Zoning Ordinance
City of Madison, Alabama

Revised and Recompiled
November 18, 2020

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Article I – Title

This Ordinance shall be known, cited, and referred to as the 'Official Zoning Ordinance of the City of Madison, Alabama', and referenced herein as 'Zoning Ordinance' or 'Ordinance.'

Article II - Purpose & Authority

Section 2-1. Purpose

It is the City Council's express intent that the provisions of this Ordinance and the City's enforcement thereof will:

1. Promote the health and general welfare of the general public;
2. Secure safety from fire, panic and other dangers;
3. Lessen congestion in the streets;
4. Provide adequate light and air;
5. Prevent overcrowding of land; and
6. Facilitate the adequate provision of public infrastructure.

Section 2-2. Source of Authority

This Ordinance establishes zoning regulations for the City of Madison, Alabama, and provides for the administration, enforcement and amendment thereof by and through the authority of *Ala. Code* §§ 11-52-70 through 11-52-84 (1975).

Section 2-3. Severability.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance

Article III – Establishment of Districts

Section 3-1. Use Districts and Overlay Districts Named

The City of Madison is hereby divided into districts as shown on the Official Zoning Map filed with the Administrative Officer and adopted by the City government. The map and all explanatory material thereon is hereby made a part of this Ordinance. Districts shall be designated as follows:

R-1	*Section 4-0. R-1 Low* Density Residential District	0.97 du/acre
R-1A	*Section 4-1. R-1A Low* Density Residential District	2.42 du/acre
R-1B	*Section 4-2. R-1B Low* Density Residential District	2.90 du/acre
R-2	*Section 4-3. R-2 Medium* Density Residential District	4.14 du/acre
RZ	*Section 4-3A. RZ Zero Lot* Line Residential District	
R-3	*Section 4-4. R-3 High* Density Residential District	8.00 du/acre
R-3A	*Section 4-4A. R-3A Single-Family* Detached Residential District	
R-4	*Section 4-5. R-4* Multi-Family Residential District	12.00 du/acre
B1	*Section 4-6B. B1* Neighborhood Business District Required Conditions	00.00 du/acre
B2	*Community Business District*	00.00 du/acre
B3	*General Business District*	00.00 du/acre
M-1	*Restricted Industrial District*	00.00 du/acre
M-2	*General Industrial District*	00.00 du/acre
AG	*Agriculture District*	0.33 du/acre
RC-1	*Residential Cluster District Number 1*	2.42 du/acre
RC-2	*Residential Cluster District Number 2*	4.14 du/acre
ANI	*Airport Noise Influence District*	(as provided)
FH	*Flood Hazard District*	(as provided)
HWC	*Highway Corridor District*	(as provided)
HIS	*Historical District*	(as provided)
WSP	*Water Supply Protection District*	(as provided)
DRI	*Downtown Redevelopment Incentive Overlay Dist.*	
MC	*Medical Center District*	(as provided)
TND	*Traditional Neighborhood Development*	(as provided)
UC	*Urban Center District*	(as provided)

Section 3-2. Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, under the following words: "This is to certify that this is the Official Zoning Map of the City of Madison, Alabama", together with the date of the adoption of this Ordinance.

3-2-1 Changes in District Boundaries

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matte portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

3-2-2 Unauthorized Changes Prohibited

No changes of any nature shall be made in the Official Zoning Map, or matter thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons, shall be considered a violation of this Ordinance and punishable as provided under Section 13-2.

3-2-3 Final Authority to Zoning

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the Office of the Administrative Officer, shall be the final authority as to the current zoning status of land, buildings, and other structures in the City.

3-2-4 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Commission may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting, or other errors or omissions, in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Madison, Alabama".

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 3-3. Rules for Interpretation of Districts

Where uncertainty exists with respect to the boundaries of any district as shown on the Official Zoning Map, the following rules shall apply:

a) District Regulations Extend to all Portions of Districts Surrounded by Boundaries. Except as otherwise specifically provided, a district symbol or names shown within district boundaries of the Official Zoning Map indicates that district regulations pertaining to the district extend throughout the entire area surrounded by the boundary line.

b) Boundaries Indicated as Approximately Following the Centerlines of Streets or Alleys shall be construed as following such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel. In the case of a street closure, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed as moving with the ownership.
c) Boundaries Indicated as Approximately Following Lot Lines, Public Property Lines, and the like shall be construed as following such lines; provided, however, that where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated, the boundaries shall be construed as running to the middle of the street or alley. In the event of street or alley closure, interpretation shall be as provided in Subsection 3-3-b above.
d) Boundaries Indicated as Approximately Following City Limits shall be construed as following such city limits.
e) Boundaries Indicated as Following Centerlines of Streams, Creeks, or Other Bodies of Water shall be construed as following such centerlines.
f) Boundaries Indicated as Following Physical Features Other Than Those Mentioned Above shall be construed as following such physical features, except where variation of actual location from mapped location would change the zoning status of a lot or parcel and in such case, the boundary shall be interpreted in such manner as to avoid changing the zoning status of any lot or parcel.
g) Boundaries Indicated as Parallel to or Extensions of Features Indicated in Subsections 3-3-b through 3-3-e above shall be construed as being parallel to, or extensions of, such feature.
h) Distances not Specifically Indicated on the Official Zoning Map shall be determined by the scale of the map.
i) Cases not Covered by Subsection 3-3-a through 3-3-h above. In cases not covered by Subsections 3-3-a through 3-3-h above, the Administrative Officer shall interpret the Official Zoning Map in accord with the intent and purpose of this Zoning Ordinance. Appeal from the interpretation of the Administrative Officer shall be only to the Board of Adjustment in conformity with Section 10-7 of this Zoning Ordinance.
j) Division of a Lot of Record by a District Boundary. Where a district boundary divides a lot of record which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, as a Variance, the extension of the regulations for either portion of the lot for a distance not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 3-4. Initial Zoning of Newly Annexed Land

All newly annexed land or property which shall be brought into the corporate limits of the City of Madison, Alabama, shall by operation of this Section be initially zoned as AG (Agricultural District) and shall so remain zoned as AG (Agricultural District) until such time as said land or property is rezoned upon request of the landowner or landowners or pursuant to other sections of this Ordinance is further rezoned by appropriate action of the Board of Commissioners.

Article IV – Use Districts

Section 4-0. R-1 Low Density Residential District

(Ord. 97-50) (Ord. 2001-20)

The purpose of the R-1 District is to provide low population density residential areas in locations not suitable for higher density due to environmental limitations to development including difficult topography, surface/sub-surface drainage, watershed protection, noise impact constraints, and/or the public good. The R-1 District ordinarily will be served by the public water supply and underground utilities. Public sewer may not be available. The regulations for this district are designed to protect the single-family amenities of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a non-residential nature that do not serve the residents of this district. Within an R-1 District as shown on the Official Zoning Map of the City of Madison, the following regulations shall apply:

4-0-1 Permitted Uses

1. Detached single-family homes (excluding mobile homes)
2. Accessory uses and buildings
3. Agricultural uses of the land for crops, residential gardens or landscaping but specifically excluding commercial poultry, animal farms and dog kennels.
4. Essential utility services necessary for the performance of utility services, including and limited to water, sewer and sewage lift stations, gas, telephone, and electrical substations and distribution systems.
5. Minor Home Occupations

4-0-2 Special Exceptions

1. Churches and similar places of worship
2. Buildings for municipal, county, state or federal use including those for public owned and operated utilities, schools, libraries, and facilities for playgrounds, parks, golf courses and country clubs.
3. Private schools having curricula substantially the same as that ordinarily given in public schools
4. Major Home Occupations
5. Accessory apartments located in the same structure as the principal building or its accessory detached garage provided that the accessory apartment can only be occupied by members of the immediate family and provided further that the special exception will become void when the family occupying the principal structure vacates the principal structure.

4-0-3 Dimensional Requirements

1. **Front Yard Setback:** Seventy-Five (75) feet
2. **Side Yard Setback:** Forty (40) feet.
3. **Rear Yard Setback:** Fifty (50) feet. Unattached rear yard accessory buildings shall be set back ten (10) feet from the utility easement lines.
4. **Minimum Buildable Lot Size:** Forty-five Thousand (45,000) square feet with a minimum required lot frontage of one hundred (100) feet.
5. Minimum Lot Width at the Front Building Line: One-hundred fifty (150) feet.
6. **Lot Coverage:** Main and accessory buildings shall not cover more than twenty (20%) percent of the total lot area.
7. **Height:** No building shall exceed Thirty-Five (35) feet or 2 ½ stories in total height.

Section 4-1. R-1A Low Density Residential District

(Ord. 2001-20)

4-1-1 Permitted Uses

1. Detached single family homes (excluding mobile homes)
2. Accessory uses and buildings
3. Family care facility
4. Signs subject to the provisions of Article VII
5. Essential services, including and limited to water, sewer, gas, telephone, and electrical systems, including substations, lift stations, and similar sub-installations necessary for the performance of these services.
6. Minor Home Occupations, subject to the provisions of Article XIV (Ord. 92-25)

4-1-2 Special Exceptions

1. Cemeteries
2. Churches and similar places of worship
3. Fire Stations
4. Group Care Facility, provided that no Group Care Facility shall locate closer than 1,500 to an existing Group Care Facility. The 1,500 feet shall be measured from lot line to lot line
5. Major Home Occupations, subject to the provisions of Article XIV
6. Mobile Home Subdivision, provided:

a. All subdivisions contain ten or more lots;
b. All mobile homes are underpinned; and
c. All subdivisions are serviced with underground utilities and individual lots are provided with a pedestal

7. Parks, playgrounds, golf courses, and country clubs
8. Public and Private Schools having curricula substantially the same as that ordinarily given in public schools
9. Accessory apartments located in the same structure as the principal building or its accessory detached garage provided that the accessory apartment can only be occupied by members of the immediate family and provided further that the special exception will become void when the family occupying the principal structure vacates the principal structure.

4-1-3 Dimensional Requirements

1. **Front Yard Setback:** Forty (40) feet (exception, see Subsection 5-11-4).
2. **Side Yard Setback:** Fifteen (15) feet except on corner lots where the side adjoining the right-of-way shall be thirty (30) feet.
3. **Rear Yard Setback:** Forty-five (45) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line.
4. **Minimum Lot Size:** Eighteen thousand (18,000) square feet.
5. Width in Feet at Building Line: One hundred (100) feet.
6. **Lot Coverage:** Main and accessory buildings shall not cover more than twenty-five (25%) percent of the lot area.
7. **Height:** No building shall exceed thirty-five (35) feet in height.

Section 4-2. R-1B Low Density Residential District

The purpose of the R-1B District is to provide for the protection of existing single-family residential areas and the development of additional areas at a low population density served with a public water supply and where a public sewer is available within two thousand (2,000) feet of natural flow. The regulations for this district are designed to stabilize and protect the essential single-family amenities of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a non-residential nature that do not serve residents of this district.

4-2-1 Permitted Uses

Any use allowed as a Permitted Use in the R-1A District

4-2-2 Special Exceptions

Any use allowed as a Special Exception in the R-1A District subject to the same provisions.

4-2-3 Dimensional Requirements

1. **Front Yard Setback:** Forty (40) feet (exception, see subsection 5-11-4).

2. **Side Yard Setback:** Fifteen (15) feet except on corner lots where the side adjoining the right-of-way shall be thirty (30) feet.

3. **Rear Yard Setback:** Forty-five (45) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line.

4. **Minimum Lot Size**: Fifteen thousand (15,000) square feet.

5. Width in Feet at Building Line: One hundred (100) feet.

6. **Lot Coverage**: Main and accessory buildings shall not cover more than twenty-five (25%) percent of the lot area.

7. **Height:** No building shall exceed thirty-five (35) feet in height.

Section 4-3. R-2 Medium Density Residential District

The purpose of the R-2 District is to provide for the protection of existing single-family residential areas and the development of new areas at densities that assure the continued stability of such areas. This district is established as a district in which the principal use of land is for medium density residential use with both public water and sanitary sewer service provided. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

4-3-1 Permitted Uses

Any use allowed as a Permitted Use in the R-1B District

4-3-2 Special Exceptions

1. Day Care Homes, Day Nurseries and Day Care Centers
2. Nursing Homes
3. Any use allowed as a Special Exception in the R-1B District subject to the same provisions

4-3-3. Dimensional Requirements

(Ord. 93-161)

1. Front Yard Setback:
    a. For lots fronting on major or minor arterial streets or collector streets in subdivisions that received final plat approval prior to January 25, 1994: 35 ft.
    b. For lots fronting on minor streets in subdivisions that received final plat approval prior to January 25, 1994: 30 ft.
    c. For lots fronting on collector streets in subdivisions that received final plat approval subsequent to January 25, 1994: 35 ft.
    d. For lots fronting on minor streets in subdivisions that receive final plat approval subsequent to January 25, 1994: 25 ft.
    e. Section 5-11-4 establishes the formula for determining the front yard setback in certain cases where adjacent or nearby lots are developed, and in case of a conflict between Section 5-11-4 and Section 4-3-3 (1) (a-d), Section 5-11-4 shall control.
2. **Side Yard Setback:** Ten (10) feet except on corner lots where the side adjoining the right-of-way shall be twenty-five (25) feet.
3. **Rear Yard Setback:** Forty (40) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line.
4. Width in Feet at Building Line: Seventy (70) feet.
5. **Minimum Lot Size:** Ten thousand five hundred (l0, 500) square feet.
6. **Lot Coverage:** Main and accessory buildings shall not cover more than twenty-five (25%) percent of the lot area, except that residences that consists only of one story (commonly known as “ranchers”), or consists of two floors, the upper floor of which does not exceed 60% of the area of the lower, may cover 27.5% of the lot area, inclusive of all accessory structures. (Ord. 97-108) (Ord.2001-96, 6-25-01)
7. **Height:** No building shall exceed thirty-five (35) feet in height.

Section 4-3A. RZ Zero Lot Line Residential District

(Ord. 2001-22) (Ord. 2002-52)

The purpose of the RZ Zoning District is to provide for zero-lot-line development that maximizes the efficient use of space through compact form and flexibility of design while maintaining density, setback, and lot coverage controls that are compatible with adjacent and nearby development.

4-3A-1 Permitted Uses

1. Single family detached "zero-lot-line" dwellings
2. Accessory uses and buildings

4-3A-2 Special Exceptions

None

4-3A-3 Dimensional Requirements

1. Front Yard Setback: 25 ft.
2. **Side Yard Setback:** On one side: one inch. On the opposite side, the side yard requirement shall be 16 ft. Exception: side yards adjacent to a right-of-way shall be at least twenty (20) ft. Minimum building separation shall be 16 ft. and 1 inch.
3. **Rear Yard Setback:** Twenty (20) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line.
4. Width in Feet at Building Line: Sixty (60) feet.
5. **Minimum Lot Size:** Seven thousand five hundred (7,500) sq. ft.
6. Maximum Lot Coverage:
    a. For single story houses (ranchers): 40%.
    b. A second story may be constructed that contains not more than 50% of the floor area of the first floor, provided that the subdivision developer donates at least 5% of the gross plat area of the subdivision to the City, the Homeowners' Association, or another entity acceptable to the Planning Commission as open space at the time the final plat is approved. Said open space must be within the plat of the subdivision or within 1000 ft. of the subdivision, provided that the Planning Commission must approve any land dedicated outside the subdivision.
7. **Height:** No building shall exceed two stories above ground or thirty-five (35) feet in height.
8. **Maximum Impervious Ratio:** No more than 60% of the lot shall be covered with impervious surfaces

4-3A-4 Required Conditions

1. Zero-lot-line dwellings shall be constructed against the lot line on one side of the lot, with the exception of corner lots, and no windows, doors, or other openings shall be permitted on that side. Where adjacent zero-lot-line dwellings are not constructed against a common lot line, the developer must provide for a perpetual wall maintenance easement of five (5) ft. in width, and an architectural feature encroachment easement of 18", along the adjacent lot and parallel to such wall.
2. No more than a cumulative total of 8% of the gross area of the City shall be zoned R3, R3A, or RZ. The gross area of the city, for purposes of processing such a rezoning request, shall be its entire gross area, including private and public property and streets on the day the request is received by the Community Development Department.
3. All RZ districts shall be buffered from other zoning districts in accordance with the provisions of Sec. 5-18-5 of this ordinance.
4. RZ zoning districts may only be implemented adjacent to R-2, R-3, R-3A, R-4, B-1, B-2, B-2/S-1, B-3, M-1 and M-2

Section 4-4. R-3 High Density Residential District

(revised Ord. 96-02) (Ord. 2001-22)

The purpose of the R-3 District is to provide areas for the development of higher population density single family residences with public water, sanitary sewer, storm drainage and underground utility services provided. Housing shall be protected from the encroachment of uses not performing a function necessary to the residential environment and front yard parking shall be prohibited. Attached and unattached dwellings shall be designed to be in harmony with good land use planning practice. Within a R-3 District as shown on the Official Zoning Map of the City of Madison, the following regulations shall apply:

4-4-1 Permitted Uses

1. Single-family attached dwellings
2. Any use allowed as a Permitted Use in an R-2 District.
3. Swimming pools, recreational and athletic facilities, community buildings and other similar and related facilities for the common use of occupants and their guests.

4-4-2 Special Exceptions

Any use allowed as a Special Exception in an R-2 District and subject to the same restrictions.

4-4-3 Dimensional Requirements

(Ord 2001-62, 5-14-01)

1. **Front Yard Setback:** Twenty-five (25) feet on minor streets; 30 ft. on all other streets (exception, see subsection 5-11-4). (Ord. 94-46, 5-24-94) Single family attached housing developments may front on a public right-of-way or on a private access way maintained by an association. When more than two dwellings are to be constructed as contiguous, adjacent dwellings shall have a minimum difference in the set back of not less than four (4) feet so that the development will not present an unbroken line of row houses.
2. **Side Yard Setback:** Eight (8) feet, except on corner lots where the side yard adjoining the right-of-way or private access way maintained by an association shall be least twenty-five (25) feet for single-family attached dwellings and at least twenty feet (20) feet for single-family detached dwellings. Side yards are required only at the unattached ends of dwelling units and contiguous dwelling complexes.
3. **Rear Yard Setback:** Twenty-five (25) feet. Unattached rear yard accessory buildings shall be set back (1) foot from the utility and/or drainage easement.
4. **Minimum Lot Size:** When an R-3 development is intended for subdivision to fee simple parcels the following area standards shall apply: seven thousand five hundred (7,500) square feet for unattached single-family dwellings, nine thousand (9,000) square feet for two single-family attached dwellings and three thousand (3,000) square feet additional area for each additional attached single-family dwelling. Maximum density requirements as provided below shall not be exceeded by the overall development.
5. **Clearance Between Structures:** No portion of any attached dwelling complex shall be closer than Sixteen (16) feet to any other dwelling complex or detached accessory structure. (Ord. 90-58, eff. 9-13-90)
6. **Minimum Lot Width**: Twenty-five (25) feet. When more than two units are contiguous, each single family attached dwelling shall be constructed on its own parcel. The minimum lot width at the building line for duplex dwellings and unattached single-family dwellings shall be sixty (60) feet.

7. **Maximum Density**: Dwellings shall not exceed an average density of eight (8) dwelling units per acre across the project as a whole and not more than eight (8) single family attached dwellings shall be contiguous.
8. **Lot Coverage:** Single family detached dwellings and accessory buildings shall not cover more than thirty (30) percent of the lot area. Single family attached dwellings and accessory buildings shall not cover more than sixty (60) percent of the lot area.
9. **Height:** No building shall exceed thirty-five (35) feet in height.

4-4-4 Required Conditions

1. Single-family attached dwellings in the R-3 Zone shall constitute groupings making efficient, compatible, and convenient use of land and open space. Designs shall serve the public purpose by providing alternative arrangements of buildings, yards, and common areas.
2. Privacy: Each attached dwelling shall have not less than three hundred (300) square feet of yard space adjacent to the dwelling and secluded at six (6) feet above ground level from view of neighboring properties or access roads. Said yard space shall be equal in width to the dwelling and shall have a minimum dimension of not less than twelve (12) feet.
3. In the event common areas are provided which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer-owner of the development until such time as the developer-owner conveys such common area to a non-profit corporate owner whose shareholders shall be all of the individual owners of dwellings in the development.
4. A party wall shall separate each single-family attached dwelling unit and shall have a minimum nominal solid wall thickness of six (6) inches, be constructed of non-combustible material and extend six (6) inches, above the roof line.
5. No more than a cumulative total of 8% of the gross area of the City shall be zoned R3, R3A, or RZ. The gross area of the city, for purposes of processing such a rezoning request, shall be its entire gross area, including private and public property and streets on the day the request is received by the Community Development Department.
6. R-3 zoning districts may only be implemented adjacent to R-2, R-3A, RZ, R-4, B-1, B-2, B-2/S-1, B-3, M-1 and M-2

4-4-5 Application Procedures Specific to Developers Where All Owners Share a Common Ownership of the Land Parcel(s): A general development plan for the proposed project shall be presented to the City of Madison for preliminary and Final review and approval. The general development plan will clearly show the boundaries and dimensions of the land to be occupied by the housing project; the use and ownership of land on adjoining properties and the location and foundation dimensions of all buildings thereon; all existing and proposed public and private rights-of-way and easements within or adjacent to the proposed project; all existing and proposed public utilities and/or facilities servicing the development and adjacent properties; the existing topography and necessary finished site grades with contours spaced at elevations of not greater than two (2) feet; the location and foundation dimensions of all proposed principal buildings and accessory structures; the height and number of above-grade stories of all buildings; private driveways and sidewalks, off-street parking area and the types of paving and surfacing materials to be employed; designation of all common areas and areas of open-space and their proposed use and plans for landscaping and use of vegetation screens; and, other information required for consideration by the Planning Board, including, but not limited to the developer's declaration of covenants, restrictions which will apply to the project, and requirements for membership in any proposed homeowner associations.

Section 4-4A. R-3A Single-Family Detached Residential District

(Ord. 2001-22)

The purpose of the R-3A District is to provide areas for the development of higher population density, single-family detached residences with public water, sanitary sewer, storm drainage, and underground utility services provided. Housing shall be protected from the encroachment of uses not performing a function necessary to the residential environment.

4-4-A-1 Permitted Uses

Any Use allowed as a Permitted Use in an R-2 District.

4-4-A-2 Special Exceptions

Any use allowed as a Special Exception in an R-2 District and subject to the same restrictions

4-4-A-3 Dimensional Requirements

1. **Front Yard Setback:** 25 ft. on minor streets; 30 ft. on all other streets (exception: see subsection 5-11-4)(Ord. 94-46, 5-27-94)
2. **Side Yard Setback:** Eight (8) feet, except on corner lots where the side yard adjoining the right-of-way shall be at least twenty (20) feet.
3. **Rear Yard Setback:** Twenty-five (25) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility and/or drainage easement.
4. **Minimum Lot Size:** Seven thousand five hundred (7,500) square feet.
5. Minimum Lot Width at Building Line: Sixty (60) feet.
6. **Lot Coverage:** Principal and accessory buildings shall not cover more than thirty-three (33) percent of the lot area.
7. **Height:** No building shall exceed thirty-five (35) feet in height.

4-4-A-4 Required Conditions

1. No more than a cumulative total of 8% of the gross area of the City shall be zoned R3, R3A, or RZ. The gross area of the city, for purposes of processing such a rezoning request, shall be its entire gross area, including private and public property and streets on the day the request is received by the Community Development Department.
2. R-3A zoning districts may only be implemented adjacent to R-2, R-3, RZ, R-4, B-1, B-2, B-2/S-1, B-3, M-1 and M-2

Section 4-5. R-4 Multi-Family Residential District

The purpose of the R-4 District is to provide for multiple-family dwellings, which will:

1. Serve as zones of transition between non-residential districts and single family districts and
2. Provide areas for medium/high density multiple-family dwellings which will be compatible with adjoining single-family development.

4-5-1 Permitted Uses

1. Multiple-Family dwellings including condominiums
2. Rooming and Boarding houses
3. Any use allowed as a Permitted Use in an R-3 District subject to the same restrictions.

4-5-2 Special Exceptions

Any use allowed as a Special Exception in an R-3 District and subject to the same restrictions.

4-5-3 Dimensional Requirements

1. **Front Yard Setback:** Twenty-five (25) feet on minor streets and thirty-five (35) feet on all other streets except as provided in subsection 5-11-4. Multi-family developments may front on a public street or private access way. Dwelling units shall be set back fifteen (15) feet from project drives and walkways.
2. **Side Yard Setback**: Eight (8) feet except on corner lots where the side adjoining the right-of-way shall be a minimum of twenty (20) feet.
3. **Rear Yard Setback:** Thirty (30) feet.
4. **Minimum Lot Size:** Multi-family developments shall not exceed twelve (12) units per acre. Townhouse developments in an R-4 zone shall not exceed ten (10) units per acre and shall have a minimum lot size of three thousand (3,000) square feet. Single family detached housing is permitted as allowed as provided for in an R-3 District and is subject to the same restrictions.
5. **Width in Feet at Building Line:** Sixty (60) feet for unattached single-family dwellings, seventy (70) feet for two single-family attached dwellings and ten (10) feet additional width for each additional attached single-family dwelling.
6. **Lot Coverage**: Dwellings and accessory structures shall not cover more than thirty-five (35) percent of the lot area.
7. **Height:** No building shall exceed thirty-five (35) feet in height.
8. **Open Space:** Every parcel used for a multifamily structure or structures shall have a minimum of 25% of the total plat area reserved for recreation and open space. (amended Ord. 91-35)
    a. Required open space may be used for sidewalks, outdoor recreation facilities, bicycle paths, or jogging trails. Any space not so utilized shall be landscaped in such a manner as to provide for the maximum protection of tree canopy, preservation of desirable on-site vegetation, and preservation of the environmental characteristics of the site in as close to a natural state as possible.
    b. Required open space may not be paved, developed or improved, except that bicycle paths, sidewalks, and jogging trails, where provided, shall be paved at a width of four to eight feet. Improved outdoor recreation facilities, such as pools and tennis courts, may also be paved.
    c. Ponds, lakes, and creeks may be included in open space calculations, subject to the approval of the Planning Commission. However, a maximum of 30% of the open space requirement may be met in this way.

d. Planter islands, swales, and other parking lot landscaping shall be counted as open space for the purpose of meeting the requirements of this ordinance.
e. Recreational facilities shall be counted as open space, except that no more than 25% of the open space required may be met with recreation facilities.

4-5-4 Required Conditions

1. All Permitted Uses and Special Exceptions with the exception of single-family unattached dwellings and dwelling units comprised of two (2) single-family attached dwellings shall be located only on arterials, major thoroughfares, or collectors as depicted on the City's Land Use Plan. Collectors not depicted on the Land Use Plan but meeting the pavement width requirements of the City's Subdivision Regulations adopted June 6, l979, will be accepted as meeting this requirement.
2. Required Conditions provided as required in R-3 Districts.

Section 4-6. Applicability of Required Improvements in the B1, B2, B3, and MC Districts

The provisions of the B1, B2, B3, and MC districts apply to development types identified in Table 4-6-1. Improvements to existing buildings are cumulative within a 15-year period when determining which of the following provisions apply. A development type not shown in the table below is not subject to the requirements for the B1, B2, B3 and MC districts.

Table 4-6-1

Development Type	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting
New construction	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓		✓	✓	✓
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll		✓		✓		

Section 4-6A. Business District Uses and Dimensional Requirements

The following tables provide for the permitted uses and dimensional requirements in the B1, B2, B3 and MC districts. Table 1 identifies uses that are not permitted, permitted by right, permitted subject to conditional standards identified in 4-6A-4. Dimensional requirements are provided in Table 2.

4-6A-1 Permitted Uses for B1, B2, B3, and MC

Permitted Uses for B1, B2, B3, and MC are located in Table 1 found below.

Table 1 Permitted Uses in Commercial Districts & Medical Center Districts

P-Permitted By Right, **NP-**Not Permitted and **C**-Permitted Subject to Conditions

Uses	B1	B2	B3	MC	Standards
Adult Business Uses	**NP**	**NP**	**NP**	**NP**	
Alcohol Sales – On-Premises beer and wine*	**P**	**P**	**P**	**P**	
Alcohol Sales – Off-premises beer and wine*	**P**	**P**	**P**	**P**	
Alcohol Sales – Restaurants*	**P**	**P**	**P**	**P**	
Alcohol Sales – Sale of liquor for off-premises*	**NP**	**C**	**P**	**P**	**4-6A-5 (1)**
Antique Stores	**P**	**P**	**P**	**P**	
Appliance Stores	**NP**	**P**	**P**	**P**	
Appliance Repair	**NP**	**P**	**P**	**P**	
Arcade	**P**	**NP**	**P**	**NP**	
Assisted Living	**NP**	**P**	**P**	**P**	
Banks	**C**	**P**	**P**	**P**	**4-6A-5 (2)**
Bed and Breakfast	**C**	**P**	**NP**	**NP**	**4-6A-5 (3)**
Breweries (Micro, Local)	**P**	**NP**	**P**	**NP**	
Cafes & Coffee Shops, or Tea Rooms including outdoor dining	**P**	**P**	**P**	**P**	
Car Wash	**NP**	**C**	**P**	**NP**	**4-6A-5 (4)**
Child Care Centers	**C**	**C**	**C**	**C**	**4-6A-5 (5)**
Commercial Recreation-Indoor	**NP**	**P**	**P**	**NP**	
Commercial Recreation-Outdoor	**NP**	**NP**	**C**	**C**	**4-6A-5 (6)**
Conference Centers	**P**	**NP**	**P**	**P**	
Convenience Store with fuel sales	**NP**	**C**	**C**	**C**	**4-6A-5 (7)**
Dry Cleaner	**C**	**P**	**P**	**P**	**4-6A-5 (8)**
Electronics Stores	**P**	**P**	**P**	**P**	
Entertainment, Indoor	**P**	**P**	**P**	**P**	
Entertainment, Outdoor	**C**	**NP**	**C**	**NP**	**4-6A-5 (9)**
Essential Utility Services	**P**	**P**	**P**	**P**	
Farmers Market	**C**	**C**	**NP**	**NP**	**4-6A-5 (10)**
Farming & Agriculture	**NP**	**NP**	**NP**	**NP**	
Fraternal Organizations	**NP**	**NP**	**P**	**NP**	
Funeral Homes	**NP**	**NP**	**P**	**P**	
Government Buildings & Services	**P**	**P**	**P**	**P**	
Grocery Stores	**C**	**P**	**P**	**P**	**4-6A-5 (11)**
Grocery Stores with Fuel Sales	**NP**	**C**	**C**	**C**	**4-6A-5 (12)**

Uses	B1	B2	B3	MC	Standards
Hardware Stores	C	P	P	P	4-6A-5 (13)
Health Clubs	C	P	P	P	4-6A-5 (14)
Hospitals	NP	NP	P	P	
Hotel	NP	NP	P	P	
Jewelry Shops	P	P	P	P	
Laundromats	NP	P	P	NP	
Medical Clinics	NP	P	P	P	
Medical Supply Stores & Offices	NP	P	P	P	
Mini Storage Facilities	NP	NP	P	NP	
Mobile Food Vending	P	P	P	NP	4-6A-5 (15)
Museum or Activity Center	C	NP	P	NP	4-6A-5 (16)
Nursing Homes	NP	NP	P	P	
Offices, Professional	P	P	P	P	
Pharmacies	C	P	P	P	4-6A-5 (23)
Professional Schools or Colleges	NP	C	P	P	4-6A-5 (17)
Radio Station Offices	NP	NP	P	NP	
Radio Stations/Transmitters	NP	NP	P	NP	
Rehabilitation Services	NP	NP	P	NP	
Research Facilities	NP	NP	P	P	
Residential, above the first floor	P	NP	NP	NP	
Restaurants-Drive Through	NP	C	C	NP	4-6A-5 (18)
Restaurants & Brewpubs-Sit Down, including Outdoor Dining	P	P	P	P	
Retail Boutique	P	P	P	P	
Retail or Service Establishments **	P	P	P	P	
Shoe Stores	P	P	P	P	
Shoe Repair	P	P	P	P	
Sporting Goods	P	P	P	P	
Small Engine Repair	NP	NP	P	NP	
Surgery Centers	NP	P	P	P	
Teleconferencing Centers	NP	NP	NP	P	
Theaters	C	NP	P	P	4-6A-5 (19)
Thrift Stores	NP	C	C	NP	4-6A-5 (20)
Travel Agencies	P	P	P	P	
Vehicle Repairs	NP	NP	C	NP	4-6A-5 (21)
Vehicle Sales	NP	NP	P	NP	
Vehicle Service (Minor)	NP	C	C	NP	4-6A-5 (22)
Veterinary Hospitals & Clinics	NP	C	C	NP	4-6A-5 (23)
Visitors Center	P	NP	P	NP	
Worship Centers	P	P	P	P	

**** Proximity to churches and schools are regulated by the latest edition of the Madison Code of Ordinances***

4-6A-2 Prohibited Uses

No hazardous materials (as defined by the Alabama Department of Environmental Management) shall be produced, stored, used, or disposed of in any self-service storage facility.

4-6A-3 New and Unlisted Uses

The Planning Director shall determine if a use, not currently listed, is sufficiently similar to a use listed as permitted or conditional for a particular zoning district such that it may also be included as a permitted or conditional use within a zoning district. In the event the Planning Director determines that the requested use is not otherwise listed or defined in the Zoning Code, the developer or owner may request an amendment to this Zoning Code to include a definition for such previously unlisted use and determine in which zoning districts such use shall be permitted or conditional.

4-6A-4 Accessory Uses and Structures

The following standards shall apply for non-residential accessory structures.

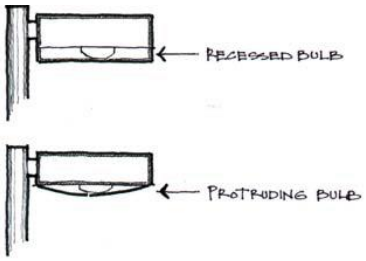
1. Accessory structures must conform to the front and side setback requirements provided for the principal building.
2. An accessory building in a nonresidential zoning district must:
    a. Be located in the rear yard of the property;
    b. Must not be located in any required buffer zone or any drainage or utility easement;
    c. Be separated from the principal building and any accessory building by a minimum distance of 25 feet; and
    d. Meet the requirements of the city's fire protection regulations as they relate to accessory buildings.

4-6A-5 Standards for Approval of Conditional Uses

1. **Alcohol Sales – Sale of liquor for off-premises.** In the B2 District, sales of off-premises liquor must be in association with a restaurant or gas station.
2. **Banks.** In the B1 District, banks with drive-through facilities are not permitted.
3. **Bed and Breakfast.** In B1, Bed and Breakfasts must provide on-site/off-street parking.
4. **Car Wash.** In the B2 District, car washes may be permitted as an accessory use for a convenience store or gas station or as a stand-alone use subject to the following conditions.
    a. Car wash as an accessory use.
        1. All car wash bays must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of the public street. Carwash bays may be located on the on-coming traffic flow side of the building at the approval of the Director of Planning, but must be screened by a masonry wing wall complementing the architectural style and material of the building or an opaque landscape screen.
        2. All service bays must be screened from view from adjoining property owners with a landscape screening buffer a minimum of six (6) feet in height. The landscaping in the buffer shall be 80 percent opaque after a period of one year.
    b. Car wash as a stand-alone use.
        1. The stand-alone car wash shall be of the enclosed, tunnel-style wash where the vehicle is moved through a tunnel on a conveyor belt or similar conveyance, with vehicle washing and drying equipment enclosed within the car wash structure; provided, however, that air compressors, hoses and vacuums utilized for vacuuming of vehicle interiors may be located on the exterior.
        2. No tunnel entrances and exits shall face any adjacent residentially zoned lot.
        3. All tunnel entrances and exits shall be screened from view from adjoining lots with a landscape buffer having a minimum height of six feet and shall be 80 percent opaque within one year of installation.
        4. There shall be adequate room for vehicle stacking before and after the pay station such that all vehicle queuing will occur on-site.

c. Conditions applying to all car wash types in a B2 District.
   1. All exterior vacuum machines shall be oriented away from residential property and screened from adjacent residentially zoned lots by a wall or landscape screen for both visual and acoustical buffering. The wall shall be a masonry wing wall or building wall complementing the architectural style and material of the car wash facility, and any landscape screen shall be 100 percent opaque and a minimum of six feet in height within one year of installation.
   2. Landscaping screening specimens may be from the following list or other materials verified to reduce noise. Trees: Japanese Cryptomeria; Leyland Cypress; Eastern Red Cedar; Magnolia; White Pine, Loblolly Pine; Arborvitae; Savannah Holly; Nellie R. Stevens Holly; Yaupon Holly; Waxmyrtle. Shrubs: Carrisa Holly; Dwarf Chineese; Dwarf Burford; Dwarf Yaupon; Pfitzer Juniper; Chinese Loropetalum; Dwarf Waxmyrtle.
   3. Additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.
   4. Operation or use may occur between the hours of 7:00 a.m. and 9:00 p.m.
   5. No cleaning, steam cleaning or pressure cleaning of automobile engines shall be allowed as a part of carwash uses.

4. **Child Care Centers.**
   a. In the B1 District, child care centers must be in association with a worship center.
   b. Each facility must be located in an area that is free from conditions dangerous to the physical and moral well-being of children.
   c. Play areas must be separated and fenced from vehicle circulation and parking areas.
   d. A paved off-street location, such as a circle drive or another suitable location, must be provided for safe loading and unloading. Maneuvering room must be provided on the property for parking and loading so as to preclude the necessity of backing out into public streets.
5. **Commercial Recreation-Outdoor.**
   a. Outdoor commercial recreational uses may not be located within two-hundred (200) feet of a residential use or zone.
   b. Any commercial recreational use abutting a residential development shall limit activity to the hours between 9:00am and 10:00pm.
   c. Light or glare shall not spill onto adjacent property or right-of-ways.
6. **Convenience Store with Fuel Sales.**
   a. An automobile service station or convenience store shall have a minimum front lot line on the primary right-of-way of 120 feet and a minimum area of 12,000 square feet.
   b. Canopies shall be required for fueling stations.
   c. All buildings shall be set back 40 feet from all right-of-way lines and all canopies shall be set back 15 feet from all right-of-way lines.
   d. Light or glare shall not spill onto adjacent property or right-of-ways. All light fixtures shall be either recessed into a canopy, or if they protrude shall have a box that shields the bulb from direct view. A light fixture that protrudes from the bottom of a canopy shall have a box completely surrounding the bulb and the lens shall be flush with the box. Should a gas station canopy be repaired or improved and the value of the improvements or the repair total 50% or more of the assessed value of the structure, these lighting requirements must be met. Lenses shall not protrude past the bottom of the box.



e. In the B2 and MC Districts, fuel pumps must be screened from adjacent property owners by one or some combination of a continuous hedge, shrub or earthen berm that is 5 ft. (min) in height. This standard shall also apply to property located north of Sherborn Drive on County Line Road and property located south of Gooch Lane on Hughes Road.
f. In the B2 district, convenience stores with fuel sales should incorporate pitched roof elements to the principal structure so as to provide a look compatible with and similar to a residential architectural style. Canopies shall be similar in materials and architectural design. Building facades shall be designed to a human-scale for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.
g. Additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.

7. **Dry Cleaner.** In the B1 District, dry cleaning establishments with drive-through facilities are not permitted. In all other districts, drive-through facilities must be screened in accordance with district drive-through screening standards.
8. **Entertainment, Outdoor.**
   a. In the B1 District, outdoor entertainment uses may not be located within one-hundred (100) feet of a residential use.
   b. In all other districts, outdoor entertainment uses may not be located within two-hundred (300) feet of a residential use or zone.
   c. Any outdoor entertainment use abutting a residential development shall limit activity to the hours between 9:00am and 10:00pm.
   d. Light or glare shall not spill onto adjacent property or right-of-ways.
9. **Farmers Market.** Farmers Markets must provide adequate off-street customer and vendor parking. Farmers Markets must not be located as to impede the regular flow of traffic.
10. **Grocery Stores.** In the B1 District, grocery stores must provide off street/on-site parking.
11. **Grocery Stores with Fuel Sales.**
   a. An automobile service station or convenience store shall have a minimum front lot line on the primary right-of-way of 120 feet and a minimum area of 12,000 square feet.
   b. Canopies shall be required for fueling stations. A kiosk located under the canopied area may be incorporated into the site design adjacent to fueling stations.
   c. All buildings shall be set back 40 feet from all right-of-way lines and all canopies shall be set back 15 feet from all right-of-way lines.
   d. Light or glare shall not spill onto adjacent property or right-of-ways. All light fixtures shall be either recessed into a canopy, or if they protrude shall have a box that shields the bulb from direct view. A light fixture that protrudes from the bottom of a canopy shall have a box completely surrounding the bulb and the lens shall be flush with the box. Should a gas station canopy be repaired or improved and the value of the improvements or the repair total 50% or more of the assessed value of the structure, these lighting requirements must be met. Lenses shall not protrude past the bottom of the box.
   e. In the B2 and MC Districts, fuel pumps must be screened from adjacent property owners (where not separated by public street right-of-way) by one or some combination of a continuous hedge, shrub or earthen berm that is five (5) feet (min.) in height. This standard shall also apply to property located north of Sherborn Drive on County Line Road and property located south of Gooch Lane on Hughes Road.
   f. In the B2 district, convenience stores with fuel sales should incorporate pitched roof elements to the principal structure so as to provide a look compatible with and similar to a residential architectural style. Canopies shall be similar in materials and architectural design to the principal

structure. Building facades shall be designed to a human-scale for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.

g. Additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.

12. **Hardware Stores.** In B1, Hardware stores less than 15,000 square feet are permitted.
13. **Health Clubs**. In B1, Health Clubs less than 15,000 square feet are permitted.
14. **Mobile Food Vending**.
    a. Mobile food vendors shall comply with all regulations and certification requirements set forth by the Alabama Department of Public Health.
    b. Mobile food vendors shall acquire written permission of the property owner before locating on a site and shall maintain such permission on premises and shall produce such permission upon request.
    c. Mobile food vendors shall not operate at a fixed place of business for more than two (2) continuous weeks.
    d. Mobile food vendors shall vacate site at the close of business daily.
15. **Museums or Activity Centers.** In B1, Museums or Activity Centers must provide on- off street/on-site parking.
16. **Professional Schools or Colleges**. In B2, Professional Schools and Colleges must be setback a minimum of 100 feet from any residential use or zone.
17. **Restaurants-Drive Through.** Vehicle drive thru windows facing the street or traffic flow must be screened by one or some combination of a continuous hedge, shrub or earthen berm that is a minimum of five (5) feet in height. Additionally, vehicle drive thru windows must be screened from all adjacent property owners in the same manner. Additional screening and buffering requirements may be recommendation may be recommended
18. **Theatres.** In the B1 District, Theatres must provide off street/on-site parking.
19. **Thrift Stores.** Any establishment open to the general public wherein one or more types of secondhand domestic articles are sold, such as clothing, shoes, furniture and other assorted items, the value of which is only a fraction of the original cost, for which price guides are not available and which normally have no collectible or antique value. The following conditions apply to all such thrift stores.
    a. Thrift stores shall have at least one designated donation area. Donation area(s) shall be located at the rear of the store inside the principal structure and/or located completely inside the thrift store. Donations may only be accepted at designated donation areas.
    b. Donation boxes or containers located outside the building are prohibited.
    c. Adequate signage must be provided to alert the public to where and when donations may be dropped off.
    d. Merchandise or donations left outside are strictly prohibited.
    e. The outdoor display and/or sale of merchandise is prohibited.
20. **Vehicle Repairs.** All garage and vehicle service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of the public street. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Director of Planning, but must be screened by a masonry wing wall complimenting the architectural style and material of the building or an opaque landscape screen. Additionally, all service bays must be screened from view from adjoining property owners with a landscape screening buffer a minimum of six (6) feet in height. The landscaping in the buffer shall be 80 percent opaque after a period of one year. Additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.

21. **Vehicle Service (Minor)**
    a. In B2 and MC Districts, all garage and vehicle service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of the public street. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Director of Planning, but must be screened by an opaque landscape screen. Additionally, all service bays must be screened from view from adjoining property owners with a landscape screening buffer a minimum of five (5) feet in height. The landscaping in the buffer shall be 80 percent opaque after a period of one year.
    b. In B2 and MC Districts, drive through service bays visible from the public street right-of way shall be screened by an opaque landscape screen. This standard shall also apply to property located north of Sherborn Drive on County Line Road and property located south of Gooch Lane on Hughes Road.
    c. In B3, all garage and vehicle service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of the public street. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Director of Planning, but must be screened by a masonry wing wall complimenting the architectural style and material of the building or an opaque landscape screen.
    d. Additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.
22. **Veterinary Hospitals and Clinics**
    a. In B2, veterinary hospitals and clinics may not have boarding facilities, other than those required for patient recovery and care.
    b. In B3, all outdoor boarding facilities to include animal run areas or play yard must be screened from the right-of-way and adjacent property by a by a continuous hedge, shrub, earthen berm, or retaining wall (complimenting the architectural style and material of the building) that is a minimum of five (5) feet in height.
    c. In B3, all outdoor boarding facilities to include animal run areas and play yards cannot be located within two-hundred (200) feet of a residential use or zone.
23. **Pharmacies**. In the B1 District, pharmacy establishments with drive-through facilities are not permitted. In all other districts, drive-through facilities must be screened in accordance with district drive-through screening standards.

4-6A-6 Dimensional Requirements for B1, B2, B3, and MC

Permitted Uses for B1, B2, B3, and MC are located in Table 2 found below.

Table 2 Dimensional Requirements in Commercial Districts & Medical Center Districts

District	B1	B2	B3	MC
Building Height(*)(**)				
Minimum	15 ft.	15ft.	15ft.	15ft.
Maximum	40 ft.	35 ft.	70 ft.	70 ft.
Lot Coverage:				
Minimum	N/A	N/A	N/A	N/A
Maximum	90%	50%	50%	60%
Lot Size				
Lot Size	15,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.***	20,000 sq. ft.
Lot Width at the Street ROW	50 ft.	50 ft.	50 ft.	50 ft.
Setback – Front Yard				
Minimum	2 ft.	25 ft.	20 ft.	20 ft.
Maximum	15 ft.	N/A	N/A	N/A
Setback – Interior Side Yard				
Minimum	2 ft.	15 ft.	15 ft.	10 ft.
Maximum	15 ft.	N/A	N/A	N/A
Setback – Adjoining ROW				
Minimum	2 ft.	25 ft.	20 ft.	10 ft.
Maximum	15 ft.	N/A	N/A	N/A
Setback – Rear Yard				
Minimum	0 ft.	20 ft.	20 ft.	15 ft.
Maximum	25 ft.	N/A	N/A	N/A
Setback – Transitional Yard				
Minimum	15 ft.	N/A	N/A	N/A
Maximum	25 ft.	N/A	N/A	N/A
Landscape Buffer Adjoining ROW Width				
	NA	20 ft.	20 ft.****	20 ft.

**Building Height is the vertical measurement from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.*

*** Vertically projecting architectural features such as clock towers or spires shall be excluded from measurement but in no case shall such projections exceed fifty feet (50) feet.*

**** The minimum lot size for any existing lot fronting the south side of U.S. Highway 72 between Hughes Road and Nance Road shall be 15,000 sq. ft. Lots created after the effective date of this ordinance shall be a minimum of 20,000 sq. ft.*

***** See Section 4-8-3 for alternative landscape buffer width requirement for properties fronting the south side of U.S Highway 72 between Hughes Road and Nance Road.*

4-6A-7 Standards to authorize the construction of structures in excess of 30 feet in height

The following standards shall apply for the construction of structures in excess of 30 feet in height:

1. Setbacks for structures with height in excess of thirty (30) feet must accommodate a fire apparatus access road with a minimum unobstructed width of twenty-six (26) feet in the immediate vicinity of the building or portion of the building that exceeds thirty (30) feet in height.
2. The fire apparatus access road must be located no closer than fifteen (15) feet (minimum) from the building but no farther than thirty (30) feet (maximum) distance from the building.

