitted free standing signs, more than eight (8) feet in height, for free standing retail structures.

Table 9

	Less Than 30,000 Square Feet of Floor Area	More Than 30,000 Square Feet of Floor Area
Type of illumination	Internally illuminated	Indirectly or nonilluminated
Sign face area (square feet)	55	66
Maximum height	20 feet	20 feet
Maximum number	One	One per facing street

F. Permitted signs for retail establishments located in a shopping center:

Table 10

	Less Than 2,000 Square Feet of Floor Area	2,000 to 10,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign	Building wall sign
Sign face area	15% or* 30 square feet	15% or* 60 square feet
Maximum height	Top of building wall	Top of building wall
Maximum number	One	One

Table 11

	10,000 to 30,000 Square Feet of Floor Area	More Than 30,000 Square Feet of Floor Area
Type of sign permitted	Building wall sign	Building wall sign
Sign face area	15% or* 140 square feet	15% or* 150 square feet
Maximum height	Top of building wall	Top of building wall
Maximum number	One	One**

Note To Tables 10 and 11:

*Maximum sign face area of building wall signs shall not exceed fifteen (15) percent of the building wall area to which the sign is attached but shall not exceed the maximum sign face area expressed in square feet.

**A tenant space with more than fifty thousand (50,000) square feet of gross floor area may have one (1) building wall sign per facing street, if the tenant space is located at the end of the shopping center building which faces a public street intersection.

G. Permitted shopping center locator signs.

Table 12

Permitted Free Standing, Shopping Center Locator Signs

	Less Than 10,000 Square Feet of Floor Area		10,000 to 30,000 Square Feet of Floor Area	
Type of illumination	Internally illuminated	Indirectly or non-illuminated	Internally illuminated	Indirectly or non-illuminated
Sign face area (square feet)	55/75*	66/75**	55/96***	66/100****
Maximum height	20 feet	20 feet	20 feet	20 feet
Maximum number	One	One	One	One

Notes To Table 12:

*The maximum sign face area of an internally illuminated sign shall be fifty-five (55) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional eight (8) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of seventy-five (75) square feet.

**The maximum sign face area of a indirectly or nonilluminated sign shall be sixty-six (66) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional five (5) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of seventy-five (75) square feet.

***The maximum sign face area of an internally illuminated sign shall be fifty-five (55) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional eight (8) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of ninety-six (96) square feet.

****The maximum sign face area of a indirectly or nonilluminated sign shall be sixty-six (66) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional five (5) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of one hundred (100) square feet.

Table 13
Permitted Free Standing, Shopping Center Locator Signs

Type of illumination	More Than 30,000 Square Feet of Floor Area	
	Internally illuminated	Non- or indirectly illuminated
Sign face area (square feet)	55/96*	66/120**
Maximum height	20 feet	20 feet
Maximum number	One	One

Notes To Table 13:

*The maximum sign face area of an internally illuminated sign shall be fifty-five (55) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional eight (8) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of ninety-six (96) square feet.

**The maximum sign face area of a indirectly or nonilluminated sign shall be sixty-six (66) square feet. The maximum sign face area of the sign may be increased one (1) square foot for each additional five (5) feet of continuous public street frontage in excess of three hundred (300) feet, up to a maximum sign face area of one hundred twenty (120) square feet.

Note To Table 12 and 13

- H. Establishments located in the C-2, C-3 and C-4 districts may qualify for a larger building wall sign if the establishment is situated more than two hundred (200) feet from the public street right-of-way on which it fronts:

Table 14

Distance From Public Right-of-Way	Percent Increase in Permitted Building Wall Sign Face Area*
200 to 300 feet	20
300 to 400 feet	30
400 to 500 feet	40
More than 500 feet	50

Note to Table 14:

*No building wall sign may exceed two hundred ten (210) square feet of sign face area.

7.7. *Signs permitted in the Mixed Use District.*

Each retail or service business may have one (1) building wall sign or one (1) projecting sign per exterior wall of the tenant space or establishment, except that such signs are not permitted on a rear building wall unless the business has a customer entrance in the rear of the tenant space or establishment that enters directly to pedestrian oriented open space or a parking area. Each retail or service business may also have one awning sign on the front building facade, if the tenant space or establishment fronts the street.

Each office or institution may have one (1) building wall sign or one awning sign on the front building wall of the tenant space or establishment

Internally illuminated signs and free standing signs are prohibited.

