ANNISTON ALABAMA ZONING ORDINANCE

(AS AMENDED THROUGH JULY, 1999)

DUPLICATE

7-20-07

TABLE OF CONTENTS

SECTION 1: ESTABLISHMENT OF DISTRICTS: PROVISIONS FOR OFFICIAL ZONING MAP 1

SECTION 2: DISTRICTS 2

SECTION 3: INTERPRETATION OF DISTRICT BOUNDARIES 3

SECTION 4: APPLICATION OF DISTRICT BOUNDARIES 4

SECTION 5: DEFINITIONS 5

SECTION 6: NON-CONFORMING LOTS, USES OF LAND, STRUCTURES, USES OF STRUCTURES AND PREMISES, AND CHARACTERISTICS OF USE 15

SECTION 7: UTILITY STATIONS AND SUBSTATIONS 21

SECTION 8: AGRICULTURAL (AG) DISTRICT REGULATIONS 22

SECTION 9: RESIDENTIAL (R-1) DISTRICT REGULATIONS 23

SECTION 10: RESIDENTIAL (R-2) DISTRICT REGULATIONS 24

SECTION 11: RESIDENTIAL (R-3) DISTRICT REGULATIONS 25

SECTION 12: RESIDENTIAL-2 (R-2 (M))DISTRICT REGULATIONS 26

12a RESIDENTIAL OFFICE

SECTION 13: TOWNHOUSE (TH) DISTRICT REGULATIONS 27

SECTION 14: PLANNED ~~RESIDENTIAL (PR) DISTRICT~~ UNIT DEVELOPMENT REGULATIONS ..... PUD 28

SECTION 15: MOBILE HOME (MH) DISTRICT REGULATIONS 33

SECTION 16: RESIDENTIAL, INSTITUTIONAL, PROFESSIONAL (RIP) DISTRICT REGULATIONS 35

SECTION 17: NEIGHBORHOOD SHOPPING CENTER (NSC) DISTRICT REGULATIONS 36

SECTION 18: NEIGHBORHOOD SHOPPING CENTER-1 (NSC-1) DISTRICT REGULATIONS..... 37

SECTION 19: AREA SHOPPING CENTER (ASC) DISTRICT REGULATIONS 40

19 ASC + 12

SECTION 20: CENTRAL BUSINESS DISTRICT (CBD) REGULATIONS 41

SECTION 21: CENTRAL BUSINESS DISTRICT (CBD-1) REGULATIONS 42

AMENDED 01-0-9

SECTION 22: GENERAL BUSINESS (GB) DISTRICT REGULATIONS 53

+ ASC

SECTION 23: LIGHT MANUFACTURING (LM) DISTRICT REGULATIONS..... 54

REPEALED SECTION 19 01-0-9

SECTION 24: INDUSTRIAL PARK (IP) DISTRICT REGULATIONS 55

SECTION 25: FLOOD AND PLAIN CONSERVATION (FC) DISTRICT REGULATIONS 56

SECTION 26: WILDLIFE HABITAT AND OPEN SPACE (WHO) DISTRICT REGULATIONS ... 57

SECTION 27: REGULATIONS FOR ALL SIGNS OTHER THAN OFF-PREMISES OUTDOOR ADVERTISING SIGNS 58

SECTION 28: REGULATIONS FOR OFF-PREMISE OUTDOOR ADVERTISING 72

SECTION 29: REGULATIONS FOR TELECOMMUNICATIONS STRUCTURES AND FACILITIES 74

SECTION 30: SUPPLEMENTARY DISTRICT REGULATIONS 84

SECTION 31: ADMINISTRATION AND ENFORCEMENT OF BUILDING PERMITS 86

SECTION 32: BOARD OF ADJUSTMENT-ESTABLISHMENT AND PROCEDURES 87

SECTION 33: APPEALS FROM THE BOARD OF ADJUSTMENT 87

SECTION 34: DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY COUNCIL AND COURTS ON MATTERS OF APPEAL 87

SECTION 35: SCHEDULE OF FEES, CHARGES AND EXPENSES 87

SECTION 36: AMENDMENTS 88

SECTION 37: PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS 90

SECTION 38: COMPLAINTS REGARDING VIOLATIONS 90

SECTION 39: PENALTIES FOR VIOLATION 90

SECTION 40: SEVERABILITY CLAUSE 90

SECTION 41: REPEAL OF CONFLICTING ORDINANCE: EFFECTIVE DATE 90

SECTION 42: SPECIAL EXCEPTIONS 90

SECTION 43: PERMITTED USES 92

ORDINANCE NUMBER 81-0-40

An ordinance, pursuant to the authority granted by Sections 11-52-1 through 11-52-84 inclusive, Code of Alabama, 1975, to provide for the establishment of dis-tricts within the corporate limits of the City of Anniston, Alabama; to regulate within such districts the use of real property contained therein, including, without limiting the generality of the foregoing, the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures and land; to provide methods of administration of this ordinance and penalties for the violation thereof.

BE IT ORDAINED by the City Council of the City of Annision, Alabama as follows:

SECTION 1: ESTABLISHMENT OF DISTRICTS

PROVISIONS FOR OFFICIAL ZONING MAP

1. ***Official Zoning Map*** - The City is hereby divided into zones, or districts as shown on the Official Zoning Map of the City of Anniston, Alabama which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

   The Official Zoning Map of the City of Anniston, Alabama is identified by the signature of the Mayor of the City of Anniston, attested by the City Clerk of the City of Anniston, and bears of the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Anniston, Alabama referred to in Section 1 of Ordinance Number 81-0-40 of the City of Anniston, Alabama adopted on the 28th day of July, 1981." The City Clerk is hereby authorized, directed and empowered to insert on said map the number and the date of the adoption of this ordinance.

   If changes are made in district boundaries or other matter portrayed on the Official Zoning Map of the City of Anniston, Alabama, such changes shall be entered by ordinance number and date by the Engineering Department on the Official Zoning Map of the City of Anniston, Alabama promptly after the amendment has been approved by the City Council. No amendment to this ordinance shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made in the Official Zoning Map of the City of Anniston, Alabama or matter shown 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 39.

   Regardless of any existence of purported copies of the Official Zoning Map of the City of Anniston, Alabama which may from time to time be made or published, the Official Zoning Map of the City of Anniston, Alabama which shall be located in the office of the Department of Planning and Community Development shall be the best and conclusive evidence thereof.

2. ***Replacement of Official Zoning Map*** - In the event that the Official Zoning Map of the City of Anniston, Alabama becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct inconsequential errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of changing the meaning of 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 Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Anniston, Alabama referred to in Section 1 of Ordinance 81-O-40 of the City of Anniston, Alabama adopted on the 28th day of July, 1981". The City Clerk is hereby authorized, directed and empowered to insert on said new map the number and the date of the adoption of this ordinance.

   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 2: DISTRICTS

For the purpose of this ordinance the area of the City of Anniston, Alabama is hereby divided into types of districts designated as follows:

AG	Agricultural District
R-1	Residential District
R-2	Residential District
R-2(M)	Residential District
R-3	Residential District
T.H.	Townhouse District
P.R.-1	Planned Residential District
P.R.-2	Planned Residential District
M.H.	Mobile Home District
R.I.P.	Residential, Institutional and Professional District
N.S.C.	Neighborhood Shopping Center District
N.S.C.-1	Neighborhood Shopping Center District -1
A.S.C.	Area Shopping Center District
C.B.D.	Central Business District
C.B.D.-1	Central Business District
G.B.	General Business District
L.M.	Light Manufacturing District
I.P.	Industrial Park District
F.C.	Flood Plain Conservation District
W.H.O	Wildlife Habitat and Open Space

RO Residential Office

SECTION 3: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map of the City of Anniston, Alabama, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in sub-sections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the districts boundaries.

Zoning (?)

SECTION 4: APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected , constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:
   a) To exceed the height or bulk;
   b) To accommodate or house a greater number of families;
   c) To occupy a greater percentage of lot area; and/or
   d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

5. Territory which may hereafter be annexed to the City shall be considered to be in the R-1 Residential District until otherwise classified. However, if an annexation petitioner(s) desires to have property classified within any zone other than R-1 following annexation, the petitioner(s) must obtain the approval for the other classification from the Anniston City Planning Commission prior to the submission of the formal annexation request to the Anniston City Council.

6. In each district no use other than the types specified as "permitted" shall be allowed.

SECTION 5: DEFINITIONS

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word *person* includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word *shall* is mandatory, the word *may* is permissive.

The words *used* or *occupied* include the words *intended, designed,* or *arranged* to be *used* or *occupied.*

The word *lot* includes the words *plot* or *parcel.*

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Assisted Care Nursing Facility - A permanent building or group of buildings (not to include mobile homes and trailers) in which room, board, meals, laundry, and limited assistance with activities of daily living are provided for not less than twenty-four (24) hours in any week to a maximum of two (2) ambulatory adults per room. Non-ambulatory tenants shall not remain at the facility longer than thirty (30) days. **THE FOLLOWING SHALL SPECIFICALLY NOT BE CONSIDERED TO BE FUNCTIONS OF AN ASSISTED CARE NURSING FACILITY:**

a) Drug or alcohol recovery programs;
b) Temporary shelter for abused persons;
c) Persons with progressive neuropsychiatric disease of aging which is characterized by the inexorable loss of cognitive function as well as affective and behavioral disturbances will only be accommodated per state guidelines regarding such care.

Abandoned Sign - Any sign which is located on property which becomes vacant or any sign which pertains to a use or activity which no longer applies shall be deemed to have been abandoned.

Alteration and Altered - The word "alteration" shall include any of the following:

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.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

Alley - A public or private way less in width than a street, designed for the special accommodation of the property it reaches, and not intended for general travel.

Alternative Support Structure - Man made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or communication towers.

Antenna - Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

A ZONING ORDINANCE AMENDMENT CREATING A DEFINITION FOR ADULT NURSING CARE FACILITIES

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. That Section 36: DEFINITIONS, of Ordinance 81-0-40 (the Zoning Ordinance of the City of Anniston, Alabama) be and the same is hereby amended to add the following:

SECTION 36: DEFINITIONS

ASSISTED

~~Adult~~ **Care Nursing Facility** - A permanent building or group of buildings (not to include mobile homes and trailers) in which room, board, meals, laundry, and limited assistance with activities of daily living are provided for not less than twenty-four (24) hours in any week to a maximum of two (2) ambulatory adults per room. Non-ambulatory tenants shall not remain at the facility longer than thirty (30) days. **THE FOLLOWING SHALL SPECIFICALLY NOT BE CONSIDERED TO BE FUNCTIONS OF AN ASSISTED ~~NURSING CARE~~ CARE NURSING FACILITY:**

a.) Drug or alcohol recovery programs;
b.) Temporary shelter for abused persons;
c.) Persons with progressive neuropsychiatric disease of aging which is characterized by the inexorable loss of cognitive function as well as affective and behavioral disturbances will only be accommodated per state guidelines regarding such care.

Section 2. That all other provisions of Section 36 of Ordinance 81-0-40 not in conflict herewith shall remain in full force and effect.

Section 3. This Ordinance shall become effective immediately upon its adoption and publication one time in the Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this resolution to be published one time in said newspaper.

PASSED and ADOPTED this the 12th **day of** January**, 1999.**

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By: _____
W. GENE STEDHAM, MAYOR

By: absent
ANDREW B. HATLEY, COUNCIL MEMBER

By: _____
DEBRA D. FOSTER, COUNCIL MEMBER

By: _____
JAMES D. MONTGOMERY, COUNCIL MEMBER

By: _____
DR. JOHN E. REAVES, COUNCIL MEMBER

ATTEST

Apartment House - A building containing three (3) or more family dwelling units.

Attached Sign - Any permanent on-premises sign, other than a ground mounted sign, attached to, erected on, painted on, or supported by any building, including a canopy or marquee sign, or similar sign that is permanently attached to a building.

Automobile Filling Station or Service Station - Any place of business having pumps and storage tanks at which fuels or oils for the use of motor vehicles are dispensed, sold, or offered for sale at retail and where minor repairs, services and inspections may be carried on and rendered incidental to sale of such fuels and oils.

AUTO SALVAGE/WRECKING --- See JUNK -- Pg 16

Awning - A temporary shelter supported entirely from the exterior wall of a building.

Back-to-Back Sign - A structure with two parallel and directly opposite signs with their faces oriented in opposite directions located not more than 15 feet apart.

Banner - Any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National, state, or municipal flags shall not be considered banners, nor shall a principle business sign valued over two-hundred dollars ($200).

Bed and Breakfast Inn - A residential structure individually listed on the of *National Register Historic Places* continuously occupied by the owner or operator thereof consisting of not more than six sleeping rooms and breakfast for hire to any occupant for not more than fourteen consecutive days with the following characteristics:

a) Minimum of one off-street parking space for each sleeping room in the structure.

b) No dining facilities open to the general public.

c) One ground mounted or wall mounted, non-illuminated or externally illuminated sign not to exceed twenty (20) square feet in area for the sole purpose of identifying the facility. If the facility has frontage on two (2) streets, a maximum of two signs may be allowed.

d) Due to the desirability of a historical Bed and Breakfast Inn by the community and the many historical and cultural advantages it brings to a community, in additional to providing sleeping rooms and breakfast for hire, special events, limited to weddings, receptions, luncheons, dinner parties and business meetings, may be held at a Bed and Breakfast Inn provided the following criteria are met:

   1. Parking for special events during regular working hours, Monday thru Friday, must be contained entirely on the premises of the Bed and Breakfast Inn.
   2. Parking for special events held after regular working hours, Monday thru Friday, and on weekends, must be accommodated in the premises of the Bed and Breakfast Inn and on adjoining or nearby property. The owner or operator of the Bed and Breakfast Inn must submit copies of written agreements with adjoining property owners allowing the use of their property for overflow parking during special events held after regular working hours and on weekends at the Bed and Breakfast Inn.
   3. Special events held at the Bed and Breakfast Inn must be pre-booked and food service shall be limited to such pre-booked special events and overnight quests of the Bed and Breakfast Inn. Special events shall involve not less than eight (8) persons and not more than one (1) special event may be conducted during a luncheon or dining period, that is not more than two (2) special events per day.

e) Such other characteristics required under the **PR-1** criteria of this ordinance and approved master plan of development.

Bench Sign - A sign painted or affixed to a bench.

Boarding House - A building other than a hotel, cafe, or restaurant where, for compensation, meals are provided for three (3) or more persons.

Building - Any structure having a foundation and roof supported by columns, or by walls including trailers and similar structures whether stationary or moving.

Building (Main) - The main building shall be considered as the principal structure on a lot, and an attached garage, carport, porte-cochere, porch or part thereof shall be considered as a part of the main building and shall be subject to the set-back and side yard requirements for the district in which it is located.

Buildable Area - The portion of a lot remaining after required yards have been provided.

Building Area - The portion of the lot occupied by the main building, accessory building and other structures.

Building Line - A line showing the nearest distance to the street property line or lines that it is permissible to building a structure to be in compliance with this ordinance.

Canopy/Marquee - A permanent mounted structure projecting from a building, wall with or without supporting columns.

Clinic - An establishment, public or private, where there are not overnight facilities and where people are given examination, diagnosis and treatment as out-patients by physicians, dentists, optometrists or other members of the medical profession.

Communication Tower - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common towers, cellular telephone towers, alternative tower structures and the like.

Country Club - An association or organization of a fraternal or social character, not operated or maintained for a profit and designed to serve residential areas. Facilities typically included in a country club are: swimming pool; tennis courts; golf course; dining and meeting facilities; and general athletic facilities. The primary function of the facility cannot be for the operation of casinos; night clubs; dance halls; or bingo halls.

Domiciliary Care Facility - Homes for the aged, intermediate institutions, and related institutions, whose primary purpose is to furnish room, board, laundry, personal care, and other non-medical services, regardless of what it may be named or called, for not less than twenty-four hours in any week to three or more individuals not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidently the same type of limited medical attention as an individual would receive if he were living in his own home.

Drive-In Or Take-Out Restaurant - Any place or premises used for the:

a) Sale, dispensing or serving food, refreshments or beverages in automobiles, whether or not by which or not by curb service or use of drive-thru facility; and/or

b) Sale, dispensing or serving of food to customers by counter service regardless of whether customers may consume the food on or off the premises.

Drive-In Theater - A theater so arranged and conducted that the customer or patron may view the performance while being seated in a motor vehicle.

Dwelling - A house or other building used primarily as an abode for one or two families except that the word "dwelling" shall not include boarding or rooming houses, tents, hotels or other structures designed or used primarily for transient residence.

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated front any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Dwelling, Single Family - A detached residential building containing one (1) dwelling unit, other than a mobile home, designed for and occupied by one family.

Dwelling, Mobile Home - A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Dwelling, Two Family - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Multiple-Family - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family Semi-Detached - Two (2) dwelling units which are structurally joined and divided by a party wall, and designed for occupancy by two (2) families.

Duplex

Dwelling, Single-Family Attached - Buildings containing only one dwelling unit, with three or more buildings attached to each other by party walls or flashing. Side yards shall be required only at the ends of rows of attached dwellings. In districts where permitted, attached dwellings may hereafter be erected only if each building has a separate lot with at least the minimum dimensions required by district regulations for such buildings. The term "attached dwellings" is intended to apply to row houses, townhouses, patio houses, and other forms with three or more buildings so attached to each other, provided that any such building containing more than one dwelling unit shall be considered a multi-family dwelling.

Dwelling, Condominium - Single units or multiple attached units which enable fee ownership of a dwelling unit in developed realty plus an undivided interest in common areas owned jointly with other condominium owners in the development.

Dwelling, Townhouse - An attached dwelling unit of three (3) or more dwellings constructed flush against each other at the sides or attached by flashing or party walls, each unit of which is designed as a residence for one (1) family.

Dwelling High Rise - A multiple dwelling residential building over three (3) stories in height.

FAA - Federal Aviation Administration.

Family - One or more persons occupying a single dwelling unit, provided that unless all members are

related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Family Day Care - A place for the day care and instruction of adults and children not remaining over night and provided there is no exterior advertisement or signage.

FCC - Federal Communication Commission.

Festival Banner - A sign made of cloth or other fabric, of a design and color approved by the Zoning Officer, temporarily displayed from or upon light standards or other street fixtures when and where allowed in connection with special events.

Firing Range (indoor) - A facility used as a range for target practice indoors which shall be limited to hand guns and hunting rifles, which shall not include automatic weapons. Such use shall be subject to meeting the standards of the National Rifle Association, OSHA, and EPA relating to ventilation, fencing, lead recovery, buffering, and interior finishing.

Flag - Any cloth or fabric banner that represents or identifies either a governmental entity or institution.

Flashing Sign - Any sign that is illuminated by lights which are intermittently on and of, change in intensity, or create the illusion of flashing.

Freestanding Sign/Ground Mounted Sign - Any sign permanently supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Grand Opening - A promotional activity not exceeding thirty (30) calender days used by newly established businesses, within two (2) months after occupancy, to inform the public of their locations and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales by a business.

Ground Sign - Any Outdoor Advertising Sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.

Health Club - A facility including activities of a private gymnasium (not public), including private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Height of Building - The vertical distance measured from the level or the curb or the established street grade opposite the center of the front wall of the building to the highest point of the roof if a flat roof, and deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof; for buildings set back fifteen (15) feet or more from the street line the height may be measured from the finished ground surface at the center of the front wall of the building.

Home Occupation - An occupation conducted in a dwelling unit, provided that:

a) No person other than members of the family residing on the premises shall be engaged in such occupations;

b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall used in the conduct of the home occupation;

c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than an allowable sign;

d) No home occupation shall be conducted in any accessory building;

e) There shall be no change in the connection with such home occupation and no bulk pick-up or delivery of merchandise or materials;

f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Home occupations shall be limited to office use only (e.g., such as telephone, fax, and personal computer);

g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises;

h) No traffic shall be generated by any home occupation; and

i) Signs shall be permitted in R-3 according to the city's sign ordinance. However, no signs shall be permitted in R-1 or R-2 Zoning districts.

Hospital - An institution devoted primarily to the diagnosis, treatment or care of the sick or injured.

Hotel - Any building or portion thereof which contains at least (10) guest rooms intended for occupancy by individuals for compensation.

Illuminated Sign - Any sign lighted by or exposed to artifical lighting whether by lights on or within the sign or directed toward the sign.

Inflatable Sign - A balloon or other gas-filled membrane, whether lighter or heavier than air, displaying or holding up advertising matter, or used to attract attention to an event or commercial enterprise. Untethered lighter-than-air balloons and other lighter-than-air devices not tethered to the earth which drift with air currents or are self-propelled are not included.

Ingress/Egress Signs - Signs that provide information to safely identify vehicular entrances and exits of businesses. Such signs may display a business name or logo and directional information or symbols.

JUNK - -- See last def. --- Pg 16

Loading Area Off Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an improved private street, and may consist of:

a) A single lot of record;

b) A portion of a lot of record;

c) A combination of complete lots of record, or complete lots of record and portions of lots record, or of portion of lots of record;

d) A parcel of land provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance or the Subdivision Regulations of the City of Anniston.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot of Record - A lot that is part of a subdivision, the map or plat of which has been recorded in the in the Office of the Probate Judge.

Lounge - An establishment which serves beer, wine, and/or liquor for on-premise consumption. This definition shall include Private Clubs where beer, wine, and/or liquor are consumed on the premises.

Mechanic's or Artisan's Signs - a temporary sign of a mechanic or artisan maintained only while work is being performed on the premises.

Mobile Home - See Dwelling, Mobile Home.

Mobile Home Park - Any tract of land privately or publicly owned or operated upon which two (2) or more house trailers, used for living, eating or sleeping quarters, are intended to be located; such establishment being open and designated to the public as places where temporary residential or trailer parking accommodations are available, whether operated for or without compensation, by whatsoever name or title they are colloquially or commercially termed.

Mobile Court, Motel or Hotel - A building or group of buildings containing one (1) or more guest rooms having separate outside entrances for each such room or suite of rooms, and for each of such rooms or suites of rooms automobile parking space is provided.

Non-Conforming Sign - Any sign which was issued a valid permit (or was otherwise legally erected, as in the instance of annexed County property) at the time it was erected but does not accord or comply with the requirement of this article and was made nonconforming by annexation, rezoning or ordinance amendment.

Non-Conforming Use - A use of any structure or land which through originally lawful does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.

Nursing Home - A home for the aged, chronically ill or incurable persons except mental or alcoholic patients and drug addicts, in which two or more persons are received, kept or provided with food, shelter, and care for compensation but not including hospitals, clinics or other institutions, devoted primarily to the diagnosis, treatment or care of the sick or care of the sick or injured.

Nursing, Day Care - A place for the day care of children not remaining overnight.

Off-Premise Directional Sign - A sign erected along a collector or arterial street giving directions to a business, house of worship, or community service facility located no more than 4 blocks from the said sign and having frontage only on a non-arterial street.