4-6A-8 Rear Yard Setbacks Special Requirements
Where a rear lot- line abuts a street line, or adjoins a residential or agricultural district, a rear yard of thirty (30) feet (minimum) is required.

4-6A-9 Yard Requirements in B1 Districts
Those lots that abut public right-of-way or are Transitional Yard shall be completely landscaped except for entry drives, sidewalks, fences, walls or other pedestrian amenities.

4-6A-10 Elevations Abutting Streets in B1 Districts
Any elevation of a building that abuts a public right-of-way, except for an alley way, shall have a maximum setback of fifteen (15) feet. No matter the elevation of the building (side, rear, or front) at least twenty (20) percent to sixty (60) percent of the building's façade in linear feet (measure horizontally) must be located within five (5) to ten (10) feet of the right-of-way/property line.

4-6A-11 Side and Rear Yard Setbacks in the MC District
Where a lot line abuts a residential district, the side and rear setback shall be fifty (50) feet.

4-6A-12 Corner Lots in B1 District
Where property in the B1 District has frontage on two public streets, each frontage will be treated as a front yard. In cases where development of two buildings may be a long range possibility, but not a short term plan, subdivision may be required to comply with maximum dimensional requirements or approved site plans must indicate future phases that will fulfill the dimensional requirements.

Section 4-6B. B1 Neighborhood Business District Required Conditions

The B1 District is intended to promote and encourage traditional downtown development or pedestrian friendly neighborhood business areas through the application of urban, rather than suburban or conventional, development styles. It is intended to provide for pedestrian-oriented and small-scale stores and business, as well as residential and office in a mixed-use style. The district is intended to apply to areas where establishments may be appropriately located within downtown, town center or urban scale that is walkable, welcoming and fosters a sense of place. The B1 District is not intended for use by major or larger scale commercial or service establishments. Orientation to the streets and compatibility with adjacent residential neighborhoods to be served is critical. Uses and dimensional requirements in this district shall conform to Section 4-6A.

4-6B-1 Outdoor Storage and Uses in the B1 District

Except as provided below, all sales of merchandise and display merchandise shall be conducted within an enclosed building.

1. Storage in connexes, shipping containers and semi-trailers are not permitted. Portable buildings may not be made into permanent structures in any form.
2. Outdoor displays of merchandise may be displayed adjacent to the exterior of the principal building. A clear and unobstructed walkway of at least four (4) feet must be maintained between the display and adjoining driveway.
3. Newspaper racks may be located adjacent to the exterior of the principal building. A clear and unobstructed walking path of at least four (4) feet in width must be provided between the self-service apparatus and the adjoining driveway. No additional freestanding units are permitted except as provided by the U.S. Postal Service. Donation drop boxes are not permitted.
4. Restaurants are permitted to have outdoor seating on private property but must maintain a clear and unobstructed walking path of at least six (6) feet in width between the outdoor seating and an adjoining driveway. A moveable bollard, planting, or fence, three (3) feet maximum in height, is required between the outdoor seating and the walkway.

4-6B-2 Landscape Requirements in the B1 District

1. Areas not covered by buildings, storm water facilities or pavement must be landscaped.
3. All required landscaping must be maintained in good condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies within 30 days. Enforcement of this provision shall be made in accordance with Article XIII of this Ordinance.
4. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements.
5. Foundation plantings or planting strips are required along 60% of the length of any façade visible from the public right-of way.
6. Incentive for rear-yard oriented parking. Landscaping for off-street parking shall be provided in accordance with Section 5-15-6 except that landscaping area requirements for off-street parking not visible from the public street right-of-way shall be determined in accordance with the following reduced formula: Number of Parking Spaces x 10= Min. sq. ft. of landscaped area.

4-6B-3 Landscape Buffer Requirements in the B1 District

1. A planting strip along the required sidewalk shall be provided in lieu of a landscape buffer where the setback provided is fifteen (15) feet. In such cases, the first six (6) feet of setback along a public street must be reserved for the provision of a planting strip and shall provide the following.

a. One minimum 2.5" caliper Shade Tree (Section 5-15-6) must be planted for each thirty (30) feet of frontage along public street rights-of-way as measured along the lot lines.
b. Required trees may be planted in a regular interval or in clusters.
c. Up to 50 percent of required shade trees may be substituted with some combination of the following:
    i. Small upright (ornamental) trees or small spreading trees (ornamental) at a ratio of 3 to 1 (per Section 5-15-6)
    ii. 24 inch shrubs (min) at a ratio of 5 to 1

2. Where a planting strip is provided, adjacent perimeter landscaping required in subsection 5-15-6 (5) shall not be required for those areas adjacent to the planting strip.
3. Where a planting strip is provided, foundation planting requirements per Section 4-6B2 shall not be required.

4-6B-4 Sidewalk Requirements in the B1 District

Sidewalks shall be provided along adjacent public city street frontage in accordance with Section 5- 18A. When right-of–way is not available, the Planning Commission may require the installation of sidewalks in a pedestrian access easement provided in the front landscape buffer.

4-6B-5 Screening and Wall Requirements in the B1 District

1. In addition to the requirements set forth in Section 5-18-1, a landscape screening buffer a minimum of six (6) feet in height shall be provided when a B1 use abuts or is within fifty (50) feet of a residential zone, except where a public street provides buffering. The landscaping in the buffer shall be 80 percent opaque after a period of one year. Required screening shall be satisfied by one (1) or some combination of the following.
    a. A decorative fence not less than 50 percent behind a continuous landscaped area
    b. A masonry wall
    c. A hedge
2. Parking areas shall be screened in accordance with Section 5-15-3.
3. Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within 100 feet of any public street right-of-way, unless a landscape screening buffer or masonry screening wall complimenting the architectural style and material of the building is used.
    a. Refuse storage and compactors must be enclosed on three sides by a solid wall of wood or masonry to match the color and style of the building and be a minimum of one foot taller than the equipment being screened. The enclosure must provide a self-closing gate. The enclosure must be designed to contain all refuse generated on-site between solid waste collections. The refuse and storage and compactors must be located in the rear or side yard but not within twenty- (20) feet of any public street right-of-way.
    b. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces a public street right-of-way, in which case such equipment must be located on the side least visible from a public street right-of-way.
    c. If any service equipment is visible from a public street right-of-way, the screening materials must be 100 percent opaque. Screens must incorporate evergreen shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one foot taller than the equipment being screened.

4. Vehicle drive through windows facing the street or traffic flow must be screened by one or some combination of a continuous hedge, shrub or earthen berm a minimum five (5) feet in height. Additionally, vehicle drive through windows must be screened from all adjacent property owners in the same manner.
5. Any wall greater than four (4) feet in height will require a building permit and must be designed by an engineer registered in the State of Alabama.
6. When the above standards do not provide adequate screening for incompatible uses, additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.

4-6B-6 Site Design Requirements in the B1 District

In addition to the requirements set forth in Section 5-23, the following standards shall apply in the B1 District.

1. **Pedestrian Access, Safety and Comfort.** All portions of the development must be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian facilities, and the development must provide appropriate amenities. The design of buildings must provide a safe and attractive pedestrian environment. The following criteria must be incorporated with each new development proposal:
    a. The building(s) must have at least one (1) primary entrance facing an abutting street, or is accessed by the sidewalk or plaza within ten (10) feet to twenty (20) feet of the primary entrance;
    b. Building entrances must open directly to the outside. Every building must have at least one (1) entrance that does not require passage through a parking lot or garage to access and corner buildings must have corner entrances whenever possible.
    c. Pedestrian facilities must connect the development to adjacent land uses and provide connection through the development to the public street right-of-way.
2. **Mixed Use.** Where a proposal includes mixed uses on-site, the combining of land uses should promote easy access to stores and services utilized by pedestrians. The site must be designed in such a way that it is well integrated with adjacent land uses. “Integrated” means that uses are connected to each other with direct, convenient sidewalks and pathways or the proposal contains an equally good or superior way to achieve the above.
3. **Creating and Protecting Public Spaces**. The proposal shall provide useable public spaces, (e.g. sidewalks, plazas and similar spaces.) Public spaces are “public” when they are within view of a street or other public space accessible by pedestrians and can be occupied by the general public.

4-6B-7 Architectural Appearance of Buildings and Structures in the B1 District

1. Human Scaled Building Design. Building facades shall be designed to a human-scale for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.
2. All buildings must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
3. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of primary materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
4. First story windows must not be glazed or re-glazed with mirrored or reflective glass.
5. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. The Historic Preservation Commission may approve

accent colors that are not earth tone for any new construction located in a designated historic district or alterations to any property listed on the National Register of Historic Places.

6. Alternative design standards that present a unified design and meet the spirit and intent of the B1 district should be submitted for consideration by the Planning Commission.
7. Materials. A minimum of 85 percent of the surface area of each façade must consist of one or more approved materials.
    a. Wood
    b. Fired brick
    c. Stucco
    d. Glass
    e. Natural stone
    f. Exterior Insulation and Finish Systems may be used when installed above, and is supported by, a masonry half-wall not less than four (4) feet above the finished floor elevation
    g. Cementitious Fiber Board may be used when installed above, and is supported by, a masonry half-wall not less than four (4) feet above the finished floor elevation; but in no case shall the cementitious fiber board exceed 45 percent of the surface area of each façade
7. The Director of Planning may approve alternative materials not listed above. The Historic Preservation Commission may approve alternate materials for any new construction located in a designated historic district or alterations to any property listed on the National Register of Historic Places.
8. Measurement. The percentage of surface area of each façade is measured per side of building. Doors, windows, overhead doors and roofs are exempt from the percentage calculation.

4-6B-8 Parking and Circulation in the B1 District

The following are required in addition to the standards identified in Section 5-15.

1. The use of Public Access Easements shall be required between and across adjoining parcels of property in order to protect and preserve the movement function of public roadways.
2. All parking areas (required and optional) must be paved. A parking space or area must include a paved driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.
3. Curbing is required around the perimeter of the parking area and all landscaped parking islands. This requirement does not extend to property located in a designated historic district. Alternative designs that promote infiltration and reduce run-off can be submitted for consideration by the Technical Review Committee.
4. Parking shall be located to the side and rear of buildings.
5. Off street/on-site parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
6. All parking must be landscaped and screened per the standards set forth in Section 5-15-6.
7. Parking and vehicle drives shall be located away from building entrances and not between a building entrance and the street.

4-6B-9 Lighting Requirements in the B1 District

All lighting shall conform to the standards and specifications provided in 5-22.

Section 4-7. B2 Community Business District Required Conditions

The purpose of the Community Business District is to provide for the needs of a larger consumer population than is served by the B1 Neighborhood Business District. The Community Business District is characterized by large volumes of vehicular and/or pedestrian traffic and as such, should be properly located with respect to existing development and thoroughfares. The Community Business District is designed to serve a city-wide clientele. Uses and dimensional requirements in this district shall conform to Section 4-6A.

4-7-1 Outdoor Storage and Uses in the B2 District

Except as provided below, all sales of merchandise and display merchandise shall be conducted within an enclosed building.

1. Storage in connexes, shipping containers and semi-trailers are not permitted. Portable buildings may not be made into permanent structures in any form.
2. Outdoor displays of merchandise may be displayed adjacent to the exterior of the principal building. A clear and unobstructed walkway of at least four (4) feet must be maintained between the display and the adjoining driveway.
3. Self-service vending apparatus such as soft-drink machines, ATM machines, movie vending machines, and newspaper racks may be located adjacent to the exterior of the principal building. A clear and unobstructed walking path of at least four (4) feet in width must be provided between the self-service apparatus and the adjoining driveway. No additional freestanding units are permitted except as provided by the U.S. Postal Service. Donation drop boxes are not permitted
4. Restaurants are permitted to have outdoor seating on private property but must maintain a clear and unobstructed walking path of at least six (6) feet in width between the outdoor seating and an adjoining driveway. A moveable bollard, planting, or fence, three (3) feet maximum in height, is required between the outdoor seating and the walkway.

4-7-2 Landscape Requirements in the B2 District

1. A total of 15 percent of the total site must be landscaped with living approved trees, shrubs or groundcovers.
2. Landscaping in yards, setback areas, planter islands, swales, and other parking lot landscaping shall be counted for the purpose of meeting the requirements of this Section.
3. All required landscaping must be maintained in good condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies within 30 days. Enforcement of this provision shall be made in accordance with Article XIII of this Ordinance.
4. Areas not covered by buildings, storm water facilities or pavement must be landscaped.
5. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements.
6. Foundation plantings or planting strips are required within a planting area a minimum of four (4) feet in width along 60 percent of the length of any façade visible from the public right-of way. Foundation plantings may count toward the required minimum site landscape area.
7. **Incentive for rear-yard oriented parking**. Landscaping for off-street parking shall be provided in accordance with Section 5-15-6 except that landscaping area requirements for off-street parking not visible from the public street right-of-way shall be determined in accordance with the following reduced formula: Number of Parking Spaces x 10= Min. sq. ft. of landscaped area.

4-7-3 Landscape Buffer Requirements in the B2 District

A landscape buffer is required adjacent to any public street right-of way in accordance with the dimensional requirements provided in Section 4-6A-2. Where a landscape buffer is provided, adjacent perimeter landscaping required in subsection 5-15-6(5) shall not be required for those areas adjacent to the landscape buffer. The first twenty (20) feet of setback along a public street must be reserved for the provision of a landscape buffer and shall provide the following.

1. One minimum 2.5 inch caliper Shade Tree (Section 5-15-6) must be planted for each thirty (30) feet of frontage along public street rights-of-way as measured along the lot lines.
2. Required trees may be planted in a regular interval or in clusters.
3. Up to 50 percent of required shade trees may be substituted with some combination of the following:
   a. Small upright (ornamental) trees or small spreading trees (ornamental) at a ratio of 3 to 1 (per Section 5-15-6)
   b. 24 inch shrubs (min) at a ratio of 5 to 1
4. A minimum 40 percent of required trees must be evergreen with year around foliage.
5. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.

4-7-4 Sidewalk Requirements in the B2 District

Sidewalks shall be provided along adjacent public city street frontage in accordance with Section 5- 18A. When right-of–way is not available, the Planning Commission may require the installation of sidewalks in a pedestrian access easement provided in the front landscape buffer.

4-7-5 Screening and Wall Requirements in the B2 District

1. In addition to the requirements set forth in Section 5-18-1, a landscape screening buffer a minimum of eight (8) feet in height shall be provided when a B2 use abuts or is within fifty (50) feet of a residential use or zone, except where a public street provides buffering. The landscaping in the buffer shall be 80 percent opaque after a period of one year. Required screening shall be satisfied by one (1) or some combination of the following:
   a. A decorative fence not less than 50 percent opaque behind a continuous landscaped area
   b. A masonry wall
   c. A hedge
2. Parking areas shall be screened in accordance with Section 5-15-3.
3. Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within 100 feet of any public street right-of-way, unless a landscape screening buffer or masonry screening wall complimenting the architectural style and material of the building is used.
   a. Refuse storage and compactors must be enclosed on three sides by a solid wall of wood or masonry to match the color and style of the building and be a minimum of one foot taller than the equipment being screened. The enclosure must provide a self-closing gate. The enclosure must be designed to contain all refuse generated on-site between solid waste collections. The refuse and storage and compactors must be located in the rear or side yard.
   b. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces a public street right-of-way, in which case such equipment must be located on the side least visible from a public street right-of-way.

   c. If any service equipment is visible from a public street right-of-way, the screening materials must be 100 percent opaque. Screens must incorporate evergreen shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one foot taller than the equipment being screened.
4. Vehicle drive through windows facing the street or traffic flow must be screened by a one or a combination of a continuous hedge, shrub or earthen berm that is a minimum five (5) feet in height. Additionally, vehicle drive through windows must be screened from all adjacent property owners in the same manner.
5. Any wall greater than four (4) feet in height will require a building permit and must be designed by an engineer registered in the State of Alabama.
6. When the above standards do not provide adequate screening for incompatible uses, additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.

4-7-6 Site Design Requirements in the B2 District

The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments and the public street right-of-way.

4-7-7 Architectural Appearance of Buildings and Structures in the B2 District

In addition to the requirements set forth in Section 5-23 the following standards shall apply.

1. All buildings must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
   a. The Planning Director may approve alternative architectural finishes for rear facades not visible from the public street right-of-way.
   b. The Planning Director may approve alternative architectural finishes for rear facades visible from the public street right-of-way but alternative finishes must be screened by a landscape screening buffer a minimum of six (6) feet in height. The landscaping in the buffer shall be 80 percent opaque after a period of one year.
2. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of primary materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
3. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
4. First story windows must not be glazed or re-glazed with mirrored or reflective glass.
5. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. The Historic Preservation Commission may approve accent colors that are not earth tone for any new construction located in a designated historic district or alterations to any property listed on the National Register of Historic Places.
6. The façade must incorporate articulation consisting of a minimum of two of the following design elements spaced every forty-five (45) linear feet for the front façade plus one design element spaced every forty-five (45) linear feet for the other facades, excluding the rear façade.
   a. Columns
   b. Pilasters
   c. Canopies
   d. Arches
   e. Awnings

7. For buildings less than or equal to 100,000 square feet in area, articulation must project a minimum of two (2) feet from the vertical wall.
8. For buildings greater than 100,000 square feet in area, articulation must project a minimum of two (2) feet from the vertical wall, except for canopies and awnings which must project five (5) feet from the vertical wall.
9. Alternative design standards that present a unified design and meet the spirit and intent of the B2 district should be submitted for consideration by the Planning Commission.
10. Materials. A minimum of 85 percent of the surface area of each façade must consist of one or more approved materials.
    a. Wood Siding
    b. Fired brick
    c. Stucco
    d. Glass
    e. Natural stone
    f. Exterior Insulation and Finish Systems may be used when installed above, and is supported by, a masonry half-wall not less than four (4) feet above the finished floor elevation
    g. Cementitious Fiber Board may be used when installed above, and is supported by, a masonry half-wall not less than four (4) feet above the finished floor elevation, but in no case shall the cementitious fiber board exceed 45 percent of the surface area of each façade.
11. The Director of Planning may approve alternative materials not listed above. The Historic Preservation Commission may approve alternate materials for any new construction located in a designated historic district or alterations to any property listed on the National Register of Historic Places.
12. Measurement. The percentage of surface area of each façade is measured per side of building. Doors, windows, overhead doors and roofs are exempt from the percentage calculation.

4-7-8 Parking and Circulation Requirements in the B2 District.

The following are required in addition to the standards identified in Section 5-15.

1. The use of Public Access Easements shall be required, between and across adjoining parcels of property, in order to protect and preserve the movement function of public roadways.
2. All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.
3. Curbing is required around the perimeter of the parking area and all landscaped parking islands. Alternative designs that promote infiltration and reduce run-off can be submitted for consideration by the Technical Review Committee.
4. Parking to the side and rear of buildings is encouraged and preferred.
5. Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
6. Parking lots must be designed to preserve the maximum amount of existing trees on site as possible.
7. All parking must be landscaped and screened per the standards set forth in Section 5-15-6.
8. No parking is allowed in the landscape buffer.

4-7-9 Lighting Requirements in the B2 District

All lighting shall conform to the standards and specifications provided in 5-22.

Section 4-8. B3 General Business District Required Conditions

The General Business District is established to accommodate the needs of a regional market. This includes shopping areas and attractions designed to draw customers from surrounding communities and provide retail sales and service to transits traveling through the City. Uses and dimensional requirements in this district shall conform to Section 4-6A.

4-8-1 Outdoor Storage and Uses in the B3 District

Except as provided below, all sales of merchandise and display merchandise shall be conducted within an enclosed building.

1. Storage in connexes, shipping containers and semi-trailers are not permitted. Portable buildings may not be made into permanent structures in any form.
2. Self-Service vending apparatus such as soft-drink machines, ATM machines, movie vending machines, and newspaper racks may be located adjacent to the exterior of the principal building. A clear and unobstructed walking path of at least four (4) feet in width must be provided between the self-service apparatus and the adjoining driveway. No additional freestanding units are permitted except as provided by the U.S. Postal Service.
3. No other display, sales, leasing or operation of merchandise outside of sales areas for dealerships for new trucks, cars, boats and motorcycles, are permitted unless such activity is visually screened with a continuous solid screening device from all streets and adjacent property lines of residentially zoned properties.
4. Restaurants are permitted to have outdoor seating on private property but must maintain a clear and unobstructed walking path of at least six (6) feet in width between the outdoor seating and an adjoining driveway. A moveable bollard, planting, or fence, three (3) feet maximum in height, is required between the outdoor seating and the walkway.
5. Outdoor storage is permitted where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material.

4-8-2 Landscape Requirements in the B3 District

1. A total of 15 percent of the total site must be landscaped with living approved trees, shrubs or groundcovers.
2. Yards, setback areas, planter islands, swales, and other parking lot landscaping shall be counted for the purpose of meeting the requirements of this ordinance.
3. All required landscaping must be maintained in good condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies within 30 days. Enforcement of this provision shall be made in accordance with Article XIII of this Ordinance.
4. Areas not covered by buildings, storm water facilities or pavement must be landscaped.
5. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements.
6. Foundation plantings or planting strips are required within a planting area a minimum of four (4) feet in width along 60 percent of the length of any façade visible from the public right-of-way. Foundation plantings may count toward the required minimum site landscape area required.
7. **Incentive for rear-yard oriented parking,** Landscaping for off-street parking shall be provided in accordance with Section 5-15-6 except that landscaping area requirements for off-street parking not

visible from the public right-of-way shall be determined in accordance with the following reduced formula: Number of Parking Spaces x 10= Min. sq. ft. of landscaped area.

4-8-3 Landscape Buffer Requirements in the B3 District

A landscape buffer is required adjacent to any public street right-of way in accordance with the dimensional requirements provided in Section 4-6A-2. Where a landscape buffer is provided, adjacent perimeter landscaping required in subsection 5-15-6 (5) shall not be required for those areas adjacent to the landscape buffer. The first twenty (20) feet of setback along a public street must be reserved for the provision of a landscape buffer, except any property fronting the south side of U.S. Highway 72 between Hughes Road and Nance Road that has an average lot depth of less than 200 feet may substitute the required 20 foot buffer with a ten (10) foot landscape buffer. The following landscaping material must be provided in said landscape buffer:

1. One minimum 2.5" caliper Shade Tree (Section 5-15-6) must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
2. Required trees may be planted in a regular interval or in clusters.
3. Up to 50 percent of required Shade Trees may be substituted with some combination of the following:
   a. Small upright (ornamental) trees or small spreading (ornamental) trees at a ratio of 3 to 1 (per Section 5-15-6)
   b. 24 inch shrubs (min) at a ratio of 5 to 1
   c. A minimum 40 percent of required trees must be evergreen with year around foliage.
   d. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.

4-8-4 Sidewalk Requirements in the B3 District

Sidewalks shall be provided along adjacent public city street frontage in accordance with Section 5- 18A. When right-of–way is not available, the Planning Commission may require the installation of sidewalks in a pedestrian access easement provided in the front landscape buffer.

4-8-5 Screening and Wall Requirements in the B3 District

1. In addition to the requirements set forth in Section 5-18-1, a landscape screening buffer a minimum of eight (8) feet in height shall be provided when a B3 use abuts or is within fifty (50) feet of a residential use or zone, except where a public street provides buffering. The landscaping in the buffer shall be 80 percent opaque after a period of one year. Required screening shall be satisfied by one (1) or some combination of the following.
   a. A decorative fence not less than 50 percent behind a continuous landscaped area
   b. A masonry wall
   c. A hedge
2. Parking areas shall be screened in accordance with Section 5-15-3, except any property adjoining the south side of U.S. Highway 72 between Hughes Road and Nance Road, with an average minimum lot width less than 100 feet may substitute the 5 ft. perimeter landscaping strip required in Section 5-15-6 (5) (a) with a 2.5 foot perimeter landscaping strip along any side yard adjoining the paved vehicular area.
3. Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within 100 feet of any public street right-of-way, unless a masonry screening wall complimenting the architectural style and material of the building is used.

   a. Refuse storage and compactors must be enclosed on three sides by a solid wall of wood or masonry to match the color and style of the building and be a minimum of one foot taller than the equipment being screened. The enclosure must provide a self-closing gate. The enclosure must be designed to contain all refuse generated on-site between solid waste collections. The refuse storage and compactors must not be located in required setbacks.
   b. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces the public street right-of-way, in which case such equipment must be located on the side least visible from a public street right-of-way.
   c. If such equipment is visible from a public street right-of-way, the screening materials must be 100 percent opaque. Screens must incorporate shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one foot taller than the equipment being screened.
4. Vehicle drive through windows facing the street or traffic flow must be screened by one or a combination of a continuous hedge, shrub or earthen berm that is a minimum of five (5) feet in height. Additionally, vehicle drive through windows must be screened from all adjacent property owners in the same manner.
5. Any wall greater than four (4) feet in height will require a building permit and must be designed by an engineer registered in the State of Alabama.
6. When the above standards do not provide adequate screening for incompatible uses, additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.

4-8-6 Site Design Requirements in the B3 District

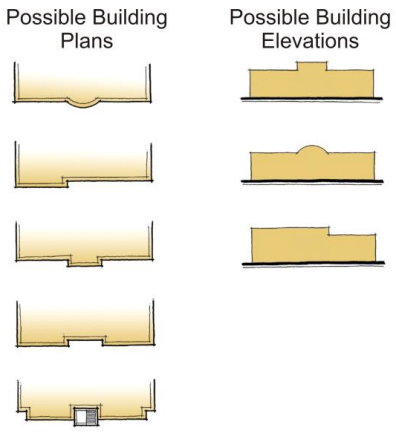
1. Development must be sited as to maximize street presence.
2. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.

4-8-7 Architectural Appearance of Buildings and Structures in the B3 District

In addition to the requirements set forth in Section 5-23, the following standards shall apply in the B3 District.

1. All buildings must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
   a. The Planning Director may approve alternative architectural finishes for rear facades not visible from the public street right-of-way.
   b. The Planning Director may approve alternative architectural finishes for rear facades visible from the public street right-of-way but alternative finishes must be screened by a landscape screening buffer six a minimum of (6) feet in height. The landscaping in the buffer shall be 80 percent opaque after a period of one year.
2. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of primary materials on a single building must be limited to no more three materials in order to achieve a clean design style.
3. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
4. First story windows must not be glazed or re-glazed with mirrored or reflective glass.

5. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 20 percent of non-earth tone colors. The Historic Preservation Commission may approve accent colors that are not earth tone for any new construction located in a designated historic district or alterations to any property listed on the National Register of Historic Places.
6. Building entrances must be articulated four (4) feet (minimum) to present a strong entry presence.
7. All buildings must be designed to incorporate no less than one of the following architectural elements. Buildings over 50,000 square feet must include a minimum of two of the following elements. Buildings over 100,000 square feet must include a minimum of three of the following elements.
   a. Canopies, awnings or porticos
   b. Overhangs
   c. Recesses or projections
   d. Arcades
   e. Peaked roof forms
   f. Arches
   g. Outdoor patios
   h. Display windows
   i. Architectural details (such as tile work or moldings) integrated into building façade
   j. Articulated ground floor levels or base
   k. Articulated cornice line
   l. Integrated planters or wing walls that incorporate landscape and sitting areas
   m. Offsets, reveals or projecting rib used to express architectural or structural bay
   n. Accent materials



8. All retail and commercial buildings with facades greater than 200 feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least four (4) feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.
9. Alternative design standards that present a unified design and meet the spirit and intent of the B3 district should be submitted for consideration by the Planning Commission.
10. Materials. A minimum of 85 percent of the surface area of each façade must consist of one or more approved materials. The Director of Planning, may approve alternative materials not listed.
    a. Fired brick
    b. Tile
    c. Glass
    d. Granite
    e. Marble
    f. Stucco
    g. Natural stone
    h. Exterior Insulation and Finish Systems may be used when installed above, and is supported by, a masonry half-wall not less than four feet (4’) above the finished floor elevation
    i. Tilt-wall concrete, including, but not limited to smooth faced, patterned and aggregate materials, and other concrete products, such as thin-set masonry, that simulate brick, stone, marble, granite or tile to appear being laid up unit by unit.

j. Cementitious Fiber Board may be used when installed above, and is supported by, a masonry half-wall not less than four (4) feet above the finished floor elevation, but in no case shall the cementitious fiber board exceed 45 percent of the surface area of each façade.

11. The Director of Planning, may approve alternative materials not listed above. The Historic Preservation Commission may approve alternate materials for any new construction located in a designated historic district or alterations to any property listed on the National Register of Historic Places.
12. Measurement. The percentage of surface area of each façade is measured per side of building. Doors, windows, overhead doors and roofs are exempt from the percentage calculation.
13. Property located north of Sherborn Drive on County Line Road shall conform to the Architectural Appearance of Buildings and Structures requirements identified in the B2 District.
14. Property located south of Gooch Lane on Hughes Road shall conform to the Architectural Appearance of Buildings and Structures requirements identified in the B2 District.

4-8-8 Parking and Circulation Requirements in the B3 District

The following are required in addition to the standards identified in Section 5-15.

Ingress and egress shall be a minimum of sixty (60) feet from the intersection of any two (2) streets.

1. The use of Public Access Easements shall be required, between and across adjoining parcels of property, in order to protect and preserve the movement function of public roadways.
2. All parking areas (required and optional) must be paved. A parking space or area must include a paved driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.
3. Curbing is required around the perimeter of the parking area and all landscaped parking islands. Alternative designs that promote infiltration and reduce run-off can be submitted for consideration by the Technical Review Committee.
4. Parking to the side and rear of buildings is encouraged and preferred.
5. Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
6. Parking lots must be designed to preserve the maximum amount of existing trees on site as possible.
7. All parking must be landscaped and screened per the standards set forth in Section 5-15-6.
8. No parking is allowed in the landscape buffer.

4-8-9 Lighting Requirements in the B3 District

All lighting shall conform to the standards and specifications provided in Section 5-22.

Section 4-8A. Medical Center (MC) District Required Conditions

The purpose of the Medical Center District is to provide a protective district for the harmonious development of medical facilities. The Medical Center District is intended to be protected from encroachment by land uses adverse to the location, operation, and expansion of medical use development and surrounding residential development. These Medical Center District Regulations are intended to promote the health, safety, morals, welfare, comfort, and convenience of the inhabitants of this district and its environs. Within the Medical Center District as shown on the official Zoning Map of the City of Madison, Alabama, the following regulations shall apply.

4-8A-1 Outdoor Storage and Uses in the MC District

Except as provided below, all sales of merchandise and display merchandise shall be conducted within an enclosed building.

1. Storage in connexes, shipping containers and semi-trailers are not permitted. Portable buildings may not be made into permanent structures in any form.
2. Exterior storage may be located to the rear of the principal building but shall be screened by a solid or opaque fencing of a height sufficient to conceal items being stored, but not less than 6 ft. Fencing shall be of a material similar to and compatible with the exterior materials of the primary buildings. All exterior storage and fencing shall be maintained in such a manner to be neat in appearance when viewed from any street. No exterior storage or display of materials is permitted in any part of a front yard. Exterior storage is not permitted within two-hundred (200) feet of a residential district unless enclosed in a solid or opaque fence of at least eight (8) feet in height. Exterior storage is not permitted within fifty (50) feet of a residential district under any circumstances.
3. Self-Service vending apparatus such as soft-drink machines, ATM machines, movie vending machines, and newspaper racks may be located adjacent to the exterior of the principal building. A clear and unobstructed walking path of at least four (4) feet in width must be provided between the self-service apparatus and the adjoining driveway. No additional freestanding units are permitted except as provided by the U.S. Postal Service.
4. No other storage and display, sales, leasing or operation of merchandise are permitted unless such activity is visually screened with a continuous solid screening device from all streets and adjacent property lines of residentially zoned properties.
5. Restaurants are permitted to have outdoor seating on private property but must maintain a clear and unobstructed walking path of at least six (6) feet in width between the outdoor seating and an adjoining driveway. A moveable bollard, planting, or fence, three (3) feet maximum in height, is required between the outdoor seating and the walkway.

4-8A-2 Landscape Requirements in the MC District

1. A total of 15 percent of the total site must be landscaped with living approved trees, shrubs or groundcovers.
2. Yards, setback areas, planter islands, swales, and other parking lot landscaping shall be counted for the purpose of meeting the requirements of this ordinance.
3. All required landscaping must be maintained in good condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies within 30 days. Enforcement of this provision shall be made in accordance with Article XIII of this Ordinance.
8. Areas not covered by buildings, storm water facilities or pavement must be landscaped.
4. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage

facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage improvements.

5. Foundation plantings or planting strips are required within a planting area a minimum of four (4) feet in width along 60 percent of the length of any façade visible from the public right-of-way. Foundation plantings may count toward the required minimum site landscape area required.
6. Incentive for rear-yard oriented parking. Landscaping for off-street parking shall be provided in accordance with Section 5-15-6 except that landscaping area requirements for off-street parking not visible from the public right-of-way shall be determined in accordance with the following reduced formula: Number of Parking Spaces x 10= Min. sq. ft. of landscaped area.

4-8A-3 Landscape Buffer Requirements in the MC District

A landscape buffer is required adjacent to any public street right-of way in accordance with the dimensional requirements provided in Section 4-6A-2. Where a landscape buffer is provided, adjacent perimeter landscaping required in subsection 5-15-6 (5) shall not be required for those areas adjacent to the landscape buffer. The first twenty (20) feet of setback along a public street must be reserved for the provision of a landscape buffer and shall provide the following.

1. One minimum 2.5” caliper Shade Tree (Section 5-15-6) must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
2. Required trees may be planted in a regular interval or in clusters.
3. Up to 50 percent of required Shade Trees may be substituted with some combination of the following:
    a. Small upright (ornamental) trees or small spreading (ornamental) trees at a ratio of 3 to 1 (per Section 5-15-6)
    b. 24 inch shrubs (min) at a ratio of 5 to 1
    c. A minimum 40 percent of required trees must be evergreen with year around foliage.
    d. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.

4-8A-4 Sidewalk Requirements in the MC District

Sidewalks shall be provided along adjacent public city street frontage in accordance with Section 5- 18A. When right-of–way is not available, the Planning Commission may require the installation of sidewalks in a pedestrian access easement provided in the front landscape buffer.

4-8A-5 Screening and Wall Requirements in the MC District

1. In addition to the requirements set forth in Section 5-18-1, a landscape screening buffer eight (8) feet in height shall be provided when a MC use abuts or is within fifty (50) feet of a residential use or zone, except where a public street provides buffering. The landscaping in the buffer shall be 80 percent opaque after a period of one year. Required screening shall be satisfied by one (1) or some combination of the following:
    a. A decorative fence not less than 50 percent behind a continuous landscaped area
    b. A masonry wall
    c. A hedge
2. Parking areas shall be screened in accordance with Section 5-15-3.
3. Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within 100 feet of any public street right-of-way, unless a masonry screening wall complimenting the architectural style and material of the building is used.

a. Refuse storage and compactors must be enclosed on three sides by a solid wall of wood or masonry to match the color and style of the building and be a minimum of one foot taller than the equipment being screened. The enclosure must provide a self-closing gate. The enclosure must be designed to contain all refuse generated on-site between solid waste collections. The refuse storage and compactors must not be located in required setbacks.
b. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces the public street right-of-way, in which case such equipment must be located on the side least visible from a public street right-of-way.
c. If such equipment is visible from a public street right-of-way, the screening materials must be 100 percent opaque. Screens must incorporate shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one foot taller than the equipment being screened.

4. Vehicle drive through windows facing the street or traffic flow must be screened by a one or a combination of a continuous hedge, shrub or earthen berm that is a minimum five (5) feet in height. Additionally, vehicle drive through windows must be screened from all adjacent property owners in the same manner.
5. Any wall greater than four (4) feet in height will require a building permit and must be designed by an engineer registered in the State of Alabama.
6. When the above standards do not provide adequate screening for incompatible uses, additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.

4-8A-6 Site Design Requirements in the MC District

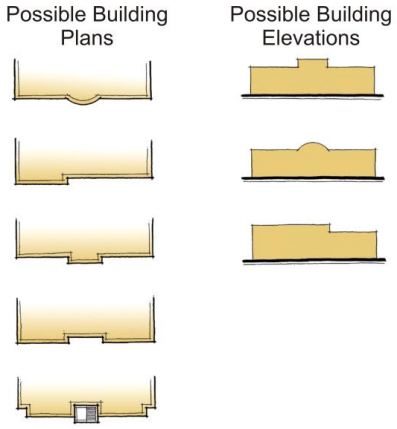
1. Development must be sited as to maximize street presence.
2. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.

4-8A-7 Architectural Appearance of Buildings and Structures in the MC District

In addition to the requirements set forth in Section 5-23, the following standards shall apply in the MC District.

1. All buildings must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
   c. The Planning Director may approve alternative architectural finishes for rear facades not visible from the public street right-of-way.
   d. The Planning Director may approve alternative architectural finishes for rear facades visible from the public street right-of-way but alternative finishes must be screened by a landscape screening buffer a minimum of six (6) feet in height. The landscaping in the buffer shall be 80 percent opaque after a period of one year.
2. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of primary materials on a single building must be limited to no more three materials in order to achieve a clean design style.
3. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
4. First story windows must not be glazed or re-glazed with mirrored or reflective glass.

5. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 20 percent of non-earth tone colors. The Historic Preservation Commission may approve accent colors that are not earth tone for any new construction located in a designated historic district or alterations to any property listed on the National Register of Historic Places.
6. Building entrances must be articulated four (4) feet (minimum) to present a strong entry presence.
7. All buildings must be designed to incorporate no less than one of the following architectural elements. Buildings over 50,000 square feet must include a minimum of two of the following elements. Buildings over 100,000 square feet must include a minimum of three of the following elements.



   a. Canopies, awnings or porticos
   b. Overhangs
   c. Recesses or projections
   d. Arcades
   e. Peaked roof forms
   f. Arches
   g. Outdoor patios
   h. Display windows
   i. Architectural details (such as tile work or moldings) integrated into building façade
   j. Articulated ground floor levels or base
   k. Articulated cornice line
   l. Integrated planters or wing walls that incorporate landscape and sitting areas
   m. Offsets, reveals or projecting rib used to express architectural or structural bay
   n. Accent materials
8. All retail and commercial buildings with facades greater than 200 feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least four (4) feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.
9. Alternative design standards that present a unified design and meet the spirit and intent of the B3 district should be submitted for consideration by the Planning Commission.
10. Materials. A minimum of 85 percent of the surface area of each façade must consist of one or more approved materials. The Director of Planning, may approve alternative materials not listed.
   a. Fired brick
   b. Tile
   c. Glass
   d. Granite
   e. Marble
   f. Stucco
   g. Natural stone
   h. Exterior Insulation and Finish Systems may be used when installed above, and is supported by, a masonry half-wall not less than four feet (4’) above the finished floor elevation
   i. Tilt-wall concrete, including, but not limited to smooth faced, patterned and aggregate materials, and other concrete products, such as thin-set masonry, that simulate brick, stone, marble, granite or tile to appear being laid up unit by unit

j. Cementitious Fiber Board may be used when installed above, and is supported by, a masonry half-wall not less than four (4) feet above the finished floor elevation, but in no case shall the cementitious fiber board exceed 45 percent of the surface area of each façade.

11. The Director of Planning, may approve alternative materials not listed above. The Historic Preservation Commission may approve alternate materials for any new construction located in a designated historic district or alterations to any property listed on the National Register of Historic Places.
12. Measurement. The percentage of surface area of each façade is measured per side of building. Doors, windows, overhead doors and roofs are exempt from the percentage calculation.

4-8A-8 Parking and Circulation in the MC District

The following are required in addition to the standards identified in Section 5-15.

1. Ingress and egress shall be a minimum of sixty (60) feet from the intersection of any two (2) streets.
2. The use of Public Access Easements shall be required, between and across adjoining parcels of property, in order to protect and preserve the movement function of public roadways.
3. All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.
4. Curbing is required around the perimeter of the parking area and all landscaped parking islands. Alternative designs that promote infiltration and reduce run-off can be submitted for consideration by the Technical Review Committee.
5. Parking to the side and rear of buildings is encouraged and preferred.
6. Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
7. Parking lots must be designed to preserve the maximum amount of existing trees on site as possible.
8. All parking must be landscaped and screened per the standards set forth in Section 5-15-6.
9. No parking is allowed in the landscape buffer.
10. All off-street parking areas shall be screened to a minimum of height of twenty-four (24) inches, where feasible, from view from streets and adjacent properties by the use of earth berms and/or landscape materials. Landscape materials used for screening shall be of locally adapted species and shall be a minimum of twenty-four (24) inches in height and spread at the time of installation. Where required side or rear yards are adjacent to a residential district, the first fifteen (15) feet as measured from the residential district shall be landscaped with a Buffer of Screen Planting as defined herein.
11. Off-Street Parking Spaces: are not permitted within 50 ft. of an adjacent residential district.

4-8A-9 Lighting Requirements in the MC District

All lighting shall conform to the standards and specifications provided in Section 5-22.

Section 4-8B. Mixed Use (MU) District

4-8B-1 Findings, Purpose, Description and Criteria in the MU District

A. Findings: The city finds that there is a substantial need to encourage a balanced mix of uses that is not possible in other zoning districts already established in the City of Madison Zoning Ordinance. The city finds that air quality may be improved by promoting walking and reducing the number of vehicular trips, if land uses are mixed together or different land uses are organized in close proximity to one another.

B. Purpose and Intent: The following specific purposes and intentions will be implemented by adopting a Mixed Use Zoning District:

1. **Mix of Uses**: Encourage a compatible mixture and an appropriate balance of residential, institutional, commercial, civic, and recreational uses; and create development opportunities where people can live, work, shop, meet, and play;
2. **Aesthetics:** Encourage a high quality of aesthetics and appearance in the built environment;
3. **Pedestrian Environment**: Encourage pedestrian-oriented building forms and development patterns; Provide for a pedestrian-oriented environment on streets and sidewalks; Promote public safety through the provision of pedestrian-oriented street-level uses, sufficient sidewalk widths, adequate visibility from adjacent buildings and primary pedestrian access from buildings to adjacent sidewalks; Maximize opportunities for pedestrian amenities, include parks, plazas, greenways and public art; and Provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment;

C. Description: The MU zoning district is not shown on the city's zoning map except by application of a land owner and approval by city as a rezoning. The district permits a wide range of medical, office, retail, service, and other uses, including certain residential development types.

D. **Criteria for Rezoning to this District**: In addition to criteria generally applicable for rezoning applications, as specified in Sec. 11-3-3 of this zoning ordinance, rezoning of property to the MU zoning district shall not be permitted unless the applicant for rezoning provides for the following:

1. There shall be access to/from an MU zoning district from a collector or arterial street. Arterial or collector roads serving the property must exist to serve uses in the MU zoning district, or there must be a plan with funding reasonably assured to extend arterial or collector roads to serve the MU zoning district.
2. A master development plan is submitted; showing acreages and maximum building square footage and/or maximum dwelling units for each subarea of the development devoted to office, retail and service commercial, and authorized residential uses. Upon approval of the master development plan it shall vest for a period of 10 years, the property owner with rights to develop according to the approved master development plan.
3. There is mix of office, retail and service commercial, civic/municipal, recreation/open space, and authorized residential uses.

4-8B-2 Permitted Uses in the MU District

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained except for one of more of the uses herein cited and subject to the conditions stated herein:

A. Accessory buildings, structures, and uses incidental to one or more permitted principal uses.

B. **Medical:** The following medical-related uses are permitted:
   a. Ambulatory health care facilities, including dental care.
   b. Assisted living.
   c. Convalescent, nursing, and personal care homes
   d. Emergency health care clinics.
   e. General and private hospitals.
   f. Health clubs or gyms, spas and wellness centers
   g. Medical, dental, psychological, psychiatric, optical and other medical clinics
   h. Medical research, experimental and testing laboratories
   i. Medical supply companies selling or renting durable medical equipment
   j. Rehabilitation services.
   k. Retailers of artificial limbs, braces, and related medical devices
   l. Surgery centers.
   m. Pharmacies, drug stories and apothecaries.

C. Retail and Services:
   a. Apparel stores.
   b. Appliance and electronics stores
   c. Bakeries—where the products made are sold exclusively at retail on the premises.
   d. Barber shops, beauty parlors, reducing salons.
   e. Book stores and newsstands.
   f. Commercial recreation facilities, indoor only.
   g. Commercial subdivisions, which are platted pursuant to the City's adopted subdivision regulations and contain lots which are sold fee-simple. Commercial subdivisions shall provide the City with copies of covenants which provide for overall management or association of property owners and make provision for the maintenance of common areas.
   h. Computer supply stores.
   i. Confectionery stores.
   j. Dry cleaning establishments, limited to pickup and delivery only (No on-premises dry cleaning).
   k. Financial institutions excluding: pawn; title loan; deferred deposit (also known as payday loan); check cashing; and other businesses that operate in a similar manner, whether or not they are connected with a bank chartered by state or federal government.
   l. Florist shops.
   m. Funeral homes.
   n. Gas stations.
   o. Gift shops.
   p. Grocery stores, including the sale of beer, wine alcohol for off-premise consumption, but provided no gasoline is offered for sale.
   q. Hardware stores and variety stores.
   r. Hobby shops.
   s. Home furnishings stores
   t. Hotels and motels
   u. Jewelry stores.
   v. Laundry, excluding self-service

w. Restaurants serving beer, wine and alcoholic beverages, subject to the regulations in the City's Alcoholic Beverage Ordinance
x. Movie or motion picture theaters, except drive-in.
y. Music, record, and video sales and rental stores.
z. Photo finishing shops and photography studios.
aa. Print shops and copying services
bb. Restaurants, delicatessens, and cafes, including establishments selling beer, wine and alcohol for on-premise consumption
cc. Shoe stores, shoe repair shops, and tailor shops.
dd. Sporting goods stores.
ee. Travel agencies.
ff. Warehouse retail stores, including outside garden supply.
gg. Enclosed retail trade establishments substantially similar in character and impact as determined by the Administrator

D. Public, Semi-Public Uses:
a. Community centers.
b. Essential utility services necessary for the performance of utility services, including water, sewer and sewage lift stations, gas, telephone, and electrical substations and distribution systems.
c. Federal, state, county, or city owned or operated buildings and uses such as post office, library, fire and police stations.
d. Parks, playgrounds, and open spaces.
e. Public transit and bus passenger stations.
f. Radio station studios and offices including required transmission equipment, but not including broadcast towers.
g. Schools, public or private

E. Office and Assembly-Related Uses:
a. Churches and similar places of worship.
b. Conference or convention centers.
c. Family care facility.
d. Fraternal organizations and lodge halls.
e. Nurseries, kindergartens or daycare centers for children.
f. Office buildings and office warehouses.
g. Office service and supply.
h. Performing arts center.
i. Private schools for individualized training in dance, martial arts, musical instruments, language, business, computers, and similar types of training.
j. Research and development facilities and laboratories, including light assembly operations
k. Teleports.
l. Teleconferencing centers.

F. Residential Uses:
a. Multiple family dwellings, accessory structures, and uses – provided that such dwellings conform to the requirements set forth in Section 4-5 of this zoning ordinance.

b. Residential dwelling units on the upper floors of hotel, mixed use, commercial of office buildings – provided such units contain a minimum of 600 square feet and are in compliance with applicable regulations for habitable space.

4-8B-3 Prohibited Uses: Reserved

4-8B-4 Special Exception Uses in the MU District

The following uses are only allowed as special exception uses (see also Sec. 5-1-2 of this zoning ordinance) in accordance with Sec. 10-8 of this zoning ordinance.

A. Automobile sales lots, including accessory service departments.
B. Car washes.
C. Commercial recreation facilities, outdoor, not including race tracks and shooting ranges.
D. Open air businesses such as retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies.
E. Light manufacturing establishments, with accessory warehousing.
F. Self-service storage facilities (mini-warehouses).
G. Telecommunications towers and antennas for wireless communications, subject to compliance with Sec. 5-13A of this zoning ordinance.