The copy area of each building wall sign for retail and service businesses shall not exceed sixty (60) percent of the signable area of the front building wall of the tenant space or establishment. The copy area of each building wall sign for offices, institutions and similar uses shall not exceed forty (40) percent of the signable area of the front building wall of the tenant space or establishment.

Signable area is defined as a continuous portion of the front building facade unbroken by doors or windows, that is specifically designed to accommodate a sign, and which shall not extend above the window sill of the story above unless the establishment to which it pertains is located above the first floor.

The copy area of a canopy sign shall not exceed twenty (20) percent of the canopy area. Only cut-out letters and/or symbols may be attached to, painted, stenciled, or otherwise placed on a canopy.

Projecting signs shall clear sidewalks by at least eight (8) feet. They shall project not more than four (4) feet from the building wall or one-third of the sidewalk width, whichever is less. They shall be pinned away from the wall at least six (6) inches and shall project from the wall at an angle of ninety (90) degrees. Angular projection at the corner of a building is prohibited. Projecting signs shall not extend vertically above the window sill of the second story.

(Ord. No. 04-2013, § 8, 4-5-04)

7.8. Signs permitted in the I-1 Light Industrial District.

A. Signs permitted for individual buildings.

1. Buildings with less than twenty thousand (20,000) square feet of floor area are permitted one indirectly illuminated, free-standing sign not to exceed eight (8) feet in height nor thirty-two (32) square feet of sign face area, or one (1) building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of twenty (20) square feet of sign face area.
2. Buildings with more than twenty thousand (20,000), but less than one hundred thousand (100,000) square feet of floor area are permitted one (1) indirectly illuminated free-standing sign not to exceed eight (8) feet in height nor thirty-two (32) square feet of sign face area, and one (1) building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of twenty (20) square feet of sign face area.
3. Buildings with more than one hundred thousand (100,000) square feet of floor area are permitted one (1) indirectly illuminated free-standing sign not to exceed eight (8) feet in height nor eighty (80) square feet of sign face area, and one (1) building wall sign not to exceed fifteen (15) percent of the building wall area to which it is attached, up to a maximum of sixty (60) square feet of sign face area.

B. Each industrial park which contains more than two (2) buildings, other than accessory buildings, may have one free-standing sign per public street entrance, which identifies the name of the park.

1. Maximum height of the sign shall be eight (8) feet.
2. The maximum sign face area of an internally illuminated sign shall be forty-eight (48) square feet; one hundred (100) square feet for developments with buildings which contain a total of more than five hundred thousand (500,000) square feet of gross floor area.
3. The maximum sign face area of a nonilluminated or indirectly illuminated sign shall be sixty (60) square feet; one hundred twenty (120) square feet for developments with buildings which contain a total of more than five hundred thousand (500,000) square feet of gross floor area.
4. Signs with sign face area of one hundred (100) square feet or more, shall be setback at least fifty (50) feet from any property line.

(Ord. No. 04-2013, § 8, 4-5-04)

7.9. Free-standing signs, generally

- A. Except as otherwise permitted by this article, all free standing signs shall be setback at least ten (10) feet from any property line.
- B. No sign shall be located so as to cause a public hazard, obstruct or impair motorists' vision, diminish safe ingress and egress to any property or impede flow of pedestrian or vehicular circulation in parking areas, sidewalks, or public roads.
- C. Except as otherwise permitted by this article, the height of a free standing sign shall be measured from the average elevation of the ground at the base of the sign to the highest point of the sign structure. Berms or fill material which raise the base of the sign above the average elevation of the surrounding ground, shall not be used to increase the height of a free standing sign.

(Ord. No. 04-2013, § 8, 4-5-04)

7.10. *Prohibited signs.* The following signs are prohibited, unless otherwise exempted or permitted by this article.