Off-Site Sign - A sign, other than a proximity directional sign or a temporary political sign, not relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. Signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business are not included in this definition, and are subject to regulation elsewhere in the Zoning Ordinance of the City of Anniston.

Offices - Space or rooms used for professional, administrative, clerical and similar uses.

Office Building - A building whose predominant use is for offices.

Official Sign - Any sign erected by any governmental agency or at the direction of any governmental

agency.

On-Site Sign - A sign, other than a residential sign, relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs may include freestanding signs, and other sign types, but do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising industry business.

Outdoor Advertising Sign - A sign, including the supporting sign structure, which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually offered or sold upon the premises where such a sign is located. None of the following shall be deemed an outdoor advertising sign: Directional and other official signs authorized by law; Signs advertising the sale or lease of property upon which they are located; Signs advertising activities conducted on or products sold on the property upon which they are located; Signs which have a significant portion of their face area devoted to giving time, date, temperature, and weather.

Package Store - A business which provides retail sales of alcoholic beverages for off-premise consumption.

Parking Garage - A building or portion thereof designed or used exclusively for the parking of motor driven vehicles.

Parking Lot - A lot or lots used exclusively for the purpose of parking motor driven vehicles.

Parking Space - An all-weather surfaced area consisting of concrete or asphalt that is not in a street or alley and having an area that is adequate for temporary storage and necessary access and maneuvering room for one automobile and connected with a street or alley by an all-weather surface driveway which affords ingress and egress for an automobile without requiring another automobile to be moved. For single-family dwellings, required off-street parking spaces can be located on a driveway.

It is the intent of this Ordinance that all required parking spaces be all-weather surfaced and individual spaces be clearly marked or striped.

Pennants/Streamers - Any lightweight plastic, fabric, or other material, whether or not containing a mesage of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permitted - Uses specified as "permitted" shall be permitted upon application to the Chief Building Official.

Permitted On Appeal - Uses specified as "permitted on appeal" are exceptions and no permit shall be issued for such uses except with the written approval of the Board of Adjustment and subject to such conditions as said Board may require to preserve and protect the character of the District.

Portable Sign - A sign which is neither permanently affixed to a building or structure, or mounted on a trailer chassis, including but not limited to signs designed to be transported by means of wheels.

Principal Use Sign - The sign(s) indicating the primary purposes of a property or facility, and/or identifying the facility or business(es) thereon.

Private Club - An establishment formed by non-profit corporations or associations having at least 150 members in good standing which holds regular meetings and charges dues for membership, or otherwise meets the requirements of Section 28-3-1(7) 'a' and/or 'b' of the Code of Alabama, 1975. If alcohol is consumed on the premises, then the Private Club shall be considered a Restaurant Pub, Restaurant

Lounge, Tavern or Lounge, whichever is applicable.

Projecting Sign - Any sign affixed to a building or wall that extends more than eighteen inches an is perpendicular to the wall or building to which it is attached.

Public Utilities - The utilities necessary to the health and welfare of the community such as water distribution, sewage disposal, telephone service, gas distribution, electrical service, cable television service and transportation and which utilities are publicly or privately owned and operated.

Public Buildings - Those buildings or uses in which the business of the city, county, state and federal government may be conducted, including libraries, museums, schools, police and fire houses and structures connected with water supply and sewage disposal, and excluding the sale of alcoholic beverages.

a) *Semi-Public Buildings:* Those buildings or uses developed by public or private capital which may be restricted to a group such as churches, country clubs and private schools.

Premises - The word *"premises"* shall mean buildings or land or both buildings and land.

Reader Board - A sign that is designed or used so that characters, letters, or symbols can be manually changed or rearranged without altering the surface of the sign.

Real Estate Sign - Sign used to offer for sale, lease or rent the land or buildings upon which the sign is located.

Rehabilitation Center - A certified rehabilitation home for substance abuse residents and resident staff, who live together as a single housekeeping unit in a temporary environment wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such use shall be subject to Master Development Plan requirements and approval by the Planning Commission. Such plan will be processed in accordance with Section 14, Paragraph 2, of this Ordinance. Cross ref: Specialized Care Facility.

Restaurants - Any place or premises providing no counter service (other than placement of orders) used primarily for sale, dispensing or serving food to be consumed on premises by use of waiters or waitresses providing table service to customers.

Restaurant Lounge - A restaurant which may serve beer, wine and/or liquor. Restaurant Lounges shall be required to have at least a 1,000 sq. ft. dining area, seating for 50, and a separate kitchen adjoining the dining area serving at least one meal per day, six days per week. A minimum of 40% of gross sales receipts must be food sales.

Restaurant Pub - A restaurant which may serve beer and/or wine. Restaurant Pubs shall be required to have at least a 1,000 sq. ft. dining area, seating for 50, and a separate kitchen adjoining the dining area serving at least one meal per day, six days per week. A minimum of 40% of gross sales receipts must be food sales.

Roadside Stand - A place where home-raised produce or homemade objects are offered for sale.

Roof Sign - Any sign erected and constructed wholly on and over the roof of a building and supported by the roof structure.

Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing which directs attention to a product, service, place, activity, institution, business or solicitation, or communicates information of any kind to the public.

Sign Area - The area of a wall mounted sign shall be computed as the area of the wall covered by the various components that make up the sign. In the case of irregular shapes (such as individual letters) the area shall be computed by placing a rectangle around each individual character and computing the area of each such rectangle. The area of the sign shall be the sum total of the areas of all such rectangles.

Special Events Center - A building used primarily for entertainment purposes such as weddings, receptions and banquets. The facility shall not be used for the operation of casinos or night clubs. Parking shall be subject to the provisions of section 30, regarding supplementary district regulations, subsection 11 relating to additional off street parking requirements.

Special Exception - A special exception is a use that would not be appropriate generally or without restriction throughout the 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 general welfare. Such uses maybe permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

Specialized Care Facility - A Care Facility licensed by the Alabama Department of Human Resources designed to provide a supervised home on a semi-permanent basis for children under eighteen (18) and are in need of a stable living environment. Such facility shall be operated only by a non-profit organization or under the auspices of a government unit. The number of residents shall be limited to the reasonable capacity of the facility. To ensure proper occupancy levels and management capabilities, an operating plan in each such facility, shall be submitted to the Planning Commission prior to its establishment. Such plan will be processed in accordance with Section 14, Paragraph 2, of this ordinance. Cross Ref: Rehabilitation Center. L(PUD)

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and roof, in which the floor area with eight (8) feet or more of head clearance is less than fifty (50) percent of the floor area of the story next below. A top floor in which the floor eight (8) feet or more of head clearance is less than fifty (50) percent of the floor area of the story next below shall be a "Half-story". A basement shall be considered as a story if its ceiling is more than five (5) feet above the level from which the "height of the building" is measured or if it is used for residential purposes other than for janitor or domestic servant including the families of the same employed in the building.

Street - Any public way set aside for common travel more than thirty (30) feet in right-of-way width if such existed at the time of enactment of this ordinance or such right-of-way fifty (50) feet or more in width if established thereafter.

Street Line - The right-of-way line of a street.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and signs.

Tavern - An establishment which serves beer and/or wine for on-premise consumption. This definition shall include Private Clubs where beer and/or wine are consumed on the premises.

Total Floor Area - The inside area of all floors of a building including finished attics and basements when considered as a story under the terms of this ordinance.

Tourist Camp - Any site, lot, field, or tract of land privately or publicly owned or operated, upon

which two (2) or more cabins or similar structures, used for living, eating, or sleeping quarters are, or are intended to be, located; such establishments being open and designated to the public as places where temporary residential accommodations are available, whether for or without compensation by whatsoever name or title they are colloquially or commercially termed.

Tourist Home - A dwelling in a residential district in which the permitted area for business use under this ordinance consists of rooms for the accommodation of paying transient guests.

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Undertaking Establishment - A business that prepares the dead for burial and manages funerals.

Use - The purpose for which land or a building or other structure is designated, arranged, or intended or for which it is or may be occupied or maintained.

V-Type Sign - Two signs in the shape of the letter 'V' when viewed from above with their faces oriented in different directions located not more than 15 feet apart at the closest points.

Variance - A variance is a relaxation of the terms of the zoning 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 the ordinance would result in unnecessary and undue hardship. 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 shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Wall Sign - Any Outdoor Advertising Sign attached to the wall of a building.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front - A yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with prevailing front yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than one two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the district; (2) No other front yard on such lot shall have less than half the full depth required generally. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point of the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot lines.

Yard Mounted Sign - The area of a yard mounted sign shall be computed as the copy area only, limited, in the instance of two-sided signs, to the copy area of one side.

Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Junk And/Or Auto Wrecking Yard - An area where used or cast off materials are stored, purchased or offered for sale either on or off the premises.

SECTION 6: NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE

1. *Intent* - - Within the districts established by this ordinance or amendments that may later be adopted there exist:
   a) Lots;
   b) Structures;
   c) Uses of land and structures; and
   d) Characteristics of use

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as herein provided by this section.

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 structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building 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.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the 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 permanent position and fastened in a permanent manner. Where to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

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, not-withstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions 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.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part or the lots do not meet the requirements established for lot width and 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 or sold 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.

3. *Non-Conforming Uses of Land (Or Land With Minor Structures Only)* - - Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding $1,000, the use may be continued so long as it remains otherwise lawful, provided:

a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

b) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

c) If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located; and

d) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

4. *Non-Conforming Structures* - - Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

b) Should such non-conformity structure or non-conforming portion of structure be destroyed by any means to an extent of more than 75 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance; and

c) 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.

5. *Non-Conforming Uses of Structures or of Structures and Premises in Combination* - -If lawful use involving individual structures with a replacement cost of $1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such

building;

d) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

e) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter resumed;

f) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

g) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 75 percent of the replacement cost at time of destruction.

6. *Repairs and* Maintenance - - On any conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing wall, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duty authorized official to be unsafe 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.

7. *Waiver of Non-Conforming Use Prohibitions - -*

A. The Planning Commission may waive prohibitions prescribed by paragraph 5(a) and 5(b) of this section so as to allow the enlargement, extension, relocation or alteration of conforming structures devoted to a non-conforming use provided that:

1. No such enlargement, extension, relocation, or alteration of such structure shall extend beyond the boundaries of the lot or parcel other than that occupied or used by the non-conforming use at the effective date of the adoption of this Ordinance. In the CBD-1district, however, parking lots or areas used in connection with the non-conforming use may extend beyond the boundaries of the lot or parcel occupied by the non-conforming use, provided that such parking shall be permitted only on adjoining property which does not have frontage on Quintard Avenue and which lies east or west of the lot or parcel occupied by the non-conforming use;

2. The enlargement, extension, relocation or alteration shall not cause the structure to violate any other development criteria otherwise provided by the comprehensive zoning ordinance as amended from time to time; or

3. The enlargement, extension, relocation or alteration of said structure shallnot increase the square footage of the structure devoted to the non-conforming use by more than 25% in all districts other than CBD-1, in which said district such

enlargements or extensions shall be permitted without regard to the 25% limitation imposed hereby, provided that such enlargements or extensions shall be part of an approved CBD-1 Master Plan of Development.

B. Application shall be made to the Planning Commission for such waiver accompanied by plans of the enlargement, extension, relocation or alteration of the structure. Prior to granting a waiver, the Planning Commission shall make findings of fact from evidence presented that:

1. The public good would better be served by the allowance of the waiver than the continuation of the prohibitions placed upon the structure devoted to the non-conforming use of Paragraph 5(a) and 5(b) of this section; and
2. The enlargement, extension, relocation or alteration of the structure shall not diminish the integrity of the zoning district.

C. All factual findings by the Commission either supporting or denying any application for waiver shall be recorded in the minutes of the Commission. The granting of the waiver provided herein shall in no way relieve an applicant from further satisfying other provisions of this Ordinance. In the event that a waiver to substantially complete the enlargement, extension, relocation or alteration as permitted by the waiver, to substantially complete the enlargement, extension, relocation or alteration as permitted by the waiver, and said enlargement, extension, relocation or alteration shall be in strict accordance with the plans submitted to the Planning Commission with the application for such waiver.

SECTION 7: UTILITY STATIONS AND SUBSTATIONS

For all zones in the City of Anniston there shall be permitted the construction and maintenance of public or privately owned utility stations or substations in accordance with the following regulations.

1. All electrical power substations shall be enclosed within a chain link fence, or similar fence, or be so designed to be inaccessible to unauthorized persons. Electrical power substations in all zones except manufacturing shall be enclosed by a planting screen with a minimum height of eight feet (8') and of sufficient depth and density to screen the structure from view. Set back requirements for buildings shall apply to power substations and shall be measured from the fencing enclosure except that setbacks along property lines adjacent to streets and alleys shall not be less than fifteen feet (15') regardless of other setback requirements and that such enclosures shall not be constructed closer than ten feet (10') to adjoining properties. Utility lines shall approach the substation from the side opposite the main traffic artery where possible. Distribution lines may be run underground from any orientation.

3. Public or privately owned utility stations other than electrical power substations shall be enclosed by a planting screen of such height, depth and density to screen the structure from view. Fencing shall be required where such structures present hazards to animals or people. Structures extending above the ground in excess of two feet (2') shall comply to the same regulations as required for power substations.

3. Should proposed utility installations be of a nature that would cause a noise level of twelve (12') decibels above the ambient noise level at any given time measured at a point on the property line nearest the sound source, such proposal shall require approval of the City Planning Commission.

4. Should the public utility company not be able to comply with the above regulations, it may submit a proposed site plan of the desired installation to the City Planning Commission for approval and recommendation to the City of Anniston. The site plan shall include the following:
   - A. Site of physical plant including height of structure, length and width including that of fencing;
   - B. Setbacks;
   - C. Means of access;
   - D. Landscaping;
   - E. Streets and alleys;
   - F. Any proposed lighting indicating screening of same should it be necessary to protect adjacent property owners from glare; and
   - G. Other features pertaining to the particular installation.

SECTION 8: AGRICULTURAL (AG) DISTRICT REGULATIONS

1. *Intent* - - The AG district is designed to facilitate the development of agricultural related uses, and to enable the development and operation of various support facilities intended to enhance the operations and occupancy of agricultural facilities.

2. *Uses Permitted* - - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* - -

   a) Minimum Lot Size - 15,000 square feet where city sewer is available; 20,000 square feet otherwise.
   b) Minimum Lot Width at Building Line - 100 feet.
   c) Minimum Depth of Front Yard - 30 feet.
   d) Minimum Depth of Rear Yard - 30 feet.
   e) Minimum Side Yards - 12 feet.
   f) Any structure used for the commercial housing of livestock or poultry of any kind shall not be located closer than one hundred (100) feet to any property line.
   g) Maximum Building Area - Fifty (50) percent of total lot area.
   h) Maximum Height of Structures - Three (3) stories or forty-five (45) feet, whichever is greater.
   i) Off-Street Parking - Two car spaces per dwelling unit.
   j) Adequate parking space for all uses to accommodate all vehicles incidental to such uses; one car space per each employee; parking space shall also be provided to adequately accommodate the normal flow of patrons of all permitted services and businesses.

SECTION 9: RESIDENTIAL (R-1) DISTRICT REGULATIONS

1. *Intent* - - The R-1 district is designed to facilitate the development of: low-density, one family units; facilities designed to serve the residential neighborhood environment, such as schools, churches and public facilities; and open space within the district through minimum yard and area standards.

2. *Uses Permitted* - - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* - -

   a) Minimum Lot Area - 12,750 square feet: 15,000 square feet in unsewered areas.
   b) Minimum Lot Width at the Building Line - 85 feet; 100 feet in unsewered areas.
   c) Minimum Depth of Front Yard - 30 feet.
   d) Minimum Depth of Rear Yard - 45 feet.
   e) Minimum Width of Each Side Yard - Single family residences with less than two (2) stories - 10 feet; two (2) or more stories - 12 feet.
   f) Maximum Total Building Area - 30 percent of total lot area.
   g) Maximum Height of Structures - Three stories
   h) Off-Street Parking - Two (2) spaces per dwelling unit.

5. *Noise Levels* - - Shall comply with Chapter 16, Articles 1 and 2 of the Anniston Code of Laws.

SECTION 10: RESIDENTIAL(R-2) DISTRICT REGULATIONS

1. *Intent* - - The R-2 district is designed to facilitate the development of: medium-density, one family dwelling units; facilities designed to serve the residential neighborhood environment, such as schools, churches and public facilities; and open space within the district through minimum yard and area standards.

2. *Uses Permitted* - - See Charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* - -

   a) Minimum Lot Area - 10,250 square feet; 15,000 square feet in unsewered areas.
   b) Minimum Lot Width at the Building Line - 75 feet; 100 feet in unsewered areas.
   c) Minimum Depth of Front Yard - 30 feet.
   d) Minimum Depth of Rear Yard - 40 feet.
   e) Minimum Width of Each Side Yard - Single family residences with less than two stories - 10 feet; two stories or more - 12 feet.
   f) Maximum Total Building Area - 30 percent of total lot area.
   g) Maximum Height of Structures - Three stories.
   h) Off-Street Parking - Two spaces per dwelling unit.

SECTION 11: RESIDENTIAL (R-3) DISTRICT REGULATIONS

1. *Intent* - - The R-3 district is designed to facilitate the development of: high-density, one family and multi-family dwelling units: certain limited home occupations; facilities designed to serve the residential neighborhood environment, such as schools, churches and public facilities; and open space within the district through minimum yard and area standards. ORD 99-O-9, Assisted Care Nursing Facility

2. *Uses Permitted* - - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* --

   a) Minimum Lot Area - 6,000 square feet for single family dwellings; 7,500 square feet for duplexes; for each additional single family unit up to a maximum of six (6) units, add 1,500 square feet. *

   b) Minimum Lot Width at the Building Line - 50 feet.

   c) Minimum Depth of Front Yard - 30 feet.

   d) Minimum Depth of Rear Yard - 30 feet.

   e) Minimum Width of Each Side Yard - 9 feet.

   f) Maximum Total Building Area - 60 percent of total lot area.

   g) Maximum Height of Structures - Three stories.

   h) Off-Street Parking - Two spaces per family. For Domiciliary Care Facilities, one space per two beds and one space per each employee per shift.

   i) Lot must be 15% landscaped.

A ZONING ORDINANCE AMENDMENT TO ALLOW ASSISTED CARE NURSING FACILITIES (ACNF) AS A PERMITTED USE, SUBJECT TO MASTER PLAN APPROVAL, IN RESIDENTIAL -3 (R-3) AND PLANNED RESIDENTIAL - 2 (PR-2) ZONING DISTRICTS

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. That Section 39: PERMITTED USES BY DISTRICT, Subsection: RESIDENTIAL PERMITTED USES BY DISTRICT, of Ordinance 81-0-40 (the Zoning Ordinance of the City of Anniston, Alabama) be and the same is hereby amended to read as follows:

Section 39: PERMITTED USES BY DISTRICT

RESIDENTIAL PERMITTED USES BY DISTRICT

USE	R-1	R-2	R-2(M)	R-3	PR-1	PR-2	MH	TH
Assisted Care Nursing Facilities*				•		•		

* - Subject to Master Plan approval by the Planning Commission

Section 2. That all other provisions of Section 39 of Ordinance 81-0-40 not in conflict herewith shall remain in full force and effect.

Section 3. This Ordinance shall become effective immediately upon its adoption and publication one time in the Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this resolution to be published one time in said newspaper.

PASSED and ADOPTED this the 8th **day of** March **, 1999.**

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

BY: _____
W. GENE STEDHAM, MAYOR

BY: _____
ANDREW B. HATLEY, COUNCIL MEMBER

BY: absent
DEBRA D. FOSTER, COUNCIL MEMBER

BY: abstain
JAMES D. MONTGOMERY, COUNCIL MEMBER

BY: _____
JOHN E. REAVES, COUNCIL MEMBER

ATTEST

SECTION 12: RESIDENTIAL (R-2(M)) DISTRICT REGULATIONS

1. *Intent* - - The R-2(M) District is designed to preserve and protect the character of a mature residential neighborhood. A mature residential neighborhood is defined as one which became fully developed prior to the enactment of the City's development and land-use regulations as contained in the zoning ordinance. These Districts have a variety of mixed-use dwelling units at a moderately high density - single-family residences, townhouses, duplexes, multiplexes and garden apartments - which together make up a harmonious whole neighborhood environment.

   To further the intent of the R-2(M) District, existing dwelling units may only be replaced on a unit for unit basis (ie. duplex or apartment building for apartment building). Restrictive non-conforming provisions of this Ordinance shall not apply in an R-2(M) zoned district. Should infill development on vacant property occur within this District, such development shall be done in accordance with the provisions of this Ordinance applicable to residential districts.

2. *Uses Permitted* - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - All others.

4. *Development Criteria For Permitted Uses* - same as R-2.

SECTION 12A: RESIDENTIAL OFFICE (RO) DISTRICT REGULATIONS

Intent - The RO district is designed to preserve the character of established residential neighborhoods located in areas where there is a high demand for professional office space. The RO district allows professional office uses which can be accommodated in existing residential structures which, otherwise, might be abandoned or neglected. Such conversion of property from residential to professional office use shall not be allowed to detract from the residential character of the neighborhood.

Permitted Uses - The following are permitted uses in the RO zoning district:

Stock Broker (621);
Advertising (731);
Credit Reporting Agencies (732);
Mailing, Reproduction, Commercial Art & Photography, Stenography (733);
Computer Programming (737);
Misc. Business Services (738);
Motion Picture Production & Allied Svcs. (781);
Doctors (801);
Dentists (802);
Osteopathy (803);
Other Health Practicioners (804);
Legal Services (81);
Engineering, Architectural & Surveying Svcs. (871);
Accounting/Bookeeping (872);
Public Relations & Mgmnt. (8741, 8742, 8743);
Other Services (899).

Uses Prohibited - Any business or enterprise not specifically permitted above according to SIC code.

Development Criteria - Minimum Lot Area - None Specified;
Minimum Lot Width - None Specified;
Minimum Front Yard - Average distance of the front yard setback of adjacent properties or, in the case of corner lots or vacant adjacent property, the same setback of the nearest developed property;
Minimum Rear Yard - Same average distance criteria;
Minimum Side Yard - Same average distance criteria; Maximum Total Building Area (Lot Coverage) - None Specified; Maximum Height - Two (2) stories (30 feet including roof).

Development - All new development in the RO district, other than residential dwelling units, shall be required to submit a site plan showing the general development plan for the property. The site plan shall include a survey of the property, a landscape plan, proposed parking, proposed signage, and exterior building elevations which graphically illustrate the type of construction

proposed for the property. Redevelopment of existing property shall be allowed so long as such redevelopment does not detract from the residential character of the district. An approved development plan shall be required for all redevelopment, other than residential, in this district.