4-8B-5 Dimensional Requirements in the MU District

Dimensional requirements for the MU Zoning District shall be as shown in the following table:

Table 4-8B-5 Dimensional Requirements

Dimensional Requirement	Office	Medical/Office	Commercial/ Retail	Hotel	Town Center/ Mixed Use	Residential Multi Family
Minimum Open Space	20 percent of the entire MU zoning district (see note 1)					25%
Maximum lot coverage for any lot or subarea of the master development plan	50%	50%	40%	50%	80%	40%
Maximum gross residential density (units per acre) (see Note 2)	n/a	n/a	n/a	n/a	18 units per acre in addition to permitted non-residential	18
Maximum number of dwelling units per building	n/a	n/a	n/a	n/a	n/a	32
Building Height (feet) (see Note 3)	100	150	50	150	150	100
Minimum Lot Frontage (feet)	100	100	20	100	20	20
Minimum separation between any two	20	20	20	20	20	20

buildings (feet)						
Minimum principal building setback, front yard (feet) (note 4)	30	30	30	30	None	20
Minimum principal building setback, side yard (feet) (note 4)	10	10	10	10	None	10 (except for fee simple townhouses which may be zero lot line)
Minimum principal building setback, rear yard (feet) (note 4)	20	20	20	20	None	20

Note 1: For the purposes of this requirement, open space and/or recreation shall include areas within the MU zoning district designed and intended for the active and passive recreational needs of the residents and employees of the zoning district or for the public in general. Open space may include park lands, lakes and ponds, stream buffers, exterior zoning district buffers, trails, plazas and pocket parks (including amenities with hard or pervious surfaces), and landscaped rights-of-way of collector and arterial roads. Open space provided in the Residential, Multi-Family subareas shall count toward meeting the 20 percent requirement.
Note 2: This requirement will be measured based on the subarea shown on the approved master development plan devoted to the use. In the case that residential units are mixed in the same building with retail, service, office, or institutional uses, this requirement will be measured based on the land area (devoted) to the mixed use buildings, and in such case the maximum density shall be in addition to permitted non-residential development.
Note 3: Building height shall be measured as defined in Sec. 12-2 of this zoning ordinance.
Note 4: Building setbacks apply only to principal buildings built on subdivided lots within the MU zoning district.

4-8B-6 Landscaping in the MU District
All development within the MU zoning district shall comply, as applicable with Subsection 5-15-6 of this Zoning Ordinance. The Planning Commission is authorized to waive any landscaping requirement, at the time of site plan approval.

4-8B-7 Repealed

4-8B-8 Parking in the MU District
In this zoning district, development shall meet the off-street parking requirements in Sec. 5-15 of this zoning ordinance, with the following exceptions:

1. Multi-family development: 2.0 spaces per dwelling unit
2. Assisted living facilities: 1 per staff plus 0.25 per room.
3. Shopping centers and retail/commercial: 4.5 spaces per 1,000 gross square feet.
4. Restaurants: 1 space per 100 gross square feet.

Off-street parking requirements may be reduced by any one or more of the following methods, as approved by the administrator: (a) use of on-street parking; or (b) the sharing of parking spaces when their respective hours of need do not normally overlap (e.g., movie theater and office use).
No parking shall be permitted any place other than paved parking area. Exceptions shall be that up to 20 percent of parking requirement may be met by utilizing reinforced turf pervious parking.

4-8B-9 Exterior Treatment of Buildings and Building Materials in the MU District
The exteriors of all buildings in the MU District shall conform to Section 5-23 of the zoning ordinance.

4-8B-10 Amendments to the Approved Master Development Plan in the MU District

A. **Minor Amendments:** The administrator may approve minor amendments to the Master development plan, which are in compliance with the provisions and intent of the MU zoning district, and which do not depart from the purposes of the MU zoning district. Minor amendments to the Master development plan are those determined by the administrator to not have any significant adverse effect on properties abutting the MU zoning district. Minor amendments to the Master development plan may be approved during the process of administratively approving land disturbance or development permitting. The administrator may require the applicant to provide written justification for the minor amendment if such justification is not evident within the permit application itself.
B. **Major Amendments:** Should the administrator determine that a requested change to or deviation from the approved Master development plan would substantially depart from the stated purposes of the Mixed Use District, or would adversely affect properties abutting the MU zoning district; the proposed change or deviation will be classified as a major amendment and will be required to undergo review and receive approval of the city as an amendment to the MU zoning district.
C. **Land Use Conversions Authorized:** Notwithstanding the above provisions, the applicant will be permitted, subject to the approval of the Administrator, to increase or decrease residential units or increase or decrease square footage of nonresidential building space; subject to the land use conversions in the following table (note: the conversions are designed such that a change in land use will not result in an increase in total vehicle trips according to traffic data for average trip generation rates, as specified in the Institute of Transportation Engineer's *Trip Generation*). An increase in one category shall result in a decrease in another category in accordance with the conversion factors provided in the table below.
D. No such amendment to the land uses and the development parameters shown on the approved Master development plan shall be administratively permitted if such increase or decrease would exceed 10 percent change of the number of approved housing units or 10 percent change in the square footage of nonresidential building space. Other conversions from hotel to other land uses, from hospital to other land uses, or any other uses, may be permitted if the applicant submits a study based on ITE Trip Generation, showing no net increase in the number of total average daily trips generated between the land uses substituted there for.

Land Use Conversion Table

From	To	Conversion Factor
Multi-family Dwelling Unit	Office	1 multi-family dwelling unit = **532** square feet of office space
Multi-family Dwelling Unit	Retail Commercial	1 multi-family dwelling unit = **136** square feet of retail commercial space

Office	Multi-family Dwelling Unit	1,000 square foot of office space = **1.87** multi-family dwelling unit
Office	Retail Commercial	1,000 square foot of office space = **256** square feet of retail commercial space
Retail Commercial	Multi-family Dwelling Unit	1,000 square foot of retail commercial space = **7.32** multi-family dwelling units
Retail Commercial	Office	1,000 square foot of retail commercial space = **3,898** square feet of office space

4-8B-11 Administrative Development Requirements in the MU District

The process for approving development in the MU zoning district shall be as specified in this Section. Any subdivision of property shall be required to meet all applicable city requirements for the subdivision of land. For all development projects, the applicant shall follow Sec. 5.2 "Site Plan Review and Approval" of this Zoning Ordinance. Any specific development proposal must be consistent with the approved Master Development Plan. Approval of the site plan shall be disapproved only if the development proposal is inconsistent with the approved Master Development Plan, or fails to meet any applicable provision of this zoning ordinance or other applicable law. The property owner may phase the project in any manner considered appropriate so long as it complies with the approved master development plan. Applications for building permits shall be made and processed in accordance with Sec. 9.3 of this Zoning Ordinance.

Section 4-9. M-1 Restricted Industrial District

(Ord. 96-02) (Ord. 97-50) (Ord. 2002-65)

The M-1 District is intended to provide an environment exclusively for, and conducive to, the development and protection of office buildings, research facilities, specialized manufacturing plants, wholesale and warehouse activities that are conducted so the noise, odor, smoke, dust, vibration, heat, and glare of each operation is completely confined within an enclosed building. It is the intent of this District that the processing of ram materials for shipment in bulk form, to be used in an industrial operation at another location shall not be permitted.

4-9-1 Permitted Uses in the M-1 District

1. Wholesaling, warehousing, storage or distribution establishments
2. Printing, publishing or similar establishments
3. Research and development facilities provided no hazardous material is used
4. Light manufacturing including assembly, compounding, processing, packaging or treatment of finished or semi-finished products from previously prepared material
5. Service establishments catering to commerce and industry including linen supply, freight movers, services, business machine services, canteen service, restaurant (including drive-in restaurant), union halls and employment agencies and centers
6. Radio and television stations and transmitters
7. Office buildings
8. Public utility structures, including electrical substations, gas metering stations, water tanks, sewage pumping stations, fire stations and other necessary public facilities
9. Essential services including and limited to water, sewer, gas, telephone, and electrical systems, including substations, lift stations, and similar sub-installations necessary for the performance of these services
10. Motels and hotels
11. Sexually oriented businesses
12. Signs subject to the provisions of Article VII
13. Customary accessory uses and structures

4-9-2 Special Exceptions in the M-1 District

1. Sewage Disposal Plant
2. Motorized vehicle service, mechanical or body repair
3. Outdoor commercial recreation
4. Hospitals and veterinary hospitals
5. Bus passenger depots

4-9-3 Dimensional Requirements in the M-1 District

1. In no instance shall a structure, parking lot, or any other accessory use, other than a landscaped yard, be located closer than fifty (50) feet to any residential or agricultural district.
2. All buildings shall be set back from the front yard fifty (50) feet and the side and rear lot lines a distance of not less than twenty (20) feet except as provided in subsections 4-9-3 (1) and 5-11-4.
3. All yards adjacent to a street which are created by the setback requirements contained herein shall be maintained as open landscaped yards bisected only by access drives, and their use for any other purpose including off-street parking, is specifically prohibited.
4. Each individual use shall be located on a lot having not less than forty thousand (40,000) square feet in area.

5. Lot Coverage:
    a. Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.
    b. The coverage of main and accessory buildings plus the area used or designed for use by parking and loading facilities shall not exceed eighty (80) percent of the lot area. Not less than twenty (20) percent of the lot area shall be maintained as an open landscaped yard.
6. Maximum height: Thirty-five (35) feet.

4-9-4 Required Conditions in the M-1 District

1. All uses specified in subsections 4-9-1 and 4-9-2 shall be conducted wholly within an enclosed building, except for parking, loading and unloading facilities.
2. Any part of a lot not used for buildings or other structures, or off-street parking, loading and maneuvering areas, drives and pedestrian walks, shall be planted with appropriate ground cover, trees, flowers, shrubs, and grass lawns, all of which shall be properly maintained in a healthy condition at all times.
3. All required buffering whether planted or architectural, shall be properly maintained. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.
4. No outside storage shall be permitted which is visible from any street or residential lot.
5. Any lighting including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.
6. All of the uses permitted under this Section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit glare, dust, smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level or vibration at the property line that is greater than the average noise or vibration level occurring on the adjacent lot.
7. Special conditions related to sexually oriented businesses:
    a. No sexually oriented business shall be located within 1000 ft. (measured as the longer of (a) the shortest distance from lot line – to – lot line along public rights-of-way AND (b) radially, i.e., within a 1000 radius) of any residence, nursing home, assisted living facility, mobile home park, park, playground, golf course, country club, church, synagogue, mosque or other house of worship, day care facility, family day care facility, group home, library, museum, school (public or private), outdoor recreation facility, property owned by the Madison City School Board or another sexually oriented business
    b. No sexually oriented business shall be located along an arterial or collector road, as depicted in the City's Comprehensive Plan, within 1000 ft. of the City limits (measured radially), as said limits exist on the date of application for zoning approval for such a business
    c. All sexually oriented businesses must post their valid Business Privilege License and Zoning Permit in a conspicuous public area inside the building
    d. A manager must be present at all times while the business is open
    e. The business shall post and enforce a "no loitering" policy, and require that individuals not transacting business leave the premises
    f. The business shall not permit individuals under 21 years of age to enter the premises or transact business
    g. It shall be the duty of the manager to report any illegal activities on the premises to local law enforcement authorities
    h. This ordinance shall not be construed to permit activities prohibited by law, including Public Indecency (Sec. 14-4, *et.seq*., Code of Ordinances) Prostitution *(Sec. 14-30, et.seq., Code of Ordinances, and Title 13A, Article 3, Code of Alabama), or Obscenity (Title 13A, Article 4, Code of Alabama).*

Section 4-10. M-2 General Industrial District

(Ord. 96-02) (Ord. 97-50) (Ord 2000-237) (Ord. 2002-65)

The purpose of the M-2 District is to provide areas within the City where the principal use of the land is for industrial activities that by their nature may create some nuisance.

4-10-1 Permitted Uses in the M-2 District

1. Any use allowed as a Permitted Use in the M-1 District
2. Manufacturing, assembly, fabricating, compounding, processing, packaging or treatment of finished or semi-finished products
3. Concrete or cement product manufacture
4. Asphalt manufacture or refining
5. Automobile repair shops
6. Wholesaling, warehousing, storage, or distribution establishments
7. Building materials sales yard
8. Contractor's equipment storage yard
9. Truck and farm implement sales and service
10. Sexually Oriented businesses

4-10-2 Special Exceptions in the M-2 District

1. Quarry or sand and gravel operation provided the use does not adjoin any residential district
2. Volatile uses and volatile industries provided that such use or industry shall not be located closer than one thousand (l,000) feet to any residential district
3. Junk or salvage yard of any kind provided that any article or material stored permanently or temporarily outside of an enclosed building shall be so screened by ornamental walls, fences and/or evergreen plantings that it cannot be seen from public streets or adjoining lots when viewed by a person standing at ground level
4. Sewage Disposal Plant
5. Recycling facilities
6. Composting facilities
7. Solid Waste Transfer Stations

4-10-3 Dimensional Requirements in the M-2 District

1. In no instance shall a structure, parking lot, or any other accessory use, other than a landscaped yard, be located closer than fifty (50) feet to any residential or agricultural district.
2. **Front Yard Setback:** Twenty-five (25) feet (exception, see subsection 5-11-4.)
3. Side Yard Setback: Ten (10) feet.
4. **Rear Yard Setback:** Twenty-five (25) feet except where it is necessary to set back for the purpose of rail service in which case, the rear yard setback shall be no less than five (5) feet.
5. All yards adjacent to a street which are created by the setback requirements contained herein shall be maintained as open landscaped yards bisected only be access drives, and their use for any other purpose including off-street parking, is specifically prohibited. Each individual use shall be located on a lot having not less than twenty thousand (20,000) square feet in area.
6. **Lot Coverage:** Main and accessory buildings shall not cover more than fifty (50) percent of the lot area. No building shall exceed forty-five (45) feet in height. Not less than 20% of the gross plat area shall be maintained as an open landscaped yard.

4-10-4 Required Conditions in the M-2 District

1. All required buffers, whether planted or architectural, shall be properly maintained. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.
2. No outside storage shall be permitted which is visible from any residential lot.
3. Special conditions related to sexually oriented businesses.

a. No sexually oriented business shall be located within 1000 ft. (measured as the longer of (a) the shortest distance from lot line – to – lot line along public rights-of-way AND (b) radially, i.e., within a 1000 ft. radius) of any residence, nursing home, assisted living facility, mobile home park, park, playground, golf course, country club, church, synagogue, mosque or other house of worship, day care facility, family day care facility, group home, library, museum, school (public or private), outdoor recreation facility, property owned by the Madison City School Board or another sexually oriented business
b. No sexually oriented business shall be located along an arterial or collector road, as depicted in the City's Comprehensive Plan, within 1000 ft. of the City limits, as said limits exist on the date of application for zoning approval for such a business
c. All sexually oriented businesses must post their valid Business Privilege License and Zoning Permit in a conspicuous public area inside the building
d. A manager must be present at all times while the business is open
e. The business shall post and enforce a "no loitering" policy, and require that individuals not transacting business leave the premises
f. The business shall not permit individuals under 21 years of age to enter the premises or transact business
g. It shall be the duty of the manager to report any illegal activities on the premises to local law enforcement authorities
h. This ordinance shall not be construed to permit activities prohibited by law, including Public Indecency (Sec. 14-4, *et.seq*., Code of Ordinances) Prostitution (Sec. 14-30, *et.seq*., Code of Ordinances, and Title 13A, Article 3, Code of Alabama), or Obscenity (Title 13A, Article 4, Code of Alabama).

Section 4-11. AG Agricultural District

(Ord. 96-06) (Ord. 97-50)

The purpose of the AG District is to provide a zoning classification for land which is not expected to experience urbanization in the immediate future. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted.

4-11-1 Permitted Uses in the AG District

1. Any use allowed as a Permitted Use in the R-1A District
2. Churches and cemeteries
3. Agricultural uses including the raising of crops, livestock and poultry
4. Plant nursery
5. Sanatoriums, convalescent and nursing homes
6. Parks, playgrounds, golf courses and country clubs
7. Assisted Living Facilities
8. Minor home occupations

4-11-2 Special Exceptions in the AG District

1. Fire Stations
2. Major Home Occupations
3. Group Care Facility
4. Animal hospitals and kennels
5. Mobile home park subject to the provisions of Article VI
6. Hospitals

4-11-3 Dimensional Requirements in the AG District

1. **Front Yard Setback:** Forty (40) feet (exception, see subsection 5-11-4).
2. **Side Yard Setback:** Fifteen (15) feet except on corner lots where the side adjoining the right-of-way shall be thirty (30) feet.
3. **Rear Yard Setback:** Forty-five (45) feet. Unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement Minimum lot size: three (3) acres.
4. **Width in Feet at Building Line:** One hundred fifty (150) feet.
5. **Lot Coverage:** Main and accessory buildings shall not cover more than twenty-five (25) percent of the lot area.
6. **Height:** No building shall exceed thirty-five (35) feet in height except farm related structures not intended for human occupancy.

Section 4-12. Traditional Neighborhood Development (TND) District Regulations

4-12-1 Purpose of the TND District

The TND District is a mixed-use, planned development district. In this district, land uses and development standards are enumerated but still provide the developer with substantial flexibility to create a unique, self-contained community. The purpose of a Traditional Neighborhood Development Zoning District ("*TND District*") is to encourage mixed-use, compact development integrating a variety of land uses within close proximity of one another. This district's intent is to provide for the traditional development practices and flexible land use alternatives, rather than prohibiting conventional development, by allowing for:

1. Human scale design options;
2. A mixture of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
3. A variety of housing types, residential densities, and sizes to accommodate households of all ages, sizes, and incomes;
4. The incorporation of a system of interconnected streets, roads, drives, with sidewalks and walkways, that offer multiple routes for motorists, pedestrians, for connections to existing and future developments;
5. Building design and other improvements in an arrangement, bulk, form, character and landscaping that establishes a livable, harmonious and diverse environment;
6. The incorporation of environmental features into the design;
7. The coordination of transportation systems with a hierarchy of appropriately designed facilities for pedestrians and vehicles;
8. Well-configured squares, plazas, greens, landscaped streets, preserves, greenways and parks woven into the pattern of the neighborhood;
9. The incorporation of architecture, landscaping, lighting and signage standards integrated with the zoning provisions that contribute to the intended design character of the planned development.

4-12-2 Applicability of Other Codes and Ordinances

The Madison Code of Ordinances, Zoning Ordinance, and Subdivision Regulations ("Other Codes and Ordinances") for the City apply to a TND District unless the ordinance authorizing TND zoning expressly provides otherwise.

4-12-3 Approval Process for the TND District

In association with a request for TND zoning, the following steps shall be completed.

1. A pre-application conference, as set forth below.
2. Application for a Zoning Map Amendment and submittal of a Final Concept Plan

Prior to the issuance of any permits for development within a TND District, the following steps shall be completed according to the procedures outlined in this section.

1. Approval of a layout plan, preliminary plat and final plat as provided for in the Subdivision Regulations and site plan(s) as provided for in Section 5-2-1 of this Zoning Ordinance

A. Pre-Application Conference

The pre-application conference shall be held between the applicant and the Technical Review Committee for the purpose of exchanging information providing guidance to the applicant and

determining the eligibility of the request for consideration as a Traditional Neighborhood Development.

a. A request for a pre-application conference shall be made to the Planning Department. The applicant shall submit digital copy of the Preliminary Concept Plan, at least five (5) days in advance of the pre-application conference. The Preliminary Concept Plan must show the property location, boundaries, significant natural features, the street layout; and district boundaries within the TND.
b. The Technical Review Committee shall advise the applicant of the conformance of the Preliminary Concept Plan with the intent and objectives of a Traditional Neighborhood Development District and whether it meets the minimum requirements of this Ordinance and is consistent with adopted regulations and master plans for the City of Madison. The City will provide the applicant with written comments within three (3) days of the pre-application conference although no formal action will be taken at a pre-application conference nor will statements made at the pre-application conference be considered legally binding.

B. Final Concept Plan Procedure

a. The applicant shall submit a Final Concept Plan that will be processed concurrently with the Zoning Map Amendment. The Final Concept Plan shall provide the following minimum information.
   i. The name of the proposed development. The development name shall not duplicate or be phonetically similar to the name of any subdivision in the City of Madison.
   ii. A north arrow and scale shall be labeled on the Final Concept Plan
   iii. The approximate arrangement of proposed streets, for the entire property or properties regardless of phase lines
   iv. The location where proposed streets intersect with existing streets
   v. Existing contours at two (2) foot intervals
   vi. The locations and widths of all proposed and existing right-of-way
   vii. The location and a sketch plan of areas designated Neighborhood Center Area
   viii. The location and a sketch plan of areas designated Mixed Residential Area
   ix. The location and a sketch plan of area designated as Neighborhood Edge Area
   x. The locations of all parcels to be designated for Open Space
   xi. All lots intended for neighborhood retail and service uses within the Mixed Neighborhood Area and the intended uses for those lots.
b. The Final Concept Plan shall be produced on sheets measuring twenty-four (24) inches X thirty-six (36) inches and shall be drawn to a convenient scale of not more than one-hundred (100) feet to an inch or less than one (1) inch equals twenty (20) feet.

C. Development Review Process

Upon approval of the amendment to the Official Zoning Map and Final Concept Plan, the applicant may begin the process of subdivision and site plan approval. All subsequent development submittals must conform to the standards adopted herein and all applicable City of Madison Regulations.

4-12-4 General Regulations in the TND District

1. A TND District consists of Neighborhood Center Areas, Mixed Residential Areas, Neighborhood Edge Areas, Civic Areas and Open Space.

2. In addition to open space requirements, a TND District must have one Neighborhood Center Area, or meet the distance requirements to an existing Neighborhood Center Area as specified below and subject to approval by the City, and a Mixed Residential Area. A TND District may also have a Neighborhood Edge Area, and Civic Area.
3. A Neighborhood Center Area serves as the focal point of a TND District. A Neighborhood Center Area is pedestrian-oriented, and it is designed to encourage pedestrian movement. A square may be located in a Neighborhood Center Area. Retail and commercial uses should generally be located adjacent to a square.
4. A Mixed Residential Area may include a variety of residential land uses, including single-family detached residential dwellings of varying densities, duplexes, apartments and townhomes. A Mixed Residential Area may include open spaces including small squares, private open spaces, community parks and greenways and neighborhood services and retail uses as provided for in this section. A Mixed Residential Area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic.
5. The Neighborhood Edge Area is the least dense portion of a TND District, with larger lots and greater setbacks than the rest of the TND. Only single-family detached dwellings are permitted. A Neighborhood Edge Area is appropriate along the perimeter of the TND.
6. The Civic Area is an area designated for public sites dedicated for civic buildings and civic spaces (outdoor areas dedicated for public use).
7. Open Space is a significant part of the TND District design. Formal and informal open space is required throughout the TND District. These serve as areas for community gatherings, landmarks and as organized elements for the neighborhood. Open space includes squares, plazas, greens, preservation, parks, and greenways.

4-12-5 Uses in the TND District

In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A TND District should consist of a mix of commercial uses, residential uses, a mixed use area, and open space as provided below:

1. Mixed Residential Area may consist of any of the following:
   a. Single-Family detached units, excluding manufactured homes
   b. Single-Family attached units, including row houses
   c. Secondary dwelling units (granny flats)
   d. Multi-Family attached units
   e. Assisted Living Facilities
   f. Neighborhood retail and service uses intended to provide day-to-day retail and service needs for residential neighborhood service areas. These land uses should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood and should be limited to those uses and subject to those required conditions and general provisions identified in the B1 zoning district.
2. Neighborhood Center Area shall consist of commercial, residential, civic or institutional, and open space uses as identified below. All residents in the TND should be within approximately 1/2 mile or a 15-minute walk from existing or proposed commercial, civic, and open space areas. The following uses shall be permitted in the Neighborhood Center Area.
   a. Any commercial uses allowed in the B1, Neighborhood Commercial District
   b. Live/work units that combine a residence and the resident's workplace
   c. Multi-Family attached units, with no more than 80 percent of the building fronting a street (from block to block) at the ground level consisting of residential uses.
   d. Government buildings and facilities

   e. Cultural and community meeting facilities
3. Neighborhood Edge Area shall allow for any uses allowed in R1B, Low Density Residential District.

4-12-6 Open Space in the TND District

In addition to the requirements set forth in Section 6-1-5 of the City of Madison Subdivision Regulations, open space shall be provided throughout the TND.

1. The following uses may account for open space with the stated limitations.
   a. Parks, open greenbelt areas and view corridors
   b. Lakes, ponds, including storm water wet detention basins provided that they are designed for common use and enjoyment and include shaded seating, viewing areas, natural trails and public access
   c. Landscaped pedestrian plazas, allees, village greens, quads, and commons located in the Neighborhood Center area
2. The following may not account for open space
   a. Yards which are not accessible for the common use of the development
   b. Parking areas and drives
   c. Utility Easements
   d. Structures (unless a part of the open space such as gazebos)
   e. Drainage ditches
   f. Golf courses
   g. Planting strips/landscape buffers
   h. Wetlands
   i. Stormwater dry detention basins
   j. Areas reserved for the exclusive use and benefit of an individual tenant or owner
3. Open Space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the Traditional Neighborhood District through covenant, deed restriction, open space easement, or similar legal instrument; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency, land trust, or similar entity for the use of the general public.
4. Environmentally sensitive open space shall be protected against building development and environmental damage by conveying to the municipality, association, or land trust an open space servitude restricting the area in perpetuity against any future building and against the removal of soil, trees and other natural features, except as the Planning Commission determines is consistent with conservation or recreational purposes.

4-12-7 Stormwater Management in the TND District

The design and development of the TND District should minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practical. New development and redevelopment shall be in compliance with the Subdivision Regulations, Zoning Ordinance, City of Madison Specifications Manual and Municipal Separate Storm Sewer System (MS4) Stormwater Management Program (SWMP) Plan.

4-12-8 Dimensional Requirements in the TND District

The Director of Planning has the authority to authorize minor building encroachments of up to 15 percent into the front, side or rear setbacks.

Dimensional Table

Type of Use	Lot Width	Front Yard Setback[1]	Side Yard Setback	Rear Yard Setback
Mixed Residential	Single family detached: 26 ft. min, 100 ft. max; Single family attached: 16 ft. min, 36 ft. max	Single family detached: 6 ft. min; 20 ft. max; Single Family attached: 6 ft. min, 18 ft. max	Single family detached 4 ft[2] min; Single Family attached: 0 ft. min[3]	5 ft. min[4]
Neighborhood Center	18 ft. min; no max	2 ft. min, 12 ft. max from either the public ROW or the designated open space	0 ft. min. 24 ft. max	3 ft. min or 15 ft. from center line of alley if provided
Neighborhood Edge	60 ft. min; 120 ft. max	16 ft., min 30 ft. max	4 ft. min [2]	25 ft. min.

[1]Front porches and steps may encroach into the front setback or side setback when adjacent to an alley provided no such encroachment may extend into a public easement or conflict with other City regulations.
[2]Must maintain 10 ft. minimum distance between single family detached
[3]Zero lot line allowed for single family provided an attached dwelling have reciprocal access easements
[4] When public utility/drainage easements are located in rear yard – setback must be one foot greater than the public easement
[5] There is no maximum front setback where a single-family attached dwelling fronts a major collector street, but in such cases off-street parking is prohibited in the front yard.

4-12-9 Transportation Network in the TND District

All streets, alleys, sidewalks, pedestrian paths shall meet the provisions required in the Subdivision Regulations and City of Madison Specifications Manual, and the regulations listed herein. Alternative standards that present a unified design and meet the spirit and intent of the TND district should be submitted with the layout plan for consideration by the Planning Commission.

1. The circulation system shall provide different modes of transportation that accommodate, motorized vehicles, bicycles, pedestrian and wheelchairs.
2. Pedestrian Circulation System. The Pedestrian Circulation System shall be designed to minimize pedestrian-motor vehicle conflicts within the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys shall be bordered by sidewalks on both sides in accordance with the provisions listed below:
    a. Sidewalks in the Mixed Residential Area and Neighborhood Edge Area shall be clear and well lighted and shall connect all dwelling entrances to the adjacent public sidewalk.
    b. Sidewalks shall be provided along both sides of each street in residential areas. For pedestrian safety, sidewalks shall be separated from the curb by a planting strip with a minimum width of four (4) feet.
    c. Sidewalks in the Neighborhood Center Area shall be clear and well-lighted and shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Street trees shall be provided in accordance with the requirements in subsection 4-12-3(13e). Sidewalk shall be provided along both sides of each street type located in the Neighborhood Center Area.

   d. Sidewalks shall comply with the Americans with Disabilities Act.
   e. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges of with striping.
3. Bicycle Circulation System. The Bicycle Circulation System shall be incorporated on streets and/or on dedicated bicycle paths when possible. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, four (4) foot bicycle lanes on streets.
4. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features shall be designed such as curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

4-12-10 Parking Requirements in the TND District

The following parking requirements shall apply in the TND District:

1. **Neighborhood Center Area**
   a. All off-street parking facilities shall be located at the rear or side of a building.
   b. Commercial uses must provide adequate parking space for employees and anticipated customer volume based on a parking study or other acceptable documentation. Shared parking is allowed based on a study or documentation subject to Site Plan approval. On-street parking within the District may count towards required parking subject to Site Plan approval.
   c. Parking shall be provided pursuant to the Zoning Ordinance Off-Street Parking Provision for multi-family units. On-street parking within the District may count towards required parking subject to City approval.
   d. Bicycle parking shall be located with convenient access to building entrances, and a minimum of one space shall be provided for every 25 automobile spaces.
   e. All required parking must be within a five (5) minutes' walk or one-quarter mile from the site which it serves.
2. **Mixed Residential Area**
   a. Parking must be provided on- site.
   b. Two covered parking spaces shall be provided for all single family detached dwellings.
   c. One covered parking space shall be provided for all single family attached dwellings.
   d. Parking shall be provided pursuant to the Zoning Ordinance Off Street Parking Provision for multi-family units. On-street parking within the District may count towards required parking subject to City approval.
   e. All garages must be oriented to the side or rear yard. For single family detached housing, garages may be oriented to the front yard but must be recessed from the wall plane of the building façade no less than twenty (20) feet.
   f. No parking shall be allowed in alleys.
3. **In the Neighborhood Edge Area**
   a. Two covered and two uncovered parking spaces shall be provided for all single family attached dwellings.
   b. All garages should be oriented to the side yard. Garages may be oriented to the front yard but must be recessed from the wall plane of the building façade no less than twenty (20) feet.

4-12-11 Architectural Standards in the TND District

A variety of architectural features and building materials is encouraged to give each building or group of buildings a district character.

1. In order to achieve harmonious design throughout the TND, architectural design guidelines shall be submitted with the final plat.
2. These guidelines are intended to serve as a minimum standard for architectural design. Alternative architectural designs that meet the spirit and intent of this ordinance may be submitted for consideration with the final plat.
3. Guidelines for Existing Structures
    a. Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
    b. The Madison Station Historic Preservation Commission shall review and approve all plans for renovating historic structures.
4. Guidelines for New Structures
    a. Height-New structures within the TND District shall be no more than three (3) stories for single-family residential, or five (5) stories for commercial, multi-family or mixed use buildings.
    b. The exterior finish of material on all facades shall be limited to brick, natural stone, wood siding, cementitious siding and/or stucco. Additional materials not listed here can be approved by the Director of Planning provided they not exceed 20% of the overall exterior finish.
    c. The architectural features, material and the articulation of a façade of a building shall be continued on all sides visible from a public street or dedicated public open space.
    d. The front façade of the principal building on any lot in a TND District shall face onto a public street or public open space.
    e. The front façade shall not be oriented to face directly toward an off-street parking facility.
    f. For commercial buildings, a minimum of thirty-five (35) percent of the front facing on the ground floor shall be glass (transparent), including window or door openings allowing view into and out of the interior.
    g. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
    h. Buildings and parking placement within the Neighborhood Center Area should be arranged to create appropriately scaled continuous building facades with as few non-pedestrian oriented breaks as possible.
    i. Building wall materials may be combined on each façade only horizontally, with the heavier generally below the lighter.
    j. Walls along the street shall be made of brick or block and stucco or other material to match the facade of the principal building. No exterior metal siding shall be allowed.
    k. The facades on retail frontages shall be detailed as storefronts and glazed no less than thirty-five (35) percent of the sidewalk-level story.
    l. Except for grocery stores, doors and windows that operate as sliders are prohibited along frontages.
    m. Exterior mechanical equipment shall be screened from view to the satisfaction of the Planning Commission. Rooftop mechanical equipment shall not be visible from the street, adjoining lot or adjacent street. Parapets may be required to provide adequate screening.

4-12-12 Utilities in the TND District

All utilities shall be placed underground within utility easements or rights of way.

4-12-13 Street Design Standards in the TND District

1. The following street standards are allowed in the TND District. Alternative standards may be approved by the Planning Commission provided that they meet the spirit and intent of this ordinance and:
   a. Promote walkability within the TND district;
   b. Provide a landscape buffer between pedestrian and vehicular modes of travel;
   c. Provide for safe and efficient movement of vehicular and pedestrian traffic.

Specifications	Minor Collector Or Avenue	Local Street Or Road	Alley
Average Daily Trips	750 or more	Less than 250	Not Applicable
Right-of-Way minimum	58 ft. (68 ft. for NC)	46 ft. – two way 28 ft. – one way	15-30 ft.
Pavement width	36 ft.	26 ft. – two way 18 ft. – one way	Two 8 foot lanes for two-way traffic, or one 12 ft. lane for yield traffic
Bicycle lanes (BL)	4 ft. – if provided	4 ft. – if provided	None
Parking	Both sides or one side as permitted	One side as permitted	None
Curb	Required	Required	Not Required
Planting Strips	Both sides, 6 ft. min; Neighborhood Center street trees in accordance with subsection 4-12-16 (5)	5 ft. min required along all streets or roads	None
Sidewalks	Neighborhood Center (NC) 10 ft. min Mixed Residential 5 ft. min Neighborhood Edge 5ft. min	5 ft. min required along all streets or roads	None

2. Bicycle facilities are not required, however, at the time of development, the street may be modified to accommodate bicycle facilities with the approval of the City Engineer.

4-12-14 Guidelines for Exterior Signage in the TND District

Article VII of this Zoning Ordinance will not apply in an approved TND District. In lieu of those regulations, comprehensive sign guidelines are required for the entire TND District that establishes a uniform sign theme. Such guidelines shall be submitted to the Planning Commission for approval. Signs shall share a common style, as to size, shape, and material. In the Neighborhood Center Area, all signs shall be wall signs and no ground signs shall be permitted with the exception of A-frame signs, which shall be permitted provided that they do not impede pedestrian traffic. No wall sign shall exceed 10% of the frontage of the building to which it is affixed.

4-12-15 Guidelines for Lighting in the TND District

All lighting shall comply with Section 5-22 of this zoning ordinance.

4-12-16 Landscaping and Screening Standards in the TND District

1. General landscaping requirements in Neighborhood Center Area
   a. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.
   b. All landscape plans shall be produced by a landscape architect registered in the State of Alabama.
   c. The owner, lessee, or his agent shall be responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse. All unhealthy and dead materials shall be replaced within one year after notification or during the next appropriate planting period, whichever comes first.
   d. The incorporation of the City of Madison Rose (The Knock Out Rose: Rosa Radrazz) into beds is encouraged.
   e. Alternative standards that present a unified design and meet the spirit and intent of the TND district should be submitted with the layout plan for consideration by the Planning Commission.
2. Yards: All yards not utilized for off-street parking, access drives or other improvements shall be landscaped with ground cover and shrubbery which will achieve a low height at maturity, except when the yard is being utilized as a screening buffer and then shall meet the requirements for screening buffers below.
3. A six (6) foot wide screening buffer shall be provided along a common boundary of the Neighborhood Center Area and the Mixed Residential Area, except where a public street provides buffering. The buffer shall be placed on the properties located in the Neighborhood Center Area. The landscaping in the buffer shall be eighty (80%) percent opaque after a period of one year. Required screening shall be satisfied by one (1) or some combination of:
   a. A decorative fence not less than fifty (50%) percent opaque behind a continuous landscaped area;
   b. A masonry wall; or
   c. A hedge
4. A six (6) foot wide screening buffer shall be provided along the common boundary between a neighborhood retail or service use and a Mixed Residential Area zoning district or use, except where a public street provides buffering. The buffer shall be placed on the properties located in the neighborhood service or retail area. The landscaping in the buffer shall be eighty (80%) percent opaque after a period of one year. Required screening shall be satisfied by one (1) or some combination of:
   a. A decorative fence not less than fifty (50%) percent opaque behind a continuous landscaped area;
   b. A masonry wall; or
   c. A hedge.
5. Trees Along Thoroughfares
   a. A minimum of one canopy tree must be planted every thirty (30) feet on center (approximate/average) within planting strips.
   b. If placement of trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
   c. Trees shall have a minimum caliper of three (3) inches at the time of planting.

6. Parking area landscaping and screening.
   a. Perimeter parking area landscaping shall provide shade and effective screening between parking areas and the public right-of-way.
   b. Landscape islands shall be distributed as evenly as feasible throughout the parking area and shall equal five percent of the perimeter landscaping area. If no perimeter landscaping is required, the area of the landscape islands shall be calculated based on the equivalent of a five foot wide perimeter landscaped area. Each island shall have a minimum plantable width of five feet and shall include a minimum of one tree consistent with Section 5-15-6 of the Zoning Ordinance.
   c. Alternative parking lot landscaping may be approved by the City due to site conditions or if additional compensating landscaping is proposed that achieves shade and aesthetic goals
7. Side Entry Garage Screening
   Detached single family lots with a side entry garage that extends beyond the front of the house may have walls in the front yard subject to the following limitations:
   1. The walls or associated columns may not project into or be located in the front setback.
   2. The walls must be constructed of brick, or consist of brick columns with decorative metal fencing between the columns. Brick color shall match the principal color of the dwelling. Brick may be left unpainted if the dwelling is unpainted brick.
   3. Variation in wall height is preferred.
   4. The weighted average height of all wall segments facing the street shall not exceed five feet and six inches.
   5. The maximum height of any wall segment shall not exceed seven feet. Any wall exceeding five feet in height shall be the shortest length wall facing the street.
   6. Columns are not counted in the height measurement. Height is measured from adjacent grade facing the street.

4-12-17 Definitions for the TND District

The following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular. The word "shall" is mandatory and the word "may" is permissive. Words not defined below shall be defined as in the Madison Zoning Ordinance, Article XII. Words not defined below or in Article XII shall have their ordinary meanings.

1. **Alley:** A public or private way permanently reserved as a secondary means of access to abutting property.
2. **Association, or Associations:** The association or associations of all the Owners of property in the TND charged with the ownership and maintenance of Common Open Space and associated facilities and operated pursuant to articles of incorporation and bylaws. A TND may have a residential Association and a commercial Association.
3. **Assisted Living Facility:** A special combination of housing, support services, personalized assistance and health care designed to respond to the individual needs of those who need help with activities of daily living.
4. **City Council:** The Madison City Council
5. **Commission:** The Madison Planning Commission
6. **Façade:** any side of the building facing the public right away and finished accordingly.
7. **Live/Work Unit:** Those dwelling structures or units that combine a residence and a workplace, as permitted in this ordinance.

8. **Passage:** A pedestrian connector passing between buildings. Passages provide shortcuts through long blocks and connect rear parking areas with Street frontages. Passages may be roofed over and lined by shop fronts. Variants include courts, a Passage that is wide enough to be landscaped, being the frontage for buildings which are otherwise provided with vehicular access only by rear alleys.
9. **Path:** A pedestrian way traversing a park or the countryside. Paths should connect directly with the sidewalk network at the urban edge.
10. **Secondary Dwelling Unit:** An additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.

Section 4-12A. Cluster Zoning Districts

4-12A-1 Residential Cluster District Number 1 (RC-1)

(Ord. 00-05, 2/14/00)

The purpose of this district is to maintain the rural, environmental, and scenic qualities of the City of Madison, Alabama, by preserving wetlands and other low-lying and significant open lands and hillsides while allowing landowners a reasonable return on their holdings. This district is intended to permit creative development alternatives that have the effect of leaving significant open areas adjacent to and/or within clustered housing developments. Minimum open space set asides are at least 20 percent of the gross plat area.

A. Uses of Land in RC-1
   1) Permitted Uses – all uses permitted in the R-1 and R-1A zoning districts
   2) Special Exceptions – all Special Exceptions enumerated for the R-1A zoning district

B. Dimensional Requirements in RC-1: The minimum lot size and all front, side, and rear yard setbacks may be reduced from the requirements for the R-1A district in proportion to the amount of the gross plat area set aside as protected open space. Example: A 40 percent set aside yields a 10,800 s.f. minimum lot size and a 24 ft. front yard setback. A 20 percent set aside yields a 14,400 s.f. minimum lot size and a 32 ft. front yard setback. In no event, however, shall dimensional requirements be reduced more than 40 percent from those specified for the R-1A district. Other dimensional requirements are as noted below:

1. Front yard setback: As above, provided that structures in the RC-1 district may not front on major streets in the City's Transportation Plan.

2. Side yard setback: As above, provided that on corner lots the side yard adjoining the right-of-way shall be at least twenty (20) feet.

3. Rear yard setback: As above, provided that unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line.

4. Minimum width in feet at building line: sixty (60) feet.

5. Lot coverage: main and accessory buildings shall not cover more than thirty-five (35) percent of the lot area.

6. Height: no building shall exceed thirty-five (35) feet in height.

4-12A-2 Residential Cluster District Number 2 (RC-2)

The purpose of this district is to maintain the rural, environmental, and scenic qualities of the City of Madison, Alabama, by preserving wetlands and other low-lying and significant open lands and hillsides while allowing landowners a reasonable return on their holdings. This district is intended to permit creative development alternatives that have the effect of leaving significant open areas adjacent to and/or within clustered housing developments. Minimum open space set asides are at least 20 percent of the gross plat area. The difference between this district and the RC-1 district is that the RC-2 district allows for higher density and shorter setbacks than the RC-1 district.

A. Uses of Land

1) Permitted Uses
   - All uses permitted in the R-1 and R-1A zoning districts

2) Special Exceptions
   - all Special Exceptions enumerated for the R-1A zoning district

B. Dimensional Requirements: The minimum lot size and all front, side, and rear yard setbacks may be reduced from the requirements for the R-2 district, proportionate to the amount of the gross plat area set aside as protected open space. Example: A 40 percent set aside yields a 6,300 s.f. minimum lot size and a 15 ft. front yard setback on minor streets. A 20 percent set aside yields a 8,400 s.f. minimum lot size and a 20 ft. front yard setback. In no event, however, shall dimensional requirements be reduced more than 40 percent from those specified for the R-2 district. Other dimensional requirements are as noted below:

1. Front yard setback: As above, provided that structures in the RC-2 district may not front on major streets in the City's Transportation Plan.

2. Side yard setback: As above, provided that the minimum side yard setback shall be eight (8) feet, and further provided that on corner lots the side yard adjoining the right-of-way shall be at least twenty (20) feet.

3. Rear yard setback: As above, provided that unattached rear yard accessory buildings shall be set back one (1) foot from the utility easement line.

4. Minimum width in feet at building line: sixty (60) feet.

5. Lot coverage: main and accessory buildings shall not cover more than thirty-five (35) percent of the lot area.

6. Height: no building shall exceed thirty-five (35) feet in height.

4-12A-3 Submittal of the Application for RC Zoning

A. Special Procedures for Application for RC-1 and RC-2 Zoning

1. Data Requirements: Applicants for RC-1 or RC-2 zoning shall file with the City Clerk one (1) copy, and with the Planning Commission twelve (12) copies, of the following documents:

a. A Development Plan conforming to the requirements for a preliminary subdivision plat under the Planning Board's Subdivision Rules and Regulations, or a site plan conforming the substantive and procedural regulations found in the Zoning Ordinance therefore, as appropriate. The development plan shall contain sufficient information for the Planning Commission and its staff to determine whether the proposed development conforms to the requirements of Section 4-12A-1 or 4-12A-2 (as appropriate), as well as 4-12A-3 of this ordinance.

b. Except where cropland is the only area to become residual land, an Environmental Analysis which shall contain, at a minimum,

c. a description of the land, including topography, soils, slopes, wetlands, rock, etc.
d. preservation plan for all undeveloped residual land
    i. a wetlands mitigation and/or management plan, if applicable, approved by the appropriate Federal Authority
    ii. the information developed should be sufficient to support the site plan; that is, to justify where developed areas and undeveloped areas are to be located.
    iii. An erosion/sedimentation control plan providing for the permanent control of erosion and sedimentation within the site and from the site onto adjacent properties.

2. Minimum Criteria: Applications for RC-1 and RC-2 zoning shall, at a minimum, meet all of the following criteria:

a. The Development Plan shall demonstrate that, where applicable, the proposed development meets all of the requirements of the Planning Board's Subdivision Rules and Regulations and the Zoning Ordinance.

b. The minimum area of land for RC-1 and RC-2 district development shall be ten (10) acres. The maximum total number of dwelling units shall be determined by calculating the number of units allowed by right according to the following density table:

RC-1 Low Density Residential Cluster District: (2.42 du/acre)
RC-2 Medium Density Residential Cluster District: (4.14 du/acre)

c. The total area of residual farmland or open space within the development shall be at least twenty (20) percent of the total area of land in the proposed development.
d. All residual land, which is to be used only for recreational, conservation, or agricultural purposes (excluding cultivation of row crops such as corn and cotton), shall be:
    i. Owned jointly or in common by the owners of the building lots with easement rights granted to the City, or
    ii. Owned by the City, subject to acceptance, or
    iii. Owned by a non-profit entity acceptable to the City, such as a land preservation trust, or
    iv. Owned privately (in the case of cropland only).
e. Further subdivision of residual land, or its use for other than agriculture (excluding row crops), non-commercial recreation, or conservation (except for easements for underground utilities), shall be prohibited. Structures and buildings accessory to non-commercial recreation, conservation, or agriculture may be erected on residual land, subject to the Site Plan Review section of this Zoning Ordinance. These restrictions shall be recorded in a Conservation Easement for the benefit of the City, such easement deed to be received prior to the granting of Final Plat (in the case of subdivisions) or Certificates of Occupancy (in the case of site plans) for the project.
f. Where applicable, a homeowners' association shall be established for the purpose of permanently maintaining all residual open space and recreational facilities. Such homeowners' association agreements, guaranteeing continuing maintenance, and giving lien to the City in the event of lack of such maintenance, shall be submitted to the City Council for approval prior to the issuance of Final Plat.

3. Design Guidelines: The proposed development shall meet the following applicable design guidelines:

a. Dwelling units shall be grouped so that, on average, they consume no more than 13,500 sq. ft. of land per lot, excluding roads.
b. Lots facing onto a previously existing public road shall not be permitted.
c. Lots not served by City sewer shall contain not less than 30,000 sq. ft., and shall have road frontage of not less than fifty (50) feet where such frontage is on a way created by the subdivision involved. Such lots will be excluded from overall density calculations.
d. Distance between dwellings shall not be less than sixteen (16) feet.
e. Buffer zones at least fifty (50) feet in width shall be required between residential and agricultural uses, and shall, at the discretion of the Planning Commission, be thickly planted with fast-growing native shrubs and trees (such as viburnum, elderberry, winterberry, wild rose, hawthorne birch, poplar, shadbush, maple, white cedar, etc.) to create an effective barrier separating yards from fields and pastures.
f. At the discretion of the Planning Commission, variances from the curb-and-gutter requirements and/or street width requirements, and lot dimensional requirements, as enumerated in the Subdivision Regulations, may be granted provided said variances are needed to accomplish an overall themed design for the subdivision.