- A. Signs which do not comply with the adopted building, electrical or fire codes.
- B. Any sign which constitutes a safety hazard, as determined by the appropriate governmental authority, including signs which obstruct visibility at intersections.
- C. Signs which are not permanently attached to the ground or a building, including, portable signs, inflatable signs, banners and similar devices.
- D. Off-premise signs, except as permitted in subsection 7.9.B. of this section.
- E. Signs located in the public right-of-way and signs attached to trees or poles, including signs attached to private property located in the public right-of-way.
- F. Animated signs, including signs which move, revolve, rotate, or appear to be animated by mechanical, electronic or other means.
- G. Signs with flashing, blinking, moving or intermittent light or with light which varies in intensity or color, except time and temperature signs.
- H. Strings of light bulbs, inflatable signs, and signs which emit noise, odor or visible matter such as smoke or steam.
- I. Wind driven signs including banners, flags, pennants, ribbons, spinners, streamers, captive balloons and similar devices.
- J. Roof signs and projecting signs.
- K. Signs that incorporate projected images, emit any sound that is intended to attract attention or involve the use of live animals.
- L. Signs or sign structures that interfere, in any way, with the free use of any fire escape, emergency exit or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations.
- M. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device; or, non-governmental signs that use the words "STOP," "LOOK," "DANGER," or any similar word, phrase or symbol.
- N. Signs that contain any writing or control mechanism that causes unreasonable interference with radio, television or other communication signals

(Ord. No. 04-2013, § 8, 4-5-04)

7.11. *Signs permitted throughout the corridor.* The following signs are permitted on private property throughout the corridor, subject to the following restrictions:

- A. Not more than three (3) flags of governmental, religious, charitable, fraternal or other organizations may be displayed on any lot or parcel of land. Each flag shall not exceed sixty (60) square feet in area and shall be flown from a pole, the top of which is less than forty (40) feet in height.
- B. A maximum of one (1) off-premise directional sign per premises, for institutions, churches, schools and other public facilities, provided the sign does not exceed two square feet in sign face area nor five (5) feet in height.

(Ord. No. 04-2013, § 8, 4-5-04)

7.12. *Permit exceptions, exempt and temporary signs.*

- A. Permit exceptions.
 - 1. Changing of the advertising copy of message or an existing approved sign or marquee which (is) specifically designed for the use of replaceable copy.
 - 2. Painting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
- B. The following signs are exempt from the requirements of this article, provided they do not create a safety hazard as determined by the appropriate governmental authority.
 - 1. Directional signs which do not exceed four (4) square feet of copy area nor three (3) feet in height, located in parking or vehicle maneuvering areas, which are intended to direct traffic through the area and do not contain any advertising.
 - 2. Regulatory, statutory and traffic control signs necessary to promote the public health, safety and welfare; as required by the municipal, county, state or federal government.
 - 3. Legal notices, memorial and historical markers and other official government signs.
 - 4. Holiday lights and decorations.
 - 5. Signs incorporated into vending machines by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine, including gasoline pumps, and telephone booths.
 - 6. Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
 - 7. Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
 - 8. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
 - 9. Works of art that do not constitute advertising.
 - 10. Signs carried by a person.
 - 11. Political campaign signs, subject to the following:
 - a. Signs shall only be located in a residential zoning district on property which is improved with a dwelling.
 - b. Signs shall not be affixed to utility poles nor trees and shall not exceed four (4) feet in height nor three (3) square feet in sign face area. Signs shall not be illuminated.
 - c. Owners of residential property may grant permission for the placement of signs in their yard and on portions of the street right-of-way they maintain, provided that no sign shall protrude over paved or improved streets, including valley gutters. Any signs which are a hazard to vehicular traffic are prohibited.
 - d. Portable, trailer or mobile signs are prohibited, except signs placed in windows or on the sides of motor vehicles.
 - e. Signs shall be removed by the candidate within three (3) days following the election. Otherwise the city shall remove the signs at the candidate's expense.
- C. Temporary signs.
 - 1. Each business, institution or public building may have one temporary banner affixed to the building wall, which advertises a sale or special event. However, each business, institution or public building shall be limited to not more than a total of thirty (30) days each calendar year, during which such a temporary sign may be displayed, except that no such sign may be erected for a period of ten (10) days or more. A temporary sign permit shall be obtained prior to erection of the sign.
 - 2. Each new business may have one illuminated, temporary sign, which may be a banner, which shall not to exceed thirty-two (32) square feet in sign face area and shall be attached to the building wall of the premises for a period not to exceed thirty (30) days, or until a permanent sign is installed, whichever time period is shorter. A temporary sign permit shall be obtained prior to erection of the sign.