Parking - None Specified. The residential character of dwelling units shall be maintained and the front and/or side yards may not be used for parking. Additional parking may be permitted in the rear yard area provided that the parking area is screened from adjoining or adjacent properties by vegetative screening and/or fencing approved by the City. The utilization of on-street parking is encouraged. Impervious surfaces for parking shall be kept to an absolute minimum.

Noise - Any use of property within the Anniston city limits shall be subject to the restrictions of the Anniston noise ordinance. The use of residential property for professional office uses shall not result in any additional noise impact than would normally be generated by residential dwelling units.

Landscaping - A landscaping plan shall be required for all development/ redevelopment in this district other than residential. Landscaping shall be designed to provide an aesthetic environment appropriate for a residential neighborhood. Additional landscaping may be required to provide screening for parking or other non-residential development impacts.

Lighting - No lighting may be installed which will have an adverse impact on adjacent properties. Lighting shall be designed so that no direct glare be imposed upon adjacent properties.

Pedestrian Access - In such cases where the primary entrance to a business is not directly adjacent to parking, pedestrian paths shall be clearly delineated between the office entrance and the parking area. For on-street parking, pedestrian access shall be provided from the office entrance to the closest convenient sidewalk(s).

Signage - Exterior signage for professional offices located in the RO district shall be limited to an attached placard which shall not exceed ten (10) square feet in area. Alternatively, a sign not exceeding ten (10) square feet in area may be hung under the front porch overhang of a structure. No other exterior signage shall be permitted in this district. No illuminated signage of any type will be permitted in this district.

SECTION 13: TOWNHOUSE (TH) DISTRICT REGULATIONS

1. *Intent* - - The TH District is designed to enable the development of owner occupied single family attached townhouse units in areas of the community determined suitable for high density residential development.

2. *Uses Permitted* - - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* - -

   a) Minimum Lot Size - 2,000 square feet.
   b) Minimum Lot Width at the Building Line - 20 feet.
   c) Minimum Depth of Front Yard - 30 feet.
   d) Minimum Depth of Rear Yard - 30 feet.
   e) Minimum Width of Side Yard at ends of Buildings - 10 feet.
   f) Maximum Total Building Area - 60 percent of total lot area.
   g) Maximum Height of Structures - Three stories.
   h) Off-Street Parking - Two (2) spaces per dwelling unit. No off-street parking spaces shall be entered or exited directly from a public street or alley, and spaces shall be contained entirely within the lot areas of the development.
   i) Maximum Number of Units Per Building or Series-Eight (8) units.
   j) Lot Development - Each dwelling unit shall be constructed on its own recorded. subdivided lot.
   k) Maximum Density - Fifteen (15) units per acre.
   l) Master Plan Requirement - A master plan for development showing the exact manner in which the entire tract will be improved and used must be submitted to the Planning Commission and approved consistent with the standard re-zoning procedures of the City of Anniston. The tract must be developed in accordance with the approved by the Planning Commission prior to the issuance of a building permit.
   m) Expiration Clause - Unless development has commenced within a period of one (1) year following zoning approval, the authorization for the development shall expire. An extension of time may be granted by the Planning Commission upon request by the property owner.

ORDINANCE NUMBER 01-O-08

A ZONING ORDINANCE AMENDMENT CREATING DEVELOPMENT REGULATIONS WHICH WILL PERMIT PLANNED UNIT DEVELOPMENTS (PUDs)

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. That Section 14: PLANNED RESIDENTIAL (PR) DISTRICT REGULATIONS of Ordinance 81-0-40 (the Zoning Ordinance of the City of Anniston, Alabama) be and the same is hereby amended to read as follows:

SECTION 14. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT REGULATIONS

INTENT

The Planned Unit Development (PUD) concept is designed to facilitate the most advantageous development of land. Similarly, the PUD regulations are intended to ensure efficient use of open space, promote high standards in layout and construction, and ensure development in a manner harmonious with existing topographical features and adjacent land uses. To these ends, development shall be permitted only in accordance with a detailed Development Plan approved by the Planning Commission.

The PUD concept is not intended to circumvent the provisions of existing zoning, but rather to encourage ingenuity and resourcefulness in land planning. As such, Planned Unit Developments will be permitted as a conditional use in all zoning districts based upon the submittal and approval of a detailed Development Plan.

General Standards - All PUDs shall meet the following standards:

1. Must be compatible with the adopted Comprehensive Plan of the City of Anniston.

2. Must be compatible with the topography of the land, and shall preserve any unusual topographic or natural features.

3. Development shall not adversely affect developed or undeveloped neighboring properties.

4. Development shall utilize design and development features that would not be possible by the application of standard zoning district regulations.

5. Streets, buffer areas and parking areas shall not be credited toward the minimum open space requirements.

6. If requested by the City, the owner of the PUD shall deed to the City the land set aside as required open space.

improved and utilized must be submitted to the Planning Commission and City Council for approval prior to the issuance of construction permits. A copy of the Development Plan shall be retained in the files of the Planning Commission. Approval by the Planning Commission does not constitute approval of technical plans or proposed specifications. Site plans and building construction plans must be submitted to and approved by the appropriate City departments prior to the start of construction. Development under these PUD regulations does not constitute, nor does it require, any rezoning of property.

All applications for PUDs shall provide ten (10) copies of a proposed Development Plan containing the following:

1. A narrative describing:
   a. The character of, and rationale for, the proposed Planned Unit Development;
   b. The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and
   c. Proposed phasing and schedule of development.

2. A graphic development plan which contains the following:
   a. The proposed name of the development.
   b. The names and addresses of the owner(s) of record and the applicant, if different from the owner;
   c. Names of owners and type of land use of all parcels contiguous to the proposed development;
   d. Proposed arrangement of land uses, approximate acreage of each use area or tract, type of use and density of residential areas:
   e. The proposed vehicular and pedestrian circulation system.
   f. A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor and showing the location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and
   g. The location, dimensions, descriptions, and flow of existing wetlands, watercourses and drainage structures within the tract or on contiguous tracts;
   h. Location of municipal limits or county lines, and district boundaries if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;
   i. A vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved road;
   j. A topographic survey;
   k. The locations, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract;
   l. The location, dimensions, description, and names of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract.
   m. Preliminary drainage plan.
   n. Proposed internal site planning standards such as setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities.
   o. Letters of capability and intent to provide utility service from all affected agencies or entities, where applicable.

The Planning Commission or City staff may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community should be addressed.

Development Criteria - Structures and open space shall be arranged in such a way as best to serve the needs of residents and commercial users of the planned development, and to minimize any adverse effects on neighboring properties. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the maximum extent possible. The development plan shall substantially conform to the adopted Comprehensive Plan of the City with respect to type, character and intensity of use and public facilities. Development shall not adversely affect the public health, safety and general welfare and shall adhere to the intent of this Ordinance and the Comprehensive Plan.

Common Areas and Open Space - At least 30 percent of the site area, not to include areas for buildings, parking, accessory structures or uses, rights-of-way, utility or drainage easements, etc. shall be developed to serve the needs of the residents of the development, including but not limited to landscaped parks, play areas and equipment, pools and cabanas, and similar improvements consistent with the needs and character of the development. Front, side and rear yard areas of individual lots may count toward the 30 percent requirement. The developer shall provide for and establish an organization or other legal entity for the ownership and maintenance of any common open space or designated on the Development Plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of development plans. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space), without first offering to dedicate the same to the City. When a PUD is to be constructed in stages, and includes common open space or dedicated open space, the total area of common or dedicated common space provided at any stage of development shall bear substantially the same relationship to the total open space to be provided in the entire planned development as the stages or units completed or under development bear to the entire planned development.

Buffering - Front, rear and side yard requirements at the outer perimeter of a project shall not be less than the minimum required for the district surrounding the development. Fences, walls or vegetative screening shall be provided at the perimeter of planned developments where necessary to screen improvements, glare or other influences having an adverse impact on adjacent properties. Such screening shall be of sufficient height and density as determined by the Planning Commission to minimize the potential adverse impact of such development on adjacent properties.

Vehicular Access - Principal vehicular access to a planned development shall be from street and roads capable of supporting existing traffic and traffic that will be generated by the PUD. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic. Merging and turnout lanes shall be required where such need is indicated by the City Engineering Division. Within a PUD, streets, roads, driveways, parking, loading service areas shall be designed so as to provide safe and convenient vehicular access to all uses and facilities.

Pedestrian Access - Pedestrian access shall be arranged so as to provide safe and convenient routes to and from a planned development. Pedestrian access routes within a planned development need not be adjacent to, or in the vicinity of, vehicular access routes. Pedestrian crossings at the perimeter of a development shall be marked and controlled, and where pedestrians are exposed to substantial vehicular traffic, traffic, fencing or other similar barriers shall be erected to prevent crossing at other than designated points. Pedestrian ways to be used by substantial number of children shall be located and designed to minimize contact with vehicular traffic. Developed recreation space and other open space intended for public-oriented structures, such as schools and churches, shall be accessible from related structures, such as dwellings and office buildings, with a minimum of street crossings. Where possible, such uses shall be inter-connected by a common pedestrian system.

Other Transportation Considerations - Bicycle and bridle paths, where provided, shall be coordinated with the pedestrian system and street crossings. Accommodations shall be required for public transportation if, in the opinion of the Planning Commission, the development warrants it. Within a PUD, there shall be adequate space to permit accessibility to all structures by firefighting and similar emergency equipment.

Parking - Parking areas shall be contained entirely within the lot areas of the development and shall not cause the destruction of any city right-of-way or easement, sidewalks, or trees located on any city right-of-way. Curb cuts shall be permitted only through the City Engineering Division. Landscaped islands of similar or greater size than parking bays shall be provided at both ends of any parking row exceeding five (5) spaces. In addition one (1) landscaped island shall be provided for every five (5) spaces overall on developments with less than fifty (50) total parking spaces. Developments with more than fifty (50) total parking spaces shall provide landscaped islands at the rate of one (1) island for every ten (10) spaces overall. Parking islands shall contain at least one tree of at least two (2) inches caliper DBH which will provide suitable shade at maturity. Driveways serving more than two parking spaces shall provide an adequate turn-around space on the lot. Parking areas shall be constructed in such a manner as to ensure a surface resistant to erosion which provides a sufficiently stabilized surface to accommodate the traffic for which it is intended. Stabilized surfaces other than concrete or asphalt are encouraged in those areas where traffic does not indicate such a need (seasonal and overflow parking, etc.) and stormwater runoff would be excessive.

Stormwater Management - The development plan shall include a stormwater management element which shall illustrate the manner in which the proposed development will accommodate stormwater runoff. Wherever possible, development shall be designed to retain stormwater runoff in such a manner as to minimize the discharge of pollutants off-site and maximize the absorption of stormwater on-site.

Deviations From Development Standards - All requests for deviations from these development standards shall require the approval of the Planning Commission and the City Council. Deviations from the development standards shall only be considered where such changes are necessary to achieve an effective development plan which respects the natural features of the property, is compatible with neighboring land uses, and is an asset to the community. Financial constraints shall not be considered when granting deviations from existing development standards.

Administration of the Development Plan - An approved PUD development plan may be amended provided the amendment does not constitute a substantial modification of the plan as determined by the Director of Planning or his designee. Substantial modifications shall require the approval of the Planning Commission and the City Council. Authorization for a PUD development plan shall expire six (6) months after the issuance of construction permits unless an extension is granted by the city Building Official. If no construction permits have been issued, the approved development plan shall expire one (1) year from the date of Planning Commission approval.

Section 2. That all other provisions of Ordinance 81-0-40 not in conflict herewith shall remain in full force and effect.

Section 3. This Ordinance shall become effective immediately upon its adoption and publication one time in the Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this ordinance to be published one time in said newspaper.

PASSED and ADOPTED this the 10th day of July, 2001.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

BY: _____
Hoyt W. Howell, Jr., Mayor

BY: _____
John W. Norton, Council Member

BY: _____
Herbert Palmore, Council Member

BY: _____
Benjamin Little, Council Member

BY: _____
Jeff Fink, Council Member

ATTEST
BY: _____
Alan B. Atkinson, City Clerk

SECTION 15: MOBILE HOME (MH) DISTRICT REGULATIONS

1. *Intent and Purpose* - - The following district regulations are designed to encourage the development of mobile home parks in a manner that will provide a quality living environment for the residents. The regulations will insure ample provision of open space and flexibility in lay-out to enhance the development of the district with respect to flood zones, steep slopes and other topographical features. To these ends re-zoning to, and development under this section will be permitted only in accordance with a detailed development plan, in an AG, IP or R-3 zone.

2. *Procedure For Mobile Home Development* - -

   a) A master plan of development showing the exact manner in which the entire tract will be improved and used will be presented to the Planning Commission for review and approval.

   b) Upon approval by the Planning Commission, the master plan for development will accompany the recommendation for re-zoning to the City Council and pending approval shall be retained in the file of the City Clerk as a part of the City's record amending the zoning map and said map shall be recorded in the office of the Probate Judge of Calhoun County.

3. *Uses Permitted* - See charts in **SECTION 43** of this Ordinance.

4. *For Conditional Uses* - Non Specified.

5. *Development Criteria For Uses Permitted* -

   a) *Minimum Parcel of Land:* Not less than 10 contiguous acres. A mobile home park shall not be occupied until a minimum of 25% of its lots have been developed together with facilities in accordance with all applicable requirements of this ordinance, and with city, county, or state laws, and must meet all published State of Alabama health regulations.

   b) *Minimum Lot Size*: Not less than 50 feet wide by 90 feet long per each mobile home.

   c) *Minimum Separation:* Minimum 20 feet side to side clearance, and 20 feet end to end clearance per each mobile home.

   d) *Minimum Setback:* Minimum setback of 20 feet from any internal driveway and buffer strip.

   e) *Buffer Strip:* Each mobile home park shall have and construct a buffer strip between the right-of-way line of adjacent public roadways and adjacent property lines of at least 30 feet. The buffer area shall be landscaped with trees and other suitable landscape materials sufficient to screen the mobile home park from view from adjacent properties and public roadways. No mobile home lot shall extend into any required buffer strip.

   f) *Parking:* Each mobile home lot shall be provided with 2 paved spaces, with pavement material which is equal to or greater than the stability qualities of local residential roadways. Parking shall be prohibited along interior driveways.

   g) *Interior Driveways:* All interior driveways shall have a paved surface of not less than 20 feet in width. The pavement shall be of a material which is equal to or greater than the stability qualities of local residential roadways.

   h) *Walkways:* Concrete or asphalt walkways of not less than 4 feet wide and 4 inches thick shall be provided from the mobile home spaces to service buildings and to facilitate safe and convenient pedestrian traffic throughout the park.

   i) *Water and Sewage:* Each mobile home space shall be provided with and each mobile home shall be connected to a sanitary sewerage and water supply system approved by the Calhoun County Health Department

   j) *Wiring:* All utility wiring shall be installed underground.

k) *Lighting:* Lighting shall be provided to illuminate streets, driveways, walks and parking areas for safe movement of vehicles and pedestrians. All wiring shall be underground. All street intersections shall be lighted.

l) *Recreational Area:* A minimum of 10 percent of the gross acreage shall be set aside for the recreational use by residents of the mobile home park. The recreational space shall be located on land suitable for park development. No portion of the required recreational area shall be within the required buffer strip.

m) *Service Building:* Each mobile home park shall be provided with a service building containing emergency sanitary facilities consisting of at least 1 lavatory with hot and cold water and flush toilet for each sex. The building containing the emergency sanitary facilities may be provided in connection with laundry and other service facilities.

n) *Refuse Disposal:* Each mobile home lot shall be provided with at least 2 garbage cans of a minimum 20 gallon capability. In addition, dumpster containers of sufficient size shall be provided within the mobile home park t enable disposal of waste from mobile home lots. Size and quantity of dumpsters shall be determined by the Public Works Department of the City of Anniston.

SECTION 16: RESIDENTIAL, INSTITUTIONAL, PROFESSIONAL (RIP) DISTRICT REGULATIONS

1. *Intent* - - The RIP district is designed to provide for the controlled mixture of land uses within designated areas of the City, to insure compatible standards of development, provisions for pedestrian circulation, and to allow for higher intensities of land use appropriate to the character of existing development and amenities of the area.

2. *Uses Permitted* - - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* -

   a) *Minimum lot size:* Not specified provided that other criteria are met under this section.
   b) *Minimum yard requirements:* Residential buildings shall not comprise more than 50 percent of the total lot area. No building shall be constructed closer than ten feet to the right-of-way of any street or alley, and no closer than fifteen feet to the right-of-way of a major thoroughfare or arterial street.
   c) *Minimum Parking Requirements:* Two (2) off-street spaces per each bed for hospitals; and all other uses shall have sufficient lot area to develop a minimum of four spaces per each 1,000 square feet of net occupied building area. No parking space shall be entered directly from any public street or alley.
   d) *Master Plan Required:* Property being considered for rezoning to a RIP zoning district or property in the RIP zoning district and lying within three hundred (300) feet of an R-1, R-2 OR R-3 zoning district, shall be required to submit to the Planning Commission for approval a master plan for development for new construction consisting of a site plan tract will be improved and used. The tract must be developed in accordance with the approved master plan. Any amendments in the master plan must be approved by the Planning Commission prior to the issuance of a building permit.

   e) *Expiration Clause:* Unless development has commenced within a period of one (1) year following master plan approval, the authorization for the development shall expire and the master plan must be re-approved by the Planning Commission before development can commence. An extension of time may be granted by the Planning Commission upon request of the property owner.

5. *Pedestrian Circulation* - It is the intent of this section to provide for the unobstructed and continuous movement of pedestrian traffic within the district. No use permitted under this section shall cause the destruction or obstruction of any existing sidewalk system, or the removal of trees and shrubs from any city right-of-way without express, written approval of the City of Anniston.Buildings shall be designed so as to provide for pedestrian access from existing sidewalks and from off-street parking areas with clearly designated pedestrian lanes.

6. *Off-Street Loading, Unloading and Trash Storage* - Off-street goods and merchandise loading and unloading space, and trash storage space, shall be provided for each function and/or business developed within the district. The location of these spaces shall not conflict with normal traffic or pedestrian circulation, and shall be located in the rear of structures.

SECTION 17: NEIGHBORHOOD SHOPPING CENTER (NSC) DISTRICT REGULATIONS

1. ***Intent*** - The NSC district is designed to provide low-intensity commercial facilities within close proximity to residential areas.

2. ***Uses Permitted*** - See charts in SECTION 42 of this Ordinance. 43

3. ***Uses Prohibited*** - Any use not specified above as permitted.

4. ***Development Criteria For Permitted Uses*** -

   a) ***Minimum lot size:*** None specified, except that a minimum of three (3) acres shall be required to establish a neighborhood shopping center district.
   b) ***Minimum setback:*** No building shall be erected closer than ten (10) feet to the right-of-way of any existing street or alley.
   c) ***Minimum parking requirement:*** A minimum of 2.5 parking spaces per 1,000 feet of net occupied building area shall be provided within the district.
   d) ***Maximum height:*** 35 feet or 3 stories
   e) Re-zoning to this category will be permitted only in accordance with a detailed development plan and approval of the plan by the Planning Commission and Anniston City Council.

5. ***Pedestrian Circulation*** - It is the intent of this section to provide for the unobstructed and continuous movement of pedestrian traffic within the district. No use permitted under this section shall cause the destruction or obstruction of any existing sidewalk system, or the removal of trees and shrubs from any city right-of-way without express, written approval of the City of Anniston. Buildings shall be designed so as to provide for pedestrian access from existing sidewalks and from off-street parking areas with clearly designated pedestrian lanes.

6. ***Off-Street Loading, Unloading and Trash Storage*** - Off-street goods and merchandise loading and unloading space, and trash storage space, shall be provided for each function and/or business developed within the district. The location of these spaces shall not conflict with normal traffic or pedestrian circulation, and shall be located in the rear of structures.

SECTION: 18

NEIGHBORHOOD SHOPPING CENTER - 1 (NSC-1) DISTRICT REGULATIONS

INTENT - The NSC-1 zoning district is designed to accommodate retail and service uses of limited scale, intended primarily to serve adjacent residential areas. The district is also designed to create an aesthetic environment which is compatible with adjacent residential areas.

PERMITTED USES -

Retail
General Merchandise Sales (53)
Food Stores (54)
Gasoline Service Station (auto only) (554)
Apparel and Accessories (56)
Home Furniture, Furnishings, Equip., (57)
Eating Places (5812)
Drug Stores and Proprietary Stores (591)
Used Merchandise Stores (5932)
Misc. Shopping Goods Stores (594)
Retail Stores, Not Classified (599)

Services
Commercial Banks (602)
Savings Institutions (603)
Credit Unions (606)
Insurance Agents, Brokers, and Service (64)
Real Estate Agents and Managers (653)
Personal Services (72)
Photofinishing Laboratory (7384)
Video Tape Rental (7841)
Dance Studio, Schools, and Halls (791)
Physical Fitness Facilities (7991)
Membership Sports and Recreation Clubs (7997)
Offices and Clinics of Doctors of Medicine (801)
Offices and Clinics of Dentists (802)
Offices and Clinics of Doctors of Osteopathy (803)
Offices and Clinics of Other Health Practitioners (804)
Legal Services (811)
Museums and Art Galleries (841)
Police Protection (9221)
Fire Protection (9224)

Conditional Uses
Drinking Places (5813)
Liquor Store (5921)
Automotive Repair Shops (753)
Automotive Services, Except Repair (754)
Miscellaneous Repair Services (76)
Amusement and Recreation Services (7999)
Nursing and Personal Care Services (805)
Educational Services (82)
Child Day Care Services (8351)
Religious Organizations (866)

Conditional Uses will be permitted upon the satisfaction of the Planning

Commission that no adverse impact will be created by the proposed use. The Planning Commission reserves the right to impose additional development standards on conditional uses in order to comply with the intent of the NSC-1 zoning district.

Uses Prohibited - Any business or enterprise not specifically or conditionally permitted above according to SIC code.

DIMENSIONAL STANDARDS -

Minimum District Size - 3 Acres

Minimum Lot Area - None specified.

Minimum Lot Width - None specified.

Minimum Front Yard - 20 feet.

Minimum Rear Yard - 15 feet.

Minimum Side Yard - 10 feet.

Maximum Total Building Area (Lot Coverage) - 85% including parking areas.

Maximum Height - Three (3) stories (35 feet including roof).

DEVELOPMENT PLAN REQUIREMENTS

All new development in the NSC-1 district shall be required to submit a development plan showing the general development of the property. The development plan shall include a survey of the property, a proposed landscape plan, proposed parking, proposed signage, and exterior building elevations which graphically illustrate the type of construction proposed for the property. An approved development plan shall also be required for all redevelopment which changes the appearance of an existing building or buildings or otherwise affects landscaping or parking.