B. Action on the Application
1. Recommendation of the Planning Commission
   a. The Planning Commission staff shall prepare a report addressing the requirements in Section 4-12A-3 (A)(1) (a-c), 4-12A-3 (A)(2)(a-f), and 4-12A-3(A)(3)(a-f), and making proposed findings concerning the compliance of the proposed development with these requirements.
   b. The Planning Commission shall, at its discretion, hold a public hearing on the zoning petition in accordance with Section 11-3-1 of the zoning ordinance.
   c. The Planning Commission shall spread upon its minutes a finding that the requirements for RC-1 or RC-2 zoning, as appropriate, are (or are not) met by the proposed development, and shall report these findings, along with its recommendation, to the City Council concerning the zoning petition.
2. Application to the City Council
   a. Within ten (10) days after the Planning Commission has issued its findings and recommendations, the petitioner shall submit to the City Council ten (10) copies of the proposed plat of the development, provided such submittal is made on or before the deadline for the Council agenda on which the petition is to be considered.
   b. The Community Development Department shall forward the Planning Commission's findings and recommendation to the City Council for inclusion on the agenda on which the rezoning petition has been scheduled.
   c. The Council shall advertise and hold a Public Hearing on the petition in accordance with Section 11-4 of the zoning ordinance and all other applicable laws and regulations. Final disposition of the petition shall be by majority vote of Council, subject to mayoral veto and override of veto in accordance with all local and state laws.
3. Submission of the Subdivision Plat
   a. After RC-1 or RC-2 zoning has been granted, the landowner/developer may design and submit to the Planning Commission a preliminary subdivision plat conforming to the density, setback and other requirements enumerated in Section 4-12A-1 or 4-12A-2 of this Ordinance, as appropriate. This plat, all amendments thereto, and the final plat shall be disposed of in accordance with all applicable subdivision and zoning regulations.

Section 4-14. Water Supply Protection District

The Water Supply Protection District is created for the purpose of promoting the public health, safety, and welfare through the protection of public water supplies from the danger of water pollution. Regulations within the district are established to prevent water quality degradation due to pollutant loadings within aquifer recharge areas and with the watersheds of surface public water supplies. This district shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more other zoning districts provided for by the Zoning Ordinance. The effect is to create a new district that has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district. Within the Water Supply Protection District, two areas shall be designated, to be known as "Area 1" and "Area 2." Area 1 shall be the area where the most stringent protection of the water supply is necessary, and shall normally be in relatively close proximity to a wellhead. Area 2 shall encompass all other areas in the Water Supply Protection District.

Regulations within such an overlay district are intended to provide a means for specific review and approval of residential, commercial, industrial and other development proposals that may have adverse water quality impacts; to encourage land uses and activities which will be compatible with water quality protection; and to assure that structures and uses within such overlay districts will be developed in a manner that will serve the health, safety and welfare objectives of preserving the environmental integrity of public water supplies.

4-14-1 Boundaries

The Water Supply Protection District (WSP), including the "Area 1" (WSP-1) and "Area 2" (WSP-2) boundaries, as referenced on the attached Official Zoning Map, is hereby established. The boundaries shall be amended in the same manner as any other zoning district permitted by the Zoning Ordinance, and may be amended in accordance with the provisions of Section 3-2.

4-14-2 Regulations Applying to Area 1 and Area 2

In addition to the regulations applicable to the underlying zoning district or districts, the following regulations shall apply to all parcels located entirely or partially in Area 1 and Area 2:

1. Any establishment for warehousing, production, processing, assembly, manufacture, preparation, compounding, cleaning, servicing, testing, or repair of materials, goods or products which generates, stores, treats, utilizes and/or disposes of a hazardous or toxic material or waste, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 *et seq*., shall submit the following information with any application for a proposed development or use:
    a. A listing of all toxic and hazardous materials and wastes that will be generated, utilized, stored, treated, and/or disposed of on-site;
    b. A soils report describing the nature and characteristics of the soils covering the site;
    c. A description of surface and groundwater characteristics of the site and the surrounding area within 300 feet of site boundaries;
    d. A description of all spill prevention, containment, and leakage control measures proposed by the applicant, for all toxic and hazardous materials and wastes generated, utilized, stored, treated, and/or disposed of on the site, including an emergency spill response plan;
    e. A letter from the Fire Chief of the City of Madison, concurred with by the Water and Wastewater Board of the City of Madison, that the procedures proposed in Section 4-14-2 (1)(D) comply with all applicable adopted laws, ordinance and regulations;
    f. An inventory of all existing and proposed wells, septic tanks, injection wells, and similar facilities on the site, whether in use or not;

g. Any other proposed or existing activities on the site that might impact groundwater quality;
h. A copy of any applicable permits under the National Pollutant Discharge Elimination System, Federal Wetlands regulations, or other provision of the Clean Water Act, or pursuant to the Endangered Species Act, National Environmental Policy Act, or similar legislation intended to address water pollution.

2. Such information shall be referred to the City Engineer and the Water and Wastewater Board of the City of Madison for review in accordance with the provisions of applicable laws and ordinances. When deemed appropriate, the City Engineer may furnish a copy of the application and supporting information to the directors of the Alabama Department of Environmental Management, the Alabama State Department of Health, and other appropriate agencies.

4-14-3 Regulations Applying only in Area 1

In addition to the regulations applicable to the underlying zoning district or districts, the following regulations shall apply to all parcels located entirely or partially in Area 1:

1. No new land use shall be authorized that entails the use, storage, generation, or disposal of any hazardous or toxic material or waste, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 *et seq.*
2. No discontinued land use that entailed the use, storage, generation, or disposal of any hazardous or toxic material or waste, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 *et seq.*, may be resumed once the activity has been discontinued for 30 days.
3. No change of occupancy of an existing structure shall be authorized for any tenant or owner who proposes to establish or continue a land use that entails the use, storage, generation, or disposal of any hazardous or toxic material or waste, as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 *et seq.* It shall be a violation of this ordinance to establish or continue such a use in Area I subsequent to a change in occupancy even if a former tenant or owner had carried out such a use.
4. In the event that stormwater runoff is directed toward, or may enter, an opening in the ground that provides access to the groundwater table (e.g., well, sinkhole, etc.), the developer shall present a mitigation plan to ensure that no pollutants enter the groundwater table during construction. Additionally, the developer shall, in concert with the Water and Wastewater Board of the City of Madison, take steps to ensure that any such openings are protected from any future surface water infiltration. This may be accomplished by permanently closing such openings, or by taking other steps acceptable to the Board.

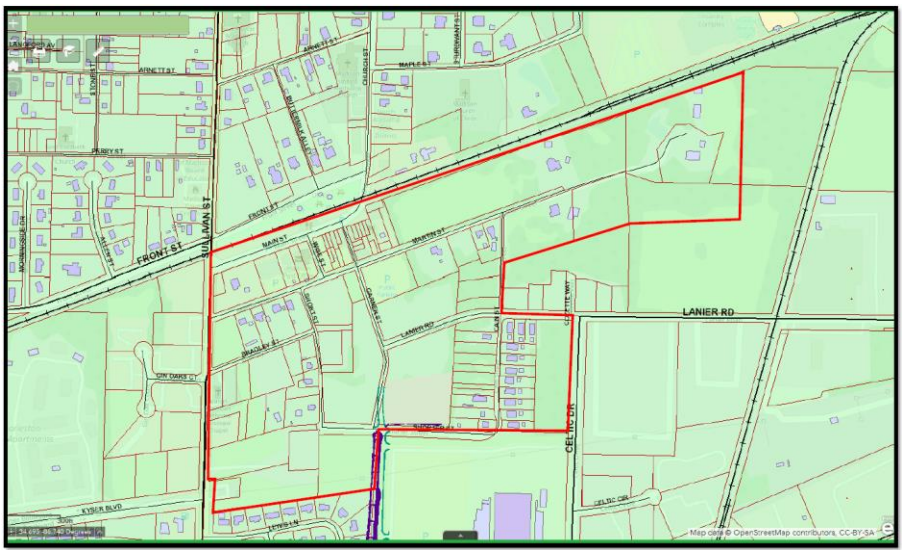
4-14-4 Administration

1. The Director of Community Development or his designee shall be responsible for reviewing all proposed development orders and land uses within the Water Supply Protection district for compliance with this ordinance. No zoning, building, or other permit, and no certificate of occupancy, shall be issued for any structure or use not in compliance with this ordinance.
2. Upon the receipt of an application for a Business Privilege License by a business located in Area I or Area II, the Director of Community Development or his designee shall review all information presented by the applicant pursuant to Section 7-11 (e) of the Madison Code of Ordinances. The Director, or his designee, shall not certify to the Revenue Department that the requirements of Sec 7-11 (b) of the Madison Code of Ordinance have been met until compliance with Section 7-11(e) has been demonstrated by the applicant.

Section 4-15. Downtown Redevelopment Incentive (DRI) Overlay District

A. **Purpose**: The Downtown Redevelopment Incentive (DRI) Overlay District affords additional development opportunity beyond that provided by the underlying zoning regulations. The DRI overlay is intended to encourage development by enabling mixed-use development, higher development density and intensity, and relief from other development restrictions in the Zoning Ordinance.

B. **Application and Effect**: The DRI Overlay District is shown on Figure 1 below and includes all the properties inside the area highlighted in red. Properties in this district wishing to develop pursuant to the regulations for the DRI District must obtain approval of a Specific Development Permit by the Planning Commission. The development standards for the underlying districts remain in effect within the DRI Overlay District except as modified herein and by any development approval issued pursuant thereto. Any project proposing to meet the standards of the underlying district shall not be subject to the provisions of this ordinance unless the developer elects to come under this ordinance voluntarily.



C. **Modified Development Standards**:
Pursuant to Section 4-15 B the following standards may apply to development within the DRI in lieu of any requirements of the underlying zoning district:

1. **Alternate Off-Street Parking Requirements**: Developments shall not be required to provide their own off-street parking, either on-site or off-site. Parking may be provided voluntarily at the option of the developer.
2. **Yards and Street Setbacks:**
   a. Side and rear yards for all parking areas and for buildings adjacent to residential districts outside the DRI or adjacent to a public street shall be as required by the underlying district.
   b. Any portion of a building used for residential occupancy and having windows shall be at least five feet from both the side and rear property lines.
   c. For either any building not used as a residence or ground or first stories within residences that are completely used for parking or other non-residential uses, no side or rear yard is required.
   d. Street setbacks for parking areas shall be at least ten feet.
   e. A minimum street setback of five feet shall be provided for buildings.

3. **Density and Bulk Regulations:** Specific development plans pursuant to this section are not subject to the lot coverage, minimum open space, or parking lot landscaping requirements of the underlying zoning district or this Zoning Ordinance, or the maximum residential density or minimum lot size provisions of the underlying zoning district. The Planning Commission may set density, bulk, lot coverage, signage, open space, and landscaping requirements as part of a development review process for developments in the DRI District.
4. **Landscaping:** All courts, yards, setbacks and parking areas shall be landscaped to the satisfaction of the Planning Commission as specified in the specific development plan. Sidewalks normally are required, at the discretion of the Planning Commission.
5. **Uses and Mixed Uses**: The Planning Commission may approve structures and uses not permitted by the underlying zoning district on a discretionary basis, based on the external impact and general compatibility of the project with the DRI. The Planning Commission may permit more than one principal use on a lot, such as upstairs apartments over storefront commercial or residential and office uses on the same lot or within the same structure (e.g., a doctor who works out of the home in which he/she resides). In permitting such uses and mixed uses, the Planning Commission may prescribe certain conditions including, but not limited to, hours of operation, limits on noise, etc.

D. **Procedure for Specific Development Plan Review**

Applications for a Specific Development Permit must be submitted to the Department of Planning and Economic Development. All such applications will be subject to review by the Technical Review Committee and approval by the Planning Commission.

1. Applications for a Specific Development Permit involving new construction or exterior remodeling must submit a Site Plan according to the requirements of Section 5-2-4 of the Zoning Ordinance.
2. Applications for a Specific Development Permit that involve subdivision of land must submit a subdivision plat pursuant to the Subdivision Regulations.
3. The Planning Commission shall hold an advertised public hearing on the development proposal. The Commission shall advertise the hearing once at least 10 days in advance in a newspaper of general circulation within the City of Madison. For subdivisions of land, the regular advertising requirements found in the Subdivision Regulations shall apply.
4. For any proposed development within the Madison Station Historic District as defined by Ordinance 2008-269 (codified at Chapter 28 Art. III, of the *Code of Ordinances of the City of Madison*), at any time prior to submittal of the Specific Development Permit, the petitioner shall present a copy thereof to the Madison Station Historic Preservation Commission (the "Commission") along with an application for a Certificate of Appropriateness. The Commission shall review the development proposal according to its rules and governing ordinance and shall either deny, issue, or issue with conditions such a Certificate within 60 days after submission. Appeals from any decision of the Commission respecting the Certificate of Appropriateness shall be to the Circuit Court in accordance with Sec. 28 of the *Code of Ordinances*. The Architectural Review Board's findings and decision with respect to the Certificate of Appropriateness shall be reported to the Planning Commission prior to the Planning Commission's public hearing on the project.

E. **Special Use Petitions**

Application for a Special Use Petition is required for a use not otherwise permitted in the underlying zoning district.

a. The Special Use Petition shall be submitted in the form of a letter describing in detail the particular use or uses desired.

b. The Planning Commission, upon written petition, may approve a Special Use petition for uses not permitted by the underlying zoning district. Provided that, any use that is permitted within the underlying zoning district shall be permitted by right and shall not require approval of the Planning Commission. Additionally, uses permitted as a Special Exception in the underlying zoning district shall be adjudicated by the Zoning Board of Adjustment according to their rules and procedures.
c. The Planning Commission shall hold an advertised public hearing on the proposed use. The Commission shall advertise the hearing once at least 10 days in advance in a newspaper of general circulation within the City of Madison.

F. **Action by Planning Commission**
a. The Planning Commission shall act on any Specific Development Permit or Special Use Petition or both within 60 days of it appearing on the Planning Commission Agenda.
b. The Planning Commission may incorporate any reasonable conditions that will ensure the Special Use Petition will be in harmony with the surrounding properties.
c. The Planning Commission may attach to any approved Specific Development Permit approval reasonable conditions not inconsistent with this section or other provision of law or regulation. Failure to adhere to said conditions shall result in non-issuance of a Certificate of Occupancy for the project or use.
d. Once required approvals have been granted by the Planning Commission, the City shall issue any required building permits, licenses, or other permits not inconsistent with such approval. Provided, however, that nothing in this Ordinance shall be construed to repeal or modify any law, ordinance or regulation of the City not specifically addressed herein.

Section 4-16 Urban Center District (UC)

The purpose of the Urban Center District is to establish a regional and civic shopping and entertainment destination mixed with high density residential uses. Horizontal integration of uses, prioritization of the pedestrian experience, and high quality site and architectural design is required.

Section 4-16-1 Administration

Zoning Map amendments for the UC District shall follow all requirements found in Article XI of this Ordinance. In addition to the regulations in Article XI, rezoning of property to the UC District shall not be permitted unless the following conditions are met:

1. Minimum Tract Size – A minimum of fifty (50) acres is required for any application for a zoning map amendment to UC, except that less acreage is required where property is contiguous and adjacent to property zoned Urban Center District, Mixed Use District, or Traditional Neighborhood District.
2. Proximity to Interstate – To qualify for UC District zoning, a property must be at least partially located one thousand (1,000) linear feet or less to the right-of-way of Interstate 565.

Section 4-16-2 Permitted Uses

1. Housing & Lodging
   a. Hotels and ancillary facilities
   b. Multi-Family Residential
   c. Single Family Attached (Row Houses/Townhouses/Brownstones)
   d. Live/Work Units
2. Commercial
   a. Alcohol Sales
   b. Craft Breweries and Distilleries
   c. Conference & Meeting Facilities
   d. Day Spas
   e. Entertainment – Indoor
   f. Financial institutions, including ATMs
   g. General Office
   h. Recreation – Indoor and Outdoor
   i. Restaurants, cafes, and taverns
   j. Retail
3. Public and Semi-Public
   a. Open Space and Plazas
   b. Parking Facilities
   c. Public Administration and Safety Facilities
   d. Stormwater Management and Utilities

Section 4-16-3 Permitted Conditional Uses

1. Fuel Sales, including fuel centers associated with grocery stores
   a. Canopies shall be required for fueling stations.
   b. Light or glare shall not spill onto adjacent property or rights-of-way. All light fixtures shall be either recessed into a canopy, or if they protrude shall have a box that shields the bulb from direct view. A light fixture that protrudes from the bottom of a canopy shall have a box completely surrounding the bulb, and the lens shall be flush with the box.

c. Convenience stores with fuel sales should incorporate roof elements of the principal structure so as to provide a look with compatible architectural styles with surrounding buildings. Canopies shall complement materials, colors, and architectural design of the primary building. Building facades shall be designed to a human-scale for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.

2. Multi-Purpose Venue
   a. One multi-purpose venue, or comparable facility, may be permitted in an Urban Center District. A multi-purpose venue is one that can accommodate a minimum approximate amount of three thousand (3,000) individuals at one time.
   b. Sporting events, all Temporary and Seasonal Events and Uses identified in Section 4 below, conference or educational events, and civic activities may be permitted on and in the property.
   c. A parking analysis shall be provided at the time of Site Plan submittal demonstrating that adequate parking is accounted for in the plans.
3. Restaurants – Drive-through
   a. Drive-through restaurants are permitted directly adjacent to collector roads and arterial streets.
   b. Vehicle drive-through windows facing the street or traffic flow must be screened by one (1) or some combination of a continuous hedge, shrub or earthen berm that is a minimum of five (5) feet in height. Additionally, vehicle drive-through windows must be screened from all adjacent property owners in the same manner. Additional screening and buffering requirements may be recommended by the Planning Director for approval by the Planning Commission.
   c. A minimum queue space for five (5) cars per service window shall be provided in addition to required parking.
4. Portable Carts and Kiosks for Retail and Food Items on Private Property
   a. A cart or kiosk may only be used after a plot plan and elevation are approved by the City of Madison Planning Department.
   b. A cart or kiosk shall not obstruct access to or occupy a parking space, impede delivery of materials to an adjoining property, interfere with access to public property or an adjoining property, or be located in the public right-of way.
   c. A cart or kiosk shall not exceed a maximum of four (4) feet in width, excluding any wheels, eight (8) feet in length including any handle, and no more than six (6) feet in height excluding canopies or umbrellas, unless approved by the City of Madison Planning Department.
   d. A limit of one (1) cart or kiosk shall be allowed for each commercial business.
   e. Seating or tables for customers shall not be permitted in association with a cart or kiosk. A chair or stool may be provided for a cart or kiosk employee.
   f. A cart or kiosk shall be self-contained for water, waste and power to operate, unless otherwise approved by the City.
5. Temporary and Seasonal Events and Uses
   a. Temporary and Seasonal Events and Uses including but not limited to, art shows, auto shows, commercial filming, concerts, farmers' markets, food trucks, fundraisers, live entertainment, outdoor retail sales, pet shows, seasonal displays and events, flower shows, bake sales, wine tastings, trunk shows, theatrical performances, food demonstrations, and sports competitions and demonstrations may be permitted outdoors within private or public plazas subject to both property owner approval and compliance with City ordinances and regulations.
   b. Temporary and Seasonal Events and Uses may not occur in parking lots unless a plot plan is approved by the City of Madison Planning, Police, and Fire Departments. Said approval must be requested at least seven (7) days in advance of the event.
   c. Property owners may submit a master list of Temporary and Seasonal Events and Uses for approval on an annual basis.

Section 4-16-4 Prohibited Uses

1. Single Family Detached Dwellings
2. Duplexes
3. Industrial uses
4. Car Washes
5. Mini Storage Facilities
6. Medical/Dental Offices on the ground floor, unless accompanied by a fifty (50) percent retail component
7. Veterinary Hospitals
8. Automobile Service Repair (Minor and/or Major)
9. Small Engine and Motor Repair
10. Real Estate offices on the ground floor, except leasing offices for property within the UC District

Section 4-16-5 Dimensional Requirements

1. Any lot adjacent to a collector road and less than two (2) acres in size shall meet the B2 District dimensional requirements found in Section 4-6A-6, Table 2 of this Ordinance, with the exception of the rear setback requirement.
2. Any commercial lots either two (2) acres or greater in size or not adjacent to a collector road do not have dimensional requirements. Utility and drainage easements may be required.
3. Any residential lots shall comply with the following dimensional requirements.
   a. Maximum building height adjacent to roadways shall be five (5) stories.
   b. A minimum of one hundred fifty (150) square feet per residential unit shall be provided as open space to serve the residential project. At least one common recreational area, with at least one amenity such as a pool, fitness center, or game room shall be provided on site. Rooftop decks may count toward up to one half (1/2) of the common recreational area requirement if they include general amenities. Private open space may count toward the overall open space requirement if it meets the minimum dimension of at least six feet by six feet (6’ x 6’).

Section 4-16-6 Roadways

1. Grand Avenue
   At least one prominent, landscaped central avenue shall be constructed linking individual properties in the District to adjoining local streets, alleys, and ingress/egress easements. On-street parking is encouraged along the Avenue.
   a. The Avenue shall have a minimum of two (2) travel lanes and a minimum length that is equivalent to two thirds (2/3) of the cumulative length of the properties adjoining it.
   b. The Avenue shall be designed to maximize line of sight views and vistas with a focal point at one or both end(s) of the Avenue.
   c. Sidewalks and landscaping shall be provided along the Avenue. All sidewalks shall have a minimum clear width of eight (8) feet for pedestrian access. Alongside the sidewalk shall be a streetscape zone for street trees/landscaping and street furniture that shall not be less than six (6) feet in width, except as provided for below. The following regulations shall apply to the sidewalk and streetscape zone:
      (1) The walkway must be paved with an all-weather surface, such as concrete, asphalt, brick pavers.
      (2) Sidewalks or curbs should be stepped to allow for curb seating during outdoor events.
      (3) The Avenue must be furnished with street furniture including but not limited to benches, litter receptacles, signage pursuant to an approved master sign plan and decorative lighting.

(4) Landscaping must include one (1) tree per fifty (50) feet of Avenue. Tree species shall be approved by the Director of Planning, Director of Engineering, and Madison Utilities.
(5) Trees shall be planted in a regularly-spaced allée pattern of single or alternated species with shade canopies of a height that, at maturity, clear at least the first story of buildings fronting the Avenue.
(6) Trees shall be planted in a tree well or planting area.
(7) The color and composition of sidewalks shall be continued as they cross vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that demarcates the pedestrian crossing.

d. If a building fronts directly to the Avenue sidewalk, streetscape zone improvements may be limited to trees in tree wells or movable planters. If the minimum number of trees is not provided in the area associated with the building, the additional required trees shall be located in nearby plaza or open space areas.
e. On-street parking is permitted along the Avenue subject to review and approval by the Engineering and Fire Departments.
f. The Avenue may be a private roadway and shall not be classified as a collector or arterial roadway.

2. Minor Drives and Access Easements
   a. All ingress/egress easements shall have a minimum pavement width of twelve (12) feet.
   b. All minor drives or ingress/egress easements shall terminate at other roadways, forming a network. Cul-de-sacs are not permitted and shall be subject to approval to accommodate specific site conditions only.
   c. Ingress / Egress onto an Avenue, collector or arterial shall be limited in quantity as approved in a Conceptual Plan or Site Plan.
   d. Reciprocal ingress/egress access shall be provided for all commercial properties.
   e. Minor Drives may be private roadways.

Section 4-16-7 Parking Requirements

Parking shall be made available to residents, customers, and employees within the District. Required parking may be provided on-site or off-site subject to Site Plan approval, but shared parking among the different individual properties is encouraged. All parking facilities shall conform to the regulations provided herein:

1. Required parking for non-residential development shall be provided in accordance with the Zoning Ordinance prior to final building inspection.
2. Required parking for residential development shall be provided as follows:
   Studios or One Bedroom Units – 1.0 Space per Unit
   Two Bedroom Units – 2.0 Spaces per Unit
   Three or More Bedroom Units – 2.5 Spaces per Unit
   Leasing Office – 1.0 Space
3. A Shared Parking and Trip Generation Study, prepared by a professional transportation engineer registered to practice in the State of Alabama, shall be submitted for review and approval if less than the required parking for individual uses is proposed. The Shared Parking and Trip Generation Study must be based on a submitted Conceptual Plan, prepared by a Professional Engineer, prior to thirty (30) percent development of the UC District or when the first site plan that proposes or

requires shared parking is submitted, whichever shall come first. A shared parking program may allow for a reduction of the code required parking by up to twenty-five (25) percent, based upon a shared parking and trip generation analysis.

4. Off-street parking may utilize the following types of parking spaces in the development of the facility:
   a. Standard Parking Space
      (1) Standard parking spaces shall have an area of one hundred eighty (180) square feet, except the primary parking facility for the multi-purpose venue, overnight parking for hotels, and on-site residential parking may have standard parking spaces that are nine (9) feet by eighteen (18) feet.
      (2) Standard parking spaces shall make up a minimum of eighty (80) percent of the overall number of parking spaces.
   b. Compact Parking Space
      (1) Compact parking spaces shall measure a minimum of eight (8) feet in width and sixteen (16) feet in depth.
   c. Tandem Parking Space – Tandem parking shall mean where one automobile parks behind another, so that one automobile must be moved before the other can be accessed.
      (1) Tandem parking spaces may only be used for valet parked areas subject to Site Plan approval.
   d. Motorcycle/Scooter/Bicycle Parking
      (1) Parking spaces for motorcycles, scooters, and other non-vehicular motorized modes of travel shall have an area of four (4) feet in width and eight (8) feet in depth.
      (2) Bicycle racks shall be installed throughout the District. Bicycle racks shall be placed in locations that avoid moving vehicles and pedestrian ways.
      (3) Motorcycle/Scooter Parking may be credited toward up to five (5) percent of required parking for non-residential uses.
5. On-street parking within the District may count towards required parking subject to Site Plan approval if the on-site parking that is the subject of the Site Plan is located to the side or rear of building(s).
6. All off-street parking facilities shall be permanently maintained and remain free and clear from litter and debris. Equipment used to maintain the off-street parking facility shall comply with the City's noise regulations.
7. All traffic control devices shall be erected and maintained in conformance with the Manual on Uniform-Traffic Control Devices and any revision thereof.
8. Safety barriers, curbing, and directional markers shall be provided to ensure pedestrian/vehicular safety, efficient utilization, protection of landscaping, and prevention of encroachment onto adjoining public or private property.
9. Internal circulation patterns and the location of all access drives and drive aisles shall be designed and maintained in accordance with accepted principals of traffic engineering and traffic safety. Drive aisles with two way traffic shall be twenty-six (26) feet wide. Each site must make accommodation for the access for emergency vehicles with a drive aisle of at least twenty-four (24) feet.
10. Any individual lot that fronts an adjoining collector or arterial may locate up to fifty (50) percent of their off-street parking at the front of the building.
11. Off-street parking facilities must be landscaped in accordance with Section 5-15-6 of this Ordinance, with the following exceptions:

a. Properties located along the Grand Avenue that have parking facilities to the rear or side of building(s) shall only be required to install perimeter landscaping along the rear of the parking facility.
b. The primary parking facility for the multi-purpose venue may configure landscape islands in a linear fashion between parking rows provided that the linear landscape islands are a minimum twelve (12) feet wide and extend the length of the parking row. Such landscape islands shall include landscaping as prescribed below:
   (1) Shade trees planted at a ratio of one (1) tree per thirty (30) linear feet. The trees may be planted in intervals or clustered.
   (2) Up to fifty (50) percent of the shade trees may be substituted with some combination of the following:
      - Small ornamental trees
      - Shrubs at a ratio of five (5) shrubs per one (1) shade tree and be twenty-four (24) inches in height at planting.

12. All parking and loading facilities shall be graded and provided with permanent stormwater drainage facilities. Surfacing, curbing, and drainage improvements shall be sufficient to preclude flow of water onto adjacent properties, public streets or across sidewalks. Curbing is required around parking & drive facilities, including all islands and peninsulas internal to such facilities. Alternative designs for paving and/or curbing that promote infiltration and reduce stormwater run-off may be submitted for review and approval by the Technical Review Committee.

Section 4-16-8 Site Design Requirements

1. All commercial properties with frontage on streets or drives shall comply with the following, unless otherwise permitted.
   a. The primary building entrance shall face onto (be oriented to) the sidewalk and street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances.
   b. On corner lots, buildings and their entrances shall be oriented to the street corner if feasible. Corner building entrances should be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
   c. A building may have an entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
2. Properties that do not front onto streets or drives shall orient storefronts onto plazas, alleys, or sidewalks that connect to streets.

Section 4-16-9 Architectural Appearance of Buildings and Structures

1. Mirror type glass shall be prohibited on storefronts and first floor windows. Any glazing on first floor windows shall be of a type that permits view of activities and spaces within the structure.
2. Building façades for retail and retail service uses shall be designed to a human-scale for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.
3. Multiple story buildings must include a minimum of three (3) of the following elements for each street face; canopies, awnings, or porticos; overhangs; recesses or projections; arcades; peaked roof

forms; outdoor patios; display windows; architectural details (such as tile work or molding) integrated into building façade; articulated cornice line; articulated ground levels or base; integrated planters or wing walls that incorporate landscape and sitting areas; offset, reveals or projecting rib used to express architectural or structural bay; and accent materials.

4. All buildings with street façades greater than two-hundred (200) feet in length must incorporate wall plane projections or recesses that are at least three (3) feet deep. Projections and recesses must be at least twenty-five (25%) percent of the length of the façade. No uninterrupted length of façade may exceed one-hundred (100) feet in length.
5. Materials for Buildings
   a. A minimum of eighty-five (85%) percent of the surface area of each façade must consist of one (1) or more of the following approved materials: 1) Wood; 2) Fired Brick; 3) Stucco; 4) Glass; 5) Natural or Synthetic Stone.
   b. For structures other than attached dwellings, exterior insulation and finished systems may be used when installed above, and is supported by, a masonry half-wall not less than four (4) feet above the finished floor elevation; and cementitious fiber board may be used when installed above, and is supported by, a masonry half-wall not less than four (4) feet above the finished floor elevation, but in no case shall the cementitious fiber board exceed forty-five (45%) percent of the surface area of each façade.
6. Alternative designs may be approved by the Planning Commission.

Section 4-16-10 Green Infrastructure

1. Open Space
   a. Open spaces should be located and designed to add to the visual amenities of the District and to the surrounding area by maximizing the visibility of internal open space as terminal vistas (i.e., the building or landscape seen at the end of a street, or along the outside edges of street curves), and by maximizing the visibility of external open space as a perimeter greenbelt.
   b. Landscaped parks and hardscaped plazas shall be spatially defined and distributed throughout the District and shall include amenities such as benches, shade trees or structures, or other comparable facilities.
2. Landscaping
   a. All required landscaping must be maintained in good condition after installation. The owner must replace any plant material that becomes diseased, deteriorated, or dies within thirty (30) days.
   b. All properties with frontage along a collector road or arterial street shall maintain a twenty (20) foot landscaped buffer reserved along such right-of-ways. If a multi-use path is provided along the collector road or arterial street, the multi-use path may be included in the buffer area. The buffer shall be planted, as prescribed below:
      (3) Shade trees planted at a ratio of one (1) tree per thirty (30) linear feet on frontage along the street right-of-way. The trees may be planted in intervals or clustered.
      (4) Up to fifty (50) percent of the shade trees may be substituted with some combination of the following:
         - Small ornamental trees
         - Shrubs at a ratio of five (5) shrubs per one (1) shade tree and be twenty-four (24) inches in height at planting.
   c. All landscape materials are subject to approval by the Planning Director, as well as appropriate utility providers if landscaping is to be located in a utility easement.

d. It is highly encouraged to include rain gardens throughout the development.

3. Screening
   a. Except as provided below, the following site elements must not be clearly visible at pedestrian eye level.
      (1) Refuse storage and compactors must be enclosed on three (3) sides by a solid masonry wall that matches the color and style of the building and is a minimum of one (1) foot taller than the equipment being screened. The enclosure must provide self-closing metal gates.
      (2) All ground and roof mounted service equipment such as air conditioners, trash collection equipment, and other service functions, including loading docks must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces a street in which case such equipment must be located on the side least visible from a street. Loading docks shall not be oriented toward residential uses.

Article V – General Provisions

Section 5-1. Interpretation of District Regulations

(Ord 97-159, 1-26-98)
The following regulations shall be enforced and interpreted according to the following rules:

5-1-1 Permitted Uses
Uses not designated as Permitted Uses or subject to additional conditions shall be prohibited.

5-1-2 Special Exceptions
Special Exceptions are permitted according to additional regulations imposed. The Special Exceptions can be approved only by the Zoning Board of Adjustment in accordance with Article X, Section 10-8 of this Ordinance.

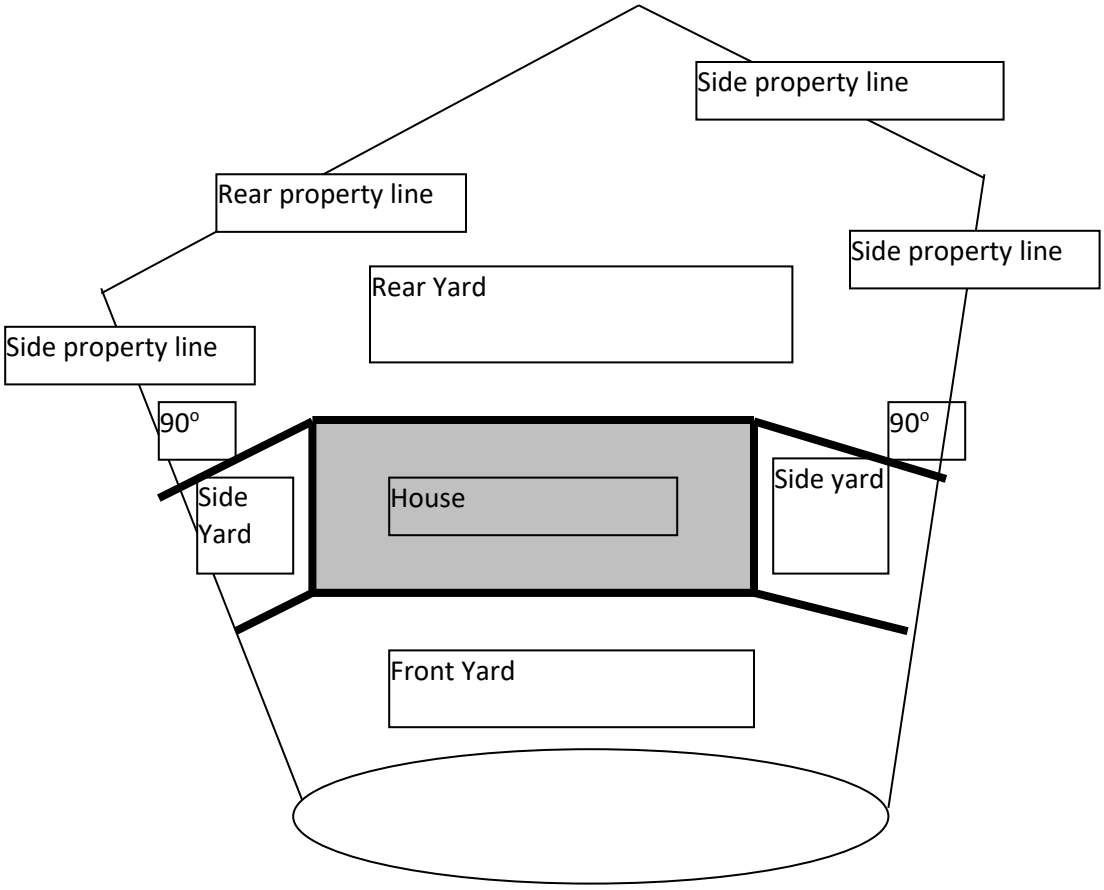
5-1-3 Minimum Regulations
Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted uses, regulations or ordinances, the more restrictive or higher standard shall govern.

5-1-4 Land Covenants
Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this Ordinance, nothing herein contained shall be construed to render such covenants inoperative.

5-1-5 Alternative Rear Yard Dimensional Requirements Where Building or Structure Encroaches Over Rear Set-back Line Within Residential R-1, R-1A, R-1B and R-2 Zones
Whenever a single family detached home, or any portion thereof, located in the R-1, R-1A, R 1B, or R-2 zoning district encroaches, or is planned or designed to encroach beyond the established rear building set-back line, the chief administrative officer is hereby authorized and directed to permit the construction of the house, provided the following alternative dimensional requirements are met.

A. For nonrectangular lots:
    1. In the R-1 district, the minimum rear yard setback may be reduced to 25 ft, provided that the rear yard contains at least 7500 sq. ft.
    2. In the R-1A and R-1B districts, the minimum rear yard setback may be reduced to 22.5 ft., provided the rear yard contains at least 4500 sq. ft.
    3. In the R-2 district, the minimum rear yard setback may be reduced to 20 ft., provided the rear yard contains at least 2800 sq. ft.
B. For rectangular lots:
    1. In the R-1 district, the minimum rear yard setback may be reduced to 30 ft, provided that the rear yard contains at least 7500 sq. ft.
    2. In the R-1A and R-1B districts, the minimum rear yard setback may be reduced to 30 ft., provided the rear yard contains at least 4500 sq. ft.
    3. In the R-2 district, the minimum rear yard setback may be reduced to 25 ft., provided the rear yard contains at least 2800 sq. ft.

C. For the purposes of this section, the following terms will be defined as follows and depicted on the attached drawing:
   1. Front yard: the yard between the front face of the house and the street, extending from side lot line to side lot line, and meeting side lot lines at a 90 degree angle
   2. Rear yard: the yard opposite the front yard, extending from the rear property line to the rear face of the house, and from side lot line to side lot line, meeting a side lot line at a 90 degree angle.
   3. Rear property line: the longest continuous property line that is not the front property line or a property line contiguous to the front property line.
   4. Side yard: any yard not a rear yard or front yard as defined herein.
   5. Rectangular lot: a four-sided lot whose front and rear property lines do not differ in length by more than 5%, and whose side lot lines do not differ in length by more than 5%, and whose four property lines meet at four corners, all of which are between 80 degrees and 100 degrees.
   6. Nonrectangular lot: any lot not a rectangular lot.



Section 5-2. Site Plan Review and Approval

(Ord. 93-163)(Ord. 97-07) (Ord. 2000-37) (Ord. 2001-157)(Ord. 2020-155)

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further, that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the City Council or Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land uses.

5-2-1 Site Plan Required

A. Buildings, Structures, and Uses Requiring Site Plan Approval by City Council.
    1. The Chief Building Official shall not issue a Building Permit or Certificate of Occupancy for the construction of the following unless a detailed site plan has been reviewed and approved by the City Council:
        a. Multiple-family dwelling projects
        b. Projects comprised of two or more different uses one of which is multiple-family dwellings and consists of more than 50 multiple-family dwelling units or five acres
B. Buildings, Structures, and Uses Requiring Site Plan Approval by Planning Commission.
    1. The Chief Building Official shall not issue a Building Permit or Certificate of Occupancy for the construction of any buildings or structures unless a detailed site plan has been reviewed and approved by the Planning Commission, with the exception of the following:
        a. Projects requiring review and approval by the City Council.
        b. One- and- two family dwellings and structures accessory to one- and two- family dwellings.
        c. Structures classified as “Business” or “Mercantile” in the adopted Building Code, provided such structures contain less than 10,000 sq. ft.
        d. Structures classified as “Factories” in the adopted Building Code, unless hazardous or toxic materials are generated, used, stored, or disposed of on the premises
        e. Structures classified as “Storage” in the adopted Building Code, unless hazardous or toxic materials are generated, used, stored, or disposed of on the premises
C. Buildings, Structures, and Uses Requiring Site Plan Approval by City Staff or the Technical Review Committee. All uses and structures, except the above, must apply for and receive site plan approval by City staff or the Technical Review Committee. One- and- two family dwellings and structures accessory to one- and two- family dwellings may be approved by the Director of Planning and Building or his designee. All other structures and uses enumerated above must be approved by the Technical Review Committee by unanimous and concurring vote of the Planning and Building Director, Chief Building Official, Fire Marshall, and City Engineer, or of their duly designated representatives.
D. Every site plan and every building constructed in the City shall conform to the plans approved therefore, including any building elevation and site plan renderings presented to the City Council or Planning Commission or to the Director of Development Services and no Certificate of Occupancy shall be issued for any structure or site plan that does not conform to said plans.
E. Exceptions; Administrative Review of Amendments and Additions to Existing Developments: The following structures and uses, when applied for alone and not in conjunction with any structure

or use requiring approval by the City Council or Planning Commission, may be approved administratively by the Director of Planning and Building or his authorized designee:

1. additions to an existing principal structure of not more than 50% gross floor area
2. addition of accessory structures or uses, provided that the aggregate square footage of all accessory structures with roof impervious to weather does not exceed 50% of the floor area of the principal structure
3. other changes to a site not involving the construction or alteration of any building

5-2-2 Application for Site Plan Review

A. Plans requiring City Council or Planning Commission review: Any person may file a request for a site plan review by filing with the Planning and Building Director the completed application upon the forms furnished by the City. All such site plan applications shall be filed at least 30 days prior to the next regularly scheduled meeting of the City Council or Planning Commission. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan. After staff comments have been received and responded to, and the Director has signed the certificate required by Section 5-2-4 (ac), twelve (12) copies of the corrected site plan shall be submitted at least ten calendar days prior to the meeting at which the City Council or Planning Commission shall consider the application. All site plans must be designed by a registered professional engineer, registered landscape architect, licensed architect, or licensed surveyor, licensed in Alabama and the City of Madison. It is the responsibility of the design professional not to perform work outside their area(s) of competence.

B. Plans not requiring City Council or Planning Commission Review: Any person may file a request for a site plan review by filing with the Planning and Building Director the completed application upon the forms furnished by the City. All such site plan applications shall be filed at least 17 calendar days prior to the next regularly scheduled meeting of the Technical Review Committee. As part of said application, the applicant shall file at least six (6) copies of a site plan. The Technical Review Committee will work cooperatively with the applicant to ensure that the site plan meets all applicable standards, criteria and ordinances. All site plans must be designed by a registered professional engineer, registered landscape architect, licensed architect, or licensed surveyor, licensed in Alabama and the City of Madison. It is the responsibility of the design professional not to perform work outside their area(s) of competence.

5-2-2A Site Plan Review Fee

(See Chapter 16-2 Madison Code of Ordinances) (Ord. 2012-370)

5-2-3 City Council or Planning Commission Review of Site Plan

Where required by Section 5-2-1, and upon receipt of such application from the Planning and Building Director, the City Council or Planning Commission shall undertake a study of the same and shall, within sixty (60) days, approve, approve with conditions, or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

5-2-4 Required Data for Site Plan

Every site plan submitted to the Planning Commission shall be in accordance with the following:

1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals one hundred (100) feet and of such accuracy that the Planning Commission can readily interpret the site plan and shall include more than one drawing where required for clarity.
2. The proposed title and street address of the project and the name of the owners, engineer, architect, designer, or landscape architect of the development, north arrow and date.
3. Vicinity map showing the location of the project in relation to the surrounding community, including adjacent zoning.
4. Existing zoning and zoning district boundaries. In the case of a Special Exception, approved by the Zoning Board of Adjustment, any appropriate conditions and safeguards imposed by the Board shall also be indicated on the site plan.
5. The boundaries of the property involved, the location of all existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project.
6. Names and addresses of all adjoining land owners.
7. Acreage in total project; acres to be developed.
8. The location of existing and proposed buildings, sanitary and storm sewers, water mains, culverts, and other public utilities in or adjacent to the project.
9. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within an adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
10. Location and type of buffer strip and other open spaces including recreation areas, if any.
11. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
12. The site plan shall show the proposed location, use and size of open spaces and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
13. Zoning district in which the site is located and the anticipated use of the structures
14. Any floating districts, special districts, and performance standards related to said districts
15. Density or intensity of use, expressed as floor area ratio
16. Signs
17. Open Space Requirements and calculations for open space provided
18. Variances applying to land
19. Sufficient information for the reviewer to determine if all dimensional requirements and required conditions related to the zoning district(s) are met
20. A Certificate of Appropriateness from the Madison Station Architectural Review Board, if required
21. A copy of the record plat showing all Easements, dimensions, and other information required to be presented on the record plat.

22. A tree plat and tree removal permit application, as required by the Tree Preservation Ordinance, if applicable
23. A Grading Plan prepared to professionally acceptable engineering standards
24. A Drainage Plan prepared to professionally acceptable engineering standards, providing protection from the 100 year flood for all structures, and protection from the 10 year flood for all other areas
25. Finished floor and grade line elevations
26. Flood Hazard zone and boundaries thereof
27. All information required by the Parking Lot Landscaping Ordinance
28. A written statement from the Madison Water and Wastewater Authority that the site plan is approved by them for new service.
29. A certificate signed by the Director that all required information has been presented and that all applicable City regulations are complied with.
30. A certificate, to appear on the reproducible of the site plan, for the signature of the Chairman of the Planning Commission.
31. A blueline or color representation of any frontage visible from a public street together with a written description of colors and materials to be used
32. Type construction of principal and accessory structures based on classifications in adopted building code
33. Proposed occupancy type based on classifications in adopted building code
34. Proposed number of stories in principal structure with square footage of each floor
35. Proposed type and extent of installed fire protection systems including fire flows

5-2-5 Standards for Site Plan Review

In reviewing the site plan, the Technical Review Committee and/or the Planning Commission or City Council, as appropriate, shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and any other applicable law, ordinance or regulation of any jurisdiction of competent authority for which the City has enforcement responsibility. Further, in consideration of each site plan, the City Council or Planning Commission shall find that provisions of this Section of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

5-2-6 Planning Commission or City Council Approval of Site Plan

Upon the City Council or Planning Commission's approval of a site plan, the applicant shall file with the Planning Department one (1) copy thereof. In the event the site plan is approved with conditions, such conditions shall be satisfied and a revised site plan submitted to the Director of Planning and Building within 30 days after the meeting at which the site plan was approved, or else the site plan certificate shall become null and void.

The City Council President or Planning Commission Chairman shall, within ten (10) days after satisfaction of all conditions (if any), transmit to the Director of Planning and Building one (1) copy with their signature, certifying that said approved site plan conforms to the provisions of this Ordinance.

If the site plan is disapproved by the City Council or Planning Commission, or if the site plan certificate becomes void because conditions attached thereto were not satisfied within the allotted time, notification of such disapproval or voiding shall be given to the applicant within ten (10) working days after such action. The Director of Planning and Building shall not issue a Building Permit or Certificate of

Occupancy until he has received an approved site plan certificate executed by the City Council President or Planning Commission Chairman.

5-2-7 Expiration of Site Plan Certificate

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time, the Director of Planning and Building has issued a Building Permit or Certificate of Occupancy for any proposed work authorized under a site plan certificate.

5-2-7A Administrative Approvals

Where Section 5-2-1 requires administrative site plan approval, all provisions of Sections 5-2-2 through and including 5-2-7 shall apply, except that the Technical Review Committee shall serve in the role of the Planning Commission.

5-2-8 Amendment, Revision of Site Plan prior to Project Completion

A site plan, and site plan certificate issued thereon approved by the City Council or Planning Commission, may be amended by the City Council or Planning Commission, respectively upon the request of the applicant, provided no change shall be made to any such site plan certificate administratively unless the original site plan was approved administratively, except as specified herein.

No site plan approved by the City Council or Planning Commission may be amended administratively by City staff, except for the approval of minor change orders, which may be approved by the City Engineer and the Director of Planning and Building. Such change orders shall not be issued if they approve, nor shall such change orders be construed to approve, changes to the location or configuration of the structures or uses (including densities or intensities) as depicted on the approved site plan. The City Engineer and Director of Community Development shall have the authority to approve deviations from the approved site plan only to the extent that such deviations do not violate any applicable regulation, law, or ordinance.