3. Commercial property may have one (1), nonilluminated, free standing, temporary identification sign per facing street, while the property is being developed, which shall not exceed forty-eight (48) square feet of sign face area nor ten (10) feet in height. For single tenant project, the sign shall be removed when the project is complete, or the permanent sign has been erected, whichever occurs first. For multi-tenant projects, the sign shall be removed when seventy-five (75) percent of the tenant spaces have been leased, or the permanent sign has been erected, whichever occurs first.
4. Residential subdivisions with five (5) or more lots may have one (1) free standing, on-premise, temporary identification sign while the subdivision is being developed, which shall not exceed thirty-two (32) square feet of sign face area nor ten (10) feet in height. The sign shall not be illuminated and shall be removed within one hundred twenty (120) days after construction begins on the first dwelling in the subdivision, or the permanent subdivision identification sign has been erected, whichever occurs first.
5. Each premises may have one (1) on-premise, for sale or for rent sign, which does not exceed six (6) square feet of sign face area when located in a single family residential zoning district, and twenty-four (24) square feet in all other zoning districts. The signs shall be removed upon the sale or lease of the premises.

(Ord. No. 04-2013, § 8, 4-5-04)

7.13. Nonconforming signs.

- A. All signs constructed after adoption of this ordinance shall conform in all respects to the requirements and provisions contained herein.
- B. Within the districts established by this ordinance or amendments that may later be adopted, there exists signs which were lawful before the ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of the ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to remain until they are removed, discontinued or altered, but not to encourage their survival.
- C. Nonconforming on-premise signs.
 1. Nonconforming signs which are structurally altered shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
 2. If a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
 3. The sign face area of an internally illuminated nonconforming sign may be removed from the sign structure without jeopardizing the legal nonconforming status of the sign, provided the sign message is not changed.
 4. Maintenance of copy area on a nonconforming sign in which the copy area is an integral and permanent part of the sign structure, shall require the sign to conform in all respects to the provisions of this ordinance.
- D. Nonconforming off-premise signs. Structural alteration of a nonconforming off-premise sign shall require its removal. The message of a nonconforming off-premise sign may change without jeopardizing the legal nonconforming status of the sign.
- E. A nonconforming sign which is damaged by fire, wind, or other causes, to the extent that repair of the sign requires structural alteration, shall upon completion of the alteration, conform in all respects to the provisions of this ordinance.

(Ord. No. 04-2013, § 8, 4-5-04)

7.14. *Abandonment.* A sign which no longer advertises a bona ride business, institution, person, event, location, product, or service for a continuous period of sixty (60) days or more, shall be altered or removed to conform in all respects to the provisions of this ordinance.

(Ord. No 99-1719, § 1, 2-7-00; Ord. No. 04-2013, § 8, 4-5-04)

Sec. 8.0. - Buffers and landscaping.

8.1. *Impervious surfaces.* Impervious surfaces such as roofs and pavement shall not cover more than eighty (80) percent of a lot or parcel, except in the Mixed Use District. (Ord. No. 04-2013, § 8, 4-5-04)

8.2. *Buffers.*

- A. *Applicability.* Buffer regulations are set forth in each of the zoning district sections of Article VI. If proposed development activity requires a buffer, a tree conservation plan including supplemental information required in this section, shall be submitted pursuant to the requirements of Article XIII.
- B. *Standards.* In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all required buffers.
1. When a required buffer adjoins property that is zoned for detached, single-family dwellings, an undisturbed buffer that is at least fifty (50) percent of the width of the required buffer shall be provided adjacent to said property, with the balance of the required buffer being a planted buffer. If the undisturbed portion of the buffer does not provide a visually impervious barrier, supplemental plantings may be required. All other buffers required by this ordinance may be planted buffers. Planted buffers shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of four (4) feet above grade throughout the entire length and width of the planting. The buffer shall only be planted with plant materials listed in the Tree Selection and Cover Guide that are noted with (# and ^), and at least one (1) tree that qualifies for tree canopy credit in the Tree Selection and Cover Guide, for each thirty (30) linear feet of buffer. Within one (1) year after installation, that portion of the buffer planted as prescribed above shall be at least six (6) feet above grade throughout the entire length and width of the planting. (Ord. No. 06-2128, § 2, 8-7-06)
 2. Where topography provides a more effective buffer than the above described buffer, or where topography renders the above described buffer ineffective, the city may:
 - a. Reduce the width of the required buffer by not more than fifty (50) percent,
 - b. Reduce the width or waive the required undisturbed buffer,
 - c. Allow reforestation with native vegetation in lieu of all or a portion of the required planted buffer,
 - d. Any combination of the above stated measures.
- (Ord. No. 03-1982, § 4, 9-15-03; Ord. No. 06-2128, § 2, 8-7-06)
3. Privacy walls or fences, if incorporated in the buffer, shall be visually impervious, at least six (6) feet high, and shall be used in conjunction with landscaping materials which compliment the purpose of the required buffer, as determined by the city's landscape architect. Chain link fence shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be approved by the city.
 4. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties in the same type finish as the interior portion. All walls and fences shall be maintained in perpetuity by the owner.
 5. Electrical, telephone, gas, water, sanitary sewers, storm drainage and other utility facilities may be constructed in the required buffer under the following conditions:
 - a. The developer shall submit adequate data such as an existing tree survey and photographs to verify pre-development conditions in the affected buffer area.
 - b. The administrator shall condition the land disturbance and building permits upon restoration of the area in compliance with.
 - c. The approved tree conservation plan within four (4) months after utility construction is complete.
 - d. The developer shall be required to restore the buffer in compliance with the approved tree conservation plan.
 - e. If construction of utilities will result in the disturbance of more than fifty (50) continuous feet of the required buffer, the administrator may require additional planting to satisfy the buffer standards.