Parking - A minimum of 2.5 parking spaces shall be provided for every 1000 square feet of net occupied building space. Landscaped parking islands shall be provided at both ends of any parking row exceeding 5 spaces. Additionally, a lanscaped parking island shall also be provided for every 11 parking spaces. Parking islands shall contain a minimum of one tree of at least 2" caliper DBH (diameter at breast height) which will provide suitable shade when fully grown. Impervious surfaces for parking shall be kept to an absolute minimum so as to minimize stormwater runoff.

Off-Street Loading and Storage - Off street unloading spaces for goods and merchandise shall be provided for each business. The location of these spaces shall not conflict with normal traffic or pedestrian circulation, and must be located to the rear of a structure. Garbage dumpsters, trash cans, and/or recycling areas shall be screened from public view.

Pedestrian Access - Pedestrian paths shall be clearly delineated between parking areas and the primary business entrance. Potential conflicts between automobiles and

pedestrians shall be minimized. The utilization of dedicated, grade separated pedestrian paths shall be encouraged by the Planning Commission.

Landscaping - A landscaping plan shall be required for all development/redevelopment in this district. No development will be permitted without a landscaping plan which has been approved by the Planning Commission. A minimum of 15% of the lot area shall be landscaped. Parking islands and setback areas may count toward the 15%, but the buffer zone (where required) may only be counted up to ½ of the required landscaping. Landscaping shall be designed to provide an aesthetic environment appropriate for a residential neighborhood. Trees of 8" caliper or greater (DBH) which are removed for site development shall be replaced with a number of 2" caliper (DBH) nursery grown trees equal to ½ the caliper of the removed trees (*example: removal of one 16" caliper tree shall require the installation of no less than 4 trees of 2" caliper*). Additional landscaping may be required by the Planning Commission in order to provide screening for parking or other development impacts. Tree and shrub plantings shall be required along all fences at 10 foot intervals in order to soften their appearance.

Buffer Zone - Areas shall be screened along lot lines bordering R-1 property lines. Screening shall consist of a landscaped buffer strip not less than 40 feet wide, employing berms, walls, and/or plantings as required to create an acceptable and effective sound and visual barrier.

Signage - Exterior signage in the NSC-1 district shall be limited to a ground mounted, monument type sign not to exceed ten (10 feet in height and 60 square feet in area. One additional, attached sign may be permitted but shall not exceed 5% of the business facade to which it is attached. ↑15%

For shopping centers and other multi-tenant operations a ground mounted sign shall be permitted for the use of identifying business occupants. Such signage shall not exceed 25 feet in height or 100 square feet in area.

Noise - Any use of property within the Anniston city limits shall be subject to the restrictions of the Anniston noise ordinance.

Lighting - No lighting may be installed which will have an adverse impact on adjacent properties. Lighting shall be designed so that no direct glare be imposed upon adjacent properties. No light pole standard shall be greater than 20 feet in height.

SECTION 20: CENTRAL DISTRICT (CBD) REGULATIONS

1. *Intent* - The CBD district is designed to provide a centralized commercial area to serve the metropolitan trade area.

2. *Uses Permitted* - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* -

   a) *Minimum lot size:* None specified, except that which is required to meet all conditions of this section.
   b) *Minimum setback:* None specified.
   c) *Maximum Height:* None specified.
   d) *Minimum parking requirement:* Theaters, one car space per each three (3) seats; hotels, three car spaces per each four (4) rooms; motels, one car space per each rental unit.

6. *Pedestrian Circulation* - It is the intent of this section to provide for the unobstructed continuous movement of pedestrian traffic within the district. No use permitted under this section shall cause the destruction or obstruction of any existing sidewalk system, or the destruction or obstruction of any existing sidewalk system, or the removal of trees and shrubs from any city right-of-way without express, written approval of the City of Anniston. Buildings shall be designed so as to provide for pedestrian access from existing sidewalks and from off-street parking areas with clearly designated pedestrian lanes.

7. *Off-Street Loading, Unloading and Trash Storage* - Off-street goods and merchandise loading and unloading space, and trash storage space, shall be provided for each function and/or business developed within the district. The location of these spaces shall not conflict with normal traffic or pedestrian circulation, and shall be located in the rear of structures.

SECTION 21: CENTRAL BUSINESS DISTRICT (CBD-1) REGULATIONS

1. ***Intent*** - The CBD-1 District of the City constitutes a valuable asset to the City of Anniston derived from its high visibility (extensive traffic usage), its vast landscaped median, its wide boulevard effect, together with the existing provisions for pedestrian traffic along wide landscaped sidewalk areas. The CBD-1 District provides a visual, uninterrupted flow of development separated by landscaped medians possessing various historical statues and memorials depicting the history and culture of the City of Anniston.

In the original layout of the City of Anniston, the present CBD-1 District consisted of homes of historical and architectural value. While it is recognized that most of the historical structures have been replaced over the years by more "modern" commercial development, nevertheless, the City Council recognizes the continued historic and unique character of the CBD-1 District arising, in part, to the respect that existing development has contributed to the still existing historical character of the CBD-1 District. The City Council further recognizes the important economic development potential of the CBD-1 district. Said economic development potential is demonstrated by the traffic volumes on Quintard, the presence of existing commercial uses and the perceived values of property along the avenue as provided by the Council.

As a result of the foregoing, the City Council specifically finds and declares that the preservation of the CBD-1 District as a controlled commercial area of development shall result in the preservation and enhancement of land values and shall continue to provide the City of Anniston with this unique facet of the City's character and development.

The CBD-1 District is designed to provide designated areas within the Central Business District with certain commercial land uses, and to facilitate the most advantageous development of land within the zoning district while, at the same time, providing for regulation which shall promote high standards in layout and development of all properties within the district. To these ends, development within this district shall be permitted only in accordance with a Master Plan for development and, after approval of the Plan by the Planning Commission in accordance with the procedures contained herein. It is the intent that development as used in the provision, shall include any new or additional improvement as permitted to any property within the district. Further, it is the intent that this ordinance allow flexibility in terms of uses permitted, provided such uses are compatible with the CBD-1 District, are consistent with the ordinance, and conform to a Concept Plan for development. To that end, certain uses not specifically set out in the schedule of permitted uses may be allowed, subject to provisions of the ordinance.

There are a number of non-conforming uses within the CBD-1 District which have been kept viable through other provisions of this zoning ordinance permitting their modernization or expansion to varying degree. Future consideration of modernization and expansion plans for non-conforming businesses should be limited only to the extent of these policies and other ordinances and to the parcel of land first found to be non-conforming.

2. ***Procedures*** - A Concept Plan of development showing the general manner in which the entire property will be improved and used, must first be submitted to the Planning Commission for its recommendations to the City Council prior to (1) including any use not specified in the schedule of permitted uses, (2) rezoning and/or (3) development under this section. The Planning Commission may approve the Concept Plan of development as submitted or may modify and approve the Concept Plan of development, and upon the approval of such plan recommend the same to the City Council for its consideration.

An applicant shall submit three (3) copies of a Concept Plan, to the Planning Department. The Planning Department shall schedule a pre-application conference within fifteen (15) days to review the draft

proposal.

The applicant may incorporate staff recommended changes to the Concept Plan. Upon the applicant submitting three (3) copies of a completed Concept Plan, the Planning Department shall process an application and request the Planning Commission to hold a public hearing at their next meeting.

The applicant shall submit names and addresses of all adjacent property owners. Such owners will be notified by the Planning Department of the pending development and be invited to attend the Planning Commission's public hearing.

After the Planning Commission's public hearing, the Planning Department will set a public hearing on the application with the City Council as provided for in the procedures of this ordinance.

In event a Concept Plan for development is denied by the Planning Commission, or in the event the Planning Commission modifies the Concept Plan of development relative to various aspects of such plan as originally submitted, then the applicant shall have 10 days from the date of the Planning Commission's action to request in writing of the Director of Planning of the City that the City Council consider the zoning application including any portions of the original Concept Plan of development filed by the applicant which were not approved by the Planning Commission. The Director of Planning will cause the request be placed on the next scheduled City Council informal agenda that is at least 7 days after the request is filed. If a majority of the City Council agrees to hear the case, a public hearing will be set for the next formal Council Meeting after the date of informal agenda presentation. Upon the conduct of the public hearing, the City Council shall approve the application in accordance with the Planning Commission's recommendation, disapprove, or approve the recommendation with such modifications as the Council deems consistent with this section and public health, safety and welfare of the City.

Subject to Council approval of a Concept Plan, a Master Plan for development may be submitted to the Planning Commission for approval prior to issuance of a building permit. Said plan shall conform to all requirements set out in this ordinance and must conform to the Concept Plan approved in accordance with the zoning of the property. Procedures for submitting Master Plan to the Planning Commission shall be as set out below.

Master Site Plans in CBD-1 area must: (1) be submitted to the Planning Department and (2) conform to the approved Concept Plan, and (3) consist of mapped and written information, as set out herein.

The Planning Department and other city staff where applicable, shall review these plans and respond to the applicant within fifteen (15) days with comments. The applicant, after consideration of staff comments, will make appropriate revisions, if necessary, and submit the Master Plan for the approval by the Planning Commission.

3. ***Amendments to Concept Plans and Master Plan*** - Issuance of a building permit is subject to the approved Master Plan. Any amendment or modification to a Concept Plan for development approved in CBD-1 may be submitted in accordance with the aforementioned procedures. Any minor or non-substantive change in the approved Concept Plan may be made by the Planning Director with approval by the Planning Chairman. Proposed amendments to a Plan shall be clearly portrayed on all copies of the approved plan and submitted to the Director of Urban Planning for review and determination. At his or her discretion, a proposed change may be referred to the Planning Commission and City Council if required, for a public hearing and action. No amendment to a Concept Plan shall be made without public hearings which would cause any of the following to occur:
   a) Proposed changes in development plan boundaries which increase the acreage beyond the Council approved Concept Plan;
   b) Proposed land use different from uses in the Council approved Concept Plan;

c) Any reduction in the total of required open space beyond the City Council approved Concept Plan;
d) Major realignment of access or streets that are determined by City Engineer to cause significant traffic changes from the original plan; and/or
e) Change that would locate buildings and other structures closer to adjacent properties and/or closer to streets or alleys than shown in the approved plan.

Amendments to a Master Plan will be considered by the Planning Director with approval by the Planning Commission Chairman and approved or forwarded to the Planning Commission for a public hearing. No action will be taken on any amended Master Plan without public hearing if:

a) The amendment is not consistent with Concept Plan approved by the Council;
b) Any of the conditions set out in the above paragraph are present.

Upon abandonment of a particular project authorized and approved under the conditions of this section or upon expiration of one year from authorization and approval hereunder or a proposed development which has not by then been completed (or commenced and an extension of time for completion granted), the authorization for the proposed development shall expire.

4. ***Requirements for a Concept Plan Submittal*** - The Concept Plan submittal shall consist of maps and written material as detailed below. Scale should be compatible between comparable maps and large enough to allow full understanding of the proposed development concept. The intent of the Concept Plan is to present a general concept of the development, exclusive of engineer and/or survey drawings, sufficient enough to allow a broad enough understanding of the proposed use in relation to the site and adjacent uses. In consultation with the Planning Director and the Chairman of the Planning Commission, a determination can be made as to whether more or less of these materials may be provided.

A. ***Existing Environmental Features***

1. Topographic features to include large tree stands, water features, significant scenic areas *of identified species habitat.*

B. ***Existing Man Made Features***

1. Location of existing land uses or structures on site and adjacent to the site.
2. Location of existing roads and right-of-ways on and adjacent to site.
3. Location of existing water lines and sanitary sewer lines, their right-of-ways or easements that impact the site development.
4. Location of other utilities and their right-of-ways or easements such as natural gas, electrical, telephone, and cable television if they are expected to impact site development.
5. Historical sites listed or eligible for National Register listing on the site or adjacent property.

C. ***Existing Legal Features***

1. Property lines and dimensions of site.

D. ***Concept Plans***

1. Boundaries of the proposed development.
2. Proposed land use for property including those specified in schedule of uses and others.
3. Proposed on-site traffic, parking, loading system showing approximate locations and

access to roadways.

4. General location of utilities, their right-of-ways or easements if expected to impact site development.
5. Generalized location of proposed land use, buildings, open space, signage and other important site elements.

E. ***Concept Plan Written Submittal***

1. A brief narrative discussing how the proposed project addresses the intent of CBD-1 zone.
2. A draft of development guidelines and how these conform to those listed in this ordinance.

5. Master Plan for Development Content

A. Maps / Drawings - Detailed Master Development Plans shall be prepared at a scale sufficient for detailed review primarily to document: (1) boundaries of the development; (2) land use for all parcels; (3) required open space; (4) additional open space which is proposed, if applicable; (5) phasing of development; (6) conformance with the Development Guidelines of the ordinance, specifically the following:

1. Topographic contours at appropriate intervals.
2. Uses of all buildings and site areas.
3. Approximate height of all buildings.
4. Approximate location of all utilities.
5. Approximate total site acreage.
6. Approximate total site impervious (man made) surfaces.
7. Lot lines within 100 feet of development site boundaries.
8. Location of structures within 100 feet of site.
9. Location of private roads, drives, and parking lots within 100 feet.
10. Buffer and screening provisions.
11. Parking lot design specifying layout and landscaping in detail.
12. All walls and fences.
13. Lighting plan, including site lighting as well as any facade of building lighting.
14. Indication of Area, Dimensional, and Developmental Requirements.
15. Building materials, and architectural features.
16. Landscaping for off-street parking lots, solid waste and recycling containers, utility equipment, and for the development as a whole.
17. Pedestrian amenities and pedestrian circulation plans, sidewalks or pedestrian paths as A appropriate.
18. Building and parking lot set back lines.
19. Methods to limit the number of parking lot access points to public street.
20. Public right-of-way amenity plans, including street trees and street furniture, lighting and landscaping.
21. Site clearing and preservation procedures for trees and other material vegetation.
22. Signs; freestanding and signs located on building facades.
23. Vehicular circulation system, including access to site parking, loading.
24. Building placement facade elevations, entrance and window location; provisions for any visible utilities or accessory structures; heights, materials, colors, signage and lighting of structure.
25. Elevation drawings of major structures.

B. ***Development Plan Written Submittals***

1. Legal description of project property.
2. Geographic data in acreage/sq. ft.: (1) gross land area; (2) net land area; (3) area dedicated to various land uses.
3. A traffic assessment indicating how the proposed development will relate to streets and roadways and that the traffic generated when built out can be accommodated without causing excessive congestion, hazards, or objectionable volumes of traffic on existing or proposed roads.
4. Certification of conformance with approved Concept Plan.
5. Relationship to Preliminary Subdivisions and Draft Covenants.

Preliminary and Final Subdivisions in CBD-1 must be submitted to the Planning Department, must conform to the approved Concept Plan / Master Plan and must be submitted as provided for in the City's Subdivision Regulations. Submittals may include any voluntary, draft covenants, governing relationships between property owners.

After the final plat has been approved and recorded, building permits may be applied for. A condition of building permit issuance is review and approval by the Director of the Planning Department for compliance with approved plans.

General Provisions and Development Plan Standards - All proposed development within the Central Business District (CBD-1) shall conform to the following standards. The intent of these standards is to recognize: the unique environment of the boulevard which includes a strong landscaped corridor along the public and private properties; the location and character of parking, paved surfaces and traffic access along this corridor; transitions between development; the location and massing of buildings and structures including signs within the corridor; and ultimately the relevant building elements that impact the character of the corridor.

The following standards are to be applied to any property and development proposed in the CBD-1 zoning district. The standards are necessary in order to assure the compliance of development with the intent and purpose of this ordinance and the Comprehensive Plan of the City of Anniston.

The Planning Commission shall take into consideration the location of proposed structures and site improvements as they relate to surrounding properties and structure; the peculiar conditions of a given site, and any justifications for deviations from guidelines in reviewing Concept or Master Plans.

A. ***General Provisions***

1. A Plan shall substantially conform to applicable adopted provisions of the Comprehensive Plan of the City with respect to type, character and intensity of use.

2. All proposed development within the District shall be designed to prevent substantial injury to the use and value of existing surrounding property and shall not hinder, alter or impede development of surrounding undeveloped properties.

3. Harmonious design generally compatible with the existing surrounding development shall be maintained. The cornerstone of any consideration of a Concept Plan / Master Plan shall be preservation of the physical character and the appropriate use of land in the CBD-1 District. Compatibility of building materials, paints and other materials is encouraged. Design features and overall design should be compatible with the architectural nature of the dstrict.

   Development Guidelines are standards which should be adhered to, unless otherwise approved by the Planning Commission or City Council. Where there are deviations from these guidelines,

an applicant shall have the burden of showing that plan shall have no negative effect on surrounding properties or upon the CBD-1 district. The applicant must be capable of justifying any deviations from the guidelines to the satisfaction of the Planning Commission or City Council.

6. *Central Business District (CBD-1) Development Guidelines*

The following guidelines are to be considered by the Planning Commission or City Council in reviewing Concept Plans, or Master Plans for development in CBD -1. The guidelines are intentionally flexible in order to allow for unforeseen conditions, creativity, and peculiar site constraints. It is the responsibility of the applicant to demonstrate how these guidelines are met or to justify the proposed development is equal to or better than the guidelines included herein.

a) *Minimum lot size:*

None specified; however, property shall be officially utilized with improvements or structures therein proportional to the lots upon which they are situated.

b) Setbacks and yards:

All structures whether newly constructed, enlarged or otherwise structurally altered, shall be located so as to best serve the needs and public interest of all users of the property, and to minimize any adverse affects upon neighbor properties, provide for preservation of the boulevard effect of the district, adequate open space and to protect important views of adjacent properties. Buildings should be located near the front lot line with parking and service areas behind or to the side of the building. Other guidelines for setbacks and yards include the following:

1) A front setback of 20' is recommended for all structures; no canopy should extend closer than 20' of front property line; signs may be located on front property line provided they do not block important views or present a traffic hazard; gas pumps, buildings with garage openings should be no closer than 40' from front set-back and opening should be located at 90 to Quintard; awnings should extend no closer than 10' of property line.
2) Building lines / Set backs should take into account and not obstruct the operation or view provided by existing building set-backs of adjacent properties in overall site planning and design.
3) More restrictive set-backs should be utilized in order to preserve an important view / vista or building relationship.
4) Side and rear yards should be preserved in accordance with provisions included in other selections. SECTIONS

c) ***Building Locations and Heights*** - No maximum building height is specified.

Buildings should have an appropriate front facade facing the street; front doors should be visible from the primary street; or buildings should be arranged to face a courtyard open to the street or enclosed.

Building entrances should provide ease of access, be designed so that pedestrians/ patrons have visual access and can easily identify the entrance points, be well lighted, and act as an integral part of the street scape.

Building facades should be designed with no unbroken planes of more than 50'; Off-sets should be a minimum of 5'; blank walls should be discouraged.

Each building within a parcel or development plan should be an integral element of an overall site design and should reflect and complement the character of the surrounding area of plans prepared therefore.

Locations of proposed commercial buildings should be compatible with any adjacent residential buildings. Building facades shall be complementary to those adjacent in terms of scale, amenity and appearance.

Buildings should be located to function as an integral part of the street scape with attention to visibility, safety, lighting and incorporation of public amenities.

Awnings, canopies, porticos, etc. should be designed as an integral part of building structures; should be at least 8 feet above grade and should not project over a public right-of-way; no canopy, awning or portico, which is supported by poles, columns, or other vertical support of same is allowed in a public right-of-way.

Where structures exist on adjacent property, proposed buildings shall be located at compatible setbacks; minimum side yard should be 5'.

No garage, car wash, drive-thru should be located to open less than 40' from front property line, and all such openings should be located at 90 to Quintard.

Free-standing gas/pump island canopies should not be allowed.

d) ***Signs:***

In addition to the requirements set forth in **Section 27** of this Ordinance, Master Plans of development may require that signs be proportional (in scale and height) to the size of other structures on the site and design of signs should be compatible with overall signage in the District. Pedestal mounted signs are preferred, pole mounted signs are not allowed. Indirectly lighted signage is preferred or alternatively, internally lighted signage; provided that signage shall not permit glare on adjoining properties or within the boulevard so as to detract from other security, safety or aesthetic features within the district. In any event, the location of signage should take into account the safety of the traveling public along Quintard Avenue and the side streets so as to not obstruct or create a visual barrier to the traveling motorists.

A unified, systematic and coordinated signage plan and package is required for all developments. Sign packages should address signs for the entire site including, but not limited to, building identification, business name, tenant signage, parking, loading or service, informational and directional signs.

Signs should be limited to those identifying the property or identifying the use conducted therein. Advertising of materials or product manufacturers and suppliers, other than the primary use of the property, should not be permitted. All lighting elements such as wires, conduits, junction boxes, transformers, ballast, switches and panel boxes should be concealed from view as much as possible.

Attached signs should be placed parallel to the building face, should not project more than twelve (12) inches from the surface of the building, and should not exceed ten percent (10%) of the facade area to which attached. Flat signs should be placed no higher than the bottom of the second story window where windows exist or approximately fourteen (14) feet above grade level, whichever is lower.

In the case of corner properties only one flat sign per side should be permitted. The area and height and limitations should apply as in paragraph above.

Monument type signs are acceptable if they are in scale and character with surrounding buildings.

Monument signs should not exceed eight (8) feet in total height. The areas of the sign face should not exceed eighty (80) square feet.

Monument signs should be appropriately landscaped by structure and/or plant materials, which effectively screen support apparatus.

Roof top signs, signs on or above the parapet of the building, billboards, or outdoor advertising signs painted or mounted on billboards, or other structures, except as otherwise herein provided, should not be allowed.

The placement of corporate logos should be allowed on the parapet or top face of buildings that exceed two stories in height and serve to house major corporate tenants which occupy a minimum of 30% of the total building space. Logos which are not purely pictorial or single letters but are graphic name displays should be limited to the minimum identifying name. The logo should not exceed in square feet the number of linear feet of the width of the building face to which it is applied. The display of more than one corporations logo should not be allowed. Corporate logos should be of exceptional quality and design and be compatible with the scale and character of the building. Billboards, sign boards, box signs and logos painted directly on the face of the building are not allowed.

e) ***Pedestrian access / Sidewalks:***

Development plans should provide for the unobstructed continuous movement of pedestrian traffic within the district. No use permitted under this section should cause the destruction or obstruction of any existing sidewalk system or removal of trees and shrubs from any City right-of-way without the express written approval of the City of Anniston. Buildings should be designed so as to provide for adequate pedestrian access from existing sidewalks and from off street parking areas with clearly designated pedestrian lanes. In addition all driveways and parking areas should be designated so as to provide safe and convenient vehicular access to all uses and facilities.