5-2-9 Administrative Approval of Site Plan – Required Data

Any site plan exempted from review by the City Council or Planning Commission by operation of Section 5-2-1 of this Ordinance shall be approved administratively by the Director of Development Services upon the finding that the site plan meets all requirements established by all applicable regulations, laws, and ordinances, including all those sections and subsections of this chapter from which such site plans are not specifically exempted. Normally, all information required to be presented to the Planning Commission under Section 5-2-4 of this ordinance must be presented to the Director of Community Development in support of any site plan application to be approved by him. However, the Director may permit the applicant to omit the following information from the application when appropriate:

1. Vicinity map showing the location of the project in relation to the surrounding community, including adjacent zoning.
2. Existing zoning and zoning district boundaries.
3. Names and addresses of all adjoining land owners.
4. Location and type of buffer strip and other open spaces including recreation areas, if any.
5. The location, proposed finished floor and grade line elevations, size of existing principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings and square footage of floor space.
6. Zoning district in which the site is located and use of the existing structures
7. Any floating districts, special districts, and performance standards related to said districts

8. Signs
9. Variances applying to land
10. A Grading Plan prepared to professionally acceptable engineering standards, provided no grading work is planned
11. A Drainage Plan prepared to professionally acceptable engineering standards, provided any increase in impervious surface does not exceed 5% of the total site
12. Finished floor and grade line elevations of existing buildings
13. All information required by the Parking Lot Landscaping Ordinance, unless parking spaces are planned to be added
14. A blueline or color representation of any frontage visible from a public street together with a written description of colors and materials to be used

Additionally, site plans reviewed administratively under the provisions of Section 5-2-1 (b) of this Ordinance need not be drawn by a registered professional engineer, registered landscape architect, licensed architect, or licensed surveyor, as would normally be required for site plans to be approved by the Planning Commission, unless required by state law.

5-2-10 Time Standards

Site plans submitted and accepted for administrative approval shall be approved or denied by the Director or his designee within twenty (20) days after the application is complete, and all supporting information has been furnished to the Department.

5-2-11 Appeals to the Planning Commission

Any applicant for an administrative site plan approval under Section 5-2-1 (b) of this ordinance, whose application is denied by the Director of Community Development, may appeal this determination to the Planning Commission. The Planning Commission may request additional information from the applicant in order to decide such an appeal. The Planning Commission shall decide all appeals within 30 days after filing of the appeal with the Department of Community Development, unless the Commission and the applicant mutually agree to a delay in the process.

5-2-12 Appeals to the Zoning Board of Adjustment and Appeals

Nothing in this Section shall operate to abridge the rights of any applicant for a site plan certificate under Chapter 10 of the Zoning Ordinance. Should an applicant who is aggrieved by the decision of the Director of Community Development to deny a site plan application so choose, he may appeal that decision under any provision of said Chapter without the necessity of appealing to the Planning Commission under Section 5-2-11 above. The provisions of Chapter 10 and the rules of the Zoning Board of Adjustment and Appeals shall govern all such appeals.

Section 5-3. Visibility at Intersections in Residential Districts
On a corner lot in all residential zoning districts, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two and one-half (2 1/2) and six (6) feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the right-of-way lines at such corner lots and a straight line joining said right-of-way lines at points which are thirty (30) feet distant from the intersection of the right-of-way lines and measured along said right-of-way lines.

Section 5-4. Lot Size
No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this Ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

Section 5-5. Yard Use Limitations
No part of a yard or other open space required about any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building or use.

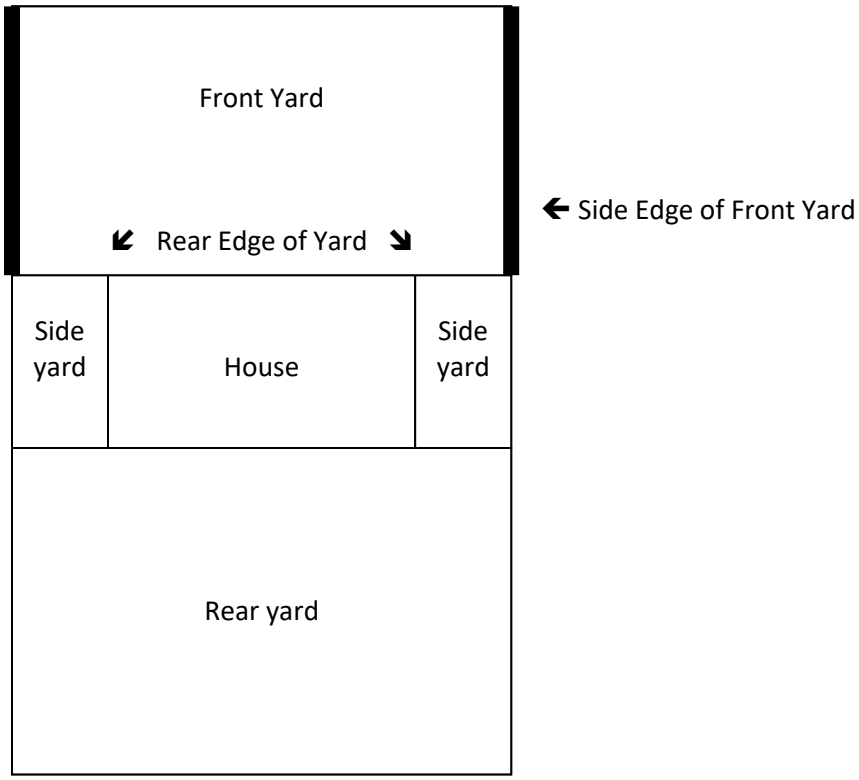
Section 5-6. One Principal Building on a Lot
Every building hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district.

Section 5-7. Access to a Public Street
(Ord. 97-50)
Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. No dwelling shall be erected on a lot or portion of a lot which does not abut on at least one public street or approved private street for at least twenty (20) feet. Special traffic lanes, designed to accommodate the deceleration of traffic into, and the acceleration of traffic out of the site, may be required by the City Engineer if, in his opinion, this would enhance traffic safety either within the site or on any road from which the site has access. Such lanes may abut the development, and/or may be “center turn lanes,” as recommended by the City Engineer. The need for and design of such lanes will be based on generally recognized principals of traffic engineering. Said lanes may be constructed on public right-of-way or on the site, at the discretion of the City Engineer. The Planning Commission shall have the authority to require the provision of acceleration and/or deceleration lanes when it is of the opinion that they are necessary for traffic safety, even if not recommended by the City Engineer.

Section 5-8. Fences, Walls and Hedges

(Ord. 97-142, 12-8-97)

Notwithstanding other provisions of this Zoning Ordinance, fences, walls, and hedges may be permitted in any side or rear yard, or along the side or rear edge of any front yard; provided that no solid fence, solid wall, or hedge along the edge of the front yard shall constitute any obstruction to visibility above two and one-half (2 1/2) feet above ground level. Hedges shall be permitted in required front yards, provided they do not extend into the street right-of-way or constitute an obstruction to visibility above two and one-half (2 1/2) feet above ground level. Hedges and fences shall be permitted in City easements, provided that, if the City accesses the easement for any lawful purpose, it may, if necessary, remove any fences and hedges therein without replacing them.



Section 5-9. Accessory Uses and Structures in Residential and Agriculture Districts

(Ord. 97-50, Ord. 2018-258)

A. Accessory uses and structures with a roof impervious to weather shall not be located in any required front or side yards, except as follows:
   1. When the principal structure is located at least 200 feet from the side or front property line; however, in no case may the accessory use or structure protrude into the property's front or side yard setback.
   2. In agriculture districts, lots three acres or greater whose principal use is agriculture production.

B. Accessory uses and structures must be at least one foot from any public utility and drainage easement.

C. The separation of all uses and structures shall conform to the requirements found in the latest adopted building code.

D. For any lot, whose principal structure is a residential dwelling, the area designed or used for such accessory use or structure shall not exceed 25 percent of the floor area of the dwelling unit except any lot three acres or greater shall not be restricted to a percentage of the dwelling unit.

E. Accessory uses must be located on the same lot as the principal use or structure, except when one or more adjoining lots are held under the same ownership and the commonly held lots are being utilized as a single property. In such cases, an accessory use or structure may be located on a commonly held adjoining lot subject to Section 5-9 regulations.

5-9-1 Temporary Structures

Temporary structures incidental to construction of buildings or structures are permitted provided such structures shall be removed following completion or abandonment of such construction.

5-9-2 Swimming Pools

Private swimming pools constructed in a residential district as an accessory use to a residence shall be located in the rear yard only and shall maintain a minimum rear yard of ten (10) feet.

5-9-3 Temporary Real Estate Sales Office

A temporary real estate sales office is permitted in a subdivision during the development of such subdivision provided its use relates only to the subdivision in which it is located and provided it shall be removed after seventy- five (75) percent of the lots are sold.

5-9-4 Temporary Portable School Classroom Buildings

Temporary Portable School classroom buildings may be placed in any zoning district on property owned or leased by the school, and may be placed in required side yards or rear yards, provided that they are set back at least twenty (20) feet from the nearest property line and forty (40) feet from any adjoining street, and provided that they meet all requirements in Appendix H of the Standard Building Code ("Mobile Home Tiedown Standards")., as may be amended from time to time. Provided further, that all temporary portable public school classroom buildings shall be subject to inspection by the City prior to occupancy, unless they have been certified in compliance with the Federal Mobile Home Construction and Safety Standards as evidenced by a seal properly affixed thereto.

Section 5-10. Corner Lots

(Ord. 97-50)

Corner lots in Residential Districts have two front yards. Houses whose fronts are oriented parallel to a street shall maintain required front yards on such street. The front yard on the remaining street may be ten (10) feet less than the normal front yard required provided it is not less than twenty (20) feet to the nearest point on the street line.

Corner lots in nonresidential districts have only one front yard, which is the yard with the shortest street frontage. The yard opposite this yard is the rear yard, and the other yards are side yards. All side yard setbacks in nonresidential districts abutting a street line shall be increased by 10 ft. beyond the normally required side yard setback.

Section 5-11. Yards

5-11-1 Projecting Architectural Features

The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, and other architectural features provided that such features shall not project more than two (2) feet into any required yard. Apparatus needed for the operation of active and passive solar energy systems including, but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors and piping shall not project more than four (4) feet into any required yard.

5-11-2 Porches

Any porch or carport having a roof shall be considered a part of the building for the determination of the size of the yard or lot coverage.

5-11-3 Terraces

A paved terrace shall not be considered in the determination of the size of the yard or lot coverage.

5-11-4 Front Yards

Where the developed lots within one hundred (100) feet on the same side of the street of any undeveloped lot have a greater or less front yard than required herein, the front yard of such undeveloped lot shall be within five (5) feet of the average front yard; provided no front yard shall be less than twenty (20) feet. Front yards fronting on Highway 72 and Highway 20 shall maintain a front yard of seventy-five (75) feet.

Section 5-12. Parking and Storage of Certain Vehicles

Automotive vehicles, or trailers of any type without current license plates shall not be parked or stored other than in completely enclosed buildings on any residentially zoned property.

Section 5-13. Essential Services

(Ord. 97-59)

Essential services are permissible by Special Exception or Permitted Use in any zoning district, as indicated in the District regulations. Essential services are hereby defined to include and be limited to water, sewer, gas, wireline telephone and cable television, and electrical systems, including minor substations, lift stations, and similar sub-installations necessary for the performance of these services; provided, however, that this Section shall not be deemed to permit the location in a district of such

establishments as electric or gas generating plants, sewage treatment plants, or water pumping or water aeration facilities from which they would otherwise be prohibited. Telecommunications towers, as defined in Section 5-13A of this Ordinance, shall not be considered essential services, and shall not be regulated as such, but instead shall be regulated according to Section 5-13A herein.

Where permanent structures are involved in providing such services, such structures shall conform insofar as possible to the character of the district in which the property is located, as to architecture and landscaping characteristics of adjoining properties.

Section 5-13A. Siting of Wireless Telecommunications Towers

5-13A-0 Definitions for Wireless Telecommunication Towers

As used in Section 5-13A, these terms shall be defined as follows:

1. Tower: any wireless telecommunications tower made the subject of a provider's application for site plan approval and which is proposed to be constructed subject to the provisions of Section 5-13A.
2. Facilities: all accessory structures, fencing, shelters, guy wires, and other appurtenances constructed or to be constructed on the site proposed under the provisions of Section 5-13A.
3. Compound: the tower, facilities, and real property upon which they are proposed to be constructed and for which site plan approval is sought under the terms of Section 5-13A.

5-13A-1 Application and Justification for Wireless Telecommunications Towers

All requirements for site plan approval, as set out in Section 5-2., *Site Plan Review & Approval*, shall be met at the time of application for siting of new telecommunications towers. In addition to meeting the general requirements for site plan approval, the following information shall be provided when applying for approval of a tower:

1. A current U.S.G.S. quadrangle map (1:234,000), or equivalent, showing the proposed site location and at least a two (2)-mile radius around the site.
2. A scaled elevation diagram of the compound, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the tower and facilities at the proposed location.
3. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed tower and its relationship to the next nearest adjacent cell(s) and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g., buildings, billboards, water towers, or other structures that could be used for support in lieu of a new tower) considered within a two (2)-mile radius of the proposed location.
4. An inventory of the provider's entire inventory of existing telecommunications towers and communications antenna sites within Madison's corporate limits as well as those located in other municipalities within Madison and Limestone Counties. Each inventory listing must include:
    a. The location, parcel identification number, and ownership of the real property upon which the tower is proposed to be located.
    b. Ownership of the tower and facilities.
    c. Type of tenancy provider will possess in the proposed site.
    d. Name of co-locators.
    e. Height of tower.
    f. Type of tower or nature of other structure where antenna is located.
    g. Name of Wireless Communication Service Provider co-location coordinator.

h. Copy of Wireless Communication Service Provider's FCC license.
In the event an inventory previously has been given to the City by the applicant provider, each successive application must include an update such that said the provider's inventory will be complete and accurate as of the date of submission of the most current application.

5. Written documentation justifying the need for a new tower to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:
   a. A list, description and map of the potential co-location, nonresidential use or alternative location sites that are located within the geographic service area of the proposed site.
   b. Documentation of recent requests for co-location that have been made at least 30 days prior but no more than 1 year prior to the filing of application for site plan approval.
   c. A detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful.
   d. An analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the network.
6. Certification that the proposed tower is structurally and technically designed and capable, and will be so constructed, to meet the collocation requirements set forth in Section 5-13A. Immediately upon completion of construction, as-built certifications of same shall be submitted to the Planning Department.

5-13A-2 Collocation Capability Requirements

Carriers wishing to collocate on an existing tower may receive administrative approval of their request. All towers, facilities, and compounds constructed subsequent to the adoption of this Section shall be designed and built to accommodate additional wireless communication service providers based on the height of the tower as follows:

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

5-13A-3 Maximum Utilization of Existing Telecommunications Sites

It is the intent of this Section to promote and encourage no new tower construction if space is structurally, technically, lawfully, and economically available for the proposed telecommunications antenna(s) and related facilities on an existing tower site or on an alternative site (e.g., a building or other structure) where such alternative location would cover the required service area without creating signal interference.

5-13A-4 Safety and Structural Design of Towers

All towers must comply with requirements as set out in the latest edition of the TIA-222 code, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association, and all other applicable structural safety standards and building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other Acts of God.

5-13A-5 Security

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

5-13A-6 Lighting Restrictions

There shall be no lighting on any tower except when required by the FAA or FCC. In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application. Any security lighting used at the facility shall be of low intensity; shall not be directed or reflected away from the site; and must not illuminate any portion of the site higher than ten (10) feet from ground level.

5-13A-7 Maintenance

The owner of a tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by Section 5-13A, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Madison or its authorized representatives, in perpetuity, for as long as said tower remains on the site.

5-13A-8 Landscaping

In addition to the required buffer yards as determined by standards set out in Sections 5-15 and 5-18, the following general landscaping shall be provided directly outside the required fencing:

1. A row of evergreen trees a minimum of eight (8) feet tall when planted, placed a minimum of fifteen (15) feet and a maximum of twenty (20) feet apart, on center.
2. A continuous hedge of evergreen shrubs at least thirty (30) inches high when planted, placed in front of the tree line.
3. All plant materials shall be drought tolerant.
4. Preservation of the natural vegetation surrounding the fenced area may be substituted for the buffer yard and landscape requirements if it screens the compound from the view of adjacent development and rights-of-way. The Director of Planning or his/her designee shall make the final determination of appropriate landscaping and screening.

5-13A-9 Abandoned Facilities

Any tower or facilities that cease to be used for its original telecommunications purpose shall be removed at the tower owner's expense in accordance with the requirements set forth in this paragraph. The owner of the tower and facilities shall provide the Planning Department with a copy of the notice to the FCC of the intent to cease operations, and shall have one hundred and twenty (120) days from the date operations end to remove the tower and facilities and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice must be received from each provider as to their cessation of operations and each provider will be required to remove its own facilities within the 120-day period prescribed above. At such time as all providers sharing use of a tower have ceased operations at that site, the owner of the tower shall complete the removal and restoration process as set forth in the previous paragraph.

5-13A-10 Dimensional and Location Requirements for Telecommunications Towers

The following dimensional requirements shall apply to all towers covered by Section 5-13A:

1. *Restricted Locations:* Towers, facilities, and compound boundaries may not be located wholly or partially within the required front yard, nor within the required side yard adjoining a street right-of-way, nor within a parking lot unless the parking lot is behind the principal structure and is not adjacent to any street right-of-way.
2. *Minimum Setbacks:* Each tower shall be set back from all property lines a minimum distance equal to the height of the tower *OR,* when application is accompanied by a letter and construction plans stamped by a professional engineer registered in the State of Alabama confirming the tower is designed to fall within the compound, at a distance which complies with other provisions of this section.
3. *Setbacks from Single-Family Property:* Towers shall be located a minimum of one hundred fifty (150) feet from the nearest lot line of any property with an existing single-family dwelling or any lot platted for single-family development.
4. *Setbacks from Historic Districts:* Towers shall be located a minimum of one hundred fifty (150) feet from the nearest boundary of any designated Historic District.
5. *Setbacks from Easements:* Towers and facilities shall be constructed a minimum of one (1) foot from any easement. In some cases, required fencing and/or landscaping may be permitted within an adjacent easement as approved by the Technical Review Team.
6. *Setbacks in Relation to Existing Buildings On-Site:* Where a tower is proposed for a parcel with existing buildings, the tower and facilities shall be sited behind the front elevation of said the existing structure.
7. *Setback Measurements:* Setbacks shall be measured from the property lines of the parcel, not the leased site.

5-13A-11 Height Restrictions for Telecommunications Towers

Towers shall not exceed a height of three hundred (300) feet and the height of any facilities shall not exceed twenty-five (25) feet.

5-13A-12 Pre-Existing Telecommunications Towers

Any tower or telecommunications antenna for which a permit has been properly issued prior to June 9, 2014, shall hereafter be considered a nonconforming use subject to the provisions of Article VIII, *Non-Conformities,* of this Ordinance. Since the purpose and intent of Section 5-13A is to minimize the proliferation of new towers and promote the collocation of new antennas onto existing towers, any telecommunications antenna locating on a pre-existing, properly permitted tower subsequent to June 9, 2014 shall be exempt from the enlargement restrictions of *8-3-1, 8-4-1, 8-5-1* of this Ordinance when the provisions below are met:

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

The Planning Department shall permit such towers in accordance with the provisions contained in the preceding paragraph through administrative review and approval.

5-13A-13 Exemptions

The following wireless telecommunications towers and facilities shall be exempt from the requirements of this Section:

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

The Director of Planning or his/her designee shall make the final determination of the appropriate exemption of any such facilities exceeding the foregoing dimensions.

Section 5-13B. Accessory Electronic Communications Antenna Towers and Satellite Dishes in Residential Districts

(Ord. 97-161, 1-26-98)

5-13B-1 Definitions

1. Accessory electronic communication antenna tower: an accessory antenna structure erected to support one or more antennas for incidental use of the property such as amateur electronic communication reception/transmission, weather electronic communication reception, AM/FM/Short-wave reception, UHF/VHF reception, and similar applications customarily accessory to residential uses. Normally, one or more antennas are mounted on such a tower. However, the term "accessory electronic communication antenna tower" does not include wireless communications towers regulated by Section 5-13A of this ordinance, commercial broadcast towers for transmission of AM, FM, UHF, VHF, or signals in other commercial band, microwave transmission or reception towers, or any other antennas or towers not part of a use customarily considered accessory to a residence.
2. Accessory electronic communication antenna: an antenna erected for an incidental use of the property such as amateur electronic communication reception/transmission, weather electronic communication reception, AM/FM/Short-wave reception, UHF/VHF reception, and similar applications customarily accessory to residential uses. However, the term "accessory electronic communication antenna" does not include wireless communications towers regulated by Section 5-13A of this ordinance, commercial broadcast towers for transmission of AM, FM, UHF, VHF, or signals in other commercial band, microwave transmission or reception towers, or any other antennas or towers not part of a use customarily considered accessory to a residence.
3. Satellite Dish: a satellite dish is a dish of any size, other than a direct broadcast satellite (DBS) dish as defined in the Federal Telecommunications Act of 1996, used to collect and receive satellite transmissions of television signals or other electronic data.

5-13B-2 Permitted Use

No more than one accessory electronic communication antenna tower, and no more than one satellite dish, may be erected on any single family residential lot smaller than two acres. For each additional full acre in the lot one satellite dish and one additional accessory electronic communication antenna tower may be erected.

5-13B-3 Prohibited Locations

1. No satellite dish or accessory radio antenna tower may be placed in the front yard. A variance to this requirement will be considered on a case-by-case basis by the Zoning Board of Adjustment and Appeals.
2. Any tower, antenna, satellite dish, or any support, guy wire anchor, or other related structure or element of a structure, which is placed in a City easement, must be removed by the property owner, at his own expense, within 72 hours after a request by the City or a utility provider authorized to use the easement. Neither the City nor any utility provider shall be responsible to restore or replace the structure after the work within the easement has been completed.

5-13B-4 Towers, Satellite Dishes and Antennas Attached to Buildings

Satellite dishes, accessory electronic communication antenna towers, and accessory electronic communication antennas that are designed to be attached to a building (i.e. use the building structure as the primary support base), including the principal structure, may be attached to any side thereof except the front. Satellite dishes, accessory electronic communication antenna towers and accessory electronic communication antennas that are attached to a building may not extend more than ten feet above the highest point of a roof (excluding chimneys, spires, cupolas, or other architectural features).

5-13B-5 Height Restrictions

1. No accessory radio antenna tower, including any antenna, and other supporting structures in a residential district, may exceed 100 ft. in height, as measured from adjacent natural ground, unless a lower height limit is imposed by the operation of Federal Aviation Administration regulations, airport zoning regulations, or other applicable regulations. In furtherance of the City's interest in promoting aesthetics and diminishing the negative impact of satellite dishes on such interest, no satellite dish exceeding 3 ft. in diameter may exceed 10 feet in height when mounted to the principal structure or to an accessory building in the rear yard.
2. No accessory electronic communication antenna tower using a principal or secondary structure as the primary support base, including antennas or any supporting structures in a residential district, may exceed the height of the highest point of the principal structure (excluding architectural features) by more than 10 ft. without a Special Exception Permit issued by the Zoning Board of Adjustment and Appeals pursuant to the standards, criteria, and procedures found in Sec. 10-8 of this Ordinance.

5-13B-6 Setbacks

The base of the antenna or satellite dish will be placed in the area defined as one half the distances between the center of the lot and the side and rear boundary lines of the property. The location of the antenna or dish will be confined to the back half of the property. When guy wires are required the attachment support base will not exceed the property boundary lines.

5-13B-7 Safety Screening

Any satellite dish exceeding 10 ft. in diameter, and any accessory electronic communication tower or antenna must be secured by a 6 ft. tall security fence. However, an accessory electronic communications antenna tower with an "anti-climb" device shall not be required to construct such a fence or buffer and this device shall be described in the Tower Installation Permit Application.

5-13B-8 Other Restrictions

1. Accessory electronic communication antennas may be affixed to any accessory antenna tower in any residential district with the restriction that the sum of all antenna wind loads will not exceed the tower's maximum manufacturer's specified wind load.
2. At the property line, electromagnetic radiation shall not exceed the "safe" levels specified in ANSI C95.1 as measured by ANSI C95.3 unless different standards are adopted by the Federal Communications Commission, in which case the latter shall control.
3. No signage or lighting shall be mounted on any accessory electronic communication antenna tower, except as required by the Federal Communications Commission or Federal Aviation Administration.
4. All accessory electronic communication antenna towers shall have a galvanized finish, or be painted silver, pale blue, or gray except to the extent that this requirement conflicts with Federal Communications Commission or Federal Aviation Administration requirements.
5. No tower shall be constructed in a location that will allow the antenna elements to be closer than 5 feet of overhead power lines to eliminate the hazard of electrical shock.

5-13B-9 Construction

1. All electrical equipment mounted to or used in conjunction with any accessory radio antenna tower or any satellite dish shall conform to Article 810, National Electric Code, 1996 Edition, as most recently amended.
2. When assembled from a pre-manufactured kit, all accessory electronic communication antenna towers and satellite dishes must be assembled according to manufacturer's instructions and specifications, which shall be made available to the Community Development Department upon request. Construction of any accessory communication antenna tower or any satellite dish from other than a pre-manufactured kit shall be constructed according to plans sealed by a registered professional engineer.

5-13B-10 Permits and Inspections

The installation of any accessory electronic communication antenna tower, antenna or any satellite dish shall require an electrical and/or building permit, as appropriate, which shall be issued by the Chief Building Official upon presentation of an approved permit application. This application will be reviewed by the Technical Review Board for compliance and will contain, as a minimum, the following information:

1. Property diagram showing the location of all building structures; the proposed tower or dish support base location including the guy wire support termination points, if required and the location of all overhead power lines, if applicable.
2. Manufacturer's documentation detailing wind load specifications for the tower and the tower support base construction requirements.
3. Type of tower (i.e. free standing or guy wire supported) and the projected height.
4. The number and size of each antenna attached to the tower and its wind load factor.
5. Detail of screening measures, if applicable.
6. Details of the planned "anti-climb" device that will be installed if applicable.
7. Details of the installation of any accessory lighting devices requiring 110 volt or higher voltage and the reason for the device (i.e. security lighting).
8. (See Chapter 16-2 Madison Code of Ordinances) (Ord. 2012-370)
9. No accessory radio antenna tower or any satellite dish shall be placed in use until inspected and approved by the Director of Community Development and the Chief Building Official of the City of Madison.

Section 5-13C. Broadcast/TV/Radio Tower Use Regulations

5-13C-0 Definitions

As used in Section 5-13C, these terms shall be defined as follows:

1. Tower: any broadcast, television, or radio tower made the subject of a provider's application for site plan approval and which is proposed to be constructed subject to the provisions of Section 5-13C.
2. Facilities: all accessory structures, fencing, shelters, guy wires, and other appurtenances constructed or to be constructed on the site proposed under the provisions of Section 5-13C.
3. Compound: the tower, facilities, and real property upon which they are proposed to be constructed and for which site plan approval is sought under the terms of Section 5-13C.

5-13C-1 General Regulations and Requirements

All requirements for site plan approval, as set out in Section 5-2, *Site Plan Review & Approval*, shall be met at the time of application for the siting of a new tower.

5-13C-2 Safety/Structural Design of Towers

All towers must comply with the requirements set out in the latest edition of the EIA-222 code, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association, and all other applicable structural safety standards and building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

5-13C-3 Security

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

5-13C-4 Lighting Restrictions

There shall be no lighting on any tower except when required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application. Any security lighting used at the facility shall be of low intensity; shall not be directed or reflected away from the site; and must not illuminate any portion of the site higher than ten (10) feet from ground level.

5-13C-5 Maintenance of Broadcast/TV/Radio Towers

The owner of a tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by Section 5-13C, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Madison or its authorized representatives, in perpetuity, for as long as said tower remains on the site.

5-13C-6 Landscaping of Broadcast/TV/Radio Towers

Towers constructed in conjunction with a principal structure (i.e., radio or television station) shall comply with all buffer yard and landscape requirements as set out in Section 5-15 and 5-18. Towers

constructed as stand-alone facilities shall, in addition to the buffer yard and landscape requirements, provide the following general landscaping directly outside the required fencing:

1. A row of evergreen trees a minimum of eight (8) feet tall when planted, placed a minimum of fifteen (15) feet and a maximum of twenty (20) feet apart (on center).
2. A continuous hedge of evergreen shrubs at least thirty (30) inches high when planted, placed in front of the tree line.
3. All plant material shall be drought tolerant.
4. Preservation of the natural vegetation surrounding the fenced area may be substituted for the buffer yard and landscape requirements if it screens the compound from the view of adjacent development and rights-of-way. The Director of Planning or his/her designee shall make the final determination of appropriate landscaping and screening.

5-13C-7 Abandoned Facilities

Any tower or facilities that cease to be used for its original broadcast purpose shall be removed at the tower owner's expense in accordance with the provisions of this paragraph. The owner of the tower and facilities shall provide the Director of Planning with a copy of the notice to the FCC of the intent to cease operations, and shall have one hundred and twenty (120) days from the date operations end to remove the tower and facilities and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice must be received from each provider as to their cessation of operations and each provider will be required to remove its own facilities within the 120-day period prescribed above. At such time as all providers sharing use of a tower have ceased operations at that site, the owner of the tower shall complete the removal and restoration process as set forth in the previous paragraph.

5-13C-8 Dimensional and Location Requirements for Broadcast Towers

The following dimensional requirements shall apply to all broadcast tower facilities covered by this Section:

1. *Restricted Locations:* Towers, facilities, and compound boundaries may not be located wholly or partially within the required front yard, nor within the required side yard adjoining a street right-of-way, nor within a parking lot unless the parking lot is behind the principal structure and is not adjacent any street right-of-way.
2. *Minimum Setbacks:* Each tower shall be set back from all property lines a minimum distance equal to the height of the tower *OR,* when application is accompanied by a letter and construction plans stamped by a professional engineer registered in the State of Alabama confirming the tower is designed to fall within the broadcast tower compound, at a distance which complies with other provisions of Section 5-13C. *Setbacks from Single-Family Property:* Towers shall be located a minimum of one hundred fifty (150) feet to the nearest lot line of any property with an existing single-family dwelling or any lot platted for single-family development.
3. *Setbacks from Historic Districts:* Towers shall be located a minimum of one hundred fifty (150) feet from the nearest boundary of any designated Historic District.
4. *Setbacks from Easements:* Towers and facilities shall be constructed a minimum of one (1) foot from any easement. In some cases, required fencing and/or landscaping may be permitted within an adjacent easement as approved by the Technical Review Committee.
5. *Setbacks in Relation to Existing Buildings On-Site:* Where a tower is proposed for a parcel with existing building(s), the tower and facility shall be sited behind the front elevation of any existing primary structure(s).

6. *Setback Measurements:* Setbacks shall be measured from the property lines of the parcel, not the leased site.

5-13C-9 Height Restrictions for Broadcast Towers
Towers shall not exceed a height of three hundred (300) feet and the height of facilities shall not exceed twenty-five (25) feet.

Section 5-14. Exclusion from Height Limits

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennas, communication transmission towers, television and radio towers, water tanks, ventilators, chimneys, elevator shaft enclosures, solar energy collectors and equipment or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or airport zoning regulations within the flight-approach zone of airports. Further, although exempted from structural height limitations, the above structures shall not significantly impair solar access of buildings or solar collector locations.

Section 5-15. Off-street Parking Provision

(Ord. 96-08)(Ord. 97-50)(Ord. 2000-237)
It is the intent of this Zoning Ordinance that the public interest, welfare, and safety requires that every building and use erected or instituted after the effective date of this Ordinance shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers, or patrons.

5-15-1 Minimum Space Requirement
Each and every separate individual store, office, residence, manufacturing establishment, or other business shall be provided with off-street parking facilities as specified below unless this Ordinance makes specific provision to the contrary. (99-51, 6-14-99)

Uses	Spaces Required
DWELLINGS	
Single and Two Family Dwellings	2 per Dwelling Unit
Subdivision Clubhouse	1 per 10 Dwelling Units in all Phases of the Subdivision
APARTMENTS	
Efficiency	1.0 Spaces per Unit
One Bedroom	1.5 Spaces per Unit
Two Bedrooms	2.0 Spaces per unit
Three or More Bedrooms	2.5 Spaces per unit
Clubhouse/Rental Office	5 spaces + 1 space per 50 units or fraction thereof
Boarding or Rooming Houses	2 Plus .75 for each Accommodation
Hotels and Motels	1.2 for each Room in addition to spaces required for Residential facilities
Mobile Homes (Park/Subdivision)	2 spaces per Mobile Home
Assisted Living Facilities	1 per Staff on Maximum Shift Plus).5 per Room
RETAIL TRADE	
Beverage Stores	3 + 1 per 300 sq. ft. GFA over 500 sq. ft/
Department and Variety Stores	1 per s00 sq. ft. Customer Service Area (CSA)
Food and Drugs Stores	6 =+ 1 per 200 sq. ft. CSA over 1,000 sq. ft.
Furniture Stores,	1 per 500 sq. ft. Gross Floor Area (GFA)
Radio & Television Sales/Repair	1 per 200 sq. ft. CSA or 1 per 175 sq. ft. GFA, whichever is greater
Restaurant, Drive-In & Fast Food	1 per 100 sq. ft. GFA
Restaurant, (except above)	1 per 50 sq. ft. CSA + 1 space per linear ft. at bar (if any)
Shopping Centers	5.5 per 1,000 sq. ft. of Gross Leasable Area
Various Specialty Shops (Camera, Gifts Jewelry, etc.)	3 +1 per 200 sq. ft. CSA over 500 Sq. ft. or 1 per 275 sq. ft. GFA over 400 sq. ft., whichever is greater
SERVICES	
Amusement Establishment	1 per each 4 patron (capacity)
Automobile Service Stations	3 per service bay and 1 each service vehicle and 1 each 2 employees
Banks or Saving & Loans Companies	1 per 150 sq. ft. CSA
Barber & Beauty Shops	2 per Chair and 1 per 2 Employees
Bowling Alleys	5 for each lane, plus 1 additional space for each 2 employees, plus 1 per 100 sq. ft. CSA devoted to other uses
Churches	1 per 4 seats
Clubs or Lodges (Private, Non-Profit)	1 per 50 sq. ft. of assembly area, plus 1 per employee on maximum shift
Funeral Parlors or Mortuaries	5 and 1 per seats in largest chapel
Hospitals and Sanitariums	1 per 2 beds, plus 1 per hospital or staff doctor, plus 1 per employee at maximum shift
Medical or Dental Clinics or Offices	3 per treatment room and 2 each doctor or dentist
Nursing, Convalescent, or rest homes	1 per 4 beds and 1 per each 2 employees
Offices, Business or Professional	1 per 300 sq. ft GFA

Uses	Spaces Required
Private Schools: Nursery School, Day Care Center or Elementary School	1 per employee and adequate off-street area for pick-up and delivery of children
Non-Boarding Junior/Senior High Schools	1 per employee and 1 per each 8 students
Self-Service Laundries, Dry Cleaning	0.5 per machine
Theaters, Auditoriums and other places Of public assembly	1 per 4 seats
MANUFACTURING & WHOLESALE	
Manufacturing	2 + 1 per 2 employees at maximum employment on single shift and 1 per company vehicle
Warehousing (General)	2 + 1 per 3 employees and 1 per company vehicle
Wholesale	
FOR USES NOT COVERED ABOVE, THE REQUIREMENTS LISTED BELOW ARE APPLICABLE	
Retail Stores& Service Establishments	1 per 200 sq. ft. or 1 per 275 sq. ft. GFA, whichever is greater
Other Commercial & Industrial	0.75 x maximum number of employees on premises at one time

NOTE: Spaces required for company vehicles shall vary as the size so as to adequately accommodate the vehicle usually occupying the spaces.

5-15-2 Other Factors Determining Off-street Parking Requirements

1. **Fractional Spaces**: When determination of the number of spaces required by this Ordinance results in a requirement of a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one (1) spaces.
2. **Enlarged/Changed Use:** From the effective date of this Ordinance, if such land, structures, or uses are enlarged, expanded, or changed, there shall be provided for the increment only of such land, structures, and uses enlarged, expanded or changed and maintained as herein required, at least the amount of off-street parking space that would be required hereunder if the increment were a separate land, structure, or use. However, where a lot with an existing structure is cleared and a new structure is erected thereon, there shall be provided and maintained off-street parking space as required herein.
3. **Joint Use:** When off-street parking space is used jointly by two or more uses with different requirements, or two or more uses having the same requirement, an area shall be provided equal to the total of requirements of all the uses.

5-15-3 Off-street Parking Location

The required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve, provided, however, that for other than residential uses, the Board of Adjustment may allow the establishment of such off-street parking facilities within three hundred (300) feet of the premises they are intended to serve when (1) practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve; (2) the owner of the said parking area shall enter into a written agreement with the City with enforcement running to the City providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and (3) the owner agrees to bear the expense of recording the agreement and agrees that the agreement shall bind his heirs,

successors, and assigns. The written agreement shall be voided by the City if other off-street facilities are provided in accord with this Ordinance.

5-15-4 Vision Clearance at Intersections

Off-street parking shall observe the provisions of Section 5-3 of this Ordinance.

5-15-5 Development and Maintenance of Off-street Parking Facilities

1. **Plans:** An applicant for a building permit must submit plans showing the off-street parking required by this Ordinance. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a manner satisfactory for the safety and convenience of pedestrian, as well as vehicular, traffic.
2. **Size:** Each space shall have an area not less than 180 square feet, nor have a minimum width less than nine feet. (Ord. 2019-142)
3. Drive aisles shall have the following minimum widths (Ord. 2019-142):

Minimum Drive Aisle Widths[1]		
Angle of Parking	One-Way Drive Aisle (ft.)	Two-Way Drive Aisle (ft.)
0^0 (Parallel)	12	20
30^0	12	20
45^0	15	20
60^0	18	24
90^0	24	24

[1]Drive aisles designated as fire lanes must be at least 24 ft. wide; however, when necessary to ensure public safety and emergency access, the Fire Marshall may require a minimum width of 26 ft.

4. Nonresidential Driveways and Street Accesses (Ord. 2002-02, 2-25-02)
   Application of this section; Violation declared.
   a. This section shall apply to all public arterial and collector streets, as depicted on the 2025 Major Street Plan of the 2001 Comprehensive Plan of the City, as may be amended from time to time, that are owned by or under the control of the City. State, Federal, and County roads shall not be subject to these regulations, but shall be subject to the regulations of the Alabama Department of Transportation or other appropriate authority.
   b. It shall be a violation of this ordinance to construct a driveway to connect abutting nonresidential land to a public street as described in subsection (a) without a permit therefor issued by the Planning Commission pursuant to this section.
   c. It shall be a violation of this ordinance to construct a driveway to connect any non-abutting land to a public street by crossing over the property of another without the permission of the property owner and a permit therefor issued by the Planning Commission pursuant to this section. Permission shall be evidenced by a written agreement with the property owner and shall be presented to the City.
   d. It shall be a violation of this ordinance to construct a median cut in or along a public street without a permit therefor issued by the Planning Commission pursuant to this section.
   e. The granting of a site plan certificate pursuant to Section 5-2 et. seq. of the Zoning Ordinance shall exempt the holder of said certificate from the driveway permitting requirements, but not the median cut requirements, of this section. However, all such site plans must conform to the design and other requirements of this section.

5. Design Criteria.
   a. The design of driveways and off-street parking facilities serving any building or use other than single-family or duplex residential shall be regulated as follows:
      i. **Minimum driveway width.** Any plot with driveway access to a street shall have a minimum 12-foot-wide driveway for 1-way ingress or egress, and 26 ft. for two-way ingress or egress. Driveways shall permit traffic to enter and leave the plot simultaneously without conflict in aisles, parking or maneuvering areas. Maximum driveway width shall be 35 ft. The City Engineer may approve technical deviations to driveway width requirements.
      ii. **Maneuvering.** The area within the plot to which a driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading and parking maneuvers to be carried out on the plot and completely off the street right-of-way. No parking row shall exceed 250 feet in length except where a parking row is adjacent to the building or property line.
      iii. **Header curbs.** All driveways along streets with existing curbs shall be provided with concrete header curbs along the driveway radii.
      iv. Reserved
      v. **Types of driveways**. Each driveway shall be classified as one of the following types and regulated accordingly:
         a. **Minor driveway**: A minor driveway shall provide service for a maximum of average daily traffic of 500 vehicles, based on Institute of Transportation Engineers Trip Generation Rates. The minimum distance from the street right-of-way at any ingress or egress driveway to any interior service drive or parking space with direct access to such driveway shall be a minimum of 20 feet measured on a line perpendicular to the street right-of-way. Minor driveways shall provide minimum single-lane widths of 12 feet or double lane width of 26 ft., and provide minimum vehicle radii of 30 feet.
         b. **Intermediate driveway**: An intermediate driveway shall provide for a maximum average daily traffic volume of 2,000 vehicles, based on Institute of Transportation Engineers Trip Generation Rates. The minimum distance from the street right-of-way line at any ingress or egress driveway to any interior service drive or parking space with direct access to such driveway shall be a minimum of 20 feet measured on a line perpendicular to the street right-of-way. Intermediate driveways shall provide minimum ingress lanes 14 feet wide and egress lanes 12 feet wide. Where left- and right-turn egress is allowed, dual egress lanes shall be provided with a minimum 4-foot separation from the ingress lane. Intermediate driveways shall provide minimum vehicle turning radii of 35 feet.
         c. **Major driveway**: A major driveway shall provide for a minimum average daily trip volume of 5,000 vehicles, based on Institute of Transportation Engineers Trip Generation Rates. The minimum distance from the street right-of-way line at any ingress or egress driveway to any interior service drive or parking space with direct access to such driveway shall be 20 feet measured on a line perpendicular to the street right-of-way. Major driveways shall provide minimum ingress lanes 14 feet wide and egress lanes 12 feet wide. Where left- and right-turn egress is allowed, dual egress lanes shall be provided with a minimum 4-foot separation from the ingress lanes. Major driveways shall provide minimum vehicle turning radii of 40 feet.
      vi. **Driveway signalization**: Any driveway requiring a traffic signal shall conform to those warrants specified in the Manual on Uniform Traffic Control Devices, United States Department of Transportation, Federal Highway Administration, most recent edition, as it may be amended. The manual is adopted by reference, and a copy shall be maintained for public inspection in the office of the Community Development Department. The installation

of any traffic signal under the jurisdiction of the city shall be subject to the accepted standards and approval of the city's traffic engineer.

vii. **Location and spacing of driveways:** The location and spacing of driveways shall be determined as follows:

a. Along local streets, access driveways to corner lots shall be located a minimum of 35 feet from the intersection of the projection of right-of-way lines to the centerline of the driveway, except as provided hereinafter.

b. Along arterial and collector streets, access driveways to corner lots shall be located a minimum of 150 feet from the intersection of the projection of right-of-way lines to the centerline of the driveway except as provided hereinafter.

c. In the event that, due to lot size or location or for other reasons deemed sufficient by the Planning Commission, a corner lot is unable to construct access drives that are at least 150 ft. from the intersection, then the lot may be permitted to construct driveways at the following distances from the intersection:

Table 5-15-5a Corner Clearance at Intersections With Restrictive Median

Access Minimum	Position Allowed (Feet)
Approaching Intersection, Right In/Out	115
Approaching Intersection Right IN/Only	75
Departing Intersection Right In/Out	125
Departing Intersection Right Out Only```	100

Table 5-15-5b Without Restrictive Medium

Access Minimum	Position Allowed (Feet)
Approaching Intersection, Full Access	125
Approaching Intersection Right in/Only	100
Departing Intersection Right Full Access	125
Departing Intersection Right Out Only	100

Along arterial and collector streets, as classified in the Comprehensive Plan, minimum acceptable spacing between double or multiple driveways on the same parcel shall meet the following criteria:

Speed limit (mph)	Minimum separation (feet)
30 or less	125
31 to 35	245
36 to 45	440
Over 45	660

Distances between adjacent 1-way driveways with the ingress drive upstream from the egress drive may be $^1/_2$ the distance shown in Table 1.

1. Driveways shall be located in the most appropriate location, taking into account existing and proposed adjacent and opposing driveways and land use.

a. Number of driveways:

   i. One driveway shall be permitted for ingress and egress purposes to any plot.

   ii. A joint access driveway shall be considered as adequate access for any 2 adjacent plots and shall be encouraged. For a plot where more than 1 driveway is requested, the applicant shall submit a traffic report justifying the need, describing the internal circulation and parking system, and identifying the impact of the development of the plot and its proposed access facilities on the operation of the street system.

   iii. Two or more driveways entering the same street from a single plot may be permitted if all applicable requirements of this section are met

b. Ingress lanes:

   i. Ingress left-turn lane requirements: A 12-foot-wide left-turn lane with appropriate storage and transition shall be provided at each driveway where the peak hour inbound left-turn volume is 30 vehicles or more. As an alternative, ingress left-turn lanes may be required when warranted according to a study performed by the project engineer, based on professionally accepted standards, and approved by the City Engineer.

   ii. Ingress right-turn lanes: For any plot, a 12-foot-wide right-turn lane with appropriate storage and transition shall be provided at each driveway where the highway average daily traffic exceeds 10,000 vehicles per day, permitted highway speeds exceed 35 miles per hour, and driveway volume exceeds 1,000 vehicles per day with at least 40 right-turn movements per hour during peak periods. For any plot, a right-turn lane as described in this paragraph shall be provided at each driveway where right-turn ingress volumes exceed 75 vehicles per peak hour. As an alternative, ingress right-turn lanes may be required when warranted according to a study performed by the project engineer, based on professionally accepted standards, and approved by the City Engineer.

c. Required improvements to intersections impacted by development. Improvements to an intersection shall be required to be constructed by the developer of any plot where the development causes the intersection to be impacted by traffic generated as a result of the development. Intersection improvements shall be in accord with the requirements set forth in this section.

d. Median openings. To assure traffic safety, capacity and control, median openings located within a traffic way corridor shall be spaced the maximum distance apart that will allow safe and adequate traffic circulations

   i. Median openings shall be permitted only by the Planning Commission and only where traffic studies justify the need, taking into consideration the following:

      1. Potential number of left turns into driveways;

      2. Length of frontage along the street right-of-way line of the property proposed to be served;

      3. Distance of proposed opening from adjacent intersections or other openings,

4. Length and width of the left-turn storage lane as functions of the estimated maximum number of vehicles to be in the lane during peak hours;

5. Traffic control, including signalization that will be necessary at the median cut. If a traffic signal at a median cut is within 1,500 feet of another traffic signal, the 2 shall be coordinated; and

6. Adopted design guidelines.

ii. Public streets shall be given priority consideration for median openings.

iii. All median openings shall include adequate storage and transition lanes, where warranted.

e. Off-street vehicular circulation. An off-street facility shall have full internal vehicular circulation and storage. Vehicle circulation shall be completely contained within the facility, and vehicles located within one portion of the facility shall have access to all other portions without using the adjacent street system.

f. Off-street truck maneuvering. Where the use of a plot includes a truck loading, unloading, parking or service facility, adequate space shall be provided such that all truck maneuvering is performed off the street.

g. Off-street vehicle stacking areas. Adequate stacking capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the street and the parking facility. An inbound reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent street, sidewalk and circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the facility.

h. Special considerations and exceptions. In the case of special driveway needs such as service stations, drive-in banks or other high-volume traffic uses, or where property is of a nature that the requirements of this Code cannot be met, an applicant may submit a traffic engineering study requesting technical deviation from these requirements. The traffic engineering study shall be performed and certified by a registered professional engineer qualified in traffic engineering. The study will set forth all traffic operations and safety features and minimizes the impact of the special driveway or technical deviation. Based upon the study, and upon the recommendation of the City Engineer, driveways may be approved by the Planning Commission where necessary and in such a manner as to minimize the impact on the adjacent street.

i. Administration.

i. All applications for driveway and median cut permits shall be made to the Community Development Department, which shall bring the permit application to the Planning Commission along with a recommendation thereon at the Commission's next scheduled meeting. Only the Planning Commission shall have the authority to grant any permit required by this section. The City shall collect a permit fee of $50.00 to process the application.

ii. The approval of a site plan certificate, site plan amendment, or other development order by the Planning Commission clearly depicting a proposed driveway shall serve as the required

permit for any driveway so depicted, and no separate permit fee will be collected. Provided that, median cuts shall require the explicit approval of the Planning Commission by affirmative vote and a separate permit fee will be collected.

j. Application to existing driveways and off-street parking facilities:

i. Any driveway or off-street parking facility existing on the effective date of this ordinance, and which by the terms of this section has become a nonconforming driveway or off-street parking facility is hereby declared not to be in violation of this section, subject to the conditions following herein.

ii. In the event of an expansion of an existing use for which a nonconforming driveway and off-street parking facility has been constructed, the provisions of this section shall apply; and the expanded use shall make necessary compliance with the terms and conditions of this section.

iii. If an existing driveway or off-street parking facility can be brought into conformance with the requirements of this section by minor alterations to the site, then, if a change on the site is made which necessitates the issuance of a building permit, the adjustments and alterations shall be made on the site to conform with the provisions of this section.