6.

When easements or rights-of-way that prevent planting of the required vegetation are located within a buffer, the width of the easement or right-of-way shall not be included when calculating the width of the buffer, except as follows:

- a. Where twenty-five (25) and thirty-five (35) foot wide buffers are required, the width of the buffer may be reduced by one (1) foot for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than twenty (20) feet in width.
 - b. Where a fifty (50) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than thirty-five (35) feet in width.
 - c. Where a one hundred (100) foot wide buffer is required, the width of the buffer may be reduced by two (2) feet for every five (5) feet of easement or right-of-way located on the subject property, provided that the planted buffer shall not be less than eighty (80) feet in width. (Ord. No. 03-1982, § 4, 9-15-03)
7. Buffers which are approved as undisturbed buffers shall not require irrigation. All planted buffers shall be irrigated in compliance with the requirements of this section. (Ord. No. 03-1982, § 4, 9-15-03)
 8. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris. (Ord. No. 03-1982, § 4, 9-15-03)

8.3. *Landscaping for parking and vehicle areas.* Landscape plans for developments that have one hundred (100) or more off-street parking spaces shall be prepared by a registered landscape architect or a licensed landscape designer. All submitted plans shall bear the architect's/designer's seal, signature and State of Alabama registration number.

- A. *Applicability.* These regulations apply to all areas, (hereinafter referred to as parking areas), which are open to the general public or visible from public property, and used for off-street parking and loading, vehicular storage, display, maneuvering, vehicle washing, and the dispensing of motor fuels. Multi-level parking structures are exempt from the interior planting requirements.
This subsection shall apply to new parking areas or enlargement of existing parking areas by ten (10) percent or more, for all conditional uses and for permitted uses in the R-4, R-T-4, C-P, C-1, C-2, C-3, C-4 and I-1 Districts. The enlargement of any existing parking area by ten (10) percent or more shall require that the existing and new parking areas conform the requirements of this article. If proposed development activity requires the installation of landscaping in parking areas, a tree conservation plan, including supplemental information required in this subsection, shall be submitted pursuant to the requirements of Article XIII.
- B. *Design standards.* Only large trees may be planted to comply with the requirements of this section, except when site visibility at intersections or when overhead utilities prevent the use of large trees, in which case medium or small trees may be used. Interior landscaped islands and perimeter planting areas shall be planted with trees equal to or greater than one tree for each nine hundred (900) square feet of impervious parking area. Only trees listed in the tree selection guide in Article XIII, and noted with (*) may be planted within or on the perimeter of a parking area.
Large parking areas shall be designed as a series of smaller lots that provide space for not more than one hundred (100) cars. The smaller lots shall be separated by internal planting areas that form a perimeter which is at least nine (9) feet wide, planted with large trees and shrubs. These planted areas shall be counted as part of the ten (10) percent internal planting requirement for parking areas.
 1. Landscaping near parking areas shall not obstruct the driver's view of the right-of-way at driveways and intersections, where plant height shall be limited to thirty (30) inches to provide vision clearance triangles.
 2. Vision clearance triangle setbacks shall be ten (10) feet in parking areas, thirty (30) feet at intersections and as required by the Alabama Department of Transportation. Trees are

permitted but branches shall be trimmed and maintained to a minimum height of eight (8) feet above finished grade.