Sidewalks, parking areas are to be paved with concrete, brick or asphalt; such surfaces shall be compatible with public sidewalks; gravel is not allowed; asphalt paving is allowed for parking areas only.

f) ***Off Street Loading and Storage:***

No minimum specified; off street goods and merchandise, loading and unloading space (s) shall be provided for each function and or business located in CBD-1. The location of these spaces shall not conflict with normal traffic or pedestrian circulation, and must be located to the rear or interior side yard of a structure.

Dumpsters, trash receptacles should be located at rear of buildings and screened from public view so as not to detract from adjacent properties.

Utility equipment should be placed in rear yards, out of view from public streets and unobtrusive to adjacent properties.

Heating, ventilation and air conditioning units should be located in rear or side yards, not visible from public street.

g) ***Parking:***

Minimum parking requirements: Theaters, one per space per each three seats; hotels, three spaces for each four rooms; motels one car space for each unit; all other uses, m[redacted] car spaces for [redacted]plied building area; No parking spaces shall be entered or exited directly from any

public street or alley except a parallel parking space located within an alley.

The number of required parking spaces may be reduced if any contiguous or adjacent public parking lot or commercial parking lot renders equivalent spaces available by written or contractual permission of the owner (s) to make up the additional spaces required.

Parking lots should be located in rear or side yards in order to minimize their view from public right-of-ways. Where parking areas are exposed to public view, they should be screened with appropriate landscaping, as indicated elsewhere in these guidelines.

Parking areas for developments within the District should be located behind the front building line and the side of the structure or to on the rear thereof. Adequate parking must be provided for the proposed use and parking areas should be adequately landscaped for maximum visual effect from Quintard Avenue, and so as to not detract from developments on surrounding properties. Parking lots may be lighted sufficiently to provide for the safety of the occupants or patrons of the development, but should be shielded in such a fashion so as to not cause glare on adjacent properties, or to detract visually from other historic and unique features within the CBD-1 District, including the median.

Parking in front yard should not be allowed except for single driveways entering a lot, garage or parking stall behind the building line.

Commercial parking lots on corners should be prohibited.

Vehicular access to parking areas should be direct and not in conflict with general vehicular movement serving the various uses within the block. Ingress and egress points should be well distanced from intersections to avoid congestion and interference with traffic. Entrances should be designed to accommodate one or two way lanes of traffic. Only one such drive should be located on lots of 75' or less.

Entrances and exits should be designed so that they are easily identifiable by motorists. Any signage required to direct motorists to entrances should be simple, clear and designed to work in harmony with site elements and signs for the project. Any gates, arms, or booths should be set back from the face of the adjacent buildings. Booths or drive thru should be designed as an integral part of the development.

Where parking occurs in front of building, landscaping should take into account the facade / set-back of adjacent buildings.

Parking lot screening should be no higher than car headlight height.

In order to reduce the visual expansiveness and to reduce glare and heat parking lots over 20,000 sq. ft. shall have internal landscaping islands, with trees included in the islands at spacing appropriate to the size of the islands.

Facades of any parking deck structure should be compatible with adjacent buildings.

h) ***Landscaping / Vegetation:***

Distinctive stands of trees should be preserved and incorporated into site design; larger caliper trees should not be removed without prior approval by the City; preservation of existing trees should be considered as a bonus to help off set other development plan limitations.

Proposed development should consider the provision of appropriate open space in combination with the proper siting of buildings. Streets, pedestrian walkways and open spaces, including street furniture and

signs, shall be designed as an integral part of the overall design, and should be property related to adjacent existing and proposed buildings.

A coordinated landscape program for the proposed development should be incorporated for the entire proposed site. Landscape development should include plantings in combination with related paving and surface treatments and other amenities deemed necessary to the project.

Buildings and parking should be arranged to preserve existing trees; all trees over 6' in diameter should be located on a development plan with justification provided for any proposed removal.

Severe slopes of greater than 33% should not be allowed.

New trees should be compatible with varieties already planted; a plant schedule should be provided.

Trees that will negatively obscure views, building facades, should not be used.

Trees should be planted to avoid overhead lighting with signage and power lines at maturity.

Not less than 20% of the lot area should be open space / natural - - not covered by building or paving.

Perimeter of all parking lots should be planted as screens; maximum height to be car headlight height adjacent to parking, walking, or driving surfaces.

No portion of parking lot should be closer than five feet (5') to adjacent property.

Trees should be planted at 40' o.c. along perimeter parking lots - - 10' to 12' in height.

Not less than 10% of interior of parking lots over 20,000 sq. feet should be landscaped with islands not less than five feet (5') wide; trees should be planted in islands in proper proportion to area of the island; perimeter landscape strips should be provided at a minimum width of three feet (3').

No walls or fences should be located on rear property lines except as part of required screening; maximum height shall be six (6) feet.

Chain link, plywood, concrete block or tubular steel should not be allowed, nor should railroad-tie retaining wall.

i) ***Awnings / Canopies***

If compatible and harmonious with the scale and character of the structure, and adjoining structures, soft, flameproof fabric awnings should be allowed.

Awnings should not project more than seven (7) feet from the building front, should not be lower than eight (8) feet above grade and should terminate against the building at a height not to exceed approximately fourteen (14) feet above the pavement.

Rigid or fixed awnings or canopies should not be permitted unless an integral part of the structure, of similar materials, compatible with, and harmonious with the scale and character of the structure.

j) ***Lighting***

Lighted canopies / awnings should not be allowed.

Intensity, location and design of lighting should be such that minimum glare is cast on adjacent properties.

Lighting levels should be evenly distributed.

Light fixtures should be directed down, except for traditional design; where necessary , cut-off devices should be installed to reduce glare on adjacent properties.

Height of lighting fixtures should be in proportion to building mass and site design; pedestrian lights should be no higher than 14'; parking lot lighting, no higher than 30'.

Ground mounted lighting should be allowed as should lighting of facades, signage or landscape features.

Lighting fixtures should be compatible with overall lighting standards in area; consideration should be given to the cool vs. warm effect of lighting compared to lighting surrounding the site.

Decorative lighting attached to the building should be allowed only if deemed consistent with overall site development and not viewed as a traffic hazard or detraction from the street. Exposed accent neon lighting is not permitted.

k) ***Miscellaneous Site Planning and Design***

Site Planning should consider the orderly arrangement of all site elements including: parking, delivery, access, trash storage and collection, landscape treatments, open space, pedestrian walkways, street furniture, auxiliary services (phone, vending machines, news etc.), signs, buildings, auxiliary structures, and fencing.

SECTION 22: AREA SHOPPING CENTER (ASC) REGULATIONS AND GENERAL B[redacted]

BUSINESS (GB) REGULATIONS

INTENT

These regulations are intended to accommodate commercial and related uses of varying size and scope, especially those that rely upon or favor locations which are visible and/or accessed from a major or collector street.

Permitted Uses:

The following are uses which are permitted as of right in the ASC/GB zoning district, subject to conformance with all applicable development regulations as outlined below. These uses are categorized based on 1987 Standard Industrial Classification codes. Permitted use classifications include all relevant subclassifications of the stated SIC code. For example, the 0180 code (horticultural specialties) includes the subclassifications 0181 (ornamental floriculture and nursery products) and 0182 (food crops grown under cover). Uses with 4 digit specific SIC codes include only the uses outlined under that specific 4 digit code. For examply, the 0742 code only permits veterinary services for animal specialties, and not any other 0740 veterinary services classifications (livestock services and/or animal specialty services).

0180 Horticultural specialties
0742 Veterinary services for specialty animals
0752 Animal specialty services, excluding veterinary
1500 Building construction; general contractors and operative builders
1700 Construction, special trade contractors
2051 Bread and other bakery products, except cookies and crackers
2710 Newspaper publishing, and publishing and printing
2750 Commercial printing
4000 Railroad transportation
4100 Local and suburban transit, etc.
4300 United States Postal Service
4700 Transportation services
4800 Communications
5100 Wholesale trade - nondurable goods, with no outdoor storage of merchandise or materials
5210 Lumber and other building materials dealers
5230 Paint, glass and wallpaper stores
5250 Hardware stores
5260 Retail nurseries, lawn and garden supply stores
5270 Mobile home dealers, with no outdoor storage of merchandise or materials
5300 General merchandise stores
5400 Food stores
5500 Automotive dealers and service stations
5600 Apparel and accessory stores
5700 Home furniture, furnishings and equipment stores
5812 Eating places

5900 Miscellaneous retail
6000 Depository institutions
6100 Nondepository credit institutions
6200 Security and commodity brokers, dealers, exchanges, and services
6300 Insurance carriers
6400 Insurance agents, brokers, and services
6500 Real estate
6700 Holding and other investment offices
7010 Hotels and motels
7020 Rooming and boarding houses
7040 Organization hotels and lodging houses on a membership basis
7200 Personal services
7300 Business services
7500 Automotive repair, services, and parking, with no outdoor storage of merchandise or materials
7600 Miscellaneous repair services, with no outdoor storage of merchandise or materials
7800 Motion pictures
7900 Amusement and recreation services
8000 Health services
8100 Legal services
8200 Educational services, except those listed as conditional uses below
8300 Social services, except those listed as conditional uses below
8400 Museums, Art Galleries, and Botanical and Zoological Gardens
8600 Membership Organizations, except those listed as conditional uses below
8700 Engineering, Accounting, Research, Management, and Related services
8900 Services, not elsewhere classified
9100 Executive, Legislative, and General Govt., except Finance
9200 Justice, Public Order, and Safety, except those listed as conditional uses below
9300 Public Finance, Taxation, and Monetary Policy
9400 Administration of Human Resource Programs
9500 Administration of Environmental Quality and Housing Programs
9600 Administration of Economic Programs
9700 National Security and International Affairs

Conditional Uses:

The following uses are permitted as conditional uses upon authorization of the Planning Commission. The Planning Commission reserves the right to require specific modifications to proposed conditional uses in order to mitigate any adverse impact of the proposed development.

5813 Drinking places
8211 Public schools
8231 Libraries
8361 Residential care
8641 Civic, Social, and Fraternal Associations (private clubs)

WHOLESALE SALES AS AN ACCESSORY USE IN THE AREA SHOPPING CENTER (ASC) ZONING DISTRICT

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. That Section 16 AREA SHOPPING CENTER (ASC) REGULATIONS, paragraph 2, of Ordinance 81-0-40 (the Zoning Ordinance of the City of Anniston, Alabama) be and the same is hereby amended to read as follows:

2. *Uses Permitted* - See charts in SECTION 39 of this Ordinance. Warehousing and wholesale sales are permitted in this district as an accessory to retail sales.

Section 2. That all other provisions of Section 36 of Ordinance 81-0-40 not in conflict herewith shall remain in full force and effect.

Section 3. This Ordinance shall become effective immediately upon its adoption and publication one time in the Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED and ADOPTED this the 22nd day of March, 1999.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

BY: _____
W. GENE STEDHAM, MAYOR

BY: absent
ANDREW B. HATLEY, COUNCIL MEMBER

BY: absent
DEBRA D. FOSTER, COUNCIL MEMBER

BY: _____
JAMES D. MONTGOMERY, COUNCIL MEMBER

BY: _____
JOHN E. REAVES, COUNCIL MEMBER

ATTEST

BY: _____
ALAN B. ATKINSON, CITY CLERK

9221 Police services
9224 Fire services

Development Criteria:

Minimum district size: five (5) acres
Minimum lot size: none
Minimum lot width: none
Minimum front yard: 20 feet
Minimum rear yard: 15 feet
Minimum side yard: 10 feet
Maximum lot coverage: 85 percent
Maximum height: none

Parking - A minimum of two (2) parking spaces for every one thousand (1,000) feet of net occupied floor space shall be provided. Parking requirements can be lowered if the developer executes a shared parking agreement with adjacent properties or develops appropriate parking within five hundred (500) feet. No required parking space shall be entered directly from a public street or alley.

Landscaping - A minimum of fifteen (15) percent of the lot area shall be landscaped. Parking islands and landscaped setback areas may count toward meeting this overall requirement. Landscaped islands shall be provided at both ends of any parking row exceeding five (5) spaces. For establishments with more than fifty (50) total parking spaces, landscaped islands shall be provided at the ends of any row exceeding ten (10) spaces. Parking islands shall contain a minimum of one tree with at least a two (2) inch caliper at DBH which will provide suitable shade when fully grown.

Signage - Signage shall be limited to a freestanding sign not to exceed thirty (30) feet in height and one hundred (100) square feet in area. One additional attached sign may be permitted for each business, not to exceed ten (10) percent of the area of the facade to which it is attached, or two hundred (200) square feet, whichever is the lesser. Shopping center signage may be permitted in accordance with the Shopping Center signage regulations in Section 27.

*SECT. 27 STATES 15%

Pedestrian Access - Pedestrian paths shall be clearly delineated between parking areas and the main entrances to business premises. Potential conflicts between pedestrians and vehicles shall be minimized. The use of dedicated grade separated pedestrian walkways shall be encouraged by the Planning Commission.

Buffer Zone - Screening shall be provided along all property lines bordering residential property. Such screening shall consist of a landscaped buffer strip not less than twenty (20) feet wide, and using berms, walls, and/or plantings as required to create an acceptable and effective sound and visual barrier.

Lighting - No lighting shall be installed which will cast direct light or a glare onto the adjoining

residential property. No light pole shall be higher than twenty (20) feet.

Noise - All businesses within this District shall be subject to the requirements of the City Code of Laws with respect to noise generation.

Off Street Loading and Storage - Off-street loading spaces for goods and merchandise shall be provided for each business. These spaces shall be located so that their use will not conflict with normal traffic or pedestrian circulation, and must be located at the rear of each structure. Garbage dumpsters, trash cans, recycling facilities, and/or outside storage areas shall be screened from public view.

SECTION 23: LIGHT MANUFACTURING (LM) DISTRICT REGULATIONS

1. *Intent* - The LM district is designed to provide an industrial area for light industrial operations.

2. *Uses Permitted* - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* -

   a) *Minimum Lot Size:* It is the intent of the ordinance that lots of sufficient size be used for any industrial, service or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.
   b) *Minimum Yard Size:* Front Yard: None specified, except where existing establishments (other than residential) are set back, any new structure shall be set back not less than the average of the setbacks of the existing establishments within one hundred (100) feet each side thereof.
   c) *Rear and Side Yards:* None specified, except on a lot where adjoining its side lot line, there is another lot which is in a residential district, there shall be a side yard not less than seventy-five (75) feet.
   d) *Maximum Height* - None specified.
   e) *Minimum required Off-Street Parking:* Space necessary to accommodate the cars of all workers in the industry or use. Also, space necessary to store overnight all vehicles incidental to the operation of the industry or use.

6. *Off-Street Loading, Unloading and Trash Storage* - Off-street goods and merchandise loading and unloading space, and trash storage space, shall be provided for each function and/or business developed within the district. The location of these spaces shall not conflict with normal traffic or pedestrian circulation.

SECTION 24: INDUSTRIAL PARK (IP) DISTRICT REGULATIONS

1. *Intent* - The IP district is designed to provide an industrial area for heavy industry.

2. *Uses Permitted* - See charts in **SECTION 43** of this Ordinance.

3. *Uses Prohibited* - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* - Same as LM District.

5. *Off -Street Loading, Unloading and Trash Storage* - Same as LM District

SECTION 25: FLOOD PLAIN AND CONSERVATION (FC) DISTRICT

1. *Intent* - The purpose of this zone is to protect public health, safety, and general welfare; to protect persons, private and public property from the hazard of flood water inundation; ands to protect the community from costs which are incurred when urban development occurs in flood plains. The area subjected to flood hazard will be conserved for open land uses, agricultural uses, recreational areas, and others uses which do not require extensive buildings within the flood plain.

2. *Uses Permitted* - See charts in **SECTION 43** of this Ordinance.

3. *Special Construction Requirements* - No permanent building or structure, except for agricultural uses, shall be constructed in the flood plain and conservation district, unless permitted under the following terms:

   1) Permanent building structures associated with the uses permitted provided that the first floor level shall be at or above an elevation of the flood of records plus two feet; and that such construction shall not impede the flow of flood waters nor increase the hazards of flooding either upstream or down stream. Earth fill of other materials may not be used to raise the elevation of the land, unless the fill proposed does not restrict the flow of water and unduly increase flood height and hazard, as determined by the Chief Building Official based upon an engineering report prepared by a licensed engineer or land surveyor at the expense of the land owner.

   2) Development of natural resources and extraction of raw materials such as rock, gravel, and sand provided that the following minimum conditions shall be complied with.

      a) No excavation shall approach nearer than: three hundred (300) feet to any residential district; one hundred (100) feet to any major traffic street; or sixty (60) feet to any other street. All excavated areas shall be enclosed by a perimeter fence a minimum of six (6) feet in height.

      b) Side slope of the excavation shall be no steeper than two (2) horizontal to one (1) vertical and a vegetative cover of such slopes shall consist of a short perennial drought resistant grass which will permit the establishment of a good sod cover.

      c) Filing with the City Clerk of a restrictive covenant providing that no foreign matter such as rubbish, car bodies, refuse, etc., shall be deposited within the excavation area. Such covenant shall be approved as to form by the City Attorney, binding upon the applicants, their heirs, successors, or assigns.

      d) A performance bond shall be required in such an amount and for such length of time as may be determined by the City Council to be necessary to guarantee excavation in accordance with the provisions set forth above, and provided further that the City Council may at its discretion and in such manner as is consistent with the public health, safety, and welfare, modify or waive any of the conditions if it can be clearly demonstrated that such conditions are not required to protect public health, safety, convenience and general welfare.

SECTION 26: WILDLIFE HABITAT AND OPEN SPACE (WHO) DISTRICT REGULATIONS

1. *Intent* - - The WHO district is designed to conserve plants and animals in the wildlife environment, minimize the impacts of habitat destruction, provide for outdoor recreational opportunities while enabling minimal development and operation of various support facilities intended to enhance the operations and occupancy of wildlife and recreational facilities. All lands will be managed under a multiple-use management principle; to insure that all resource values including recreation, hunting, fishing, boating, hiking, aesthetics, soil, water, forest management and minerals are protected or enhanced.

2. *Uses Permitted* - - Accessory structures, parks, zoos, service roads (conditional), recreational trails and paths, utility rights-of-way, culverts, underpasses, and other compatible nature preserve, wildlife and recreational uses. Service Roads should not be permitted unless necessary and should be no greater than fifty (50) feet in width which shall be situated in a manner that compliments biological connectivity or continuous flow. Thus, where service roads must traverse streams and ponds, installation of underpasses or culverts should be considered for the protection of wetlands and the mobility of large mammals.

3. *Uses Prohibited* - - Any use not specified above as permitted.

4. *Development Criteria For Permitted Uses* - -

   a) Minimal Acreage of the District - Shall not be less than ten (10) acres.

   b) Biological Connectivity - Shall be strongly encouraged to mitigate fragmentation. Fragmentation by trails, roads, and similar facilities increase the frequency of human contact, and may lead to the disappearance of sensitive species.

   c) Extraction of Raw Materials - Such as rock, timber, gravel, topsoil or vegetation shall be permitted only for enhancement or protection purposes.

SECTION 27: REGULATIONS FOR ALL SIGNS OTHER THAN OFF-PREMISES OUTDOOR ADVERTISING SIGNS

Intent

In addition to the purposes set forth in this section, this article is enacted to recognize the function of signs within the City of Anniston, to provide for their inclusion into the Zoning Ordinance of the City , and to regulate the use, placement, physical dimensions, and design of all signs within the City. It is accepted that, while signs are a proper commercial use of private property and are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public health, safety and welfare of the general public and to safeguard and promote the aesthetic quality of the City for the enjoyment and convenience of its citizens. The purposes of this section are as follows:

A. To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic and economic value, regardless of whether they are natural or man-made;

B. To preserve locally recognized values of community appearance, promote a better visual environment, and enhance the quality of life;

C. To safeguard and enhance adjacent and nearby properties, in particular residentially zoned properties, from the impact of lighting, size, height, number, movement, and location of signs;

D. To eliminate general clutter and improve the appearance of the City's commercial corridors;

E. To enhance the impression of the City which is conveyed to tourists and visitors by controlling the location and number of off-site signs and reducing the cluttered appearance generated by on-site signs;

F. To protect the safety and efficiency of the City's transportation network by reducing the confusion, distractions, and potential hazards to motorists and pedestrians;

G. To integrate sign regulations more effectively with general zoning regulations by establishing requirements for setbacks, height restrictions and spacing that allow for lighting, ventilation and preservation of views in a manner consistent with land uses in the various zoning districts;

H. To conserve the value of buildings and land;

I. To facilitate effective communication between the public and the environment by enabling clearer comprehension of signage and encouraging signs which aid orientation, identify activities, express local history and character, or serve other educational purposes; and

J. To protect the public from damage or injury caused by signs which are poorly designed or maintained.

General Regulations

All signs in the City of Anniston shall comply with the regulations set forth in this section.

1. **EXEMPT SIGNS**

The following signs are exempt from the general provisions of these regulations and all permit

requirements therein.

A. Signs for the control of traffic or other regulatory purposes including signs for the control of parking on private property, and official messages erected by, or on the authority of, a public officer in the performance of his duty;

B. Non-illuminated signs not to exceed two (2) square feet which are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information;

C. Signs which identify restrooms, public telephones or provide instructions as required by law or necessity, provided the sign does not exceed two (2) square feet in area;

D. Signs affixed to door or window glass which permanently identify the name and/or address of an establishment.

E. Flags and insignia of any government except when displayed in connection with commercial promotion;

F. Non-Inflatable signs or decorations customarily displayed in conjunction with a national holiday for a period not to exceed thirty (30) days;

G. Signs, banners, flags and pennants displayed in conjunction with a City sponsored or approved non-commercial;

H. Printed placards or other graphic material of a temporary nature.

I. Legal notices, identification, informational or directional signs erected or required by governmental bodies, or historical markers;

J. Signs of local cultural or historical significance as determined so by the City's Historic Preservation Commission.

2. **PROHIBITED SIGNS**

The following signs are expressly prohibited within the City, and it shall be unlawful to erect or maintain any of the following:

A. Any sign which is determined to constitute a traffic hazard or may be confused with or construed as a traffic control device by reason of site, location, content, color or type of illumination.

B. Any sign which is located in or which extends over the city right-of-way (other than under canopy signs with a minimum of 7-1/2 feet above grade having a maximum of six (6) square feet) except those signs that are single faced and flush mounted parallel to the general plane of buildings or accessories situated on or within eighteen (18) inches of the property lines. These signs may project a maximum of eighteen (18) inches beyond the surface to which they are attached, and no sign (other than an under canopy sign as herein described) attached to a building located more than eighteen inches from the right of way shall project over such right-of-way.

C. Portable signs as defined herein and portable signs attached or affixed as appendages to freestanding signs which are not inclusive to the original sign design; A or T - frame signage for the display of menus, or special promotions shall be allowed at the point of entry provided they do not interfere with the safe flow of pedestrian traffic.