2. Improvement.

a. **Surfacing, Marking, and Drainage:** All off-street parking spaces required by this ordinance and intended for use by the public or by employees, and their access roads within the parking area and leading from the street to said area, shall be paved with an all-weather surface of asphaltic concrete, portland cement concrete or any equivalent material acceptable to the Administrative Officer, and maintained such that no dust will result from continued use. Spaces intended primarily for the parking or storage of heavy equipment, trucks (excluding pickup trucks), or other vehicles not classified as passenger cars by the National Highway Transportation Safety Board need not be paved; however, areas intended primarily for parking of such vehicles shall be spread with gravel of a size, weight and thickness acceptable to the City Engineer. All Spaces shall be arranged and marked so as to provide for orderly and safe parking. Drainage shall be provided to dispose of all surface water without crossing sidewalks.

b. **Barriers/Bumpers:** Except for parking areas provided for single-family and two-family units, suitable barriers or curbs shall be provided to protect sidewalks. Wheel or bumper guards shall be located so that no part of any vehicle shall extend beyond the parking area, intrude on pedestrian ways, or come in contact with walls, fences or plantings. As an alternative to requiring wheel stops, the Planning Commission may permit the widening of walks and landscaped areas to a minimum of six feet, where such widening will serve to protect walls, fences and landscaping in a substantially similar manner as wheel stops. Any increase in open space made necessary by the substitution of open space in lieu of wheel stops shall not be counted as open space in the calculation thereof for the project site, nor shall said areas be counted toward the minimum open space requirements for the zoning district in which the development is located. Areas of open space substituted for required wheel stops shall be identified on the site plan, and their cumulative area computed and noted on the site plan.

c. Lighting: Lighting for off-street parking shall be adequate and so arranged as to direct the light away from any adjoining property in a residential district. Lighting shall conform with Section 5-22 of this Ordinance.

d. Special rules for vehicle sales lots: All lots used to store and display vehicles for sale, including but not limited to new and used cars, trucks, recreational vehicles, trailers, campers, boats, motor homes, shall be improved in accordance with Section 5-15-(4) of this ordinance. All such lots shall also be required to provide perimeter landscaping in accordance with Section 5-15-6 (5) (Perimeter Landscaping) of this ordinance.

e. Special Rules for Porous Pavement (Ord. 2002-153): As an alternative to conventional bituminous asphalt paving, off-street-parking areas may be paved with GEOBLOCK® "Porous Pavement" or its equivalent, as approved by the City Engineer. Application and installation of porous pavement shall be in accordance with manufacturer's directions and shall conform to USEPA Circular EPA 832-F-99-023, Stormwater Technology Fact Sheet: Porous Pavement, which is available from the City Engineer's Office.

Subsection 5-15-6 Off-Street Parking and Vehicular Use Are (PVA) Landscaping Requirements

1. Purpose
   a. Require planting and preservation of trees and other landscape elements to improve the appearance of paved and unpaved off-street parking and vehicular use areas (PVAs);
   b. Establish criteria for off-street parking areas in order to protect and preserve the appearance, character, and value of surrounding properties, and thereby promote the general welfare, safety, and aesthetic quality of the City of Madison;
   c. Partition large PVAs with planting islands and peninsulas;
   d. Insulate public rights-of-way and adjoining properties from noise, glare, and other distractions originating from off-street PVAs;
   e. Provide safer vehicle and pedestrian circulation within off-street PVAs and along public rights-of-way;
   f. Protect streams and watercourses from excessive runoff and erosion, and to replenish underground water reservoirs by using natural drainage and infiltration systems.
2. Scope of Application
   a. **General Requirements and Landscape Plans**: Any off- street PVA (or system of PVAs), totaling twenty (20) or more parking spaces or containing six thousand (6,000) square feet or more must be constructed in accordance with landscape plans complying with this subsection. Perimeter landscaping is required for all such PVAs; in addition, interior landscaping is required for PVAs of forty (40) or more parking spaces, or twelve thousand (12,000) or more square feet in area.
   b. **Existing Paved or Unpaved PVAs**: When a lawful paved or unpaved off-street PVA already exists at the effective date of this article, such area may continue until it is expanded by more than twenty-five percent (25%) of its existing parking capacity as calculated pursuant to this article at which time the entire PVA must be brought into conformity with requirements for new construction.
   c. **Parking Garages and Underground PVA:** Only perimeter landscaping is required for parking garages; landscaping requirements for adjoining PVAs at or near the grade of surrounding land will be calculated separately. Wholly underground PVAs are exempt from the requirements of this article.
   d. **Minimum compliance**: The requirements of this subsection are minimum standards.

3. Definitions

Access Way: One or more driving lanes intended for use by vehicles entering or leaving a PVA.

Approving Authority: (for Landscape Plans) - The Zoning Officer of the City of Madison.

Berm: A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitates mowing shall have a slope not greater than one foot of rise per three feet of run.

Caliper: Trunk diameter of a tree used in landscaping, measured at breast height.

Crown: The branches and leaves of a tree or shrub with the associated upper trunk.

Deciduous Plants: Those that shed their leaves during their dormant season and produce new leaves the following growing season.

Evergreen Plants: Those that retain their leaves during their dormant season.

Ground Cover: Plants, mulch, gravel, and other landscape elements used to prevent soil erosion, compaction, etc.

Interior Landscaping: Treatment of grade, ground cover, vegetation, and ornamentation within a PVA.

Islands: An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

Landscape Elements: A plant material (living or non-living) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding PVA surfacing materials.

Mulch: A material (pine straw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth, and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

Mulch Bed: An area, generally bordered by a retaining device, with a covering of mulch over the soil.

Off-Street Parking and Vehicular Use Area (PVA): An area, other than on public right-of-way, designated for the parking and movement of vehicles.

Parking Garage: A structure used for parking of vehicles and having one or more parking levels above the grade of surrounding land.

Parking Space: An area marked for the parking of one vehicle.

Peninsula: An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by PVA.

Perimeter Landscaping: Treatment of grade, ground cover, vegetation, and ornamentation between a PVA and adjoining properties and/or rights-of-way, but excluding landscaping between a PVA and buildings on the same property.

PVA: See Off-Street Parking and Vehicular Use Area.

Shrub: A woody plant, generally multi-stemmed, of smaller stature than a tree.

Stem: See trunk.

Tree: A woody plant, generally with no more than one or two principal stems.

Trunk: A principal upright supporting structure of a tree or shrub.

Underground PVA: A parking area completely covered by a structure or by grass or other landscaping elements.

Visibility Triangle: An area of critical visibility defined by Section 5-3 of this Ordinance in which landscaping is restricted in the interest of vehicular traffic safety.

4. General PVA Landscaping Requirements: Landscaping of PVAs when required shall be of two types as described below: Perimeter Landscaping and Interior Landscaping, and shall conform to landscape plans submitted and approved in accordance with the requirements of this subsection.

a. **Landscape Plan Requirements**: A master site plan in sufficient detail to indicate the number of parking spaces, the overall amount of PVA area, the amount of interior landscaping area, and the extent of perimeter landscaping shall be submitted and approved before issuance of a building permit for any building served by a PVA; and a detailed plan shall be submitted and approved before the installation of landscape materials is begun. Landscape plans submitted under this subsection shall include information as listed below:
    1. General information, including date, north arrow, and scale of one inch to no more than fifty (50) feet; all property lines, locations of all existing and proposed easements and rights-of-way; existing and proposed topography, drawn at a maximum contour interval of five (5) feet and indicating drainage channels; the zoning designations of the site itself and all adjacent properties; the names, addresses, and telephone numbers of developers, architects, and owners of the property for which the plan is designed; and the name and business affiliation of the person preparing the landscape plans.
    2. Construction information, including the locations of buildings, parking spaces and vehicular use areas; utility fixtures, including light poles, power and service poles, above-ground pedestals (low voltage) and padmounted (high-voltage) fixtures, underground electrical, communications, and television cables and conduits; hose bibs, sprinkler systems, meters, control boxes, etc.; and the amount (square feet) of PVA and intended surface treatments; and the total amount (square feet) of interior landscaping in peninsulas and islands.
    3. Landscaping details, including the locations, caliper, species (common name), and intended treatment (move, remove, or save) of existing trees four inches (4") or

larger in caliper; locations, dimensions and treatments of all perimeter and interior landscaping areas (island and peninsulas).

4. A schedule of all new and existing plants proposed for landscaping, including size (caliper and height, container size, etc.), condition (bare-root, balled-and-burlapped, container-grown, or pre-existing), common names and botanical names (genus, species, and variety) of trees, shrubs, and ground cover, and the type and amount of turf grasses.
5. If items (1) - (4) immediately above are complied with to the satisfaction of the Department, then this document may be used to satisfy the Tree Plat Requirement (Section 16-40, Municipal Code of Ordinances) of the Tree Preservation Ordinance.

5. Perimeter Landscaping Requirements: For any PVA of twenty (20) or more parking spaces or totaling six thousand (6,000) square feet or more, perimeter landscaping according to these standards must be provided within the property lines between the PVA and adjoining properties and public rights-of-way within 50 ft. of the PVA. Planting areas existing in the public right-of-way or on adjoining property shall not count toward the required perimeter landscaping area.

a. Perimeter landscaping areas shall be at least five (5) continuous feet in depth, excluding walkways, measured perpendicularly from the adjacent property line or right-of-way to the back of curb or pavement edge.
b. Access ways through perimeter landscaped areas, between PVAs and public rights-of-way and between adjacent PVAs, shall conform to the following standards:

Type of Access way	One-Way	Two-Way
Maximum width*	30 feet	35 feet

* The width of access ways may be subtracted from the perimeter dimension used in determining the number of trees required.
** Access ways for sites must have specific approval from the City Public Works Department, City Planner, and (if fronted on a state highway) the State of Alabama Highway Department.

c. Perimeter landscaping shall include at least an average of one (1) tree and six (6) shrubs per full fifty (50) linear feet of perimeter requiring perimeter plantings (less access ways); shrubs are optional in areas where a berm at least three (3) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.
d. Landscaping at driveways and street intersections shall conform to Section 5-3 of this Ordinance; and provide at least fifty percent (50%) opacity within one year of building occupancy.

6. Interior Landscaping Requirements: Planting islands and/or peninsulas shall be provided for any PVA of forty (40) or more parking spaces or twelve thousand (12,000) or more square feet (not including the area of perimeter landscaping and not including the area of any plantings between the parking lot and buildings), with dimensions and arrangements as given below:

1. The minimum area of required interior landscaping shall be determined by the following formula:
   No. of Parking Spaces x 18 = Min. Sq. Ft. of Interior Landscaped Area.
   (Example: Fifty parking spaces x 18 = 900 sq. ft. interior landscape area)

2. Each island or peninsula, to count toward the total interior landscape requirement, shall be at least one hundred (100) square feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be one thousand (1000) square feet.
3. Islands and peninsulas must be at least five (5) feet in their least dimension, measured from back of curb to back of curb.
4. Islands and peninsulas in PVAs shall be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and/or peninsulas shall be placed at the ends of rows of parking spaces or between the circulation drives and parking rows, to channel traffic safely around the parking areas and to demarcate parking rows. No more than ten adjacent parking spaces may be placed side-by-side, without an intervening landscaped planter island or peninsula.
5. The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per two hundred (200) square feet of landscaped area. Each island or peninsula shall contain at least one tree or three shrubs.

7. Credit for Existing Plant Materials: Each existing tree meeting the following criteria may count, at the option of the owner, for one and one-half (1 1/2) of the trees in its class (interior or perimeter) required in this section if other landscaping requirements are met, and if it

a. Has a minimum caliper of four inches
b. Is not one of the following species hereby determined to be unacceptable for parking lot landscaping (these are to be considered nuisance trees in the meaning of the Tree Preservation Ordinance when located in the PVA):

Larger Trees	
Boxelder	Native elms
Tree-of-Heaven	Slipper and September
Silver Maple	American, Winged Cedar
Tree-of-Heaven	Colorado Blue Spruce
Catalpa	Sycamore
Red Spruce	Cottonwood
True Popular	Laurel Oak
Medium Trees	
Camphor	Princesstree
Cut Leaf European	Paulownia
Birch	Slash Pine
Silktree (mimosa)	Eastern White Pine
Yellow Wood	Sassafras
Mulberry	Siberian Elm
Small Tree	
Sumacs	

c. Is at least two (2) feet from the nearest planned curb or standard protective wheel stop and is within a planned planting of at least one hundred (100) square feet;
d. Has a live crown at least thirty percent (30%) of the total tree height and is free from serious root, trunk, and crown injury;

e. Is indicated on the landscaping plan as a tree "to be saved;" and
f. Is situated so that it can be incorporated into a planned perimeter landscaping area, island, or peninsula with minimal grade cut or fill (less than 18 inches); and is protected during all pre-landscaping phases of construction by a durable physical barrier excluding all vehicles, equipment, materials, and activities from the area that is to become a part of this landscaped area.
g. In the case of a conflict between this ordinance and the Tree Preservation Ordinance, this ordinance shall control if the area in question is inside a PVA, and the Tree Preservation Ordinance will control if not, unless the Tree Preservation Ordinance does not apply for any other reason.

8. Inspection Checklist: A checklist generally reflecting the requirements of this article shall be devised by the Community Development Department and shall be kept up to date, used in reviewing landscape plans, and made available to interested parties as a supplement to administration of this article.

9. PLANT MATERIALS AND INSTALLATION REQUIREMENTS: Trees and Shrubs - All trees and shrubs planted (in addition to any existing trees allowed under "Existing Plant Materials") in required perimeter and interior landscaped areas shall:

a. (For trees) Be of species other than those determined by this section as unacceptable for parking lot landscaping.
b. (For trees and shrubs) Conform to the minimum size standards in Table l, based on the American Standard for Nursery Stock, ANSI Z60.l-l980, published by the American Association of Nurserymen and approved by the American National Standards Institute on October 27, l980, as follows:

Table - Minimum Size Standards for Planting Stock

Shade and Flowering Trees	Min. Size Requirements
Type 1, Shade Trees, (e.g. Red Maple, Tulip Popular	2.5” caliper, 12 ft. height range, with 16 ft maximum Height
Type 2, Shade trees, (e.g. Goldenrain Tree, Southern Magnolia	1.5” caliper, 6’8” to 8’0” height range, with 9’4” maximum height
Type 3, Small Upright Trees, (e.g. Redbud, Crabapple	1” caliper, 6 to 7 ft height range
Type 4, Small Spreading Trees, (e.g. Flowering Dogwood, Star Magnolia	5 to 6 ft. height range
Type 4,	
Coniferous Evergreens	
Type 4, Pyramidal (e.g. Deodar Cedar, Pine Species	5 to 6 ft. height range
Shrubs	
All Classes	Perimeter Landscaping 24’ minimum height
	15” minimum height
	15” minimum spread

c. (For trees and shrubs) Be planted within a bed of mulch or ground cover other than turf grass, or be protected by some barrier to damage from vehicles and maintenance equipment.

d. (For trees) Be spaced no closer than ten (10) feet to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirement may be closer than ten (10) feet apart.

10. Grass or Other Permanent Ground Cover shall be installed and maintained on all parts of each landscaped area. Effective measures shall be taken to control erosion and storm water runoff through the use of mulches, ground cover plants, erosion-control netting, etc. Ground cover may include shrubs and low-growing plants such as Liriope, English ivy (Hedera helix), periwinkle (Vinca minor), and similar materials. Ground cover may also include nonliving organic materials such as bark or pinestraw, and inorganic materials such as pebbles, crushed rock, brick, tile, and decorative blocks; however, inorganic materials shall not make up more than ten percent (10%) of the landscaped area.

11. Installation Requirements

a. Required landscaped areas adjacent to parking areas shall be protected by fixed curbing or other permanent wheel stops along all sides exposed to parked or moving vehicles.
b. When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust, and engine heat damage to trees.

c. The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be one hundred fifty (150) feet, except where built-in irrigation systems are provided.
d. Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines, or other plants shall not be used in lieu of plant requirements in this ordinance.
e. Hedges, walls, and berms, though not required, are encouraged to help minimize the visual impact of PVAs. Berms with ground cover that necessitates mowing shall have a slope not greater than one (1) foot of rise per three (3) feet of run.
f. The use of permanent broad-area mulch beds is encouraged to increase absorption of surface water, retard erosion, runoff, and stream siltation, protect tree roots and stems, and foster tree health.
g. Planting dates recommended by the City of Madison are shown in Table 2.
h. Landscaping must be designed to be compatible with existing and planned overhead and underground electrical, communications, and television cables and conduits, public water supply lines, and storm and sanitary sewer lines.

Table - Recommended Planting Dates

Type of Plants	Normal Planting Dates
Non-Container Grown, Deciduous	October 1 to April 1
Non-Container Grown, Other	October 1 to May 1
Non-Container Grown, Other	October 1 to May 1
Container Grown, All	Year-Round, if suitable precautions are taken to protect the stock from extremes of moisture and temperature, if there is a doubt, obtain a variance or a performance bond

12. MAINTENANCE: The owner, lessee, or his agents shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced within one year after notification, or during the next appropriate planting period, whichever comes first.

13. VARIANCES: The Board of Adjustment may grant a written variance from requirements of this subsection in extraordinary circumstances that do not permit full compliance with this subsection, provided the variance will accomplish the objectives of this ordinance.

14. NOTICE OF INSTALLATION: Upon the beginning of installation of plant materials required by this subsection, the property owner or developer shall notify the Chief Building Inspector. The Chief Building Inspector will require correction of conditions contrary to the requirements of this subsection and replacement of plant materials that are dead, diseased, damaged, or planted so as to kill or injure the plants, or that present a hazard to traffic or pedestrians.

15. BONDING: No certificate of occupancy shall be issued until the provisions of this subsection have been met or a performance bond, letter of credit or certified check has been posted. When circumstances preclude immediate planting, a certificate of occupancy may be granted after (1) the owner or developer has completed all curbing, irrigation systems, and other construction preliminary to planting, and (2) the property owner or developer posts a corporate surety bond, letter of credit, or cashier's check with the City Clerk in an amount equal to one hundred ten percent (110%) of the cost of the total required planting, including labor. Such bond shall be made payable to the City of Madison. Landscaping must be completed and approved within six months (180 calendar days) after a certificate of occupancy is issued in order to redeem the bond.

16. INSPECTION: The Building Inspector shall make inspections as necessary pursuant to the subsection and shall initiate appropriate action to bring about compliance with it. Upon becoming aware of any violation of the provisions of this article, the Chief Building Inspector shall serve written notice of such violation upon the person(s) responsible for compliance. No penalty shall be assessed until the expiration of the bond, if one has been posted, or otherwise until thirty (30) days after notification of violation(s).

Section 5-16. Off-street Loading Provisions

Off-street loading facilities are required by this Ordinance so that vehicles engaged in unloading will not encroach on, or interfere with, the public use of streets and alleys and so that adequate space is available for the unloading and loading of goods, and materials.

5-16-1 Minimum Space Requirement

Off-street loading spaces shall be provided and maintained as follows:

a. Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

Square feet	Number of Spaces
Over 5,000 to 25,000	1
25,000 to 60,000	2
60,000 to 120,000	3
120,000 to 200,000	4
200,000 to 290,000	5
90,000 over 290,000	1 additional off-street loading space
Multi-Family Dwelling (20 or more dwelling units)	1
Auditorium, Convention Hall, Exhibition Hall, Motel, Hotel, Office, Building, Sports Arena, Stadium Hospital, Sanitarium, Welfare Institution, or similar Use with an aggregate floor area:	
Over 10,000 to 40,000	1
Each additional 60,000 over 40,000	1

15-16-2 Other Factors Determining Off-street Loading Requirements

1. **Fractional Spaces**: When determination of the number of spaces required by this Ordinance results in a requirement of a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one space.
2. **Enlarged/Changed Use:** From the effective date of this Ordinance, if such land, structures, or uses are enlarged, expanded, or changed, there shall be provided for the increment only of such land, structures, and uses enlarged, expanded or changed and maintained as herein required, at least the amount of off-street loading space that would be required hereunder if the increment were a separate land, structure, or use. However, where a lot with an existing structure is cleared and a new structure constructed thereon, there shall be provided and maintained off-street loading space as required herein.
3. **Joint Use:** When an off-street loading space is used jointly by two or more uses with different requirements, or two or more uses having the same requirement, an area shall be provided equal to the total of requirements of all the uses.

5-16-3 Development of Off-street Loading Facilities

1. **Plans:** An applicant for a building permit must submit plans showing the off-street loading required by this Ordinance, for any use or structure required to provide off-street loading facilities. The plan shall accurately designate the required off-street loading spaces, access thereto, dimensions and clearance.

2. **Size:** Each space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

Section 5-17. Airport Influence Area

All land lying within the NEF 30 or higher noise contour as designated on the Official Zoning Map, City of Madison, is subject to special development regulations for the purpose of protection of the general health, safety and welfare of the public. In the case of any noise sensitive land uses within the NEF 30 or greater corridor, the potential buyer or builder shall be advised of the special requirements for development within this area as outlined in the Madison Subdivision Regulations.

Section 5-18. Required Buffers

(Ord. 96-02)

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

5-18-1 Requirements

Landscaped buffers are required wherever two different zoning districts are adjacent to one another. The width of these buffers depends on the nature of the adjacency; that is, which two_districts are adjacent to one another. The width requirements are enumerated in Section 5-18-5 below. In addition, buffers must meet the following requirements:

1. The landscaped buffer area shall not be less than the width specified in the Sec. 5-18-5 measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted, and maintained as to be eighty (80) percent or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally, unless otherwise specified in the appropriate district regulations.
3. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit, along with plans and statements demonstrating how the buffer will be irrigated in the future. No building permit or site plan certificate shall be issued without such data, where this Ordinance requires a landscaped buffer area or areas.
4. Plantings shall be of a size and type which will insure the meeting of the eighty (80) percent opacity requirement within no longer than twelve (12) months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Planning Commission. Eighty-percent opacity must be maintained year-round.
5. Failure to maintain the landscaped buffer area as set out above shall be a violation of this Ordinance.

5-18-2 Substitution for Landscaped Buffer Area

When expressly authorized by the Planning Commission, a six (6) foot high opaque structure set in a five (5) foot wide landscaped buffer area may be substituted for the six (6) foot high, planted buffer in Subsection 5-18-1.

5-18-3 Exception to Requirement

Nothing in this ordinance shall be construed to require a landscaped buffer adjacent to a road depicted on the City's Major Road Plan. In addition, the Planning Commission may, by majority vote, waive any buffering requirement with respect to lot lines adjacent to any public street. (ord. 98-02)

5-18-4 Zoning Determines Buffer

Landscaped buffers shall be constructed by, and located on the lot zoned for the more intensive use. The Table in Section 5-18-5 below shall be used to determine which use is more intensive, with the least intensive uses on the left side of the horizontal axis of the Table, and the most intensive uses on the right side of the horizontal axis. In the case where an existing "more intensive" use adjoins a lower intensity district, but has not provided the required landscaped buffer, the less intensive use, when developed, may provide the buffer, at the option of the less intensive use.

5-18-5 Minimum Landscape Buffer Widths

Minimum landscape buffer Widths shall be established according to the following table. Where district regulations in Chapter 4 of this Ordinance require a different buffer width, the requirements in Chapter 4 will control. All required buffers are in addition to yard requirements:

Table 5-18-5 Minimum Required Buffers

	Adjoining Use R1, R1A, R1B R2, R3A, RC-1, RC-2	R3	R4	B1	B2	B3, M1, M2
Proposed Use R1, R1A, R1B, R2 R3A, RC-1, RC-2		10	20	20	30	50
R3	10		10	20	30	40
R4	20	10		10	20	30
B1, B2/S1	20	20	10	20	20	30
B2	30	30	20	20		20
B3, M1, M2	50	40	30	30	20	

Section 5-18A. Sidewalks

(Ord. 97-50)

5-18A-1 Sidewalks Required

At the time of site plan approval, the Planning Commission shall require the construction of 5 ft. wide concrete sidewalks along the adjacent public City street frontage for any project subject to the provisions of Section 5-2 of the zoning ordinance, unless a sidewalk exists at the time the site plan is approved. In the event that the project fronts on two streets depicted on the adopted Future Transportation Network Map in the Comprehensive Plan, sidewalks shall be provided on both streets. In the event that the project fronts on two streets, only one of which is depicted on the adopted Future Transportation Network Plan in the Comprehensive Plan, sidewalks shall be provided on the street so depicted, and, should the Planning Commission so require, also on the other street. Sidewalks shall be installed on public right-of-way. However, the Planning Commission shall in no case require the installation of sidewalks on State-owned right-of-way or along State Roads. When right-of-way is not available, the Planning Commission may require the installation of sidewalks in a sidewalk easement in the front yard on the site, in such location and configuration as to connect to existing or future sidewalks on adjacent parcels. However, sidewalks may not be installed in a front yard without the explicit approval of the Planning Commission.

5-18A-2 Waiver by Planning Commission

1. When the installation of sidewalks is, in the judgment of the Planning Commission, impractical, unjustifiable, or otherwise not in the public interest, the Planning Commission shall have the authority to waive this requirement.
2. Sidewalks shall not be required adjacent to parcels which are zoned M-1 or M-2. (ord. 98-74)

5-18A-3 Sidewalks in Buffer Areas

Where the Planning Commission permits sidewalks or other walkways designed for pedestrian traffic to be placed within buffer areas required by Section 5-18 or any zoning district regulations, the width of the buffer will be increased 1 ft. for every foot of width of the sidewalk.

Section 5-19. Storm Water Management, Drainage, Erosion Control

To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways and topography.

5-19-1 Storm Water Management

All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. Specific requirements area:

1. No developments may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and

2. No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

5-19-2 Drainage

A. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface waters shall not be regarded as unduly retained if:

1. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
2. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.

B. No surface water may be channeled or directed into a sanitary sewer system.

C. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

D. Use of drainage swales rather than curb and gutter storm sewers in subdivisions is provided for in Subdivision Regulations of the City of Madison, Alabama. Private roads and access ways within unsubdivided developments shall utilize curb and gutter storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

E. Construction specifications for drainage swales, curbs and gutters, and storm drains shall be contained in the Subdivision Regulations.

F. The City Engineer may require the detention or retention of stormwater on-site if necessary to meet Stormwater Management level of service standards adopted by the City. However, if capacity is available in the downstream drainage channels, the City Engineer may permit the drainage of the site into the existing system. In the event the site is drained into the existing system, the City Engineer may require the upgrading of downstream drainage improvements if necessary to maintain their

predevelopment level of service. Attention is called to the Stormwater Management and Drainage standards and criteria found in the Public Improvements Manual.

5-19-3 Erosion and Sedimentation Control

A. No zoning, special-use, or conditional-use permit may be issued and final approval for subdivision plats or certified plats may not be given with respect to any development that would cause land disturbing activity unless the professional engineer officially representing the developer certifies to the City that all necessary permits have been received from those agencies from which approval is required by state or federal law and that either:

1. An erosion control plan has been submitted to and approved by the City Engineer; or
2. The City Engineer has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin, and no building permits may be issued, until the City Engineer approves the erosion control plan.

B. For the purposes of this section, land disturbing activity means any use of the land by any person in residential, educational, institutional, commercial, or industrial development, and highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid mineral or organic particulate matter is transported by water, ice, air, or gravity from the site of its origin.

Section 5-20. Alternative Energy Forms

The use of solar energy collectors, storage facilities, distribution components, windmills, etc., for the purpose of providing energy for heating and/or cooling, is a Permitted Use within all zoning districts whether as a part of a structure or incidental to a group of structures. When not part of a structure, they are permitted in rear yards only.

Section 5-21. Regulations Relating to Airport Obstruction and Clear Zones

The general purpose and intent of this Section is to provide regulations for limiting the height of structures for the protection of the health and welfare of the public and aircraft safety in the approach paths shown on Attachment A to the Official Zoning Map, City of Madison, Alabama.

5-21-1 Establishment of Baseline Measurement Criteria

1. Airport reference point is established and described as follows: Latititude 34 degrees - 38' -35"; Longitude 86 degrees - 40' - 20".
2. The airport elevation is hereby declared to be 628' mean sea level.
3. The elevation of runway 18R for this Ordinance is hereby declared to be 628.1' mean sea level.
4. The elevation of runway 36L for this Ordinance is hereby declared to be 616.9' mean sea level.
5. The elevation of runway 36R for this Ordinance is hereby declared to be 591.3' mean sea level.
6. The elevation of runway 18L for this Ordinance is hereby declared to be 606.4' mean sea level.

5-21-2 Establishment of Air Space Zones

1. **Approach - Departure Zone:** The zone is established at each end of the runway for landings and takeoffs. The approach-departure zone shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, it centerline being the continuation of the centerline of the runway.
2. **Horizontal Zone:** This zone is established as the area within a configuration which the perimeter is constructed by swinging arcs with a radius of 10,000 feet from the center of each end of the primary surface of each runway of the airport and connecting the adjacent arcs by lines tangent to those arcs.
3. **Transitional Zones:** These zones extend outward and upward from both sides of the primary surface to an intersection with the horizontal zone. Transitional zones adjacent to the approach-departure zones extend outward and upward from the edge of the approach-departure zones, beginning at the periphery of the horizontal zone, to a distance of 5,000 feet measured horizontally.

5-21-3 Establishment of Surfaces and Height Limitations

Except as otherwise provided in this Ordinance, no structure or tree shall be altered, allowed to grow, or maintained in any zone created by this Section to a height in excess of the height elevation hereby established for such zone.

1. **Primary Surface:** The Primary Surface of runway 18R/36L is 1,000 feet wide with its centerline being the runway centerline and extends 200 feet beyond each end of the runway to a length of 10,400 feet.

2. **Primary Surface:** The Primary Surface of runway 18L/36R is 1,000 feet wide with its centerline being the runway centerline and extends 200 feet beyond each end of the runway to a length of 8,400 feet.

3. **Approach - Departure Surface Runway 18R:** This surface increases one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at an elevation of 628.1 feet mean sea level and a distance of 200 feet beyond the end of said runway and extending 50,000 feet beyond the end of said runway to an elevation of 1,128 feet MSL.

4. **Approach - Departure Surface Runway 18L:** This surface increases one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at an elevation of 607.4 feet mean sea level and at a distance of 200 feet beyond the end of said runway and extending 50,200 feet beyond the end of said runway to an elevation of 1,106 feet MSL.

5. **Approach - Departure Surface Runway 36R**: This surface increases one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at elevation of 592.3 feet mean sea level and a distance of 200 feet beyond the end of said runway and extending 50,200 feet beyond the end of said runway to an elevation of 1,090 feet MSL.

6. **Approach - Departure Surface Runway 36L:** This surface increases one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at an elevation of 6l6.9 feet mean sea level and a distance of 200 feet beyond the end of said runway and extending 50,200 feet beyond the end of said runway to an elevation of 1,114 feet MSL.

7. **Transitional Surface:** This surface increases one (1) foot in height for each seven (7) feet in horizontal distance extending outward and upward from the primary surface until intersection with the horizontal surface. Transitional surfaces for the approach-departure zone extend from the edges of the approach-departure increasing only one (1) foot in height for each seven (7) feet in horizontal distance, extending to a distance of 5,000 feet measured horizontally from the edge of the approach surfaces.

8. **Horizontal Surface:** This is a horizontal plane 150 feet above the established airport elevation and is bounded by the perimeter of the horizontal zone. The maximum elevation of structures or trees located thereunder shall be 778 feet mean sea level.

9. **Conical Surface:** This surface extends upward and outward from the periphery of the horizontal surface, increasing one (1) foot in height for every twenty (20) feet in horizontal distance for 4,000 feet in distance measured horizontally, commencing at 778 feet mean sea level and the perimeter being 978 feet mean sea level.

5-21-4 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land within any airport hazard zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking-off, or maneuvering of aircraft. Nothing in this Ordinance shall be construed as prohibiting the growth of any tree to a height of fifty (50) feet or the construction of any structure to a height of thirty-five (35) feet above the surface of the land.

5-21-5 Hazard Marking and Lighting

The owner of any structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager or Federal Aviation Administration to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards.

5-21-6 Non-Conforming Uses

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the structure, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance and is diligently executed.

Section 5-22. Outdoor Lighting Control

(99-108, 8-23-99) (Ord. 2001-20)

5-22-1 Findings

The purpose of this article is to create standards for outdoor lighting to increase compatibility of different land uses by minimizing light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures, while improving nighttime public safety, utility, and security, and preserving the rural, environmental, and scenic qualities of the City of Madison.

5-22-2 Definitions for Outdoor Lighting Control

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings designated in this section:

a. "Zoning Administrator" shall mean the Zoning Administrator of the City of Madison or his/her representative.
b. "Fully Shielded" shall mean a technique or method of construction and/or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture. In addition, the light emitting, distributing, reflecting and refracting components of the light fixture, i.e. lamp, lens, reflective surface, etc., shall not extend beyond the shielding of the fixture. Any structural part of the light fixture providing this shielding shall be permanently affixed to the light fixture.
c. "Glare" shall mean artificial light that causes annoyance, discomfort, or loss of visual performance and visibility.
d. "Installed" shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this article. A project with an approved building permit prior to the effective date of this ordinance is excluded from compliance with the article for the initial installation only.
e. "Light pollution" shall mean any artificial light that causes a detrimental effect on the environment, and/or enjoyment of the night sky or causes undesirable glare or light trespass.
f. "Light trespass" shall mean artificial light that produces an unnecessary and unwanted illumination of an adjacent property.
g. "Luminous tube lighting" shall mean gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
h. "Outdoor light fixtures" shall mean outdoor electrically powered illuminating devices, outdoor light or reflective or refractive surfaces, lamps and similar devices including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot, and flood lights for:
    1. buildings and structures, including canopies and overhangs;
    2. recreation facilities;
    3. bike paths, greenbelts and parks;
    4. parking lot lighting;
    5. landscape lighting;
    6. billboards and other signs (advertising and other);
    7. street lighting,
    8. display and service areas; and
    9. walkway lighting

i. "Outdoor recreation facility" shall mean an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball and softball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.
j. "Uplighting" shall mean any artificial light source that distributes light above an imaginary horizontal plane passing through the lowest light emitting point of the light fixture.

5-22-3 General Requirements

a. All outdoor light fixtures installed after the effective date of this article and thereafter maintained upon property used for commercial, industrial, multi-family purposes or governmental purposes (excluding rights-of-way), as defined in the Zoning Code of the City of Madison, shall be fully shielded. In addition, light trespass and glare on, from, or onto any property shall be limited to a reasonable level through the use of shielding and directional lighting methods, including, but not limited to, fixture location and height.
b. Externally illuminated signs, advertising displays, billboards, and building identification shall use top mounted light fixtures which shine light downward and which are fully shielded.
c. The use of mercury vapor fixtures or lamps for outdoor lighting is prohibited.
d. Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.
e. Outdoor light fixtures used for outdoor recreational facilities shall be fully shielded except when such shielding would cause an impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and directional lighting methods shall be utilized to limit light pollution, glare and light trespass to a reasonable level, as determined by the Zoning Administrator, without diminishing the performance standards of the intended recreational activity. Illumination from recreational facility light fixtures shall be shielded to minimize glare extending toward roadways where impairment of motorist vision might cause a hazard.
f. In addition to the provisions in this article, all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this municipal code.

5-22-4 Exemptions

a. All outdoor light fixtures existing and legally installed prior to the effective date of this article are exempt from the provisions of this article, provided, however, that no replacement, structural alteration, or restoration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this article. However, exemptions may be granted to this conformance standard if:
    1. Utilization of conforming outdoor light fixtures would have the effect of decreasing the lighting levels to below the minimum illumination levels required by the city, and the additional cost necessary to meet the minimum illumination levels would exceed 50% of the original installed cost of the light fixture; and/or
    2. Utilization of conforming outdoor light fixtures would negatively impact the aesthetic quality/architectural design of the property or immediate area by mixing substantially different styles and types of fixtures/poles.
b. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps, are exempt from the requirements of this article.

c. Temporary lights used for holiday decorations are exempt from the requirements of this article.
d. Construction or emergency lighting is exempt, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
e. Signs of the type constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.

5-22-5 Approved Materials and Methods of Installation:

a. The provisions of this article are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this article provided any such alternate has been approved by the city. The Zoning Administrator may approve any such alternate provided that the proposed design, material or method:
    1. Provides approximate equivalence to the specific requirements of this article; or
    2. Is otherwise satisfactory and complies with the intent of this article.

5-22-6 Administrative Procedures for Exemption

a. Exemptions based on the provisions of Sec. 5-22-4 (a) of this ordinance must be granted by the Zoning Administrator to be effective. Exemptions based on Secs. 5-22-4 (b – f) are "automatic," and no formal exemption need be sought. Any decision of the Zoning Administrator with respect to exemptions may be made to the Director of Community Development, who shall concur with, reverse, or modify the decision of the Zoning Administrator. No exemption may be granted that is not based on factors enumerated in Sections 5-22-4 or 5-22-5 of this ordinance, or that is not supported by facts required to be demonstrated.
b. Appeals from this Ordinance shall be made to the Zoning Board of Adjustments and Appeals in accordance with Chapter 10 of the zoning ordinance and the rules of the Board.

5-22-7 Temporary Light Installations

The provisions of this ordinance shall not apply to temporary light installations at street fairs, school events, and similar events, providing that such event does not last longer than seven consecutive days, nor longer than ten days in any 30-day period. However, any permanent lighting fixtures used at the special event must comply with all provisions of this ordinance. Any temporary lighting installations that remain in place beyond seven consecutive days or ten days in any 30-day period shall be deemed permanent, and shall be subject to the provisions of this ordinance.

Section 5-23. Exterior Treatment of Buildings

All building exteriors, except for the exteriors of single and two-family residential structures, shall comply with this section. Provided, however, that this section shall not apply to structures in the M-1, M-2, R-4, or AG zoning districts (see special regulations for the R-4 District in §5-23-6 below).

5-23-1 Materials for Exterior Walls

The exterior walls of all buildings (excluding roofs) subject to the provisions of this section shall be constructed of, or be veneered with one or more of the following:

1. Wood (including painted wood)
2. Brick
3. Stucco or synthetic stucco (including painted stucco)
4. Glass

5. Masonry, except for cinderblock
6. Cut stone (except painted stone)
7. Split face decorative block

5-23-2 Applicability
All elevations, roofs, or parts of roofs of any building subject to this section, that are visible from a public street or nonresidential lot, shall comply with Section 5-23-1. Roofs or parts of roofs that are not visible from a public street or nonresidential lot are not required to comply with this section.

5-23-3 Roofs
All roofs of buildings subject to this section shall be constructed of prefabricated painted metal, composite shingles, shakes, slate, or a synthetic material designed to mimic shakes or slate.

5-23-4 Exceptions
Notwithstanding the above, up to 15% of any elevation of a building subject to this section may be constructed of, or veneered in, a material not included in Section 5-23-1. Provided that, this exception shall apply to individual elevations, not to the entire building. (For example, 15% of each individual building elevation may be constructed of a nonconforming material; however, constructing 60% (15% x 4) of one elevation from a nonconforming material would not be permitted.)

5-23-5 Synthetic Materials
Except as specifically provided herein, the use of synthetic methods or materials designed to mimic permitted exterior treatments, such as stamped vinyl, tromp l'oiel, and similar, are not permitted.

5-23-6 Special Provisions for Multifamily Structures in the R-4 District
The following exterior treatment is required for all multifamily housing in the R-4 District. These standards shall apply to the exterior as a whole and to each building elevation individually:

1. Exterior siding shall consist of a minimum of 75% brick.
2. The balance of exterior treatments shall consist of wood, stucco, glass, other masonry, or cut stone. Metal and exposed cinderblock are prohibited.
3. Permitted roofing materials include and are limited to asphalt shingles, shakes, or slate, or synthetic materials designed to mimic one of these.
4. Siding and trim that are not constructed of brick shall be white, gray, or neutral earth tones. Roofing colors shall be black, gray, or earth tones. Roof and siding colors shall be compatible with one another.
5. Roofs shall be gabled, hipped, mansard, or some combination of these. Flat roofs, curving roofs and shed roofs are prohibited.
6. Roof overhangs shall be not less than eight (8) inches, and no more than twenty-four (24) inches.

5-23-7 Special Provision for Historic District and DRI District
Nothing in this ordinance shall be construed as operating to prohibit the painting of murals or signs on buildings in the Historic District or Downtown Redevelopment Incentive District, as those districts are designated by law.

Article VI – Regulations for Mobile Home Parks

Section 6-1. Purpose of Mobile Home Parks

The purpose of this Article is to provide requirements for the development of mobile home parks while deriving for the City the advantage of improved appearance, compatibility of uses, optimum service by community facilities and adequate vehicular access and circulation.

Section 6-2. Procedure for Mobile Home Parks

No mobile home park shall hereafter be developed, redeveloped, altered, or expanded without a Special Exception Permit in accordance with the procedures provided in Section 10-8 and Section 5-2 of this Ordinance. In addition, a site plan approved by the Planning Commission containing the following information shall be required.

a. Location of mobile homes on stands and dimensions of each stand. Location and number of sanitary conveniences including toilets, washrooms, laundries, and utility rooms to be used by the occupants of units.
b. A typical stand detail showing the patio, if any, and mobile home with the location of utility connections including gas, water and sewer, and electrical.
c. An area within or adjacent to the proposed mobile home park subject to periodic inundation by storm drainage, overflow, or ponding, shall be clearly shown and identified on the plan.
d. Any and all other physical improvements as specified in Section 6-4.

Section 6-3. License Required for Mobile Home Park

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a mobile home park without having first secured a license for each such park from the Board of Commissioners pursuant to this Article. The license shall expire on December 31 of each year, but may be renewed under the provisions of the Section for additional periods of one year.

The application for a license or a renewal thereof shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the park and make the application), and such a legal description of the premises, upon which the park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by one (1) copy of the park plan and one (1) copy of the Special Exception Permit.

Section 6-4. Requirements for Mobile Home Parks

Any development, redevelopment, alteration, or expansion of a mobile home park within the City of Madison shall be done in compliance with these requirements:

6-4-1 Location

A mobile home park shall be located only in designated zoning districts and with a Special Exception Permit for that purpose as provided in this Ordinance.

6-4-2 Basic Minimum Requirements

a. **Area Requirements:** the minimum size of Mobile Home Park shall be two (2) acres.
b. **Stand Requirements:** Each stand shall provide a minimum area of 6,000 square feet.
c. **Open Space Requirements:** The minimum front yard setback shall be twenty (20) feet from the nearest corner of the mobile home to the front line of the stand. The minimum distance between mobile homes shall be twenty-five (25) feet on the sides and twenty (20) feet on the rear.
d. **Height Regulations:** The height limit for any mobile home in the park shall be eighteen (18) feet. The height of the mobile home frame above the ground elevation, measured at 90 degrees to the frame, shall not be greater than three (3) feet.
e. **Soil and Ground Cover:** Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
f. **Drainage:** The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.
g. **Design and Location of Storage Facilities:** Storage facilities with a minimum capacity of 200 cubic feet per stand may be provided on the stand, or in compounds located within two hundred (200) feet of each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry, porcelained steel, baked enameled steel or other material equal in fire resistance, durability and appearance, or of an equal material approved by the Administrative Officer.
h. **Mobile Home Stands:** The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.
i. **Parking:** Every mobile home stand shall have two (2) off-street parking spaces.

6-4-3 Access and Traffic Circulation

Internal streets shall be privately owned, built, and maintained, and shall be designed for safe and convenient access to all stands and parking spaces and to common use of park facilities.

a. An internal street or common access route shall be provided to each stand. The street shall be a minimum of thirty (30) feet in width. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty (60) feet. No internal street ending in a cul-de-sac shall exceed four hundred (400) feet in length.
b. All streets shall be constructed to meet the minimum specifications for streets within the City of Madison except the curbing. A concrete lay-down cur or acceptable substitute shall be used as approved by the Administrative Officer.
c. Every mobile home stand shall have two (2) off-street parking spaces. Off-street parking shall be hard surfaced with all-weather materials.
d. Internal streets shall be maintained free of cracks, holes, and other hazards at the expense of the licensee.
e. All streets within each park shall be numbered or named in an approved manner.
f. Interior streets shall intersect adjoining public streets at ninety degrees and at locations which will eliminate or minimize interference with the traffic on those public streets.
g. At each entrance to the park, an 18" by 24" sign shall be posted stating "Private Drive, No Thru Traffic". The licensee may also post a speed limit sign on this same post.

6-4-4 Park Lighting

Adequate lighting shall be provided in a manner approved by the Huntsville Utilities, City of Huntsville. All electric and telephone lines should be placed underground when possible.

6-4-5 Recreation Area

All mobile home parks shall have at least one (1) recreation area located to be free of traffic hazards, easily accessible to all park residents, centrally located where topography permits, and usable for recreation purposes. Not less than ten (10) percent of the gross park area shall be devoted to recreational facilities. Such space shall be maintained in a usable and sanitary condition by the park owner.

6-4-6 Utility Requirements

Each mobile home shall be connected to the municipal water system and to the municipal sewage disposal system, if available. The design and specifications of the utility systems shall meet City specifications and shall be approved by the City Water and Sewer Board. If the municipal utility system is not available, then a private central system shall be required until such time as the municipal systems become available. The design and specifications of such systems shall meet Health Department specifications and shall be installed under inspection of the appropriate City Department.

6-4-7 Mobile Home Standards

To protect the health and safety of the public and assure quality construction, all mobile home units shall conform to standards approved by the American National Standards Institute (ANSI) in its Standards for Mobile Homes, A 119.1 - l969 as amended.

Article VII – Sign Control Regulations

Section 7-1. Purpose

The purpose of this article is to promote and protect the public health, safety, and welfare, and further the goals of Madison's Growth Plan. There is a legitimate call for regulation of signs because signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech and enable the public to:

7-1-1 Enhance the economy of the City in accordance with its plans and ordinances by promoting the reasonable, orderly, and effective display of signs;

7-1-2 Locate businesses and facilities that offer goods and services without difficulty or confusion;

7-1-3 Protect and enhance property values;

7-1-4 Facilitate the creation of a convenient, orderly, attractive, and harmonious community;

7-1-5 Promote traffic and pedestrian safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height is appropriate for a sign's location, and preventing conflicts with public safety signs and police and fire protection;

7-1-6 Protect the safety of people and property from sign hazards due to collapse, decay, or abandonment;

7-1-7 Balance the rights of individuals to convey messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;

7-1-8 Restrict signs and lights that obstruct or interfere with drivers' vision and therefore contribute to the probability of traffic accidents and hazards;

7-1-9 Promote signs that are compatible with their surroundings, that are appropriate to the planned character and development of each zoning district, and which do not obstruct light, air, and open space;

7-1-10 Ensure the fair and consistent enforcement of sign regulations; and

7-1-11 Regulate the proper construction, maintenance, safety, and structural soundness, as well as the appearance and attractiveness of signs.

Section 7-2. Severability

If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article that can be given effect without the invalid provision.

Section 7-3. Applicability

7-3-1 It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain, or otherwise alter a sign within the corporate limits of the City of Madison except in accordance with the provisions of this article.

7-3-2 Any sign legally established prior to the effective date of this article, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section 7-7 and not the nonconforming structure regulations of Article VII.