3. Perimeter planting. The width of required perimeter planting areas, which are located within required buffer areas, may be included as part of the minimum buffer width, provided that the plant materials meet the minimum standards for a buffer.
 - a. Parking areas shall be separated from the Highway 280 right-of-way by a fifteen-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least eighteen (18) inches in height at the time of planting and which shall be maintained at a height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one tree per twenty-five (25) feet of Highway 280 frontage. Large trees shall be planted on thirty-five-foot centers and small and medium size trees shall be planted on twenty-five-foot centers.
 - b. Parking areas shall be separated from other public road rights-of-way by a ten-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least eighteen (18) inches in height at the time of planting and which shall be maintained at a height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one (1) tree per twenty-five (25) feet of public street frontage. Large trees shall be planted on thirty-five-foot centers and small and medium size trees shall be planted on twenty-five-foot centers.
 - c. Parking areas shall be separated from other private property by an eight-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least eighteen (18) inches in height at the time of planting and which shall be maintained at a height of thirty-six (36) inches at maturity, and deciduous trees equal in number to one (1) tree per fifty (50) feet of abutting property line. Large trees shall be planted on thirty-five (35) foot centers and small and medium size trees shall be planted on twenty-five-foot centers.

4. Interior planting. Whenever the impervious surface of a parking area exceeds eight thousand (8,000) square feet, an area equal to ten (10) percent of the impervious surface area shall be provided for landscaping islands in the interior of the parking area. Plant material located within six (6) feet of a building shall not be included as part of the minimum interior planting requirement. The interior parking area planting requirement is in addition to the required perimeter planting. Gasoline service stations and automobile sales lots are exempt from the interior planting requirements.

The interior islands shall be at least nine (9) feet by twenty (20) feet, planted with a combination of large trees and evergreen shrubs. One (1) landscaped island shall be required for each row of twelve (12) contiguous parking spaces. Each landscaped island have contain at least one (1) large tree which meets the minimum requirements of this subsection.

- C. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- D. All required landscaping shall be irrigated in compliance with the automatic irrigation system regulations of subsection 8.5; except required landscaping within an existing parking area which is being landscaped to comply with the requirements of this section.

8.4. *Plant materials standards.* All plant material shall conform to the American Standard for nursery stock, latest addition, published by the American Joint Committee on Horticultural Nomenclature. Only trees and shrubs that are listed in Article XIII, Tree Selection and Cover Guide may be planted in required landscaping and buffer areas. (Ord. No. 03-1982, § 4, 9-15-03)

8.5. *Automatic irrigation system regulations.*

- A. Complete irrigation plans which comply with the plumbing code of the city, shall be submitted as part of every tree conservation plan. Irrigation plans shall be drawn at the same scale as the tree conservation plan and shall cover the entire area where irrigation is required.

- B. A fully automated irrigation system shall be constructed where irrigation is required. Automatic controllers shall be screened from view, locked and not easily accessible to pedestrian traffic.
- C. Required back flow prevention devices connected to the public water system shall be screened from view and shall not be set in lawn areas.
- D. Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half inch from the edge of curbs and walks and six (6) inches from architectural structures.
- E. The owner shall keep the irrigation systems in proper working condition as part of a regular maintenance program.
- F. Workmanship and materials shall conform to the plumbing code of the city.
- G. At the conclusion of the work, the contractor shall submit three (3) copies of the as-built plans to the city.

8.6. *Enforcement.*

- A. Permitted and conditional uses in the R-T-4, R-4, CP, C-1, C-2, C-3, C-4, and I-1 Districts and conditional uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts:
 - 1. No tree conservation plan required by this section shall be approved by the administrator until a financial guarantee of performance is submitted, in an amount determined by the administrator to be not less than one hundred ten (110) percent of the cost of implementing the tree conservation plan. The guarantee shall be in the form of a bond, irrevocable letter of credit or certificate of deposit made payable to the city.
 - 2. Prior to release of the financial guarantee and prior to issuance of a certificate of occupancy for the premises, the administrator shall determine that the tree conservation plan has been implemented.
- B. Permitted uses in the A-1, RE, E-1, E-2, R-1, R-2, R-3 and PRD Districts. A certificate of occupancy shall not be issued for any dwelling until the lot on which the dwelling is located complies with the tree conservation plan approved for the lot or subdivision.

(Ord. No 99-1719, § 1, 2-7-00)