D. A changeable copy reader board which constitutes seventy-five percent (75%) or more of the entire sign.

E. Any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating or otherwise animated sign, except for time and temperature or stock information displays and electronic reader boards.

F. Any roof signs or bench signs as defined herein.

ORDINANCE NUMBER 99-0- 6

A ZONING ORDINANCE AMENDMENT REGARDING THE PERMITTING OF INFLATABLE SIGNS (BALLOON SIGNS), DEFINING A GRAND OPENING, AND REMOVAL OF INFLATABLE SIGNS FROM THE HOLIDAY PROVISION OF THE SIGN REGULATIONS

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. That the City of Anniston Zoning Ordinance (81-0-40) Section 23-102: DEFINITIONS AND INTERPRETATION shall be further amended to include the following:

"Grand Opening - A promotional activity not exceeding thirty (30) calender days used by newly established businesses, within two (2) months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales by a business."

Section 2. Furthermore, Section 23-103, subsection 1, paragraph 'f' of Zoning Ordinance 81-0-40 (holiday signs and decorations) shall be amended to read as follows:

"Non-inflatable signs or decorations customarily displayed in conjunction with a national holiday for a period not to exceed thirty (30) days;"

Section 3. That, Section 23-103 : GENERAL REGULATIONS, Subsection 13, paragraph 'e' of Ordinance 81-0-40, as amended, shall be further amended to read as follows:

"Signs or inflatable signs may only be displayed in conjunction with a Grand Opening celebration as defined in Sec. 23-102 or in conjunction with a special sales event for a period not to exceed one (1) month. Cumulative use of inflatable signs at any business location shall not exceed three (3) months within any six (6) month period. Permits for inflatable signs shall be valid only for the month in which they are issued and an inflatable sign permit shall not be issued for two (2) consecutive months at the same business location. A maximum of two (2) inflatable signs shall be permitted at any given time at any business location. Inflatable signs shall only be permitted in CBD-1 and NSC-1 zoning districts in conjunction with a Grand Opening celebration and shall not be permitted for more than one (1) month. Inflatables shall not be permitted within any public right-of-way nor shall any part of any inflatable infringe in any way upon any part of the public right of way."

Section 4. All Ordinances or parts of Ordinances heretofore adopted by the City Council of the City of Anniston, Alabama which are in conflict herewith are to the extent of such conflict hereby repealed, but all other provisions of Ordinance 81-0-40, as amended, not in conflict herewith shall be in full force and effect.

Section 5. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 6. This Ordinance shall become effective immediately upon its adoption and publication one time in the Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this resolution to be published one time in said newspaper.

PASSED and ADOPTED this the 12th day of January, 1999.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

BY: _____
W. GENE STEDHAM, MAYOR

BY: absent
ANDREW B. HATLEY, COUNCIL MEMBER

BY: _____
DEBRA D. FOSTER, COUNCIL MEMBER

BY: _____
JAMES D. MONTGOMERY, COUNCIL MEMBER

BY: _____
DR. JOHN E. REAVES, COUNCIL MEMBER

ATTEST

BY: _____
ALAN B. ATKINSON, CITY CLERK

3. SIGN REQUIREMENTS — Ord. 01-0-9

Table 1: SIGN REQUIREMENTS

	ASC/GB	NSC/CBD	NSC-1	CBD-1	RIP	LM/IP
Ground mounted signs : Maximum height	30 ~~40 ft.~~	30 ft.	10 ft. 25 ft.*	8 ft.	8 ft.**	50 ft.
Maximum sign area	~~300 sq. ft.~~ 100	100 sq. ft.	60 sq. ft. 100 sq. ft.*	80 sq. ft.	50 sq. ft.**	200 sq. Ft.
Attached signs: Maximum sign area	15% of the individual business facade to which attached	15% of the individual business facade to which attached	15% of the individual business facade to which attached	10% of the individual business facade to which attached	10% of the individual business facade to which attached	15% of the individual business facade to which attached
Maximum height	Top of the wall or facade to which attached	Top of the wall or facade to which attached	Top of the wall or facade to which attached	Top of the wall or facade to which attached	Top of the wall or facade to which attached	Top of the wall or facade to which attached

10% SEE SECT. 22

* *For multi-tenant buildings to identify the facility and its tenants.*

** *Ground mounted signs in R.I.P. are permitted for large developments only.*

A. **Ground Mounted Signs**
Height of ground mounted signs shall be measured from grade level of lot upon which the sign is located, and from the grade level of the street, and the lesser of the two measurements shall be the height of the sign.

B. **Off-Premise Directional Signs.**
No more than two (2) off-premise directional signs shall be permitted and shall be no more than fifty (50)feet in height and two (2) square feet in area.

C. **Ingress and Egress Signs**
No more than one pair of ingress and egress signs shall be displayed per driveway entrance, and such signs shall not be subject to the spacing limitations established herein. Also, signs shall not exceed four (4) square in area or three (3)feet in height from the finished grade of the lot upon which the sign is located.

D. **Reader Boards**
No sign shall have a total of more than forty (40) square feet devoted to a reader board or boards without the express approval of the Planning Commission.

E. **Real Estate Signs**
No more than one such sign shall be displayed per street frontage per lot and shall be located at least fifteen (15) feet from any street line. Such sign shall not exceed nine (9) square feet in area in a residentially zoned district and shall not exceed forty-eight (48) square feet in a commercial district and shall not exceed six (6) feet in height.

F. **Temporary Political Signs**
No such sign shall be erected in or on any public right-of-way, public park, public building, public grounds, or other public place, and no such sign shall be affixed to any

tree, tree branch, fence, fence post or utility pole, and it shall be un-lawful for any person to erect or maintain any such sign upon the property of another without first having secured the authorization or permission of the owner of said property.

G. **Temporary Construction Site Sign**
Temporary construction site signs shall be permitted on a site where building is in progress provided that such signage is removed within fourteen (14) days of completion of the project.

H. **Illumination**
Any sign under these regulations may be illuminated, provided such illumination complies with the following:

1. Illumination shall be installed or maintained once the light source is contained within the sign and is visible only through a translucent surface or, the light source is external to the sign and is directed to and concentrated on the sign.

2. All external light sources of illumination, except neon, shall be contained within a protective casing.

3. Illumination shall be constant in intensity and color and shall not consist of flashing, animated, chasing or scintillating lights.

4. Electric or illuminated signs shall be installed in strict compliance with the Electrical Code of the City of Anniston.

5. Neon lighting shall be an unacceptable light source.

I. **Construction and Maintenance**
All signs shall conform with city building and technical codes which provide a comprehensive set of construction standards for signs. All signs and components thereof, including structural supports, shall be kept in a state of good repair, in good working order, and shall be kept free of excessive rust, corrosion, rotting, or other deterioration.

J. **Additional Sign Regulations**

1. Signs shall not be erected or maintained upon trees, tree branches, bushes or painted or drawn upon rocks or other natural features.

2. No sign shall be located in such a position that the same obscures the view of the pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

3. All signs shall be maintained in compliance with the standards of the Standard Building Code as adopted by the City of Anniston.

4. No signs, nor any means of supporting or staying such signs, shall be so placed or constructed as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation.

5. Signs or inflatable signs may only be displayed in conjunction with a Grand Opening celebration or in conjunction with a special sales event for a period not

to exceed one (1) month. Cumulative use of inflatable signs at any business location shall not exceed three (3) months within any six (6) month period. Permits for inflatable signs shall be valid only for the month in which they are issued and an inflatable sign permit shall not be issued for two (2) consecutive months at the same business location. A maximum of two (2) inflatable signs shall be permitted at any given time at any business location. Inflatable signs shall only be permitted in CBD-1 and NSC-1 zoning districts in conjunction with a Grand Opening celebration and shall not be permitted for more than one (1) month. Inflatables shall not be permitted within any public right-of-way nor shall any part of any inflatable infringe in any way upon any part of the public right of way.

6. Repainting, repair, copy changes, and face changes including removal and reinstallation shall not require a permit if the size of the sign is not enlarged.

K. RESIDENTIAL DISTRICTS

1. Signs in R-1, R-2 and R-3(M) Residential Districts

a. One non-illuminated real estate sign not over six (6) square feet in area shall be allowed for each dwelling advertising the sale or rental of the property on which it is located.

b. One non-illuminated sign not over four (4) square feet in area shall be allowed to prohibit trespassing for safety or caution.

c. On a lot containing a non-conforming use there may be one non-illuminated identification sign not over eight (8) square feet in area.

d. Churches, recreation centers, schools, country clubs, hospitals and other semi-private and public facilities shall be allowed one (1) yard mounted sign and and signs attached to the building for the purpose of identification and to convey such information as time of activities, etc. provided that the area on any one side of any such sign shall not exceed fifty (50) square feet.

e. An ornamental gateway leading to a residential subdivision may incorporate a sign announcing the name of such subdivision or district, but not including the name of the developer or other commercial information. Such a sign shall not exceed twenty-four (24) square feet in area.

f. Temporary signs of building contractors and artisans, shall be allowed provided that such signs shall not exceed fifty (50) square feet in area and shall be removed within (7) days upon completion of work.

g. The Planning Commission may, as a Special Exception, permit temporary signs and displays in connection with civic activities such as clean-up and fund raising events.

h. One (1) sign (per candidate) on one (1) premise placed by the owner, occupant, or resident announcing, supporting, or endorsing the candidacy of an individual for political office, provided that such sign

shall not exceed twelve (12) square feet in area, shall be non-illuminated and shall be erected no more than (10) weeks before the nearest election in which said individual is a candidate and removed no later than three (3) days after said election.

2. **Signs in R-3 Residential Districts**
The regulations are the same as Residential Districts R-1 and R-2 with the following additions:

d. One identification wall or ground mounted sign not exceeding six (6) square feet in area shall be allowed on each side for a rooming house or guest lodge.

e. Multiple dwelling apartment projects shall be allowed one wall mounted identification or one yard mounted sign not exceeding thirty-two (32) square feet in area on each street to identify the project. Signs shall not exceed six (6) feet in height and shall not be erected so as to cause a traffic hazard.

f. One (1) sign on any one premises announcing the conduct of a home occupation, provided that such sign shall not exceed three (3) square feet in area, shall be non-illuminated, and shall be mounted flat against the wall of the principal building.

3. **Signs in Townhouse (TH) Districts**
The regulations are the same as R-1 and R-2 districts.

4. **Signs in Planned Residential (PR) Districts**

a. Signs as permitted in the respective zone in which the PR District is located.

b. In R-1, R-2, and R-3 zones, one ground or wall mounted sign shall be allowed not exceeding fifty (50) square feet in area, for each street to identify a multiple dwelling. Signs shall not exceed five (5) feet in height and shall not be erected so as to cause a traffic hazard.

5. **Signs in Mobile Home (MH) Districts**

a. One principal use ground mounted sign or wall mounted sign not exceeding fifty (50) square feet in area shall be allowed.

L. **BUSINESS AND INDUSTRIAL DISTRICTS**

SUPERSEDED BY SEE SECT 22: ASC/GB

1. **Signs In Area Shopping Center (ASC) Districts**
Shopping center, plaza and mall developments occupying more than six (6) acres of land shall be required to submit plans for any oversized ground mounted signs within the development to the City Planning Commission for approval. The Planning Commission may approve such signs if such signs are in harmony with overall development. Signage for all other uses shall comply with following:

a. One ground mounted principal use sign per street front for the sole

purpose of identifying the facility and/or its tenants shall be permitted on the general premises, not to exceed fifty ~~(50)~~ 30 feet in height or three hundred ~~(300)~~ 100 square feet in area.

b. Signs for individual businesses or other occupations shall be allowed attached to the individual business or to a canopy or similar accessory structure, but shall not exceed ~~15%~~ 10% of the area of the facade or store front to which they are attached, and shall not extend above the roofline of the building to which they are attached.

c. One additional ground mounted sign shall be allowed for every one hundred (100) feet of street frontage, the intent being that no business with less than two hundred (200) feet of lot frontage shall have more than one ground mounted sign. Signs shall be spaced not less than one hundred (100) feet from each other.

d. On-premise directional signs (such as entrance and exit signs, emergency room signs, etc.) shall be allowed, and shall not be subject to the spacing requirements of subparagraph 2 (c) above.

2. Signs in Neighborhood Shopping Center (NSC) Districts

a. One ground mounted principal use sign per street front of identifying the facility and/or its tenants shall be permitted on the general premises, not to exceed 30 feet in height or 100 square feet in area.

b. Signs for individual business or other occupations shall be allowed attached to the individual business or to a canopy or similar accessory structure, but shall not exceed 15% of the area of the facade or store front to which they are attached, and shall not extend above the roofline of the building to which they are attached.

c. On-premise directional signs (such as entrance and exit signs) shall be allowed, and shall not be subject to the spacing requirements of subparagraph 2 (d) below.

d. Lots with 200 feet of street frontage, or more, shall be allowed one additional ground mounted sign for each such street frontage. Additional signs shall be permitted for each additional 100 feet of street frontage over and above the original 200 feet. All signs on such properties shall have a minimum spacing of 100 feet between signs.

3. SIGNS IN NEIGHBORHOOD SHOPPING CENTER -1 (NSC-1) DISTRICT
General Intent and Character - The general intent of these rgulations is to harmonize commercial highway use signage and the nature of the area with adjacent Residential - 1 (R-1) neighborhoods. These regulations will serve as a supplement to the existing general regulations for all districts however more restrictive to suit the character of the NSC-1 Zoning District in particular. Signs shall be mounted or erected so that they compliment rather than detract from the nature and intent of the district.

a. Sumbission and Approval - All new signage in this district shall be permitted only upon submission of a proper site plan and after approval by the Anniston Planning Commission.

b. Size

1. One ground mounted principal use sign shall be permitted on the general premises for the purpose of identifying the facility and/or its tenants, not to exceed 25 feet in height or 100 square feet in area for multi-tenant buildings. Individual businesses shall be allowed one ground mounted principal use sign that shall not exceed 10 feet in height or 60 square feet in area.

2. Signage for individual businesses or other occupations shall be attached to the individual business or to a canopy or similar accessory structure, but shall not exceed 15% of the area of the facade or storefront to which they are attached, and shall not extend above the roofline of the building to which they are attached.

3. Monumental ground mounted signage shall be strongly encouraged.

c. Window Signs

1. Signs painted directly on window glass or hung in windows are permitted so long as they meet the above size guidelines which shall count toward the maximum allowable square footage.

2. Neon signage shall not be permitted.

d. Temporary Signs and Inflatable Signs

1. Inflatable signs shall only be permitted in this district in conjunction with a Grand Opening celebration for a period not to exceed one (1) month in accordance with Section 3, paragraph 'J', subsection 5 of this ordinance.

e. Multi-Tenant Buildings

1. On buildings with multiple tenants, a directory sign which shows all of the tenants of the building contained within one sign shall be allowed.

2. Separate free standing signs for each tenant contribute to visual clutter and shall not be permitted.

3. An affixed sign may be permitted on the building for each individual business which shall conform to item B, 2 (sizes).

f. Other Signs

1. On Site Construction Signs are signs giving information about the construction or renovation of a building on the same site. They may remain in place for one year or the duration of the construction, whichever is shorter.

2. On Site Real Estate Signs are signs informing the public that the building or land is for sale or lease. Signs advertising off premises real estate information are not permitted.

3. Off-Premise Directional Signs shall not be permitted in the NSC-1 District.

4. Signs In General Business (GB) Districts (ASC) SUPERSEDED BY SEE SECT. 22: ASC/GB 10%

a. One ground mounted principal use sign for the sole purpose of identifying the facility and/or its tenants shall be permitted on the general premises, not to exceed ~~50~~ 30 feet in height or ~~300~~ 100 square feet in area.

b. Signs for the individual businesses or other occupations shall be allowed attached to the individual business or to a canopy or similar accessory structure, but shall not exceed 15% of the area of the facade or store front to which they are attached, and shall not extend above the roof line of the building to which they are attached.

c. On-premise directional signs (such as entrance and exit signs) shall be allowed, and shall not be subject to the spacing requirements of subparagraph 4(d) below.

d. Lots with 200 feet of street frontage, or more, shall be allowed one additional ground mounted sign for each such street frontage. Additional signs shall be permitted for each additional 100 feet of street frontage over and above the original 200 feet. All signs on such properties shall have a minimum spacing of 100 feet between signs.

5. Signs In Central Business District (CBD)

a. One ground mounted principal use sign per street front for the sole purpose of identifying the facility and/or its tenants shall be permitted on the general premises, not to exceed 30 feet in height or 100 square feet in area.

b. Signs for individual businesses or other occupations shall be allowed attached to the individual business or to a canopy or similar accessory structure, but shall not exceed 15% of the area of the facade or store

front to which they are attached, and shall not extend above the roof line of the building to which they are attached.

c. On-premise directional signs (such as entrance and exit signs) shall be allowed, and shall not be subject to the spacing requirements of subparagraph 4(d)below.

d. Lots with 200 feet of street frontage, or more, shall be allowed one additional ground mounted sign for each such street frontage. Additional signs shall be permitted for each additional 100 feet of street frontage over and above the original 200 feet. All signs on such properties shall have a minimum spacing of 100 feet between signs.

6. **Signs in Central Business District - One (CBD-1)**
By resolution of the City Council, the CBD-1 District has been designated a controlled commercial area of development and all standards in layout and development shall contribute to the preservation and enhancement of land values within the district. The cornerstone of any consideration of signage shall be preservation of the sedate visual nature of the District. Accordingly, all signage in this district shall be permitted only upon submission of a proper site plan and after approval by the Anniston Planning Commission.

a. One ground mounted principal use sign per street front for the sole purpose of identifying the facility and/or its tenants shall be permitted on the general premises, not to exceed 8 feet in height or 80 square feet in area.

b. Signs for individual businesses or other occupations shall be allowed attached to the individual business or to a canopy or similar structure, but shall not exceed 10% of the area of the facade or storefront to which they are attached, and shall not extend above the roof line of the building to which they are attached.

c. On-premise signs (such as entrance and exit signs) shall be allowed, and shall not be subjected to the spacing requirements for subparagraph 6(d) below.

d. Lots with 200 feet of street frontage, or more, shall be allowed one additional ground mounted sign for each such street frontage. Additional signs shall permitted for each such street frontage over and above the original 200 feet. All signs on such properties shall have a minimum spacing of 100 feet between signs.

e. The use of a reader board or boards within the district requires the express approval of the Planning Commission.

f. Sedate or earthtone colors and internally illuminated signage is encouraged throughout the district.

g. Political campaign signs are prohibited within the district.

h. All signage within this district shall comply with the provisions of the CBD-1 District Regulations, as amended, of the Zoning Ordinance of the

City of Anniston, and any conflict between this ordinance section and the CBD-1 Zoning District Regulations shall be resolved by the the CBD-1 Zoning District Regulations.

ii. Inflatable signs shall only be permitted in this district in conjunction with a Grand Opening celebration for a period not to exceed one (1) month in accordance with subsection 3, paragraph 'J', subparagraph 5 of this section.

7. Signs in Residential, Institutional, Professional (RIP) Districts

a. Ground mounted signs in this district shall be allowed only for developments comprising over one acre of land and having more than three hundred (300) feet of street frontage. Ground mounted signs within such developments shall not exceed fifty (50) square feet in area. Developments requiring more than one ground mounted sign shall require site plan approval by the Planning Commission.

b. Signs for individual businesses or other occupations shall be allowed attached to the individual business or to a canopy or similar structure, but shall not exceed 10% of the area of the facade or storefront to which they are attached and shall not extend above the roof line of the building to which they are attached.

c. On-premise directional signs (such as entrance and exit signs, emergency room signs, etc.) shall be allowed, and shall not be subject to the spacing limitations of subparagraph 7(a) above.

d. Reader boards as defined herein are prohibited within this district.

8. Signs in Light Manufacturing Districts and Industrial Park Districts

a. One ground mounted principal use sign per street front for the sole purpose of identifying the facility and/or its tenants shall be permitted on the general premises, not to exceed 50 feet in height or 200 square feet in area.

b. Lots with 200 feet of street frontage, or more, shall be allowed one additional ground mounted sign for each such street frontage. Additional signs shall be permitted for each additional 100 feet of street frontage over and above the original 200 feet. All signs on such properties shall have a minimum spacing of 100 feet between signs.

c. Signs for individual businesses or other occupations shall be allowed attached to the individual business or to a canopy or similar structure, but shall not exceed 15% of the area of the facade or storefront to which they are attached, and shall not extend above the roof line of the building to which they are attached.

d. On-premise directional signs (such as entrance and exit signs, emergency room signs, etc.) shall be allowed, and shall not be subject to the spacing limitations of subparagraph 8(b) above.

M. ADMINISTRATION AND ENFORCEMENT

1. **Signs requiring permits**

It shall be unlawful to erect (or reerect) any sign within the City, except as herein provided, without first having obtained all required permits under this Zoning Ordinance or any other technical code adopted by or then in force within the City of Anniston. Every permit shall be canceled if active work is not commenced within six (6) months of its date of permit issuance.

2. **Signs Not Requiring Permits**

All signs listed under this section as exempt shall be exempt from the general provisions of these regulations and all permit requirements therein.

3. **Fees**

The Building Inspector shall collect a fee of $10.00 plus $0.25 for each square foot of sign area for each permit issued at the time initial or renewal application is made. A permit fee of $10.00 shall be collected for each pair of ingress and egress signs.

4. **Submission Requirements**

The following requirements are necessary to submit for review:

a. Completed Application (s). One originally signed sign permit application for sign or signs requested by the applicant.

b. Construction Specifications. Plans and specifications showing the method of attachment of the sign to the building or ground, including footing details for any ground mounted sign.

c. Additional requirements for freestanding / ground mounted signs only:

1. A sketch showing location of the proposed sign with all approximate distances to pertinent property lines and rights of way, buildings, and other ground mounted signs already on the property;

2. A drawing of the sign showing its design and all pertinent physical dimensions.

d. Additional Requirements for attached signs only:

1. A drawing of the proposed sign, to include the area of the building to which the sign will be attached.

5. **Nonconforming Signs**

a. Any new sign erected after the effective date of enactment of this Article shall expressly meet the regulations contained herein. Any sign which does not conform to the provisions of this Article, may not, after the effective date of this Article, be enlarged, structurally altered or extended unless such sign be made to conform to the provisions contained herein.

b. Normal maintenance of non-conforming signs is permitted including

removal and reinstallation at the same location. However, when a non-conforming sign is damaged or destroyed by any means to the extent of fifty percent (50%) of its replacement value, exclusive of foundation, it shall not be restored, unless such sign be made to conform to the provisions of this Article.

c. Any nonconforming sign which is abandoned for more than one (1) year shall be removed.

N. APPEALS, VARIATIONS, AND SPECIAL USES

1. Scope of Appeals, Variations and Special Uses

a. An appeal from a staff decision made in interpreting, applying and/or enforcing the regulations contained in this Chapter may be taken to the Board of Adjustment for the City of Anniston.