7-3-3 ***Exemptions from this Article***

The following signs are entirely exempt from this article but may require building permits or other permits, as applicable:

a. Any signage located inside a building that is not visible from the exterior of the building. Signs in windows that are mounted in such a way as to be viewed from outside the building shall be considered window signs subject to the provisions of Section 7-11-4.
b. Interior signs within a stadium, open-air theater, outdoor shopping center, arena or other similar use, which signs are not visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, outdoor shopping center, parks, arena, or other similar use. Signs visible located on structures used for interior signs that are visible from a public right-of-way or adjacent property are subject to the requirements of this article;
c. Any sign located on umbrellas or similarly related private patio furniture or seating provided it is located outside of the right-of-way and complies with any other applicable standards of this code;
d. Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation (See also Paragraph 7-6-15) or vehicle signage required by the State or Federal government;
e. Signs installed or required by the City of Madison, Madison County, Limestone County, State of Alabama, federal government, or approved transit agency and which sign is allowed pursuant to the latest version of the Manual on Uniform Traffic Control Devices (MUTCD);
f. Any warning signs or traffic safety signs required by public utility providers; and
g. Any lighting, signs, or related decorations erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and which contain no advertising material.

Section 7-4. Sign Permit Required

7-4-1 Unless otherwise stated in this article, all signs shall require a sign permit issued by the Planning Director (and, where applicable, approved by the Historic Preservation Commission), in accordance with this article.

7-4-2 For the purposes of this article, any reference to the Planning Director shall include the Planning Director or his or her designee.

7-4-3 A Certificate of Appropriateness from the Historic Preservation Commission is required before sign permits can be issued for properties that are individually designated as historic or properties within a historic district as established by the Historic Preservation Commission. Certificates of Appropriateness are not required for temporary signs.

7-4-4 In some instances, a sign may require a building permit in addition to the sign permit and where required, approval of all permits shall be required prior to the installation of the applicable sign.

7-4-5 Sign Permit Exemptions

The following signs or activities do not require a sign permit, but may still be subject to building permit requirements. Each sign exempt from the sign permit process shall still comply with any applicable safety, height, area, and locational standards established in this article.

a. Signs and/or notices issued by any court, officer, or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;

b. For the purposes of safety and emergency access, signs indicating the street number of a building or structure are permitted without a sign permit and shall comply with the adopted fire and building codes but shall not exceed six square feet in sign area.
c. Sign face changes where there is no change to the sign structure including change in sign face area, height, or alteration of the sign cabinet, if applicable (e.g., replacement of a sign face, repainting of a sign face, etc.);
d. Certain temporary signs as established in Section 7-12.
e. Changes of copy on signs with changeable copy including the changing of messages on electronic message centers (See Section 7-11-6i.); and
f. A sign permit is not required for general maintenance, painting or repainting (same colors and sign face), cleaning and other normal maintenance of a legal, conforming sign. Sign permits are required for any repairs to the structure or electrical components of a sign.

7-4-6 Sign Permits and Application Process

a. Applications for sign permits must be filed with the Planning Director on forms as provided by the City, accompanied by a filing fee as identified in the Municipal Code.
b. The application shall be accompanied by information as established by the Planning Director in a list of submittal requirements. Additional information may be required for any master sign plan application as set forth in Section 7-11-9.
c. The Planning Director shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 10 business days after receipt. The 10-day time frame shall not begin until after a Site Plan, Certificate of Appropriateness or Master Sign Plan has been approved as may be required.
d. Every sign permit shall be considered canceled if active work is not commenced within a period of 180 days from the date of its issue. Each applicant is allowed one 90-day extension for each sign permit, provided the extension is applied for prior to the expiration date of the original permit, but not before 15 days prior to said expiration, and provided that the original permit was issued properly and applicant is entitled to said permit. No charge is imposed for the extension of a sign permit. Such time limit shall not apply if an alternative time limit is approved as part of a sign master plan in Section 7-11-9.
e. Violation and Revocation of Sign Permit
    1. The Planning Director may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or the plans submitted.
    2. Failure to adhere to the requirements of this article in the construction and maintenance of a sign shall void any sign permit issued, and said sign or structure shall be removed by the property owner forthwith.
f. Sign Code Exception
    1. The Planning Director may grant approval for a sign code exception of not more than 10% in permitted sign height or sign area.
    2. A minimum of 10 business days prior to submittal for a sign permit, the applicant shall notify adjacent property owners and tenants by first class mail. The notification of the application shall include the following:
        A. Name of applicant;
        B. Location of planned development or use, including address;
        C. Nature of the proposed development shall be fully disclosed in the notice;

D. Planning department phone number and address of City Hall shall be provided in the notice to call for viewing plans;
E. The date by which any comments must be received in writing by the Planning Department; and
F. The applicant shall provide the Planning Director with the entire mailing list including name and address of those receiving the notification.

3. The following findings shall be made prior to approval of any sign code exception:
   A. The sign is compatible with the character of the area and is needed due to special and unique circumstances defined by the applicant and applicable only to the property or building;
   B. The exception requested is the smallest necessary to address the unique situation;
   C. The applicant did not create the special or unique circumstances themselves due to the design of the site and or building;
   D. The sign will not adversely affect other signs in the area nor given the sign applicant an unnecessary advantage over other signs the area;
   E. The sign will not be detrimental to properties located in the vicinity; and
   F. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction.

7-4-7 Removal and Confiscation of Signs

a. City police and enforcement staff designated by the Planning Director or the Director of the Building Department are authorized to remove and dispose of or order the removal and disposal of any prohibited sign listed in Section 7-6, any sign that was not permitted in accordance with this article, and any nonconforming signs that do not meet the requirements of Section 7-7.
b. Any temporary sign installed or placed in a public right-of-way or easement, except as allowed in this article, shall be forfeited to the public and subject to confiscation without notice by authorized enforcement staff and officers of the City. Any intermediate or permanent sign installed or placed in a public right-of-way or easement, except as allowed in this article, shall be forfeited to the public and subject to removal by authorized enforcement staff and officers of the City. In addition to other remedies provided in this Ordinance, the City shall have the right to recover from the person placing such signs the full costs of removal and disposal.

Section 7-5. Measurements and Calculations

7-5-1 Sign Setback

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

7-5-2 Sign Height

a. The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.

b. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.

7-5-3 Sign Width

a. The width of a sign shall be measured across the widest portion of a sign that runs parallel to the ground at the base of the sign.
b. The sign width shall include all structure elements of a sign (e.g., support posts, sign cabinet, etc.).

7-5-4 Sign Area

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as follows:

a. When calculating street frontage, only the street frontage that lies in the incorporated area of the City of Madison shall be used in the calculation.
b. All fractions will be rounded to the closest integer number.
c. For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See Figure A and Figure B.
d. For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure C. In cases where there are multiple sign elements on the same surface, the Planning Director shall have the authority to determine the outermost boundaries of individual sign elements.
e. The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Planning Director. See Figure A.

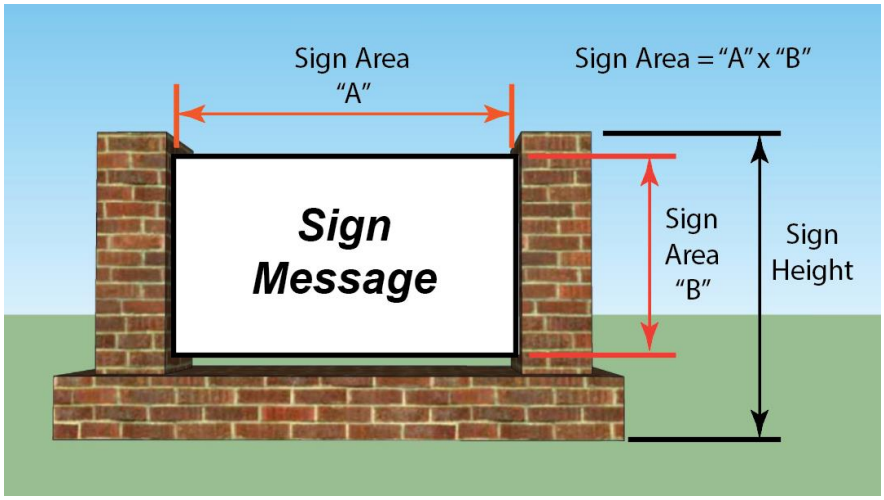


Figure A: Illustration of sign area calculation for a monument sign with copy on a distinct cabinet.

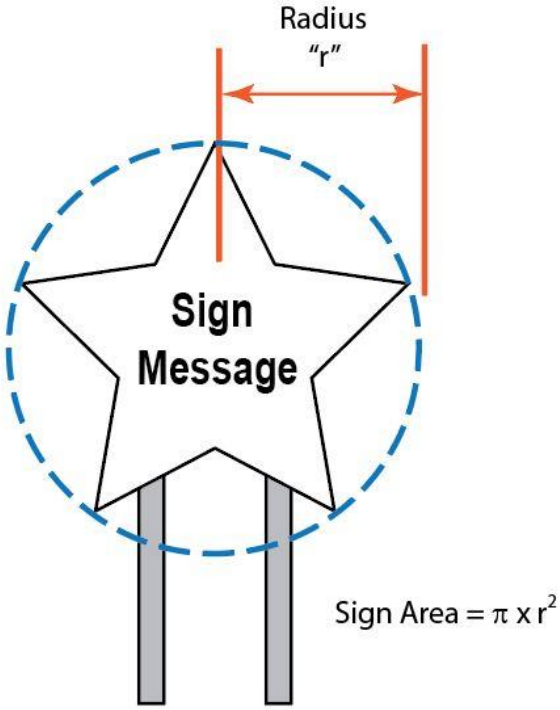


Figure B: Example of sign area computation by the smallest circle encompassing the extreme limits of the sign message. For the purposes of calculations, ⍰⍰equals 3.14.

Figure C: Illustration of sign area calculation for two differently shaped wall signs with individual letters.

f. In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest square, rectangle or circle that encompasses the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point. See Figure D.

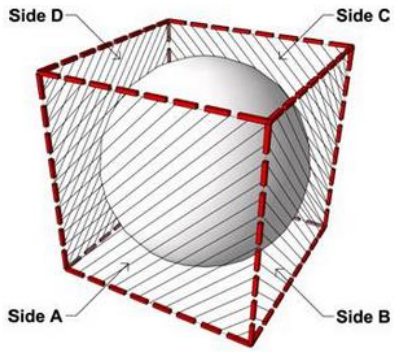


Figure D: The sign area of a three-dimensional sign is measured measuring the smallest square, rectangle, or circle that encompasses the profile of the sign (illustrated as sides).

g. Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces when the interior angle is greater than 60 degrees.
h. When two identical, flat sign faces are placed back-to-back or at angles of 60 degrees or less, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
i. The calculation of the width or lineal measurement of any façade shall be the measurement of the façade between two side facades. The calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See Figure E.

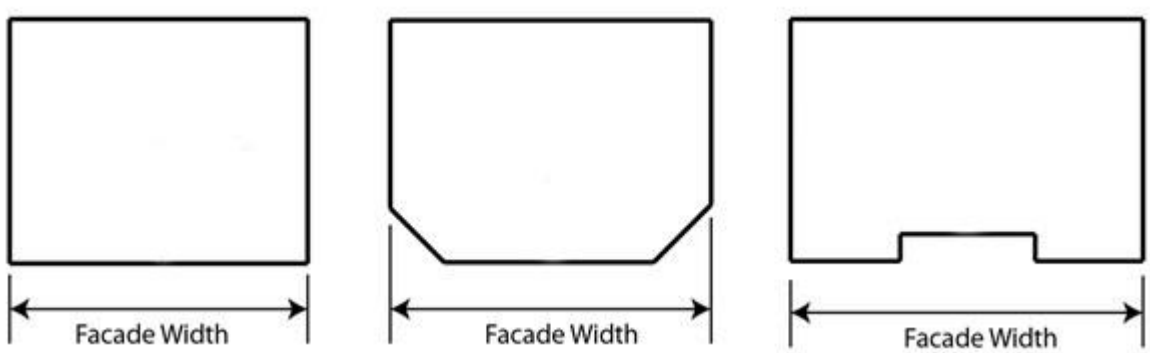


Figure E: Illustration of façade width measurement on varied façade shapes.

Section 7-6. Prohibited Signs

The following types of signs are specifically prohibited within the City of Madison:

7-6-1 Any sign that copies or imitates a sign installed by a government agency for official purposes;

7-6-2 Billboard signs (See Section 7-7-5.);

7-6-3 Windblown devices, with the exception of pole-mounted banner signs (See Section 7-11-5h.);

7-6-4 Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. This shall not include changeable copy signs as allowed in this article;

7-6-5 Signs with moving or flashing lights, except as allowed for electronic message centers in Section 7-11-6i;

7-6-6 Beacons, spotlights, and searchlights, except for emergency purposes;

7-6-7 Pennants or streamers;

7-6-8 Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;

7-6-9 Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;

7-6-10 Any sign located in a public right-of-way except as provided for in Section 7-8-6;

7-6-11 Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign;

7-6-12 Signs mounted in a manner that more than 15% of the height of the sign is affixed to extend above the roofline of any building;

7-6-13 Signs mounted on top of a roof;

7-6-14 Portable signs;

7-6-15 Vehicle signs viewed from a public road with the primary purpose of providing signage not otherwise allowed by this article. A vehicle sign shall be considered to be used for the primary purpose of advertising if the vehicle fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle. Vehicle signs include those attached to or placed on a vehicle or trailer. Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. This does not apply to a vehicle parked at a driver's residence and is the primary means of transportation to and from his or her place of employment;

7-6-16 Balloon signs or air activated graphic; and

7-6-17 Any sign not specifically allowed by this article.

Section 7-7. Nonconforming Signs

7-7-1 Any sign that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified below. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section and the non-conforming structure regulations within the Zoning Ordinance shall not apply.

7-7-2 A sign shall lose its legal nonconforming status and must be brought into full compliance with the provisions of this article by an application for, and issuance of, a sign permit or by complete removal, if any of the following occurs:

a. If such sign is damaged to an amount exceeding 50 percent of the sign's fair market replacement value, as determined by at least two sign companies requested to provide a quote by the City;
b. The structure of a freestanding sign is altered in any form except as allowed in Section 7-7-3;
c. The structure of a building sign is altered in any form;
d. If a billboard sign installed prior to October 25, 1999 is altered or replaced in any manner except as allowed in with Section 7-7-5;
e. The sign is relocated;
f. The sign is defined as a temporary sign and has been in use for more than one year following the effective date of this ordinance; or
g. The nonconforming sign and its structure (including support and frame and panel) are determined by the Planning Director or Building Director to be unsafe or in violation of this code and are declared a nuisance.

7-7-3 General maintenance and cleaning of nonconforming signs shall be permitted without loss of legal nonconformity status. General maintenance shall include any replacement of light bulbs, where applicable, or replacement of broken parts with the same parts. Any upgrade of electrical systems or replacement of structural parts shall be reviewed by the Planning Director to determine if the repair or maintenance changes the nonconformity status of a legally nonconforming sign.

7-7-4 Sign face changes where there is no change to the nonconforming sign structure including change in sign face area, height, or alteration of the sign cabinet, if applicable, may be made without a sign permit and without losing the legal nonconforming status of the sign. These actions include, but are not limited to, replacement of a sign face within a pre-existing sign cabinet, repainting of a sign face, etc.

7-7-5 Billboard Signs

Only billboard signs that were installed prior to October 25, 1999 may be replaced. Any replacement of a billboard sign must conform to the following requirements:

a. The owner must replace the billboard sign within six months after its destruction or removal, or the owner will forfeit its right to replace the billboard sign.
b. The replacement billboard sign shall not exceed the height or sign area of the sign it is replacing.
c. The replacement billboard sign shall be installed in the same location as the sign it is replacing, unless:
    1. The lot on which the billboard sign sits is adjacent to Interstate 565; and
    2. The billboard sign is moved in a line perpendicular to Interstate 565 and no farther than 150 feet away from its original location;
d. The replacement billboard sign shall meet all setback requirements of the City's Zoning Ordinance at the time the billboard sign is to be installed.
e. Billboards may incorporate electronic message centers provided they comply with Section 7-11-6i and the regulations of the Alabama Department of Transportation.

7-7-6 Failure to bring a sign into compliance after loss of a legal nonconforming status as defined above shall cause the sign to be considered an illegal sign and is subject to removal and fines pursuant to the Municipal Ordinance.

7-7-7 Safety Verification for Nonconforming Signs
Notwithstanding the provisions of this section, before any repair or alteration to any nonconforming sign may proceed, the owner must submit engineer-stamped documentation that the sign footing, structure, and supports meet a 90-mile per hour wind load. If said signs do not meet this standard, then they will be considered to be a safety hazard or public nuisance and the sign must be removed.

7-7-8 Bond Requirement

a. Where the City approves a permit approval that allows for the temporary continuation of a nonconforming sign or that otherwise requires a sign to be removed within a certain timeframe, the City shall have the option to require a bond for the removal of the sign.
b. In such cases, the applicant shall be required to submit a bond in an amount and from an issuer approved by the Planning Director to protect the City from the cost of removing the sign should it no longer be allowed under the laws of the City of Madison, Madison County, Limestone County, State of Alabama, or federal government.
c. If the subject approval is given, a condition of the approval shall be that the bond is maintained and increased or decreased based upon the then current estimates of the costs of removal of the sign.
d. If the sign is removed without cost to the City, the Planning Director must release the bond but may execute the bond if the City is responsible for incurring any cost in removing the sign.

Section 7-8. General Regulations for All Sign Types

Unless otherwise specifically stated, the following regulations shall apply to all signs within the City of Madison:

7-8-1 Construction, repair, and maintenance of all signs shall comply with the City's building codes adopted in Chapter 8-99.

7-8-2 No sign or sign structure shall be placed on private or public property without the consent of the owner or agent thereof.

7-8-3 No sign, temporary or otherwise, may be placed or located so as to conflict with or impair line of sight for turning movements on or onto public streets or conflict with the vision clearance or other requirements of this Ordinance or applicable traffic ordinances including Section 5-3.

7-8-4 No sign shall obstruct or interfere with fire ingress or egress from any door, window, or fire escape, nor shall it obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the City or other governmental agency for the regulation of traffic or parking.

7-8-5 All signs shall be secured in such a manner as to prevent swinging or other significant noticeable movement, not including movement related to electronic message centers.

7-8-6 Signs in Rights-of-Way

a. Signs shall be prohibited in the right-of-way with the exception of:
   1. Signs installed by the City of Madison, Madison County, Limestone County, State of Alabama, federal government, or approved transit agency that are allowed pursuant to the latest version of the Manual on Uniform Traffic Control Devices (MUTCD); or
   2. Any warning signs or traffic safety signs required by public utility providers.
b. Any sign to be installed in the right-of-way by an agency other than the City shall require prior approval of the Planning Director and City Engineer.
c. The Planning Director, Building Director or Director of Public Works may remove or cause to be removed any unlawful sign in the public right-of-way.

7-8-7 Illumination

All signs, unless otherwise stated in this article, may be illuminated by internal or external light sources, provided that such illumination complies with the Section 5-22 and the following:

a. Light fixtures illuminating signs shall be located, aimed, and shielded so that light is directed only onto the sign face and is prevented from creating glare or light shining into motorist or pedestrian field of vision. Shielding shall be accomplished with architectural elements, landscaping, and/or specific lighting components, such as shields or louvers.
b. Lighting shall be designed so any exposed incandescent lamps used to illuminate ground signs, painted signs, or wall signs shall be equipped with reflectors or other devices arranged so as to concentrate the illumination upon the area of the sign and prevent glare or the shining of light onto any adjoining property or public right-of-way.
c. Lighting shall not have an intensity to cause glare visible to pedestrians or vehicle drivers, nor shall the illumination be of such brightness as to cause reasonable objection from adjacent residential districts; and
d. Lighting shall be designed so as to not obstruct traffic control or other public signs installed by a governmental agency.

7-8-8 Permanent Signs on Historic Properties or Properties in a Historic District

Any permanent sign located on a property that is individually designated as historic or properties within a historic district, and which are subject to a certificate of appropriateness review, shall also be subject to all adopted and applicable historic design guidelines for the subject property.

Section 7-9. Permanent Signs Permitted in MU, PUD, UC, or TND Districts

All development in a MU, PUD, UC, or TND District shall be subject to the standards of this article unless otherwise modified through the applicable MU, PUD, UC, or TND review and approval process or through the Master Sign Plan process established in Section 7-11-9.

Section 7-10. Permanent Signs Permitted in Agricultural and Residential Districts

7-10-1 This section includes the provisions for permanent signs allowed in agricultural or residential zoning districts.

7-10-2 Such standards shall apply to residential uses within a PUD, MU, UC, or TND District where such district approval does not include a separate plan or regulations for signs.

7-10-3 Permanent Signs at Residential Subdivision or Multi-Family Development Entrances

Permanent signs are permitted at the entrances of residential subdivisions or multi-family developments that have more than 25 dwelling units, subject to the following requirements:

a. General Standards

1. Each sign may have a maximum sign area of 40 square feet.
2. No such sign or any portion of the structure shall exceed six feet in height in all districts except for multi-family developments where the maximum sign height shall be 12 feet.
3. The sign must be located on a lot or other area that is controlled and maintained by a homeowners' association or other established organization that maintains such common areas for the development. For multi-family developments located on a single lot, the sign may be located on lot
4. The sign may only be illuminated through an external light source.
5. The sign shall be an on-premise sign.

b. Monument Sign

1. A maximum of one monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Planning Director.
2. The locations of monument signs should be shown on a final plat and designated as common area or sign easement.
3. The sign shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this code.
4. The landscaped area shall include all points where sign structural supports attach to the ground.
5. Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.
6. If an applicant proposes to use a monument sign, no wall signs, as allowed in Section 7-10-3c, below shall be permitted.

c. Wall Signs on Entry Fences or Walls

1. A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Planning Director.
2. If two signs are utilized, the signs shall be separated by a minimum of 50 feet. Additionally, if two signs are utilized, each sign shall have a maximum sign area of 20 square feet.
3. The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
4. If an applicant proposes to use wall signs, no monument sign, as allowed in Section 7-10-3b, above shall be permitted.
5. The locations of entrance walls and fences should be shown on a final plat and designated as common area or sign easement.

7-10-4 Signs for Nonresidential Uses in Agricultural and Residential Zoning Districts

a. One permanent monument sign may be permitted on a lot containing a nonresidential use in an agricultural or residential zoning district provided the sign meets the following requirements:
   1. The sign shall be set back a minimum of 20 feet from any adjacent residential lot lines.
   2. The maximum sign area shall be 30 square feet.
   3. Up to 75 percent of the sign area may consist of manual changeable copy.

4. No such sign or any portion of the structure shall exceed six feet in height.
5. The sign may only be illuminated through an external light source.

b. One additional permanent monument sign may be erected on an adjacent street frontage (same lot) if such street frontage has a length of 100 feet or more. Such additional sign shall meet the requirements of 7-10-4a.

c. Building signs shall be permitted for all nonresidential uses in a residential district in the same manner as permitted for nonresidential uses in the B-1 District. This shall not apply to signs located on lots used exclusively for residential dwellings nor shall it apply to home occupation uses within a residential dwelling.

Section 7-11. Permanent Signs Permitted in Other Nonresidential Districts

7-11-1 Unless otherwise stated, the following are the permanent signs allowed in all districts other than the agricultural and residential zoning districts.

7-11-2 Such standards shall apply to nonresidential uses within a PUD, MU, UC, or TND District where such district approval does not include a separate plan or regulations for signs.

7-11-3 Buildings, developments, or subdivisions that are 100 percent residential in use shall be subject to the permanent sign allowances established in Section 7-10.

7-11-4 Window Signs

Window signs do not require a sign permit provided they comply with the following standards:

a. Window signs shall not occupy more than 25 percent of the window area in any nonresidential districts. See Figure F for locations used in the calculation of sign area. The sign area is based on the window area, regardless of the presence of an awning.

Figure F: The window area is illustrated within the dashed line area for the two storefronts in the above image.

b. Window signs may be temporarily or permanently attached.

c. Window signs are not permitted in any window of a space used for residential uses or purposes unless allowed as a temporary banner sign in accordance with Section 7-12.

d. One window sign with a maximum sign area of two square feet may be comprised of an electronic message center subject to the provisions of Section 7-11-6i.

7-11-5 Building Signs

Building signs are permitted on all principal structures in accordance with the following:

a. The building sign area allowed in this subsection shall include the total amount of all awning, canopy, marquee, projecting, hanging, pole-mounted banner, or wall signs on each façade wall. Standards for each individual building sign type are established in this section.
b. Building signs shall not extend above the top of the roofline of the building to which it is attached more than 15% of the height of the sign (See Paragraph 7-6-12).
c. Building signs may not be attached to mechanical equipment or roof screening.
d. Building signs shall not include electronic message centers unless expressly permitted.
e. Allowed Building Sign Area
    1. Up to 200 square feet or 10% of a primary façade wall face, whichever is less, may be allowed for building signage. An increase of up to 10% of the permitted building sign area is allowed if all wall signage consists of individual channel letters installed on a raceway.
    2. An applicant may provide signage on any secondary façade but shall not combine the total amount of building sign area permitted on each facade and apply it to any single façade. The amount of building sign area allowed on secondary facades shall be 50% of that allowed in Section7-11-5e.1.
    3. There is no maximum number of building signs but the total square footage of building signs located on a single façade wall shall comply with the requirements of this section.
    4. Any sign that is incorporated into a building as an architectural element shall be classified as a building sign.
    5. The amount of building signs permitted as part of a PUD shall be established within the PUD approval. If such amount is not established, the signs shall comply with this article.
f. Wall Signs
    1. Wall signs shall be mounted on or flush with a wall and shall not protrude more than 24 inches from the wall or face of the building to which it is attached.
    2. A wall sign may be painted directly on a building wall, mounted on the façade wall, or mounted on a raceway.
    3. Any wall sign, except for signs painted directly onto the wall, shall be mounted so there is a minimum clearance of eight feet above the sidewalk and 16 feet above any driveway or vehicular use area.
    4. Permanent signs that are attached to gas pumps, gas pump islands, or similar structures, that can be read or understood from a public street by most persons of normal vision shall be considered a wall sign for the purposes of this article and shall be based on the wall sign allowance for the principal building.
    5. The lettering of wall signs mounted on a cornice or transom shall not exceed the breadth or height of the cornice or transom on which the lettering is mounted. In no case shall the sign cover more than 75% of the total area of the cornice or transom on which it is mounted.
    6. Cabinet style wall signs are prohibited in historic districts or on historic properties.
    7. Wall signs in the historic district may be illuminated through the following methods, if approved as part of the Certificate of Appropriateness:
        A. Indirect lighting methods such as gooseneck lighting;
        B . Individual reverse channel letters (halo-lit or reverse-lit);
        C . Individual channel letters with transparent plastic covering to shield the source of illumination; and
        D . Neon, however the neon tubes shall not be directly visible.

8. In all other districts, signs may be internally or externally illuminated.

g. Awning, Canopy, or Marquee Signs

Any canopy, awning, or marquee sign allowed pursuant to this section shall comply with the following standards:

1. Signage shall not cover more than 50 percent of any individual awning, canopy, or marquee.
2. All components of the awning, canopy, or marquee shall have a minimum height clearance of eight feet from the sidewalk.
3. Marquee signs may include manual changeable copy signs.

h. Pole-Mounted Banner Signs

1. Only one pole-mounted banner sign is allowed for any one business establishment at one time.
2. Pole-mounted banner signs shall be mounted on the building wall either by bracket or by a pole.
3. The maximum sign area of a pole-mounted banner sign shall be 12 square feet.
4. The bottom of the pole-mounted banner sign shall be no lower than eight feet measured from grade of the property line closest to the pole-mounted banner sign.
5. Pole-mounted banner signs shall not extend beyond three feet over the sidewalk measured from their point of mounting on the storefront wall.
6. Pole-mounted banner sign mounting devices shall have structural integrity as approved by the Building Director.

i. Projecting or Hanging Signs

1. Only one projecting or one hanging sign shall be permitted for each tenant on each street frontage where the tenant has building frontage.
2. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.
3. A hanging sign may be attached to the ceiling of an outdoor arcade or underneath a canopy, awning, or marquee if it complies with the sign area, height, and clearance standards of this section.
4. Projecting and hanging signs shall maintain a minimum six-inch clearance from the façade of any building.
5. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
6. The maximum sign area for a projecting sign shall be six square feet.
7. The maximum sign area for any single hanging sign shall be four square feet.
8. All components of the projecting sign shall have a minimum clearance of eight feet above a sidewalk or any walkway and 16 feet above any driveway or portion of a private lot used for vehicular circulation.
9. Projecting signs shall not be internally illuminated.
10. Projecting and hanging signs must be suspended from brackets approved by the Building Inspector and contain no exposed guy wires or turnbuckles.
11. Projecting or hanging signs shall not extend nearer the curb line of any street or walk more than two feet.
12. If such projecting sign is illuminated it shall be by indirect lighting methods such as gooseneck lighting.

7-11-6 Freestanding Signs

a. All new freestanding signs shall be a monument sign unless within 1,000 feet of the centerline of Interstate 565, in which case, one pole sign may be permitted in accordance with Section 7-11-6h.
b. A sign that is placed on two posts, which are no more than one foot in height from grade to the bottom of the sign cabinet or sign face, shall be considered a monument sign for the purposes of this article.
c. Monument signs shall be set back a minimum of 20 feet from any lot line in a residential or agricultural zoning district unless additional setbacks are required for electronic message centers.
d. Up to 50 percent of a freestanding monument sign area may include changeable copy in all districts except the B-1 District. Changeable copy signs may be manual or electronic message centers (See Section 7-11-6i.).
e. All signs shall be subject to the illumination of signs pursuant to Section 7-8-7.
f. The signs allowed in Table 1 are per street frontage. The number of signs and/or sign area allowed for lots with multiple street frontages may not be aggregated and placed on a single street frontage.
g. All permanent freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this code.
    1. The landscaped area shall include all points where sign structural supports attach to the ground.
    2. Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.

Table 1: Maximum Sign Area and Height for Freestanding Signs

Zoning Districts	Maximum Sign Area (Square Feet)			Maximum Sign Height (Feet)	Maximum Sign Width (Feet)
	0 to 100 Feet of Lot Frontage	101 to 250 Feet of Lot Frontage	251 or More Feet of Lot Frontage		
B-1 and MC	20	30	40	6	6
B-2 and S-1	40	70	100	10	12
B-3, UC, M-1, and M-2	55	105	155	15	15

h. Interstate Sign Allowances

When a lot backs to the right-of-way of I-565, such lot may include a freestanding interstate pole sign that meets the following standards:

A. The sign shall be in addition to any monument sign allowed on the same lot. However, if the subject lot has multiple street frontage, then only one pole sign and one monument sign shall be permitted in accordance with this article.
B. The pole sign shall have a maximum height of 35 feet as measured from the elevation of the road bed of Interstate 565, at its closest point to the sign, to the top of the highest point of the sign structure.
C. If the lot is located entirely within 1,000 feet of the center point of an overpass of Interstate 565, the pole sign may have a maximum height of 65 feet as measured from the grade at the base of the sign.
D. The maximum sign area shall be 300 square feet.

E. The sign may only be erected in the rear yard, except where a side yard might physically adjoin the I-565 right-of-way. In no case may an interstate pole sign be erected in the front yard.

i. Electronic Message Centers

Electronic message centers shall only be permitted as part of a permanent monument sign in the B-2, B-3, or MC Districts. All of the following standards shall apply to all electronic message centers:

1. Electronic message centers are only permitted on lots that are a minimum of two acres in size and the lot shall have street frontage on a major highway, arterial, or collector road.
2. Any monument sign with an electronic message center shall be set back a minimum of 350 feet from any lot line in a residential zoning district.
3. If more than one monument sign is permitted on a lot, only one monument sign may contain an electronic message center.
4. Any message change shall be a static, instant message change.
5. Messages can only change once every 10 seconds or more.
6. The transition time between messages shall be less than one second.
7. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions or shall be turned off manually within 24-hours of a malfunction.
8. Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
9. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
10. The brightness level shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
11. The procedure and distances for measurement of brightness shall be as established by the International Sign Association's *Recommend Night- time Brightness Levels for On-Premise Electronic Message Centers.*

7-11-7 Signs at Driveway Entrances or Intersections

Permanent signs shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

a. Driveway signs shall be set back at least five feet from all lot lines but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives.
b. Driveway signs are prohibited in the B-1 District.
c. One driveway sign may be permitted per individual driveway or internal intersection.
d. Driveway signs may not exceed four square feet in area and 30 inches in height.
e. Driveway signs may be internally or externally illuminated.
f. Driveway signs shall not be included in the total calculated allowed signage for a property under the remainder of this article.

7-11-8 Drive-Through Signs

a. Up to two freestanding drive-through signs shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all drive-through signs, for each facility, does not exceed 72 square feet. In no case shall a single drive-through sign exceed 36 square feet in sign area.
b. Drive-through signs are prohibited in the B-1 District.
c. If a drive-through sign is completely screened from view from any right-of-way or adjacent residential uses, there shall be no maximum sign area.
d. Drive-through signs shall only be permitted in a side or rear yard.
e. Drive-through signage shall not be included in the total calculated allowed signage for a property under the remainder of this article. Any signs attached to a wall of building or the structure shall be calculated as part of the building signage allowance in Section 7-11-5.
f. No drive-through sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
g. Drive-through signs may have an electronic message center subject to Section 7-11-6i.
h. Drive-through signs may be internally or externally illuminated.

7-11-9 Master Sign Plan

a. The master sign plan allowance established herein is to provide for additional permanent signage for large-scale, mixed-use developments. The master sign plan provides a review process where any mixed-use development that includes more than 25 acres or contains buildings with a cumulative floor area of more than 300,000 square feet or more can submit a master sign plan package that illustrates all the signage that will be used on the lot and the relationships of all these signs to the development.
b. The Planning Director shall have the authority to permit the submission of a master sign plan for a project that does not comply with the project size requirement above if:
   1. The project is a stand-alone, mixed-use project that contains both commercial or office uses with a residential component;
   2. The proposed project will be part of a larger planned development that will have a master sign plan with similar standards and design; or
   3. The master sign plan is part of a proposed PUD, TND, UC, or MU district development.

c. Master Sign Plan Requirements

   1. Master sign plans may be submitted to the Planning Commission for any nonresidential or mixed-use development that meets the acreage or square foot threshold above, and where the applicant wishes to submit a single, comprehensive sign plan for review.
   2. A master sign plan is intended to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development, as well as with the surrounding neighborhood.
   3. A master sign plan may include more than one freestanding sign per frontage and increases to the maximum height of freestanding signs and maximum sign area allowance where the signage will contribute to the overall design of the development as well as comply with any of the city's adopted plans or policies.
   4. Master sign plans may include up to a 25% increase in the maximum building sign area allowed pursuant to Section 7-11-5.
   5. An application for review of a master sign plan shall include:
      A. A master sign plan, drawn to scale, delineating the site proposed to be included within the master sign plan and the general locations of all permanent signs

including freestanding and building signs and the property lines, buildings and roadways;

B. Drawings and/or sketches indicating the dimensions in square feet, location and sign area for all the permanent signs;
C. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, awning signs, canopy signs, projecting signs, window signs or other building signs are proposed;
D. Samples or photos of colors and materials to be used for signs and the relationship to the building materials; and
E. Information regarding the illumination of any signs.

6. In order for the Planning Commission to approve a master sign plan, it must find all of the following:
   A. That the plan's contribution to the design of the site and surrounding area will be superior to the quality that would result under the regulations and standards of this article;
   B. That the signs proposed as part of the master sign plan will create a uniform sign package for the site related to materials, lighting, design and other features of the individual signs; and
   C. That the proposed signs are compatible with the style or character of improvements and are well-related to each other in terms of location and spacing.
7. The Planning Commission may impose reasonable conditions to a master sign plan necessary to carry out the intent of this article.
8. No building permits or other permits required for the construction of any sign shall be issued unless the sign is in compliance with the approved master sign plan.
9. An approved master sign plan may only be amended or modified through the same review process required for its approval.

Section 7-12. Temporary Signs

The following temporary signs shall be permitted anywhere within the City provided they meet the established standards.

7-12-1 Standards that Apply to all Temporary Signs

a. Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
b. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.
c. Unless otherwise specifically stated, temporary signs shall not be illuminated.
d. A temporary sign may be an on-premise sign or an off-premise sign.
e. No temporary sign may be located in a public right-of-way except as provided for in Section 7-8-6.
f. No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
g. No streamers, spinning, flashing, or similarly moving devices shall be allowed as part of or attachments to temporary signs.
h. All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.

i. Mobile signs on wheels, runners, casters, parked trailers, parked vehicles, or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this article.
j. Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns that accompany such a condition, reuse of temporary signs shall require replacement when such sign is deteriorated.
k. Any temporary sign type that is not specifically allowed by this section shall be prohibited.

7-12-2 Sign Permits for Temporary Signs

a. Unless otherwise stated, a sign permit for temporary signs shall be required for temporary signs that exceed 12 square feet.
b. Only one sign permit for a temporary sign shall be issued to the same business license holder, on the same site, for the same business at any one time.

7-12-3 Temporary Sign Allowed without Time Limitation

The following temporary signs are allowed on any lot without any time restrictions, however, such signs shall be subject to the maintenance requirements of this article.

a. Table 2 establishes the maximum amount of total sign area allowed per lot frontage along a public street.
b. Where lots have multiple street frontage, the maximum sign area shall be permitted for each frontage and cannot be aggregated and located on a single street frontage.

Table 2: Maximum Sign Area for Temporary Signs			
Maximum Sign Area (Square Feet)			
0 to 100 Feet of Lot Frontage	101 to 200 Feet of Lot Frontage	201 to 300 Feet of Lot Frontage	301 or More Feet of Lot Frontage
24	36	48	60

c. The maximum sign height shall be six feet unless otherwise allowed in Section 7-12-4.
d. The signs are limited to yard signs subject to the sign-specific standards in Section 7-12-5.
e. There shall not be a maximum number of signs but the maximum sign area for any individual sign shall be six square feet in an agricultural and residential zoning district and eight square feet in all other zoning districts.

7-12-4 Additional Temporary Sign Allowances

In addition to the temporary signs allowed in Section 7-12-3 above, the following additional signage is permitted in accordance with this article.

a. Temporary Signs at Entrances to Residential or Assisted Living/Nursing Home Developments

Two temporary yard signs may be permitted at the entrance of any subdivision, multi-family development, assisted living/nursing home development, or equivalent, that contains a minimum of 25 dwelling units along an arterial or collector street provided that the sign meets the following requirements:

1. Each sign may have a maximum sign area of 36 square feet.
2. No such sign or any portion of the structure shall exceed eight feet in height.
3. The sign may only be illuminated through an external light source.

4. The sign(s) shall be removed within three years after the temporary sign permit has been issued.

b. Temporary Signs in Nonresidential Districts

1. In addition to the signage allowed year-round pursuant to Section 7-12-3, Table 3 establishes the total square footage, height, and allowances for additional temporary signs allowed on each individual lot, in the zoning districts listed in Table 3. Nonresidential zoning districts include all zoning districts except for agricultural and residential zoning districts.
2. Each sign type shall be subject to the sign-specific standards in Section 7-12-5.

Table 3: Temporary Sign Allowances in Nonresidential Zoning Districts				
Sign Type	Zoning Districts	Maximum Sign Area (Square Feet)	Maximum Sign Height (Feet)	Time Limit
Banner Signs	Nonresidential Zoning Districts except B-1	See Section 7-12-5a.		
Feather Signs	Nonresidential Zoning Districts except B-1	24	8	14 consecutive calendar days, four times per calendar year
Yard Signs	All Nonresidential Zoning Districts	24	6	14 consecutive calendar days, four times per calendar year

7-12-5 Standards for Temporary Sign Types

a. Banner Signs

1. There shall be no maximum number of banner signs provided the aggregate total square footage of all banner signs at one time does not exceed the 36 square feet per establishment with the exception of paragraph (5) below.
2. Banner signs may be attached to a fence, or other similar structure. Banner signs attached to posts and mounted in a yard or landscaped area shall be regulated as a temporary yard sign. Banner signs may only be attached to a building in accordance with Section 7-12-5a.5.
3. The maximum height standard for temporary signs shall not apply to a banner sign but such signs shall not be mounted in a manner that extends above the roofline of a building or the top of the structure on which it is mounted.
4. Banner signs shall be permitted for up to 14 consecutive calendar days, four times per calendar year with the exception of Section 7-12-5a.5.
5. For certificate of occupancy or zoning compliance applications related to the establishment of a new use within an existing building where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive calendar days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a sign permit. No extension may be granted after the 60-day time limit.

b. Feather Signs

1. There shall be a maximum of one feather sign per 100 feet of lot frontage allowed on any lot at one time and such signs shall be separated by a minimum of 50 feet.
2. The signs shall be securely anchored in the ground or within a portable base designed for such function.
3. The sign shall be setback from any right-of-way and any parking space a minimum distance equal to its height.

c. Yard Signs

1. There shall be no maximum number of yard signs provided the aggregate total square footage of all yard signs at one time does not exceed the maximum sign area allowed in Section 7-12-3 for residential uses or Table 3 for nonresidential uses.
2. There shall be a maximum of two faces to the sign, mounted back-to-back.

Section 7-13. Maintenance

7-13-1 Every sign shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of the sign.

7-13-2 Whenever a sign is to be removed pursuant to the requirements of this section, all parts of the sign and supporting structure (e.g., pole, monument, cabinet structure, etc.), excluding buildings for wall, projecting, or similar signage, shall be removed in its entirety. This section shall not require the removal of a raceway if mounted to such structure on a building.

7-13-3 The Planning Director or Building Inspector may order the removal or repair of any sign that, has become insecure, in danger of falling or otherwise unsafe, or presents a threat to the public safety.

Section 7-14. Definitions

Awning
A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a flat position against the building, but not including a canopy or marquee.

Sign, Balloon
A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for “Sign, Air-Activated Graphic.”

Sign, Air-Activated Graphic
A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for “Sign, Balloon.”

Canopy
A structure, other than an awning, made of cloth, metal, or other material which may be totally or partially attached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and cannot be raised or retracted.

Channel Letters
A sign that consists of custom-made metal or plastic that are covered in a translucent plastic material, often internally illuminated. The space between the letters is not part of the sign structure but rather the building façade though the space may count toward the sign area depending on how the letters are grouped and calculated in accordance with Section 7-5.

Electronic Message Center (EMC)
A sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g. electronic or digital signs).
Façade
The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Façade, Primary
For the purpose of this article, a primary façade shall be deemed a façade that faces directly onto a public street. See Figure G. For multi-tenant spaces, the primary façade shall be the façade related to the per-tenant lease portion of the façade or area subject to the lease.

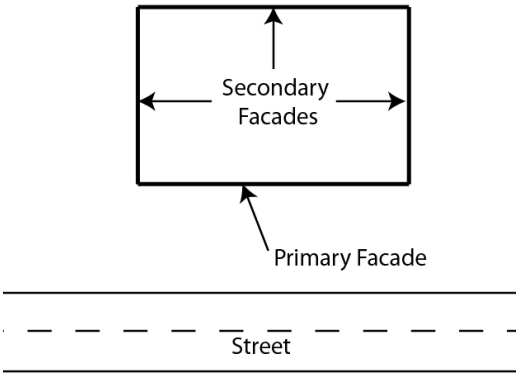


Figure G: Illustration of the primary façade versus the secondary facades.

Façade, Secondary
For the purpose of the sign regulations, a secondary façade shall be deemed a façade that does not face directly onto a public street. See Figure G.

Frontage, Building
The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Planning Director shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See Figure H.

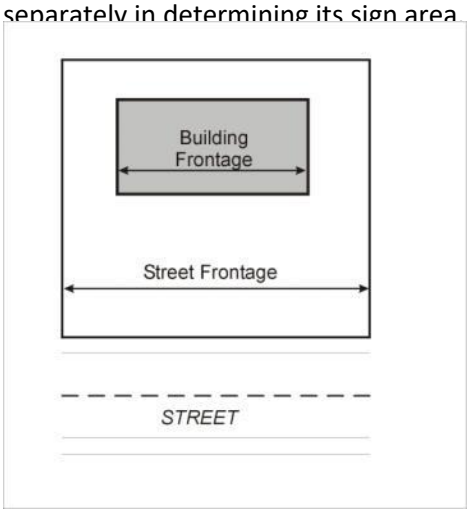


Figure H: Illustration of building frontage versus street frontage.

Frontage, Lot or Street
The distance for which the front boundary line of the lot and the street line are coincident. See Figure H.

Gooseneck Lighting
A type of light fixture in which a lamp or lightbulb is attached to a flexible, adjustable shaft to allow the user to position the light source without moving the fixture or item to be illuminated. For the purposes of this article, the lighting is directed on a sign element.

Marquee
A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Raceway
A raceway is a thin rectangular structure mounted to a façade that encloses wiring and other electrical components for a sign that channel letters or other sign components are then mounted to in order to prevent the need to drill an excessive number of holes in a façade for the mounting of individual sign components.

Right-of-Way
A general term denoting land, property, or the interest therein, usually in the configuration of a strip acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State of Alabama or the City of Madison.

Premise
A contiguous parcel of land with its appurtenances and buildings that functions as a unit. For the purpose of this ordinance, an outparcel along the perimeter of a shopping center or similar multi-tenant use that contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.

Sign
Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water that is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term "sign" also does not include the display of merchandise for sale on the site of the display.

Sign Area
The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 7-5.

Sign Copy
Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign Face
The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign Height
The vertical distance to top of sign structure as measured pursuant to Section 7-5.

Sign Width
The horizontal distance across the widest part of a sign structure as measured pursuant to Section 7-5.

Sign, Awning
A sign painted on, printed on or attached flat against the surface of an awning.

Sign, Banner
A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a "Sign, Yard."

Sign, Billboard
A permanent sign in a fixed location that meets any one or more of the following criteria: It is a separate principal use of the property, not auxiliary or accessory; it is a freestanding sign with a sign area in excess of 300 square feet, or a sign that is otherwise defined by Section 7-5.

Sign, Building
Signs that are attached to the building including wall signs, projecting signs, awning signs, marquee signs, hanging signs, pole-mounted banner signs, and canopy signs.

Sign, Canopy
A sign attached to the soffit or fascia of a canopy of a covered entrance or walkway.

Sign, Changeable Copy
A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of "electronic message center."

Sign, Drive-Through
Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

Sign, Feather
A temporary sign that is constructed of lightweight cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure that may resemble a sail, bow, or teardrop.

Sign, Freestanding
Any sign supported upon the ground by a monument, pedestal, bracing, or other permanent measure and not attached to any building. See also the definition of "Sign, Monument" or Sign, Pole".

Sign, Hanging
A sign that is affixed underneath and hanging, or suspended, from a marquee, awning, canopy, or ceiling of a building or structure.

Sign, Marquee
A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

Sign, Monument
A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

Sign, Nonconforming
Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, On-Premise
A sign with a message that relates to an activity located on the same premise.

Sign, Permanent
A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Sign, Pole
A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

Sign, Pole-Mounted Banner
Any rigid cloth, plastic or canvas sign, with no enclosing framework, that is mounted to a building at one or more edges or on a pole.[1]

Sign, Portable
Any sign not attached to the ground or a sign designed to be transported, including signs designed to be transported by means of wheels.

Sign, Projecting
A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

Sign, Temporary
A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, Wall
A sign attached directly to an exterior wall of a building with the exposed face of the sign in a plane parallel to the building wall. A wall signs shall include cornice and transom signs as allowed in the Historic District.

Sign, Window
A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window. A structure that would be considered a sign if mounted on the exterior of the building, but which is mounted inside the building and oriented to be visible through the window by a person outside of the window shall be considered a window sign for the purposes of this article.

Sign, Yard
Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

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

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[1] We will include a graphic for this.

Speech, Noncommercial
Any sign, wording or logo that does not represent a commercial message or commercial speech. See also "speech, commercial."

Static/Instant Sign Change
On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

Article VIII – Non-Conformities

Section 8-1. Purpose

Within the districts established by this Ordinance or amendments that may later be adopted there may exist (a) lots, (b) structures, (c) uses of land and structures, which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are voluntarily removed, or removed as required by this Ordinance, but not to encourage their continuance. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

8-1-1 Incompatibility with Permitted Uses: Non-conforming uses are declared by this ordinance to be incompatible with Permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after the effective date of this Ordinance or its amendment by attachment on structures or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

***8-1-2 Construction of Non-Conforming Use*:** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently until the completion of the new construction involved.