2. Notice Requirements

a. An applicant shall file notice of such appeal, variation or special use on forms provided by the Director, who shall forward a copy without delay to the City Board of Adjustment for processing and notice.

b. The notice shall be published in the local newspaper not less than five (5) days prior to a public hearing before the Board of Adjustment.

c. At the time of filing the notice of appeal, variation or special use shall be accompanied by such information, plats and exhibits as may be reasonably necessary for a proper determination of the questions presented for review:

d. Fees for appeals, variations, or special uses will be assessed as follows:

Appeal	$50.00
Variation	$50.00
Special Use	$25.00

The applicant shall reimburse the City for any costs associated with the request should the cost exceed the fee specified.

3. Action on Appeal, Variation or Special Use

a. The Board of Adjustment shall use the physical parameters and design standards included in this Chapter as the standards for their decision.

b. No permit shall be issued during the pendency of an appeal, variation or special use before the Board of Adjustment, nor while litigation is pending in any court challenging the City's actions, nor while any appeal, variation or special use is pending from any court's action overriding or reversing the City's actions, nor during the time within which such appeal from a court's action can lawfully be taken.

ASC/ew

SECTION 28: REGULATIONS FOR OFF-PREMISE OUTDOOR ADVERTISING

1. **Permitted Zones**
Outdoor Advertising Signs which conform with the provisions of this ordinance shall be permitted in the following zones: GB, LM and IP.

2. **Non-Conforming Signs**
Any non-conforming signs, structures, or non-conforming use, which is damaged by fire, flood, wind or other act of God or man, may be constructed and used as before, if it is done within six (6) months of such damage, unless damaged to extent of more than sixty (60) percent of its replacement value, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

3. **General Provisions**

   A. Outdoor Advertising Signs shall not be established at any location having principal frontage on any street within three hundred (300) feet of any property which is used for public parks, public schools, church, courthouse, city hall or public museum having principal frontage on the same street.

   B. No Outdoor Advertising Sign shall be established closer to the street than the building setback line, if such a line exists. No portion of any Outdoor Advertising Sign may be placed on, or extend over the right-of-way line of any street or highway.

   C. No Outdoor Advertising Sign shall be constructed which resembles any official marker erected by the City, State or any governmental agency, or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

   D. All Outdoor Advertising Signs shall be constructed in accordance with the municipal building and electrical code.

   E. All Outdoor Advertising Signs shall be maintained in good and safe structural condition. The painted portions of Outdoor Advertising Signs shall be periodically repainted and kept in good condition.

   F. No Outdoor Advertising Sign or part thereof shall be located on any property without the consent of the owner, holder, lessee, agent or trustee.

   G. The general ground area in the vicinity of any Outdoor Advertising Sign must be kept free and color of sign materials, weeds, debris, trash and other refuse.

4. **Size of Signs**

   A. On the interstate system, size shall be in accordance with the agreement entered unto by the state and the U.S. Secretary of Transportation and shall be pursuant to state regulation.

   B. The maximum area for any one sign facing shall be eight hundred (800) square feet inclusive of any border and trim , but excluding the base or apron, supports and other structural members.

   C. The maximum size limitations shall apply to each facing of a sign structure and signs may be placed back-to-back, or in V-type construction with not more than one (1) display

to each facing and such sign structures shall be considered as one sign.

5. **Spacing of Outdoor Advertising Signs**

A. On the interstate system spacing shall be in accordance with the agreement entered into by the state and the U.S. Secretary of Transportation and shall be pursuant to state regulations.

B. On all other streets and highways within the jurisdiction of this ordinance, no Outdoor Advertising Sign may be established within three hundred (300) feet of any other Outdoor Advertising Signs.

C. Official and On-Premise Signs, as well as any other sign which does not constitute an Outdoor Advertising Sign as defined herein, shall not be counted nor shall measurements be made from them for the purpose of determining compliance with these spacing requirements.

D. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along either side of the roadway.

6. **Lighting**

Signs may be illuminated subject to the following restrictions:

A. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited except those giving time, date, temperature and weather.

B. Signs which are not effectively shielded as to prevent beams or rays from being directed at any portion of the traveled ways and are of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

C. No sign shall be so illuminated that it interferes with the effectiveness or obscures an official traffic sign, device or signal.

7. **Height of Outdoor Advertising Signs**

No ground or roof sign may exceed the building height limitation of the zone in which it is located. Measurement is to be made from the ground level or from the grade level of the street to which the sign faces, whichever is higher.

8. **Permits**

No outdoor Advertising Signs shall be erected without first securing a permit from the City of Anniston.

9. **Quintard Avenue Restrictions**

No Off-Premise Outdoor Advertising Sign shall be erected in any area along either side of Quintard Avenue between A-Street and Twenty-second Street.

SECTION 29: REGULATIONS FOR TELECOMMUNICATION STRUCTURES AND FACILITIES

Purpose - The purpose of these guidelines shall be to establish minimum cnsiderations and criteria for the review of site plans by the City of Anniston, Alabama, for the location of telecommunication facilities. The express intent of this policy, to the extent feasible, shall be to locate new towers and antennas in strategic locations throughout the city. All initial considerations for the location of additional telecommunication support structures shall be an option of last resort and co-location shall be strongly encouraged (among existing towers, as well as billboards, building rooftops, sidewalls, water towers, and other suitable vertical structures).

APPLICABILITY

All telecommunications facilities or structures greater than one (1) meter in size shall apply (e.g., including but not limited to those known as "cellular", "personal communication system- (PCS)", paging services, and similar services). However, the following may be exempt from the requirements of this Ordinance :

A. **Public Property.** Antennas or towers located on property owned, leased or otherwise controlled by the governing authority, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

B. **Amateur Radio or Receive-Only Antennas.** Any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is exclusively for receive only antennas.

C. **Pre-Existing Communication Towers (and Antennas).** Any communication tower or antenna which was constructed prior to passage of this ordinance and which complied with the City regulations in place at the time of construction provided however that all Pre-existing communication towers or antenna must apply for exemption as provided herein.

D. **Internal Use Only**

OBJECTIVES

The proposed locations and design of all telecommunication facilities and structures shall duly consider the following public health, safety, and general welfare objectives as follows :

A. **Structural safety.** The proposed tower shall comply with wind loading and other structural standards contained in applicable building and technical codes including section B1606 (1994 edition) of the Southern Standard Building Code and the Electronic Industries Associations RS 222 Code 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.

B. **View protection.** The proposed tower facility shall be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.

C. **Land use compatibility.** The proposed tower facility shall be compatible with the surrounding land uses, given the character of use and development of the location.

D. **Design harmony.** The proposed tower facility shall be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standard.

E. **Existing communications services.** The proposed tower facility shall comply with FCC and other applicable agency standards so as not to interfere with existing communications services to the area.

F. **Health effects.** The proposed tower shall comply with all applicable federal, state and county local health standards so as not to cause detrimental health effects to persons in the surrounding area.

DEVELOPMENT CRITERIA

Telecommunication facilities shall be subject to review by the Planning Commission , any of these criteria may be waived or adjusted by the Anniston City Council if the circumstances of a particular case so warrant.

These criteria shall be considered the minimum necessary to protect the public health, safety, and general welfare of the community. Yet the Commission may impose higher standards as it deems them necessary to further the objectives of these guidelines in residential and historic districts as well as aesthetically sentive areas such as the CBD-1 Corridor.

A. **Setbacks**

1. All towers, including guys, and accessory facilities shall meet minimum district setback and side yard requirements unless stated otherwise in these regulations.
2. When located within or adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property boundaries as well as institutional uses (e.g., hospitals, nursing homes, day care centers, etc...) shall be seventy-five (75) feet.

B. **Appearance**

1. Communication towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure, unless other standards are required by the FAA.
2. The design of the tower shall be of a type that has the least visual impact on the surrounding area.
3. The design of the tower compound shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
4. Where communications towers are deemed appropriate for a given location, the type of tower shall be restricted to monopolies or within 100 feet of residential areas and areas of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors.

C. **Lighting**

1. Communication towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. Where required, the Planning Commission shall review the available lighting alternatives and approve a design that would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during the day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with the requirements for Security Devices, letter "E".

D. **Landscaping**

1. A landscaped buffer shall effectively screen the view of the communication tower compound from adjacent public ways and residential properties.
2. The standard buffer shall consist of a minimum eight feet wide landscaped strip shall be planted with an attractive combination of trees, shrubs, vines, and/or ground covers that can achieve the full height of the fence at maturity which provides a year-round visual screen that enhances the outward appearance off the security fence.
   (a). For sites within 1000 feet of a residence and areas of special aesthetic concern such as commercial revitalization areas, historic districts and scenic corridors the Planning Commission may impose increased buffer standards. This may include: a decay resistant, solid wood fence, earth berms and brick and masonry walls in addition to the security fencing.
3. All fencing and landscaping shall be maintained by the lessor/owner. **(Dead or dying vegetation shall be replaced as soon as the growing season permits.)**
4. In isolated non-residential areas, alternative landscaping methods shall be accepted, such as the use of earthtoned color, vinyl-coated steel security fencing in combination with four feet of evergreen shrubs, trees, vines, and/or other plantings.
5. In certain locations where the visual impact of the communication tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived. **(However, the governing body reserves the right to revoke a waiver or reduction of the landscaping requirements should the adjoining areas be developed at a later date. Waivers shall expire after a maximum period of three years at which time the**

owner must apply to the Planning Commission for re-approval of the site plan.)

6. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.

E. **Security devices.** The facility shall be fully secured. A minimum six feet high, dark vinyl coated steel, chain link fence shall be installed around the perimeter of the compound **(measured to the top of the fence or barbed wire, if applicable).** Security fencing shall require screening in accordance with the landscaping requirements. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound. Where lighting of the compound is deemed necessary it shall not glare onto or be objectionable to adjoining properties.

F. **Access.** Driveways and parking shall be provided to assure the operator's access to the facility for maintenance or emergency services and shall be paved. **(An all weather surface will be provided unless otherwise approved by the Planning Commission.)** Parking/access may be from an adjoining alley, public street, or off-street parking area.

G. **Fencing.** Free-standing communication facilities shall be surrounded by a fence that is at least six (6) feet high, and constructed out of a material appropriate to the location.

H. **Removal of climbing pegs.** Climbing pegs shall be removed from the lower twenty (20) feet of all communication towers.

I. **Co-location.** No new tower shall be established if space is structurally, technically and economically available on an existing communication tower which would serve the area that the new tower would serve. Documentation that reasonable efforts have been made to achieve co-location shall be submitted in accordance with section 7 (regarding co-location) if the proposed site is within 1000 meters of an existing tower. Co-location shall be strongly encouraged. **Co-location on transmission towers is not permitted for express purposes of telecommunication unless otherwise approved in accordance with these regulations and prior consent is given by the authorized governing body and/or official.**

J. **Removal of obsolete towers.** Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Engineering Department with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operation.

APPLICATION

Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review guidelines:

A. **Statement of impact on health, safety and welfare.** A brief written statement shall address conformance with the health, safety and welfare objectives of these guidelines.

B. **Site plan.** A scaled site plan shall show the location and dimension of all improvements, including setbacks, drives, parking, fencing, landscaping, accessory buildings, and other information necessary to access compliance with the development criteria of these guidelines. If the site is leased, it's location with respect to the property ownership lines shall be shown and the present zoning classification shall be indicated.

C. **Elevation View.** A silhouette or elevation view of the tower, accessory facilities, and compound shall show colors, materials, and treatment. If lighting or other FAA requirement shall be submitted. The configuration of antennae array shall also be shown silhouette along with dashed location of future co-location arrays or panels.

D. **Justification of new tower.** A proposal for a new tower shall be documented by the applicant that the planned equipment for the proposed tower cannot be accommodated on an existing tower within the proposed service area. The affidavit shall identify the closest existing tower to the proposed construction site. A circle shall be drawn about the proposed construction site with a radius equal to 500' greater than the distance to the closest tower but in no event shall the radius be less than 2000'. All existing towers within the drawn circle must be shown on the affidavit and the affidavit must be signed by the owners of these towers agreeing that co-location is not feasible.

E. **Certification of shared use design.** A licensed professional structural engineer, registered in the state of Alabama, shall certify that the proposed towers structural design can accommodate a minimum of two shared users, in accordance with Section 6, letter I (co-location), development criteria.

F. **As built survey.** A qualified professional engineer, registered in the State of Alabama, shall certify that the completed cellular site was built in accordance with the submitted site plan including the installation of any required buffer strip.

G. Each applicant for an antenna and or tower shall provide to the City Planner an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower.

REGULATIONS FOR TELECOMMUNICATION FACILITIES AND STRUCTURES.

A. **Antennas.**

1. Wall Mounted Antennas.
   (a) Wall mounted antennas shall not extend above the parapet (or wall line) of the building or extend more than four (4) feet horizontally from the face of the building without prior approval of the Planning Commission.
   (b) Antenna equipment and the supporting structure shall be painted to match the color of the building or structure or the building background against which they are most commonly seen as well as architecturally compatible with the building.
   (c) Whip antennas are not allowed on a wall mounted antenna structure.
   (d) Wall mounted antennas shall be located not lower than thirty (30) feet from the ground level of the wall on which the antenna is located.
   (e) The total area for wall mounted antennas and supporting structures combined shall not exceed a total of 100 square feet on each exterior wall of the building. The total area shall be the sum of the areas of all antennas and support structures located on that wall.
   (f) The antenna area shall be determined as the area of each individual antenna face and the visible portion of the supporting structure as viewed looking directly at the wall.
   (g) A maximum of three (3) carriers may locate antennas on one building wall. For each additional carrier, a separate conditional use permit must be obtained.
   (h) No permit to install a wall mounted antenna shall be issued unless the owner of the building grants written permission to install the antenna.
   (i) Wall mounted antennas may not be installed on a building wall or walls facing public street, or on a wall or walls constituting a building's front or main entrance without the approval of the Planning Commission.

2. Roof Mounted Antennas.
   (a) Roof mounted antennas shall be enclosed by a structure that creates a visual screen. The screening structure and antenna mounting structures shall not extend more than eight (8) feet above the existing roofline.
   (b) The maximum height of a roof mounted antenna is equal to the distance the antenna is set back from the exterior wall.
   (c) Roof mounted antennas shall not be located on a building that exceeds the maximum height limit of the zoning district.
   (d) The total area for roof mounted antennas and support structures combined shall not exceed 200 square feet. The total area shall be the sum of the areas of all antennas and support structures located on the roof.
   (e) No permit to install a roof-mounted antenna shall be issued unless the owner of the building grants written permission to install the antenna.

3. Monopole towers.

   (a) The maximum allowable height for a monopole tower with a single antenna is ninety (90) feet. The maximum allowable height for a monopole tower with two or more antennas co-located on it is one hundred-eighty (180) feet.
   (b) Monopole towers shall only be located in the rear yard of a lot.
   (c) Monopole towers may be permitted conditionally in landscaped areas, buffer zones, or parking lots. **(Vertical structures are preferential to these areas such as light poles, billboards, etc.)**

B. Satellite dishes.

1. Exceeding 1 meter in diameter shall be considered structures and shall be installed in accordance with all applicable provisions of this Ordinance, the Standard Building Code, and any other relevant regulations. No satellite dish shall exceed 12 feet in diameter and 18 feet in height, as measured from the ground to the highest projection of the supporting structure.
2. No satellite dish shall be placed forward of the rear plane of the principal structure, and shall be set back from all property lines a distance at equal to its height.
3. Where the satellite is not mounted on a building, the supporting structure holding the antenna shall not elevate the lower edge of the antenna dish more than 18 inches above the elevation of the eaves of the roof of the principal structure. Where mounted on a building, the combined height of the building and the satellite dish shall not exceed the maximum permitted building height.

Permitting Requirements.

A. Building Permit Required. No communication tower or other facility shall be constructed unless:

(1) a building permit is obtained;

(2) all facilities and operations are in compliance with section B1606 of the Southern Standard Building Code and the Electronic Industries Associations RS 222 Code as well as other applicable city, state and federal laws and/or regulations;

(3) certification is received from a certified licensed professional engineer that the design of the facility meets all applicable standards for the facility, including but not limited to: electrical safety, material and design integrity, natural hazards safety (e.g., wind, thunderstorms, tornadoes, etc);

(4) an inventory of existing tower facilities is submitted to the city planner; and

(5) list of adjoining property owners submitted (only if meets conditional requirements).

B. Interference with Other Communications.

(1) No permit shall be approved if the operation will interfere with emergency or airport communications or commercial, private, and governmental communications.

Exemptions to the Ordinance

A. Pre-existing towers may be exempted from the ordinance provided ever that a written request for exemption must be submitted to the City Planner within 120 days of passage of this ordinance. The Planning Commission shall consider each such request and shall respond within 120 days of the receipt of such request. Failure to respond within the time specified shall be deemed to be approval of the request for exemption.

B. Installation of Antennas or satellite dishes for residential television or radio reception shall not require a permit provided however that all other provisions regulating such installation must be adhered to.

Permit Approvals

A. Permit requests for telecommunications structures which meet all minimum provisions of the ordinance and which allow for co-location of multiple antennas may be approved by the Chief Building Official.

B. Request for telecommunication structures which do not meet the minimum provisions of the ordinance or which do not provide for co-location will be reviewed by the Planning Commission and forwarded with recommendation to the City Council for final approval.

PROPOSED TELECOMMUNICATION FACILITIES BY ZONING DISTRICTS

A. RESIDENTIAL DISTRICTS

(1) Monopole towers are preferable to other tower structures.

(2) Co-location is strongly encouraged to minimize the number of towers in this district.

(3) Open space areas are preferable.

(4) Color blending and/or camouflage screening shall be strongly encouraged (for aesthetic reasons).

(5) Heightened landscaping and fencing requirements may be imposed (for aesthetic and safety reasons, respectively).

(6) Satellite dishes shall be located in the rear lot to minimize visual impact. They shall:

i. be permitted only as an accessory use and

ii. no more than one satellite dish shall be placed on a single lot.

B. PERMITTED USES

RESIDENTIAL PERMITTED USES BY DISTRICT

Antennas (omnidirectional, directional, and microwave)	P	P	P	P	P	P	P	P
Monopole Communication Towers (co-location is strongly encouraged)	P	P	P	P	P	P	P	P
Guyed Wire Communication Towers	C	C	C	C	C	C	C	C
Self-supporting Lattice Communication Towers	C	C	C	C	C	C	C	C
Satellite dishes	C	C	C	C	C	C	C	C
Switch boxes	C	C	C	C	C	C	C	C

(P) **PERMITTED** (see permitted use requirements, SECTION 13)

(C) **CONDITIONAL** (see conditional use requirements, SECTION 14)

(C) **COMMERCIAL DISTRICTS (ASC, CBD, CBD-1, NSC, GB, ASC, RIP) :**

(1) Antennas and satellite dishes are preferably located on the **building roof top, side walls, or nearby vertical structures** (billboards, light poles, etc.) ; whichever is deemed the least obtrusive and most safe.

(2) Guy towers and self-supporting lattice towers shall only be permitted conditionally **(since setback requirements do not apply because most existing buildings are built on the zero (0) lot line).**

(3) Monopoles are strongly encouraged, particularly in RIP districts. **(The RIP district shall be the most restrictive commercial district and all towers shall be permitted conditionally due to the close proximity of residential dwellings.)**

(4) Co-location is strongly encouraged.

(5) Color blending and/or camouflage screening shall be strongly encouraged particularly in the CBD-1 and RIP districts)

D. MANUFACTURING AND INDUSTRIAL PARK DISTRICTS (LM, IP) :

(1) Self-supporting towers and guy towers are permitted. Vertical structure attachments are strongly encouraged.

(2) Vertical structure attachments are strongly encouraged.

E AGRICULTURAL AND FLOOD CONSERVATION DISTRICTS (AG, FC)

(1) Self-supporting towers and guy towers are permitted.

F. USES BY OTHER DISTRICTS

Use	RIP	NSC	ASC	CBD	CBD-1	GB	LM	IP	PC	AG
Antennas (omnidirectional, directional, and microwaves)	P	P	P	P	P	P	P	P	P	P
Monopolies Communication Towers	P	P	P	P	P	P	P	P	P	P
Guyed Wire Communication Towers	C	C	C	C	C	C	C	P	P	P
Self-supporting lattice Communication Towers	C	C	C	C	C	C	P	P	P	P
Satellite dishes	C	C	C	C	C	C	C	C	P	P
Video Switch boxes	C	C	C	C	C	C	C	C	C	C

PERMITTED USE REQUIREMENTS

The following uses may be approved by the Chief Building Code Official:

A. Installing an antenna on an existing structure other than a communication tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure) that is fifty (50) feet in height or greater, so long as such addition does not add more than twenty (20) feet of height of the existing structure;

B. Installing an antenna on an existing structure other than a communication tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure) that is less than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of said existing communication tower;

CONDITIONAL USE REQUIREMENTS

The following uses shall be approved by the Planning Commission (and may be appealed to the Council):

A. Applications for new communication towers or antennas in residential districts including RIP districts;

B. Applications for new communication towers in the CBD-1 district;

C. The conditional use standards shall apply as follows:

(1) The height and mass of the proposed structure shall be compatible with existing buildings and utility structures in the surrounding area;

(2) Proximity to existing communication towers within 1000 meters;

(3) Impact of use on adjacent or nearby properties;

(4) Surrounding topography;

(5) Color blending and camouflage screening;

(6) Impact on future development in the area shall be considered;

(7) No conditional use application shall be considered unless the following information is provided by applicant:

(a) list of adjoining property owners are submitted;
(b) The applicant's (and property owner's) name, address and telephone number, as well as emergency telephone number is given.

D. A written statement from the owner of the property where the facility is proposed to be located, stating that the owner has reviewed the plans for the proposed facility, understands the type of facility that is being installed and obligations the owner is undertaking, and granting permission for the applicant to install and maintain the facility.

SECTION 30: SUPPLEMENTARY DISTRICT REGULATIONS

1. ***Visibility at Intersections in Residential Districts*** - On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection as illustrated below:

2. ***Fences, Walls, and Hedges*** - Notwithstanding other provisions of this ordinance, fences and walls may be permitted in any required yard, or along the edge of any yard, provided that no fence or wall along the sides or front edge of any front yard shall be over two and one-half feet in height.

3. ***Accessory Structures*** - Accessory structures in any district on any lot shall conform to the following regulations:

   a) No accessory structures shall be erected in any required front or side yard. Accessory structures shall not exceed two (2) stories or thirty-five (35) feet in height except as provided in subsection 5 (below) and shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from the rear and side lot lines and ten (10) feet from any other structure on same lot.

   b) No part of any accessory structure shall be located within sixty (60) feet of any front lot line on any lot which has adjoining along its side lot line, another lot that is in a residential district.

   c) On any corner lot adjoining in the rear another lot which is in a residential district, no part of any structure within twenty-five (25) feet of the common lot line shall be nearer the side street lot line than shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along such side street.

   d) It is the intent of this ordinance that accessory structures shall not include living quarters, except those occupied by the domestic employees of the owner or tenant of the main structure.