Section 8-2. Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Said lot must be in separate ownership and not in continuous frontage with other lots in the same ownership. This provision shall apply even though a lot fails to meet the requirements for area or width, or both that are applicable in the district, provided that yard dimensions (front, rear and side) and requirements other than those applying to area or width, or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment (Article X, Section 10-9)

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and for area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements

established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 8-3. Non-Conforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual, permanently-fixed structure with a replacement cost exceeding one thousand dollars ($1,000) and no combination of permanently-fixed structures with a replacement cost as high as four thousand dollars ($4,000), the use may be continued for the period provided in 8-3-4 below so long as it remains otherwise lawful, provided:

***8-3-1 Enlargement, Increase, Intensification, Alteration*:** No such non-conforming use shall be enlarged, increased, intensified or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

***8-3-2 Discontinuance*:** If any such non-conforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located.

***8-3-3 Subdivision or Structural Additions*:** No land in non-conforming use shall be subdivided, nor shall any structures be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which such land is located, provided, however, that subdivision may be made which does not increase the degree of non-conformity of the use.

***8-3-4 Cessation of Non-Conforming Uses of Land*:** (or land with minor structures only) in certain districts. In implementing the intent of Section 8-3, the non-conforming use of land or use of land with minor structures only, as defined in Section 8-3 above, is hereby declared to be a public nuisance and shall be discontinued not later than three (3) years from the effective date of this Ordinance.

Section 8-4. Non-Conforming Structures

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

8-4-1 Enlargement: No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

***8-4-2 Reconstruction*:** Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than fifty-one (51) percent of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

***8-4-3 Relocation*:** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 8-5. Non-Conforming Use of Major Structures or of Major Structures and Premises in Combination

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of structures, or of structures and premises in combination exists involving an individual, permanently-fixed structure with a replacement cost at or exceeding one thousand dollars ($1,000) or a combination of permanently-fixed structures with a replacement cost at or exceeding four thousand dollars ($4,000), such use may be continued so long as it remains otherwise lawful provided;

***8-5-1 Enlargement, Extension, Alteration, Etc. of Structures*:** No existing structure devoted to a use not permitted by this Ordinance in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved to another location on the property, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

8-5-2 Change in Tenancy or Ownership: There may be a change in tenancy, ownership, or management of a non-conforming use provided there is no change in the nature or character of such non-conforming use.

8-5-3 Discontinuance: If any non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.

***8-5-4 Destruction of Major Structure or Structures*:** Where non-conforming use status applies to a major structure or structures, or to a major structure or structures and premises in combination, removal, or destruction of the structures shall eliminate the non-conforming status of land. "Destruction" of the structure for purposes of this Subsection is hereby defined as damage to an extent of more than fifty-one (5l) percent of the replacement cost at the time of destruction. Upon removal or destruction as set out in this Subsection, the use of land and structures shall thereafter conform to the regulations for the district in which such land is located.

Section 8-6. Non-Conforming Structures Unsafe Because of a Lack of Maintenance

If a non-conforming structure or portion of a structure or any structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs or maintenance, and is declared by the Administrative Officer to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 8-7. Uses Under Special Exception Provisions Not Non-Conforming Uses

Any use which is permitted as a Special Exception in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall without further action be deemed a conforming use in such district.

Article IX – Administration and Enforcement

Section 9-1. Administrative Officer

The provisions of this Ordinance shall be administered and enforced by the Administrative Officer (Municipal Building Inspector). This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

If the Administrative Officer shall find that any of the provisions of this Ordinance are being violated, he shall take any action authorized to insure compliance with or to prevent violation of its provisions.

Section 9-2. Building Permits Required

It shall be unlawful to commence the excavation for the construction of any building or other structure, including accessory structures or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs not changing the character of the structure and not involving Southern Standard Building Code inspection) of any structure without a building permit issued by the Administrative Officer. Applications for a building permit shall be made to the Administrative Officer on forms provided for that purpose and shall be accompanied by a fee according to a fee schedule currently in use by the City, and a site plan in conformance with Section 9-3 of this Ordinance.

Section 9-3. Approval of Plans and Issuance of Building Permit

It shall be unlawful for the Administrative Officer 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. To this end, the Administrative Officer shall require that every application for a building permit for excavation, construction, use of land, moving, or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Administrative Officer to ascertain whether or not the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

1. The actual shape, proportion, and dimensions of the lot to be built upon;
2. The shape, size, and locations of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot;
3. The existing and intended use of all such buildings or other structures;
4. The location and number of required off-street parking and off-street loading spaces;
5. The proposed number of dwelling units; occupants, employees, or other similar uses;
6. The setbacks, side yards, open spaces, required buffers, signs and other requirements of the applicable zoning district;
7. Any other information deemed necessary by the Administrative Officer to determine and provide for the enforcement of this Ordinance.

If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this Ordinance, the Administrative Officer shall issue a building permit accordingly. If an application for a building permit is not approved, the Administrative Officer shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no

case, be construed as waiving any provision of this Ordinance, unless otherwise waived according to Article X, Section 10-9.

Section 9-4. Inspection

The construction or usage affected by any building permit shall be subject to four inspections: the first, when the foundation has been excavated; the second, when the foundation has been completed and the building lines have been established; the third, when all electrical and mechanical elements are in place; and the fourth, when the building or structure has been completed.

It shall be the duty of the holder of the permit to properly notify the Administrative Officer as to the time when the construction will be ready for inspection. Failure to make proper notification of the time for such inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted. The proper location of buildings and the verification of setback lines are the responsibility of the owner and not the Administrative Officer. Improper location of buildings is a violation of this Ordinance and may result in the revocation of the Building Permit and/or the Certificate of Occupancy.

Section 9-5. Certificate of Occupancy

***9-5-1*:** 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 Administrative Officer shall have issued a Certificate of Occupancy stating that such land or structure, or part thereof, is found to be in conformity with the provisions of this Ordinance.

***9-5-2 Temporary Certificate of Occupancy*:** When the Administrative Officer shall determine that some detail of this Ordinance has not been complied with, the Administrative Officer shall have the discretionary authority to issue a temporary, time-limited Certificate of Occupancy. Such Temporary Certificate of Occupancy may be issued if all of the following conditions are met:

1. Some special situation exists where, in the opinion of the Administrative Officer, it is not in the public interest to require strict compliance with this Ordinance.

2. A building inspector shall perform a final inspection of the structure, and shall certify that there are no violations of the adopted Building, Gas, Mechanical, Plumbing, Electrical or Fire Safety Codes that might render the structure unsafe in any way.

3. A Subcontractors List has been submitted to and approved by the Inspection Division in the Department of Community Development, according to the Division's rules for the approval thereof.

4. The Certificate is limited to a certain period of time not to exceed 180 days, but not longer than the special situation that gives rise to the need for a Temporary Certificate of Occupancy shall continue (e.g., special event). Such Temporary Certificate of Occupancy shall not be renewed beyond 180 days.

5. All required fees have been paid to the City in connection with the structure.

6. Temporary Certificates of Occupancy may be issued only to single family homes with temporary uses other than "single family dwelling". In all cases, the temporary permitted use shall be shown on the Temporary Certificate of Occupancy, and the Certificate shall be valid only for that use.

***9-5-3 Issuance of Temporary Certificates of Occupancy*:** Issuance of a Temporary Certificate of Occupancy shall be within the discretion of the Administrative Officer, with all decisions on the Issuance or denial of such Certificates reviewable by the Director of Community Development and the Mayor. Appeal of the administrative decision shall be to the Zoning Board of Adjustments and Appeals. A Temporary Certificate of Occupancy shall be canceled with twenty four (24) hours' notice to the property owner if the Administrative Officer shall determine that one or more of the conditions in subsection 9-5-2 is no longer being met. (Ord. 90-14)

9-5-4: Within three (3) days after the owner, or his agent, has notified the Administrative Officer that a building or premises, or part thereof, is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof, and to issue a Certificate of Occupancy if the building and premises are found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state the refusal in writing with the cause.

Article X – Zoning Board of Adjustment and Zoning Compliance

Section 10-1. Zoning Board of Adjustment: Duties and Powers

The Board of Adjustment heretofore established is continued, and shall be appointed as provided by State law. The Board shall have the following powers and duties:

1. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman, or any three (3) members, at such times as the Board may determine. The chairman, or, in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
2. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning Department.
3. The Zoning Board of Adjustment shall, upon proper application, hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning Director or his/her designee in the performance of their duties. (See Section 10-3, *Appeals from Decisions of Administration*, of this Ordinance).
4. The Zoning Board of Adjustment shall, upon proper application, hear and decide Special Exceptions to the terms of this Ordinance. (See Section 10-4, *Special Exceptions*, of this Ordinance).
5. The Zoning Board of Adjustment shall, upon proper application, hear and authorize in specific cases such Variances from the terms of this Ordinance as will not be contrary to the public interest; where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; and in a manner such that the spirit of the Ordinance shall be observed and substantial justice done (See Section 10-5, *Variances*, of this Ordinance).

Section 10-2. Procedures of Zoning Board of Adjustment

10-2-1 Decisions of the Zoning Board of Appeals

1. In exercising the above-mentioned powers, the Board of Adjustment shall reverse or affirm, wholly or in part, shall modify the order, requirement, decision, or determination as ought to be made, so long as such action is in conformity with the terms of this Ordinance, and to that end, shall have the powers of the Administrative Officer from whom the appeal is taken.
2. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer; to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; or to effect any variation in the application of this Ordinance.
3. All decisions rendered by the Board of Adjustments shall be final and binding on all parties. No request for an appeal, special exception or variance shall be heard, and no further application shall be accepted, once a decision has been given, except under one or more of the following conditions:
   a. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
   b. The decision resulted from an error in procedures required by the Ordinance or State law made by the Board or administrative officer.
   c. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama.

   Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant shall not constitute grounds for rehearing any decision of the Board of Adjustment.

4. Any applicant requesting a rehearing shall appear before the Board of Adjustment to present one or more of the qualifying conditions listed in 10-2-1 above. If the Board of Adjustment finds that one or more of these conditions exists, the applicant shall be permitted to submit a new application, together with the required fees. The new application shall be heard at a subsequent meeting and shall be subject to all regular advertising and procedural requirements. Allowing application does not obligate the Board of Adjustment to grant the request.

10-2-2 Appeals from Decisions by the Board of Adjustment

Any person aggrieved by any decision of the Board of Adjustment may appeal to the appropriate Circuit Court within fifteen (15) days of the entry of the decision.

10-2-3 Public Hearings

All meetings of the Board of Adjustment are open to the public. All appeals, special exceptions and variance applications shall be conducted as a public hearing and the applicant as well as the general public may speak in favor or against such request at the meeting. Meetings shall be held at the call of the Chair of the Board of Adjustment and/or as prescribed in the Board of Adjustment By-Laws. Any party may appear by agent or attorney.

10-2-4 Stays

Any appeal or variance request stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause

imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer, and on due cause shown.

Section 10-3. Appeals from the Decision of the Administrative Officer

Appeals to the Zoning Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or affected by any decision, or any order to stop, cease, and desist, issued by any administrative officer in enforcing the provisions of this Ordinance.

1. Any application for appeal from the ruling of any administrative decisions concerning the enforcement and interpretation of any provision of this Ordinance shall be submitted to the Planning Department within thirty (30) days after the date of the decision thereon.
2. All appeals and applications shall be made to the Board in writing on applications provided by the Planning Department and accompanied by fees prescribed by City Council (See Chapter 16-2, *Madison Code of Ordinances*).
3. All appeals and applications shall refer to the specific provisions of this Ordinance which relate to the decision appealed from.
4. The Board shall select a reasonable time for hearing the appeal and give due notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The Board may affirm, reserve, wholly or in part, or modify the order, requirement, decision, or determination, as in its opinion it determines ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken. The Planning Department shall maintain complete records of all appeal actions of the Board.
5. Notice of public hearing before the Zoning Board of Adjustment shall be given on the City of Madison website. Said notice shall be published no less than five (5) days before the meeting of the Board.
6. In rendering a decision with respect to an appeal from any order, decision, or determination, the Board shall strictly interpret the language of the Ordinance and shall not render any decision which shall modify an order, decision, or determination which confers rights or privileges on the appellant that are not otherwise permissible under the strict interpretation of this language of this Ordinance.

Section 10-4. Special Exceptions

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have a uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for special exception approval, a review of the location, proposed or existing design, configuration, and impact shall be conducted by the Planning Department to determine whether the proposed use would have a detrimental impact on neighboring properties and/or how those impacts may best be mitigated through specific requirements the Board of Adjustment may impose.

The review considers the proposal in terms of existing zoning and land use in the vicinity of the use; planned and proposed public and private developments that may be adversely affected by the proposed use; whether and to what extent the use at the particular location for which it is proposed is consistent with the intent of the Zoning Ordinance and any other development plans, policies and/or regulations of the City of Madison; and whether and to what extent all steps possible have been taken by the

developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

10-4-1 Applicability of Special Exceptions

Any use designated as a Special Exception in any district as enumerated in this Ordinance shall comply with Section 10-4.

10-4-2 Procedures for Application for Special Exception

All applications for a special exception shall be submitted and approved prior to application for a Zoning Compliance Permit. A subdivision plat or a site plan meeting the requirements of this Ordinance and all other development regulations of the City of Madison shall be included in applications for Special Exceptions in all zoning districts. Site plan or subdivision approval shall not be granted prior to or contingent upon Special Exception approval.

A Special Exception shall be processed by the Planning Department and granted by the Zoning Board of Adjustment only in accordance with the following:

1. Application and fee (See Chapter 16-2 Madison Code of Ordinances)(for a Special Exception must be submitted to the Planning Department thirty (30) days prior to the public hearing as required in Section 10-2-3, Public Hearings. Copies of the application will be distributed by the Planning Department to the Technical Review Committee members for review comments.
2. All Special Exception applications shall be made to the Board in writing on applications provided by the Planning Department. If the applicant is an agent for the property owner, a notarized letter from the property owner authorizing the agent to make application and represent the property owner before the Board of Adjustment must accompany the application.
3. The applicant shall submit with each application a notarized list of names and addresses of all adjoining property owners as recorded in the appropriate county's Office of Probate. Using the applicant-provided list, the City will mail a public hearing notice letter no later than ten (10) days prior to the public hearing. The letter will include the following information:
    a. Legal description of the property and the street address or approximate location in the City of Madison;
    b. Present zoning classification of the property and the nature of the Special Exception requested; and
    c. Date, time, and place of hearing.
4. The applicant shall submit a site plan and/or subdivision plan meeting all City of Madison requirements for such and demonstrating the Special Exception Permit is in compliance with the provisions of this Ordinance and especially those listed in Section 10-4-3.
5. The Planning Department will review the location, the application and all other portions of the application and produce a report (including an analysis of the proposal and recommendations) regarding the findings and any conditions which should be considered by the Board of Adjustment as conditions.
6. Upon receipt of said completed written application, fee, and list, a notice of public hearing before the Zoning Board of Adjustment shall be given by notice on the City of Madison website or other proper notification method. Said notice shall be published no less than five (5) days before the meeting of the Board.

10-4-3 Standards of Review for a Special Exception

No application for a Special Exception shall be approved unless the Board of Adjustment shall specifically find the proposed use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

1. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
2. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
3. The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness, and commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.
4. The Board of Adjustment may attach recommendations for Special Exception approval, additional criteria dealing with buffer yards, parking, lighting, building materials, signage or any other aspect of site plan approval necessary to mitigate the impact of the proposed Special Exception on the surrounding property. All conditions imposed upon any Special Exception permit approval, except those which are otherwise stated in this Ordinance, shall be expressly set forth in the order granting such Special Exception permits. Unless and until prescribed conditions are met, no Zoning Compliance, Certificate of Occupancy, or Business License shall be granted for the applicant for the Special Exception at the property.
5. The application shall be denied if the Zoning Board of Adjustment finds that the application and record fail to establish compliance with the standards of this Ordinance. Further, the application shall be denied if the adverse impacts of the development, despite any mitigating conditions that might be imposed by the Board of Adjustments, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.

10-4-4 Approval or Denial of a Special Exception

1. In granting any Special Exception, the Zoning Board of Adjustment shall issue a Special Exception Permit and prescribe the appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Special Exception is granted, shall be deemed violation of this Ordinance and punishable under the penalty sections of this Ordinance.
2. The Zoning Board of Adjustment shall prescribe a time limit within which the action for which the Special Exception is required shall be begun or completed, or both. Failure to begin or complete the action within the time limit set shall void the Special Exception.

3. In the event a permit for a Special Exception is approved subject to conditions, the applicant shall submit a revised site plan meeting all conditions of approval. Only once approval is granted and/or all conditions are met will the Planning Department process the application on the Zoning Compliance for the use and/or development to which the Special Exception Permit applies. Any Zoning Compliance issued for a Special Exception shall have attached the signed order from the Board of Adjustment for the same.
4. For any Special Exception approved, all permit requirements must be approved and a Certificate of Occupancy issued within twelve (12) months after Board action. The Zoning Board of Adjustment, upon recommendation by the Technical Review Committee, may make an extension of said permit approval for a single period of up to six (6) months from the date when that permit would otherwise expire. An extension may be granted only if the Board of Adjustments concludes that the applicant or developer has proceeded with due diligence and in good faith and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than thirty (30) days before the expiration of the permit stating the reason for the time extension request. Requests for extensions in excess of six (6) months shall not be granted. Instead, the applicant shall submit a new application for review according to the requirements of this section.
5. If the Special Exception Use is discontinued for more than twelve (12) months, then the Special Exception shall be deemed expired.

Section 10-5. Variances

10-5-1 Purpose for Variances

It is expected that the granting of variances, an empowerment of the Zoning Board of Adjustment, will be rare; however, a variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary and exceptional situations or conditions attributable to a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of such property. Those developments requiring a variance from any regulation of this Ordinance in conjunction with site plan review shall have the appropriate request acted upon by the Zoning Board of Adjustment. This shall include existing development sites proposed for expansion or reconfiguration and which are nonconforming to any requirement of this Ordinance. The site plan may be reviewed concurrently and approved conditionally with review and action on the variance request, but the site plan shall not be approved for development until the variance has been approved.

10-5-2 Procedures for Application for Variances

A Variance shall be processed by the Planning Department and granted by the Zoning Board of Adjustment only in accordance with the following:

1. Application and fee (See Chapter 16-2, Madison Code of Ordinances) for a Variance must be submitted to the Planning Department thirty (30) days prior to the public hearing as required in Section 10-2-3, Public Hearings. Copies of the application will be distributed by the Planning Department to the Technical Review Committee members for review comments.
2. All Variance applications shall be made to the Board in writing indicating the Section of this Ordinance under which the variance is sought, and stating the grounds upon which it is requested. The applicant must state the exact relief being sought from the application of specific regulation. Said submittal must be done on an application provided by the Planning Department. If the applicant is an agent for the property owner, the application must be

accompanied by a notarized letter from the property owner authorizing the agent to make application and represent the property owner before the Board of Adjustment.

3. The applicant shall submit with each application a notarized list of names and addresses of all adjoining property owners as recorded in the County Office of Probate. The City is responsible for mailing a public hearing notice letter no later than ten (10) days prior to the public hearing. The letter shall include the following information:
    a. Legal description of the property and the street address or approximate location in the City of Madison;
    b. Present zoning classification of the property and the nature of the Variance requested;
    c. Date, time, and place of hearing.
4. The applicant shall submit a site plan and/or subdivision plan meeting all City of Madison requirements for such and demonstrating the Variance is in compliance with the provisions of this Ordinance.
5. Upon receipt of said completed written application, fee, and list, a notice of public hearing before the Zoning Board of Adjustment shall be given by notice on the City of Madison Website or other proper notification method. Said notice shall be published no less than five (5) days before the meeting of the Board.

10-5-3 Standards of Review for Variances

The Board of Zoning Adjustment shall grant no variance in the strict application of the provision of this Ordinance unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the appeal for the variance conforms to all of the requirements and standards listed below:

1. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
2. The granting of the variance will not permit the establishment of any use which is not permitted in the district.
3. There must be proof of unique circumstances or conditions fully described in the findings and applicable to the land or buildings for which the variance is sought, such circumstances or conditions being peculiar to such land or buildings and generally having no application to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.
4. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created nor can it be established on this basis by one who purchases with or without knowledge of the restrictions. It must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances or non-conformities granted under similar circumstances shall not be considered.

5. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested from the Zoning Board of Adjustment is the minimum variance that will accomplish this purpose.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
7. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

Section 10-6. Zoning Compliance

10-6-1 Applicability

No use, improvement, and/or development of property permitted by this Ordinance, including accessory and temporary uses, may be established and no existing building may be altered with respect to its use after [enter the effective date of this Ordinance] until a Zoning Compliance Certificate has been issued by the Planning Department.

Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulations in compliance with all of the terms of this Ordinance.

Conditions for permits to raze or remove buildings are set by other ordinances. The violation of any condition contained in an approval of or in reliance upon in the issuance of the Zoning Compliance Certificate shall be a violation of this Ordinance.

10-6-2 Application Requirements for Zoning Compliance Certificate

All applications for Zoning Compliance Certificates shall be made in writing by the owner or developer of the property for which it is sought. The application provided by the Planning Department shall be filed with the Planning Department and include the following:

1. Name of the business;
2. Applicant name and contact information;
3. Legal and full property address for which the certificate is sought;
4. Special Exception Permit, if required, and the signed order attached to the application; and
5. Request for site plan review, if required (e.g., required for conversion from residential use to commercial use).

When a zoning certificate is sought for a development that is a part of a plat or subdivision which has received final plat approval or which has been issued a Special Exception Permit, the plat or conditional use permit, together with any covenants, conditions, or other restrictions related thereto, shall be reviewed as a part of the application for the Zoning Compliance Certificate. Application for a Special Exception Permit or Site Plan Approval, where required, shall be made and approval granted by the appropriate body prior to application or issuance of a Zoning Compliance Certificate.

In the case of any development located within a subdivision, the subdivision shall have received final plat approval and been recorded before the Planning Director will accept an application for a Zoning Compliance Certificate. If the development for which a zoning certificate is sought is required by this Ordinance to undergo site plan review, the approved site plan shall be made a part of the application for a zoning certificate and shall suffice as the statement of proposed use required by this Section.

A temporary use and an accessory use shall require a zoning certificate as a precondition to their lawful establishment. The Planning Director may establish regulations governing the application requirements for a zoning certificate in the case of either a temporary or accessory use that is established at any time other than simultaneously with a principal use, in which case all information specified in this Section shall be submitted. The purpose of the required information is to provide the Planning Director with a sufficient factual basis to determine whether all requirements of this Ordinance applicable to temporary and accessory uses have been met.

10-6-3 Procedures for Issuance of a Zoning Compliance Certificate

All proposed uses, alterations, conversions, or developments for which a Zoning Compliance Certificate is required shall be reviewed for compliance with this Ordinance. Within ten (10) calendar days after the complete application for a zoning certificate has been accepted, the Planning Department shall inform the applicant whether the application has been granted.

1. In any case where the application is granted, the Planning Director shall issue a Zoning Compliance Certificate which shall state: “This certificate does not signify building codes review or approval or subdivision review or approval and is not authorization to undertake any work without such review and approval where either is required. Before any structure to which this certificate is applicable may be occupied or used for any purpose, a certificate of occupancy must be obtained.”
2. In any case where an application is denied, the Planning Director shall state the specific reasons and shall cite the specific chapters, articles, and sections of this Ordinance upon which denial is based. If relief of such denial would be available by special permit or variance, the Planning Director shall so state and shall refer the applicant to the appropriate sections of this Ordinance.

10-6-4 Penalties

Any person who fails to obtain a Zoning Compliance Certificate prior to applying for a business license, building permit, certificate of occupancy or prior beginning construction, use or erecting a sign shall be subject to doubling of all applicable fees of the process. Furthermore, the Planning Department will notify all other approving departments and agencies of the violation of zoning compliance.

Article XI – Amendments to the Official Zoning Ordinance & Zoning Map

The regulations, restrictions, procedures, district regulations, and other material set out in this Zoning Ordinance as well as the boundaries drawn on the Zoning Map, may from time to time be amended, supplemented, or repealed. Proposed changes or amendments may be initiated by:

1. The City Council;
2. The Planning Commission ; or
3. Any person other than listed in (1) or (2) above; provided that no such person propose an amendment for the rezoning of property which is not owned by that individual, except as agent or attorney for an owner, a notarized statement of authorization, durable power of attorney, or other documents executed by the landowner, must be presented to and approved by the Planning Department.

Section 11-1. Procedure for Amendments to the Official Zoning Map

All petitions for amendments to the Zoning Map shall be submitted to the Secretary of the Planning Commission, in the Planning Department, thirty (30) days prior to the next regularly scheduled Planning Commission meeting. The following information shall be submitted at that time:

1. Application for an Amendment to the Zoning Map. An application can be obtained in the Planning Department or downloaded from the City of Madison website.
2. A legal description of the property to be rezoned.
    a. The legal description must be stamped and signed by a Professional Land Surveyor (PLS) registered in the State of Alabama.
    b. The legal description shall be submitted with one (1) hard copy and an electronic copy suitable to the Secretary of the Commission.
3. A map shall also be provided indicating the location of the land proposed for rezoning.

Section 11-2. Planning Commission Procedure

The Planning Commission shall review and make recommendations to the City Council on all proposed amendments to this Ordinance and Zoning Map. The recommendation of the Planning Commission shall be advisory only and shall not be binding on the City Council. The procedure for the Planning Commission is as set forth below:

1. Before the adoption of any such amendment, extension or addition to the Zoning Ordinance or Zoning Map, the Planning Commission shall hold at least one (1) public hearing. Notice of the time and place shall be mailed to all landowners within a five-hundred feet (500ft.) radius of the land proposed for rezoning according to the current County Tax Assessor's Office. The applicant must provide a notarized form that the information obtained is from the current tax assessment records. The applicant must provide proof of mailing at least seven (7) days before the date of the meeting.
2. The recommendation of an amendment, extension or addition to the Zoning Ordinance or Zoning Map shall be by the Planning Commission carried by the majority of affirmative votes of the Commission.

Section 11-3. City Council Procedure

No ordinance shall be passed by the City Council under the authority of this section until the City Council has complied with the procedures set forth in either subdivision (1) or subdivision (2).

1. Prior to adoption, the proposed ordinance shall be published in full for one (1) insertion and an additional insertion of the synopsis of the proposed ordinance, one (1) week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published; both such insertions shall be at least fifteen (15) days in advance of its passage in a newspaper of general circulation published within the City of Madison, or if no such newspaper, then by posting the proposed ordinance in four conspicuous places within the City of Madison, together with a notice stating the time and place that the ordinance is to be considered by the City Council and stating further that at such time and place all persons who desire have an opportunity of being heard in opposition to or in favor of such ordinance.
2. Prior to adoption, notice that an ordinance will be considered shall be published for three (3) consecutive weeks in a newspaper of the general circulation in the county. The notice required by this subdivision shall be published in the legal section of the publication in standard form. In addition, the same notice shall be published one (1) time in the regular section of the newspaper which notice shall be the form of at least a one-quarter page advertisement. No such ordinance shall become effective until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. The notice shall include the following information:
    a. A provision that the City Council will consider a zoning ordinance or an amendment to its existing zoning ordinance and that a copy of the proposal is available for public inspection at the Planning Department;
    b. The location of the meeting;
    c. A map of a proposed rezoning;
    d. A general description of the property to be zoned or rezoned including the common name by which the property is known; and
    e. The time and places where all persons may be heard in opposition to or in favor of the ordinance.

Section 11.D. – Procedure After Passage of An Amendment

The City Clerk shall:

1. As soon as practical after the passage, the ordinance shall be recorded in a book kept for that purpose and be authenticated by the signature of the City Clerk.
2. The ordinance shall be published in a synopsis form in some newspaper of general circulation published in the City of Madison provided that the synopsis, at the minimum, includes the following information:
    a. A summary of the purpose and effect of the ordinance;
    b. A general description of the property, the date it was passed and, if different from the date of publication, the effective date of the ordinance;
    c. The date upon which the ordinance was passed and, if different from the date of publication, the effective date of ordinance;
    d. A statement that a copy of the full ordinance may be obtained from the Office of the City Clerk.
3. When the ordinance or notice of the substance of an ordinance is published in the newspaper it shall take effect from and after the time it shall first appear therein.
4. Immediately following the record of any ordinance, the City Clerk shall append a certificate stating therein the time and manner of publication, which certificate shall be presumptive of the facts stated therein.

Article XII – Definition of Terms

For the purpose of interpreting this Ordinance, certain words and terms are herein defined. The following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Section 12-1. Interpretation of Commonly Used Terms and Words
(Ord. 2002-65)

***12-1-1*:** Words used in the present tense include the future tense.

***12-1-2*:** Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.

***12-1-3*:** The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.

12-1-4: The words "used for" shall include the meaning "designed for".

***12-1-5*:** The word "structure" shall include the word "building".

***12-1-6*:** The word "lot" shall include the words "plot", "parcel", or "tract".

12-1-7: The word "shall" is always mandatory and not merely directory.

12-1-8: The word "map" or "zoning map", shall mean the "Official Zoning Map, City of Madison".

Section 12-2. Definitions of Commonly Used Terms and Words

(Amended Ord. 95-163) (Ord.2002-65)

Access: A way of approaching or entering a property.

Accessory Building or Use: A building or use which: (1) is subordinate to and serves principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use except as herein provided. Examples of accessory uses are private garages, storage sheds and swimming pools.

Adjoining: Having property or district lines in common. In the instance of notification of a public hearing, property located across the street from a lot in question shall be considered as adjoining. The term adjoining means the same as "adjacent."

Administrative Officer: The Director of Planning or his authorized designee.

Alley: A public right-of-way, less than fifty (50) feet in width designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alteration

a. Any addition to the height or depth of a building or structure.
b. Any change in the location of any of the exterior walls of a building or structure.
c. Any increase in the interior accommodations of a building or structure.

Apartment (See Dwelling, Multiple-Family):

Assisted Living: A living arrangement characterized by a residential setting in combination with personal custodial care assistance designed to respond to the individual needs of those who need help with the activities of daily living, but who do not require 24 - hour nursing care. Services provided may include personal care assistance, meals, laundry, medication reminders, and similar services. Assisted living facilities do not provide extensive medical care or a program of rehabilitative services to their residents. (Ord. 96-06)

Boarding House: A building other than a hotel, cafe or restaurant where, for compensation, meals are provided for three (3) or more persons.

Buffer Strip: A strip of land, established to protect one type of land use from another, with which it is incompatible.

Building: A structure, having a roof supported by columns or walls and intended to be used for sheltering people, animals, property or business activity.

Building Area: That portion of a lot remaining after required yard setbacks have been provided.

Building, Height: The vertical distance measured from the grade to the highest point of the coping of flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Building Line: A line, parallel to the property line, indicating the nearest building distance to the street right-of-way line that is permissible by this Ordinance.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot which it is situated.

Certificate of Occupancy: Official certification that a premise conforms to the provisions of the Zoning Ordinance (and building code) and may be used or occupied.

Child Care Center: A child care center is an establishment designed to provide daytime care or instruction for two (2) or more children, other than members of the family. The term includes day nurseries, kindergartens, day care centers, nursery school or play school.

City: City of Madison, Alabama.

Condominium Ownership: Condominium is that form of ownership of condominium property under which units of improvements are subject to ownership by one or more owners, and there is appurtenant to each unit as part thereof an undivided share in the common elements.

Contiguous: Being in actual contact; touching along a boundary or at a point. Things that are contiguous may not be separated by an intervening thing, such as a street or buffer. However, easements do not interrupt contiguity.

Districts: Any section of the City of Madison in which zoning regulations are uniform.

Dog Kennel: A structure used for the harboring of more than three (3) dogs that are more than six (6) months old.

Dwelling: Any building or portion thereof which is designed for use residential purposes.

Dwelling, Single-Family: A building arranged to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-Family: A building arranged to be occupied by two (2) families living independently of each other, the structure having two (2) dwelling units.

Dwelling, Multiple-Family: A building arranged to be occupied by three (3) or more families living independently of each other.

Dwelling Unit: A building, or portion thereof, designed, arranged and/or used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Family: An individual, or two or more persons related by blood, marriage, or legal action, or a group not exceeding five (5) persons living as a single housekeeping unit.

Family Care Facility: A facility which provides resident services to six (6) or fewer individuals of whom one (1) or more are unrelated. The individuals are handicapped, aged, disabled, mentally ill, or are undergoing rehabilitation and are provided services to meet their needs. This category involves uses licensed or certified by any Federal, State or County health/welfare agency.

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

Garage Apartment: A garage apartment is an accessory or subordinate building, not a part of or attached to the main building, where a portion thereof contains a dwelling unit for one (1) family only, and the enclosed space for at least one (1) automobile is attached to such dwelling unit.

Group Care Facility: A facility which provides resident services to seven (7) or more individuals, of whom one (1) or more are unrelated. These individuals are handicapped, aged, disabled, mentally ill, or are undergoing rehabilitation and are provided services to meet their needs. This category involves uses licensed or certified by any Federal, State or County health/welfare agency.

Group Development: A tract of land under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan. A group development may be residential, commercial, industrial, or institutional in nature.

Hardship: A condition existing when the conditions imposed by the Zoning Ordinance would deprive the property owner of certain development rights that are enjoyed by other property owners within the same zoning district. Upon examination of the hardship claimed, it should be determined that: (1) the property owner did not bring this hardship upon himself; (2) the physical site conditions are such that a hardship does exist; or (3) the property owner would be deprived of rights which are normally afforded under the same regulations for the zone in which his property is located. The term "hardship" should never be interpreted as meaning personal or economic hardship to the property owner.

Home Occupation: An occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit, and is clearly subordinate to the residential use of the dwelling unit.

Hotel, Motel, Motor Hotel, Motor Lodge, Tourist Court: The words hotel, motel, motor hotel, motor lodge, tourist court, are to be considered synonymous terms and to mean a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings and rooming or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Where more that one-half (1/2) of the units in a hotel, motel, motor hotel, motor lodge, or tourist court have cooking facilities, such an operation shall be deemed a multiple-family dwelling and shall be subject to this Zoning Ordinance as a multiple-family dwelling.

Junk Yard: The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of motor vehicles or machinery.

Loading Space, Off-street: Off-street loading space is space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, provided the minimum size of any required off street loading space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose whether immediate or future, of transfer of ownership or for building development.

Lot, Corner: A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front.

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Probate Judge, or a lot described by metes and bounds, the description of which has been so recorded.

Lot, Width: The distance between side lot lines measured at the building setback line.

Mobile Home: A dwelling unit constructed on a chassis and which has been so designed that it may be occupied and used with or without a permanent foundation. It is intended for year-round occupancy and is equipped with appliances and electrical and sanitary systems that functions independently of auxiliary facilities so that only simple utility connections are needed. A mobile home unit may have collapsing or telescoping parts that can be expanded, or consist of two separate units joined at the site into a single home (double-wide). Removal of wheels or chassis and placing such a structure on the ground, piers, or other foundation shall not remove such a unit from this definition.

Mobile Home Park: A parcel of land under single ownership, designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more mobile homes for non-transient use. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Mobile Home Subdivision: A subdivision which meets the requirements of the Madison Subdivision Regulations.

Non-conforming Uses: Any lawful use of land, building or structures existing at the time of adoption of the Zoning Ordinance, which does not conform with the regulations of the district in which it is located.

Non-Residential Use: A use which is not a residential use or accessory to a residential use.

Parking Space: A permanently surfaced area, enclosed or unenclosed, of not less than ten (10) feet by twenty (20) feet, together with a permanently surfaced driveway connecting

the parking space with a street or alley and permitting ingress and egress of an automobile. It shall be located outside the street right-of-way and required side yards.

Planning Commission: Planning Commission of the City of Madison, Alabama.

Rooming House: Any building or portion thereof which contains not less than three (3) or more than nine (9) quest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly.

Sexually Oriented Business: Any business exhibiting any one or more of the following characteristics:

- **a.** the business holds itself out to the public as a “sex business,” “adult business,” or similar by advertising itself as such in the local media or through the use of signage or other forms of communication. Use of the letters “XXX” or the terms “sex” or “adult” in signage or advertising shall create a presumption that the business is a sexually oriented business.
- **b.** More than 5% of the business’ stock in trade or 5% of its gross floor area consists of instruments, devices, or paraphernalia either designed as representations of the female breasts or human genital organs, or designed or marketed for use primarily to stimulate the human genital organs.
- **c.** The business offers for sale, rent, or on-premise viewing or listening any written, printed, pictorial, film, videotape, electronic media, or other material which is designed or marketed for use primarily to stimulate the human genital organs.

Sign, Flashing: A flashing sign is a sign designed to attract attention by the inclusion of a flashing, changing, revolving, or flickering light source or a change of light intensity.

Sign, Hanging: A hanging sign is a sign which hangs down from and is supported by or attached to the underside of a canopy, awning, marquee, or extension of a structure.

Sign, Moving: A moving sign is a sign designed to attract attention by physical movement of all or parts of the sign including rotation, motion, or by the perception of motion.

Sign, Projecting: A projecting sign is a sign attached to a building or other structure and not extending further beyond the line of the building or structure, or beyond the surface of the building or structure to which it is attached, than is permitted by the District in which it is located.

Special Exception: A Special Exception is a use that would not be appropriate generally or without restriction throughout a zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning classification or district as a Special Exception if specific provision for such a Special Exception is made in this Ordinance. (For procedure in securing Special Exceptions, see Section 10-4.)

Stand: An area within the mobile home park which has been improved for a single mobile home as provided in this Ordinance.

Story: The term "story" shall mean that portion of a building or structure included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be

that portion of a building or structure included between the upper surface of the topmost floor and the ceiling or roof above.

Street: A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.

Street Frontage: All the property on one side of a street between two (2) intersecting streets (crossing or terminating), or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Street Line: The dividing line between a right-of-way and the contiguous property.

Structure: Anything constructed or installed or portable that requires for normal use a location on a parcel of land. This includes any movable structure located on land which can be used either temporarily or permanently for housing, business, commercial, agricultural, or office purposes. It also includes fences, billboards, poles, pipelines, transmission lines, and advertising signs.

Town Houses or Row Houses: Town houses or row houses are three (3) or more single-family attached structures separated by fire party walls.

Variance: A Variance is a relaxation of the terms of this Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship on the land. As used in this Ordinance, a Variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by Variance, nor shall a Variance be granted because of the presence of non-conformities in the zoning classification or district or adjoining zoning classifications or districts.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and main building shall be used.

Yard, Front: A yard extending across the full width of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than steps. For exceptions, see Figure 1.

Yard, Rear: A yard extending across the rear of a lot measured between side yard lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall, in all cases, be at the opposite end of the lot from the front yard. See Figure 1 for exceptions concerning double-frontage lots.

Yard, Side: A yard between the building and the side line of the lot and extending from the front yard to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

Article XIII – Remedies And Penalties

Section 13-1. Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, to use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or use in or about such premises.

Section 13-2. Penalties for Violation

Any person, firm, or corporation who violates any provision of this Ordinance or any order promulgated by an officer of the City charged with its enforcement or administration shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment or hard labor not exceeding six (6) months or both, provided, that no penalty shall consist of the fine or sentence or imprisonment exceeding the maximum fine and sentence established under State law for the commission of a substantially similar offense. Each day any violation of this Ordinance shall continue, shall constitute a separate offense.

Article XIV – Home Occupations

Section 14-1. Permit Procedures

Home occupations complying with the criteria established in Section 14-1-1 shall be considered minor in character and permitted by right. Major home occupations shall commence only after the receipt of a special exception from the Zoning Board of Adjustments, as outlined in Section 10-8 of this Ordinance.

14-1-1 Criteria for Minor Home Occupations

Use classified as minor shall be permitted in all zoning districts which allow residential land uses. The following regulations shall be permitted in all zoning districts which allow residential land uses. The following regulations shall apply to all minor home occupations.

A. The use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no others, with the following exceptions:

1. In residential day care facilities, outside play shall be permitted to the extent required by State day care regulations, and State-approved substitute workers shall be permitted to participate in the residential day care home occupation. The licensee and day care operator shall be the same individual.

2. Professional services may be rendered outdoors to the extent required, in the opinion of the service provider. For example, clergy may counsel individuals outdoors, artists may work outdoors, etc.

3. Instruction which must be provided outdoors, such as certain athletic instruction, may be so provided, if it generates no effects beyond the property line any greater than would be normally expected for a residence. In no event shall musical instrument instruction be provided outdoors.

B. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered by the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises.

C. No more than one room of the dwelling may be used for the home occupation, except that this requirement will not apply in the case of family day care facilities. (Ord. 92-25)

D. There shall be no advertising, display, or other indications of a home occupation on the premises.

E. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

F. No storage or display of goods shall be visible from outside the structure.

G. No highly explosive or combustible material should be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.

H. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

I. Parties for the purpose of selling merchandise or taking orders shall not be held more than once each month.

J. A home occupation shall not create the need for additional parking spaces in excess of those required by Article V of this Ordinance for the use of the property as a dwelling.

K. No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.

L. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall not be allowed more than twice each year, and each sale shall not last more than 10 consecutive hours.

M. No deliveries from commercial suppliers may not be made to the dwelling. All supplies must be picked up off-site by the individual conducting the home occupation.

N. Permitted minor home occupations include, but are not necessarily limited to, the following:

1. Artists and sculptors
2. Authors and composers;
3. Home crafts for sale off-site;
4. Office facility of minister, rabbi, or priest;
5. Office facility of a salesman, sales representative, or manufacturer's representative provided that no transactions are made in person on the premises
6. Professional office facilities not excluded elsewhere in this Ordinance;
7. Individual tutoring;
8. Preserving and home cooking for sale off-site;
9. Individual instrument instruction provided that no instrument may be amplified;
10. Telephone solicitation work
11. Family day care in a residential dwelling not involving more than six children. (Ord. 92-25)

O. The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as minor home occupations:

1. All uses prohibited as major home occupations;
2. Minor or major auto repair;
3. Barber shop;
4. Carpentry work;
5. Dance instruction;
6. Dental offices;
7. Medical offices;
8. Painting of vehicles, trailers, or boats;
9. Photo developing, photo studios;
10. Private schools with organized classes;
11. Television repair
12. Upholstering;
13. Beauty parlors;
14. Massage parlors
15. Small engine repairs
16. Welding shop; and
17. Other similar uses.

14-1-2 Criteria for Major Home Occupations

Uses classified as major shall be considered special exceptions administered according to Section 10-8 of this Ordinance. Residential R-1A, R-1B, and R-2 districts should, in general, be protected from major home occupations, unless it can be specifically demonstrated that such a use will have no short- or long-term negative impact on the neighborhood. To this extent, the following regulations shall apply to all major home occupations.

A. The use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no others, except that with the following exceptions

1. In residential day care facilities, outside play shall be permitted to the extent required by State day care regulations, and State-approved substitute workers shall be permitted to participate in the residential day care home occupation. The licensee and day care operator shall be the same individual.

2. Professional services may be rendered outdoors to the extent required, in the opinion of the service provider. For example, clergy may counsel individuals outdoors, artists may work outdoors, etc.

3. Instruction which must, by its nature or for safety reasons, be provided outdoors, such as certain athletic instruction, may be so provided, if it generates no effects beyond the property line any greater than would normally be expected for a residence. In no event shall musical instrument instruction be provided outdoors.

B. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered by the occupation within the residence, nor be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises. (Ord.92-25)

C. The total area used for such purposes(including storage) shall not exceed the equivalent of one-half of the floor area, in square feet, of the first floor of the user's dwelling unit, if any; otherwise, the main floor of the dwelling unit. In no case shall more than two rooms of the dwelling unit be used for the Home Occupation. This restriction shall not apply in the case of group day care facilities. (Ord. 92-25)

D. There shall be no advertising, display, or other indications of a home occupation on the premises. (Ord. 92-25)

E. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations; for example, a single-chair beauty parlor would be allowed to sell combs, hair spray and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.

F. There shall be no exterior storage on the premises of material used in the home occupation nor of any highly explosive or combustible material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.

G. A home occupation, including studios or rooms for instruction, but not including group day care facilities, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 300 square feet of floor area devoted to the home occupation, said spaces to be in addition to the spaces required by Article V of this Ordinance. In the case of group day care facilities, one additional parking space shall be provided for each employee not residing in the dwelling. (Ord. 92-25)

H. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.

I. Parties for the purpose of selling merchandise or taking orders shall not be held more often than three times each month.

J. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than once each month, and each sale shall not last more than 15 consecutive hours.

K. Permitted major home occupations shall include but are not necessarily limited to the following:

1. Any use allowed as a minor home occupation;
2. Single-chair beauty parlors and barber shops;
3. Photo developing
4. Organized classes with up to six students at one time
5. Upholstering
6. Dressmaking;
7. Woodworking, excluding cabinet making;
8. Group day care in a residential dwelling caring for more than six children, but no more than twelve children. (Ord. 92-25)

L. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes and are more suited to professional or business districts. Therefore, the uses specified below shall not be permitted as home occupations:

1. Minor or major auto repair, painting of vehicles, trailers, or boats;
2. Funeral chapel or home;
3. Gift shops;
4. Medical or dental clinic;
5. Rental businesses;
6. Catering;
7. Photos studios;

8. Massage parlors;

9. Welding or machine shops; and

10. Any retail, wholesaling, or distribution not specifically enumerated as a permitted use or special exception use, or accessory to such a use.

Section 14-2. Applications, Permits, and Inspections

14-2-1 Applications

Individuals wishing to conduct a home occupation in a dwelling that they own may apply to the Director of Community Development for a Home Occupation Permit on forms available from the Department. Individuals other than the dwelling owner who wish to conduct a home occupation in the dwelling must submit a letter from the owner granting permission for the home occupation along with the application, or the application will not be accepted. A one-time fee of $30 shall be paid to the Department with the application.

14-2-2 Classification and Approval

The Director of Community Development will classify Home Occupation Permit Applications as Major or Minor Home Occupations. Major Home Occupation Applications will be referred to the Board of Adjustment for processing in accordance with Section 10-8 of the Zoning Ordinance. Minor Home Occupation Applications will be approved administratively by the Director or his designee upon presentation of representations and/or verifications provided by the applicant, provided that the Director or his designee finds that the conditions established in Section 14-1-1 of this Ordinance are met. Minor Home Occupation Applications that are denied administratively may be appealed to the Board of Adjustment under the provisions of Section 10-7, or by resubmitting the application as a Major Home Occupation and requesting a Special Exception under Section 10-8 of this Ordinance.

14-2-3 Inspections

The Director of Community Development or his designee shall have the right, at any reasonable time, and upon reasonable request, to enter and inspect the premises covered by a Home Occupation Permit, in order to ensure compliance with the terms of said permit, or for other lawful reasons.

14-2-4 Permits

Applicants whose requests for Home Occupation Permits are approved shall pay an annual fee of $7.50 to the City Clerk on or before January 1 of each year for the privilege of conducting the home occupation. Said fee shall be in addition to fees for a City of Madison Business Privilege License, and any other fees required by law. The City Clerk shall refuse to renew a Home Occupation Permit on advice from the Director of Community Development that representations made on the Home Occupation Permit Application are, or have become, an inaccurate description of the business, or that other conditions in this Ordinance are not being met.

14-2-5 Transferability

Home Occupation Permits are not transferable between individuals, nor are they valid for a location other than the location noted on the permit. An individual who moves may not resume their home occupation in the new location without reapplying for a Home Occupation Permit.

14-2-6 Prior Nonconforming Home Occupations

Individuals who have received Special Exception Approval from the Board of Adjustment to operate a home occupation shall be exempt from reapplying for Home Occupation Permits, provided that the home occupation has been pursued continuously since the approval was granted. However, such individuals must purchase Home Occupation Permits for the year after the year in which this Ordinance becomes effective. Individuals who operate home occupations, who have not received Special Exceptions to do so, shall have four months from the date of this Ordinance to apply for a Home Occupation Permit without penalty. Thereafter, individuals who are found to be engaging in home occupations without the necessary permits shall be subject to penalties provided for in Section 13-2 of this Ordinance.