4. ***Erection of More Than One Principal Structure on A Lot*** - In any district, no more than one structure housing a permitted or permissible principal use may be erected on a single lot, unless specifically permitted herein.

5. ***Exceptions to Height Regulation*** - The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilations, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

6. ***Structures To Have Access*** - 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.

7. ***Parking, Storage, Or Use of Major Recreational Equipment*** - For purposes of these

regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, buses and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except behind nearest portion of a building a street, provided however that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot. or in any location not approved for such use.

8. ***Parking and Storage Of Certain Vehicles*** - Automotive vehicles or trailers of any kind or type without current license plates or which are inoperable or other-wise disabled for a period of thirty (30) consecutive days shall not be parked or stored on any residentially zoned property (whether occupied as a residence or not) or property used for residential purposes in a nonresidential zoned district other than in completely enclosed buildings. For the purpose of this subsection, a vehicle shall be deemed "inoperable or otherwise disabled" if it is unable to operate on the streets and roadways of a city in the State of Alabama in full compliance with the various provisions of the Code of Alabama, 1975 and/or "The Code of the City of Anniston, Alabama, 1981", as the same may from time to time be amended.

9. ***Existing Single-Family Dwellings In Commercial Areas*** - Any existing single-family dwelling located in an area shopping center district, a general business district, a central business district, or a neighborhood center district may be expanded for a maximum of 25 percent of the existing gross floor area of such single-family dwelling provided that the structure as expanded does not occupy more than 60 percent of the total area of the lot or tract of land upon which it is located.

SEE SECT. 6 ITEM 5.

10. ***Development On Corner Lot In Residential Districts*** - On any corner lot adjoining in the rear of another lot which is in a residential district, no part of any structure shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along such side street.

11. ***Additional Off-Street Parking Requirements***
Churches - One space per four seats in the principal place of worship, provided the number of spaces thus required may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner(s) without charge during the time of services to make up the additional spaces required. Off-Street parking requirements for other facilities designed to serve the residential environment shall be adequate to serve the proposed use.

SECTION 31: ADMINISTRATION AND ENFORCEMENT OF BUILDING PERMITS

1. ***Administration And Enforcement*** - The Chief Building Official of the City of Anniston shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the City Manager may direct.

   If the Chief Building Official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

2. ***Building Permits Required*** - No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the Chief Building Official except in conformity with the provisions of this ordinance, unless he received a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

3. ***Application For Building Permits*** - All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

   One copy of the plans shall be returned to the applicant by the Chief Building Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the Chief Building Official.

   If the proposed excavation, construction, moving or alteration and use as set forth in the application, are in conformity with the provisions of this ordinance, the Chief Building Official of the City shall issue a building permit accordingly. If an application for a building permit is not approved, the Chief Building Official of the City 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.

4. ***Expiration of Building Permit*** - If the work described in any building permit has not begun within 6 months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Chief Building Official; and written notice thereof shall be given to the persons affected.

   If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Chief Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

5. ***Construction and Use to Be As Provided in Applications, Plans, and Permits*** - Building permits issued on the basis of plans and applications approved by the Chief Building Official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction at variance with that authorized shall

be deemed in violation of this ordinance, and punishable as provided by Section hereof.

SECTION 32: BOARD OF ADJUSTMENT-ESTABLISHMENT AND PROCEDURES

A Board of Adjustment is hereby established. The appointment, procedure, powers and action of said Board of Adjustment shall be governed and controlled by Section 11-52-80, Code of Alabama 1975. The Board shall consist of five (5)members, appointed by the City Council for a period of three (3) years, except that in the first instance one (1) member shall be appointed for a term of three (3)years, two (2) for a term of two (2) years and two (2) for a term of one (1) year. The Board is an appeal board for: variances, special exceptions; and ordinance interpretations.

SECTION 33: APPEALS FROM THE BOARD OF ADJUSTMENT

Any person or persons or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Section 11-52-81, Code of Alabama 1975.

SECTION 34: DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY COUNCIL AND COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Chief Building Official and that such questions shall be presented to the Board of Adjustments only on appeal from the decision of the Chief Building Official. The Board of Adjustment hears, only, requests for variances and special exceptions and determines whether there has been an error in any decision made by the Chief Building Official while enforcing the ordinance. The recourse from the decision of the Board of Adjustment shall be to the courts as provided by law and particularly by Section 11-52-81, Code of Alabama 1975.

It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments of the repeal if this ordinance, as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 35 below.

SECTION 35: SCHEDULE OF FEES, CHARGES AND EXPENSES

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, appeals and other matters pertaining tothis ordinance. The schedule of fees shall be posted in the office of the Chief Building Official, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 36: AMENDMENTS

1. ***General Procedure*** - This ordinance may not be amended, supplemented, changed, modified or repealed unless there has been a substantial change in conditions in the City of Anniston upon which the regulations and the number, area and boundaries for districts established by this ordinance were based. If there has been substantial change in conditions, then the regulations and the number, area and boundaries for districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the City Council of the City of Anniston, but no amendment shall become effective unless it is first submitted to the Planning Commission of the City of Anniston, upon its recommendations. The Planning Commission of the City of Anniston, upon its own initiative, may hold public hearings, public notice of which shall be given for the consideration of any proposed amendment to the provisions of this ordinance or the Official Zoning Map of the City of Anniston and report its recommendations to the City Council of the City of Anniston.

2. ***Amendment Application*** - An amendment to the zoning district boundaries or regulations as they pertain to a piece of property may be initiated by the City Council, the Planning Commission, or by petition of one or more owners or authorized agents of such owner or owners of property to be affected by such change.

When a re-zoning request is made by a petition of the property owner or authorized agent of such owner the following procedure shall be followed:

A. A minimum of ten (10) days prior to a regularly scheduled Planning Commission meeting an application shall be filed with the Secretary of the Department of Planning in the City of Anniston. The application shall include, as a minimum, the following information:

   a) A fee to be established by the Anniston City Council to defray the cost of processing the application.
   b) The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application.
   c) The name of the owner or owners of the entire land area to be included within the proposed district, if a district line change is requested.
   d) The names and addresses of all owners of property abutting the property proposed for re-zoning, to be obtained from the Calhoun County Tax Assessors Office, if the request will involve a district line change.
   e) If the proposed amendment would require a change in a zoning district line, the applicant shall submit a map, drawn to scale, indicating: the dimension and exact location of the site to be considered for re-zoning; location of all public right-of-ways; and the approximate location of all proposed structures.
   f) If the proposed amendment would require a change in a zoning district line, the applicant shall submit a written statement indicating: reason for the re-zoning request; availability of required utilities; a legal description of the proposed re-zoning site; and explanation of the substantial changes which have occurred to warrant changes in the district boundary lines.
   g) If the proposed amendment would require a change in a zoning district line, the applicant shall submit a written time schedule for beginning and completion of the proposed development planned by the applicant.

B. Following the submission of a completed application which would require a district line change, the City of Anniston shall post signs on the subject property a minimum of ten (10) days prior to the next regularly scheduled meeting of the Planning Commission at

which the request for an amendment is to be considered. The signs shall be provided by the City of Anniston.

C. If the proposed amendment would require a change in the zoning regulations, the applicant shall submit a written statement including: a clear statement of the specific re-zoning requested; reasons for the re-zoning; the actions to be taken by the applicant if the re-zoning requested is approved; and an explanation of the substantial changes which have occurred to warrant changes in the zoning regulations.

D. The Planning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with provisions as set forth herein.

E. The failure of the Commission to Act on any zoning application within 60 days from the time of official submission to the Commission shall constitute approval. If additional information is needed, the Commission shall render a decision not more than 30 days after the second regularly scheduled meeting. Upon the denial of an application reasons shall be established which must be in writing and must be based on evidence in a written record.

F. The applicant, or an authorized representative of the applicant, shall be present at the Planning Commission hearing, or hearings prepared to orally summarize their request and answer questions presented by the Planning Commission. If the applicant, or authorized representative of the applicant, fail to appear before the Planning Commission at the hearing in which their application is considered, this failure to appear shall result in the denial of the application based on the lack of sufficient information upon which to render an opinion.

G. No proposed zoning change shall be approved by the Planning Commission except upon one (1) plus the majority votes of the Planning Commission members present approving said proposed change. Upon receipt of the approval of the Planning Commission as to a proposed zoning change, the Director of Planning shall notify the City Council of all recommendations of the City of Anniston Planning Commission for amendments to the City of Anniston Zoning Ordinance and Zoning map by placement of a copy of the proposed ordinance (or a complete synopsis), thereof, on the routine agenda of the next City Council, provided such notice shall not be construed to prevent the prior publication of the public notices required in accordance with law for consideration of the ordinance.

H. In the event that a proposed re-zoning amendment fails to receive one (1) plus the majority votes of the Planning Commission, the applicant may request the City Council to review the re-zoning request and take appropriate action thereon.

I. When the City Council denies a re-zoning request, the City Council and the Planning Commission shall not reconsider an application for the same re-zoning request for a period of one year.

SECTION 37: PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

SECTION 38: COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof shall be filed with the Chief Building Official. He shall record properly such complaint,immediately investigate, and take action thereon as provided by this ordinance.

SECTION 39: PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall be unlawful. Any person who violates any provision of this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 or imprisoned for not more than 180 days, or both, in the discretion of the court trying the case; and in addition shall all pay costs in the case.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 40: SEVERABILITY CLAUSE

The provisions of this ordinance are severable. If any provision, section,paragraph, sentence, or part thereof or the application to any persons shall be held unconstitutional or invalid, such holding shall not affect or impair the remainder of this ordinance or the remaining persons to whom it applies, it being the legislative intent to enact each provision, section, paragraph, sentence, and part thereof and the application thereof, separately and severally from each other.

SECTION 41: REPEAL OF CONFLICTING ORDINANCE - EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions hereof, are hereby repealed to the extent necessary to give this ordinance full force and effect, provided, however, that nothing contained in this Section 38 shall be construed to relieve any person from any liability, offense, penalty or punishment committed or incurred under such ordinances before the effective date of this ordinance. This ordinance shall become effective beginning at 12:01 a.m. on this 1st day of March, 1981.

SECTION 42: SPECIAL EXCEPTIONS

The planning Commission shall give careful consideration to the warrants and criteria set fourth in this Ordinance in judging applications for Special Exceptions.Special Exceptions may be granted as a conditional use within any zoned district provided 1) the site for the proposed use is uniquely suited to the requested use, 2) there will be no detrimental or adverse effects on adjacent uses, and 3) such use does not violate other sections of the City's Zoning Ordinance. The Planning Commission shall consider such factors as, but not limited to, site access, visibility,noise, effects on adjacent uses and shape and topography of the land. In granting a Special Exception, the Commission may attach such reasonable

conditions and safeguards as it may deem necessary in order to promote public health, safety, and general welfare.

The Planning Commission shall approve all site plans and subdivisions to assure they meet the stated purposes and standards of the Zoning Ordinance. Recommendation for a Special Exception by the Planning Commission shall require six (6) affirmative votes and shall follow the procedure contained in Section 21, paragraph 2 of this Ordinance for approval by the City Council.

SECTION 43: PERMITTED USES

RESIDENTIAL

USE	R1	R2	R2/M	R3	R4	R5	C1	I1
Accessory Structure	•	•	•	•	•	•	•	•
Assisted Care Nursing Facility[1]				•		•		
Auditorium (Public)	•	•	•	•	•	•	•	•
Bed & Breakfast Inn					•			
Cemetery (w/PC approval)	•	•	•	•				
Church	•	•	•	•	•	•	•	•
Condominiums (not more than 2 stories)				•	•	•		
Country Club	•	•	•	•	•	•		•
Domiciliary Care Facility[2]				•		•		
Electric Substation	•	•	•	•	•	•	•	•
Electric Transmission Lines	•	•	•	•	•	•	•	•
Family Day Care	•	•	•	•	•			
Fire Station	•	•	•	•	•	•	•	•
High-Rise Dwelling (more than 3 stories)					•	•		
Home Occupation[3]	•	•	•	•	•	•	•	•
Laundry, Self-Serve							•	
Library, Public	•	•	•	•	•	•	•	•

---

1 Requires Master Plan approval by Planning Commission.

2 Requires Master Plan approval by Planning Commission. Limited to 32 beds per acre or percentage thereof.

3 Exterior signage is permitted only in the R3 zoning district.

see MH DISTRICT REGS. MH CAN EXIST ONLY WITHIN R-3, IP or AG ZONE

USE	R1	R2	R2(M)	R3	PR1	PR2	MH-1	TH
Mobile Homes, Parking and/or Occupancy							•	
Multi-Family Dwellings (up to 3 stories)				•	•	•		
Office (no yard display or storage)							•	
Park & Recreations, Public	•	•	•	•	•	•	•	•
Schools (Public & Private - 12)	•	•	•	•	•	•		
Single Family Dwellings	•	•	•	•	•	•		
Single Family Semi-Detached Dwellings				•	•	•		
Single Family Attached Dwellings				•	•	•		•
Specialized Care Facility				•				
Telephone Exchange (not including shops and garages)	•	•	•	•	•	•	•	•
Townhouses (up to 2 stories) (3)				•	•	•		
Water Storage	•	•	•	•	•	•	•	•
Water & Sewage Pumping Station	•	•	•	•	•	•	•	•

AN ORDINANCE ELIMINATING DUPLICATIVE USES
MOST PARTICULARLY APOTHECARIES, DRUG STORES, AND PHARMACIES

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. That the Zoning Ordinance (81-0-40) of the City of Anniston, Alabama, **Section 39: PERMITTED USES, Retail and Wholesale Trade**, shall be amended to eliminate duplicative uses that contradict the other, more specifically the use "Drug Store" shall be considered an all inclusive term meaning apothecary, pharmacy, or drug store and permitted in the following zoning districts:

Use	RIP	NSC	ASC	CBD	CBD-1	GB	LM	IP	FC	AG
Apothecary	--	--	--	--	--	--	--	--	--	--
Drug Store	x	x	x	x	x	x	x	x		

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed, but all other provisions of Section 39 of Ordinance No.# 81-0-40 not in conflict herewith shall be in full force and effect.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its adoption and publication by law.

PASSSED AND ADOPTED, this 8th day of September, 1998.

CITY COUNCIL OF THE
CITY OF ANNISTON, ALABAMA

BY: _____
Mayor W. Gene Stedham

BY: _____
Andrew B. Hatley, Council Member

BY: _____
James D. Montgomery, Council Member

BY: _____
Debra D. Foster, Council Member

BY: _____
Dr. John E. Reaves, Council Member

ATTEST

RETAIL AND WHOLESALE TRADE

USE	RP	NSC	NSC-1	ASC	CBD	CBD-1	GB	LM	IP	IG	AG	WHO
Accessory Structure	•	•		•	•	•	•	•	•	•	•	
Antique Store (not including repair)		•	•	•	•		•	•	•			
Antique Store (including repair)					•		•	•	•			
Apparel & Accessory Store		•	•	•	•	•	•	•	•			
Appliance Store		•	•	•	•	•	•	•	•			
Apothecary (pharmaceutical & medical supplies)	•	•	•	•	•	•	•	•	•			
Art Supply Store		•		•	•	•	•	•				
Automobile Parts, Retail Sales Only (no outside storage or display of merchandise permitted)		•		•	•	•	•	•	•			
Automobile & Truck & Trailer Rental (repairs in enclosed building)				•	•		•	•	•			
Automobile & Truck Sales (new) & Repair				•	•		•	•	•			
Automobile & Truck Sales (for used vehicles) [5]				•	•		•	•	•			
Automobile Wrecking, Dismantling or Salvage (must be enclosed in fence 7 feet high)								•	•			
Enclosed Automobile & Passenger Truck Showroom & Sales Office [6]						•						

---

4 For franchised dealership only.

5 Prohibited on Quintard Avenue between 5th and 18th Streets.

6 No service or repair of vehicles and no outside storage or display of vehicles.

Use	RSF	NSC	NSC 1	ASC	CBD	CBD 1	GB	LM	IP	FC	AG	WHO
Used Automobile & Truck Sales & Repair[7]				•								
Bait Store or Sales		•		•	•		•	•	•			
Bakery, Retail Shop		•	•	•	•	•	•	•	•			
Bakery, Wholesale				•	•		•	•	•			
Bicycle & Lawn Mower Sales & Repair		•	•[8]	•	•		•	•	•			
Boat Sales, Accessories & Service					•		•	•	•			
Book Store		•	•	•	•	•	•	•	•			
Business Machines Store					•	•	•	•	•			
Camera & Photographic Supplies		•	•	•	•	•	•	•	•			
Candy, Nut & Confectionery		•	•	•	•	•	•	•	•			
Catering Shop		•	•	•	•	•[9]	•	•	•			
Computer Sales and Service		•		•	•	•	•	•	•			
Curb Market (within structure)		•	•[9]	•	•		•	•	•		•	
Dairy Products, Retail Sales		•	•	•	•		•	•	•		•	
Delicatessen Restaurant		•	•	•	•	•	•	•	•			
Drug Store		•	•	•	•	•	•	•	•			
Dry Goods or Fabric Store		•		•	•	•	•	•	•			
Dry Goods, Wholesale					•		•	•	•			
Farm Equipment & Supplies Sales					•		•	•	•		•	

---

7 All repairs in enclosed building.

8 Repairs in enclosed structure.

9 Sales permitted within a structure.

Feed Store					•		•	•	•		•		
Fixture Sales				•	•	•	•	•	•				
Flea Market (inside)				•			•	•	•				
Flea Market (outside)											•		
Floor Covering Sales, Retail		•		•	•	•	•	•	•				
Floral Shop		•	•	•	•	•	•	•	•				
Food Products, Wholesale Storage & Sales					•		•	•	•				
Fruit & Produce, Retail		•	•[10]	•	•		•	•	•				
Fruit & Produce, Wholesale					•		•	•	•		•		
Furniture Store, Retail		•	•	•	•	•	•	•	•				
Garden Supplies Store		•		•	•		•	•	•		•		
Gift Shop		•	•	•	•	•	•	•	•				
Glass Shop		•		•	•	•	•	•	•				
Grocery Store, Retail		•	•	•	•	•	•	•	•				
Grocery Store, Wholesale					•		•	•	•				
Hardware Store, Retail		•		•	•	•	•	•	•				
Hardware Store, Wholesale					•		•	•	•				
Hobby Supply Store		•	•	•	•	•	•	•	•				
Jewelry Store (including repairs)		•	•	•	•	•	•	•	•				
Landscape Garden Sales		•		•	•		•	•	•		•		
Leather or Luggage Store		•	•	•	•	•	•	•	•				

10 Fruit and produce sales in NSC1 are only permitted in an enclosed structure.

USE	AP	NSC	NSC-1	ASC	CBD	CBD-1	GB	LM	IP	FC	AO	WHO
Lounge[11] (beer, wine, liquor sales for on-premise consumption)				•	•	•	•	•	•			
Lumber Yard & Building Materials					•		•	•	•			
Machinery & Construction Equip. Sales					•		•	•	•			
Mail Order House					•		•	•	•			
Modular and/or Cellular Telephone Sales		•		•	•	•	•	•	•			
Motorcycle Sales or Service					•		•	•	•			
Music Store		•	•	•	•	•	•	•	•			
News Stand		•		•	•	•	•	•	•			
Nursery			•									
Office Equipment & Supplies, Retail				•	•	•	•	•	•			
Optical Goods, Wholesale					•		•	•	•			
Package Store		•		•	•	•	•					
Paint & Wallpaper Store				•	•	•	•	•	•			
Paper Supplies, Wholesale					•		•	•	•			
Pawn Shop				•	•		•	•				
Pet Shop		•		•	•	•	•	•	•			
Restaurant		•	•	•	•	•	•	•	•			
Restaurant, Drive-in or Take Out		•		•	•		•	•	•			
Restaurant Lounge		•	•	•	•	•	•					
Restaurant Pub		•	•	•	•	•	•					
Restaurant Supplies Sales					•		•	•	•			
Seafood Store, Retail		•		•	•	•	•	•	•			

11 Lounges in the CBD and CBD-1 zoning districts shall not be located within 1,200 feet of another lounge or tavern.

SEE SECT. SEE SECT.

USE	RIP	NSC	NSC-1	ASC	CBD	CBD-1	CI	LM	IP	FC	AG	WHO
Seed Store		•		•	•	•	•	•	•		•	
Shoe Store, Retail		•	•	•	•	•	•	•	•			
Shoe Store, Wholesale					•		•	•	•			
Sporting Goods Store, Retail		•	•	•	•	•	•	•	•			
Sporting Goods Store, Wholesale					•		•	•	•			
Stone Monument Sales, Retail					•		•	•	•			
Surgical & Dental Supplies Store					•	•	•	•	•			
Tavern[12]				•	•	•	•	•	•			
Tile Store, Retail		•		•	•	•	•	•	•			
Tire Store, Retail (no outside storage of used tires)				•	•	•	•	•	•			
Tobacco Store		•		•	•	•	•	•	•			
Toy Store		•	•	•	•	•	•	•	•			
Trailer Sales (mobile homes & rec. vehicles)							•	•	•			
Variety Store (limited to sale of items allowed by any other use in district)		•	•	•	•	•	•	•	•			
Warehousing-Mini/Self Storage (maximum individual unit size 20 x 20				•	•		•	•	•			

?

Moratorium

12 Taverns in the CBD and CBD-1 zoning districts shall not be located within 1,200 feet of another tavern or lounge.

SERVICES

SEE SECT. 22 SEE SECT. 22

Use	RIP	NSC	NSC	ASC	CBD	CBD	GB	LM	IP	FC	AG	WRD
Air-conditioning & Refrigeration					•		•	•	•			
Ambulance Service		•		•	•		•	•	•			
Armory								•	•			
Assisted Care Nursing Facility			•									
Automobile Repair Shop (except body, in enclosed building)					•		•	•	•			
Auto Service Stations (repair in enclosed bldg.)		•		•	•		•	•	•			
Auto Laundry (car wash)		•	•	•	•		•	•	•			
Automobile & Truck Body Repair (in enclosed building)					•		•	•	•			
Bank & Savings & Loan Association	•	•	•	•	•	•	•	•	•			
Barber & Beauty Shops		•	•	•	•	•	•	•	•			
Barber & Beauty Supplies Shops		•	•	•	•	•	•	•	•			
Blueprinting & Photostating		•	•	•	•	•	•	•	•			
Boarding Houses					•		•					
Boarding and Rooming Houses							•	•	•			
Business College				•	•	•	•	•	•			
Business Training Center		•		•	•		•	•	•			
Carting, Crating, Hauling and Storage					•		•	•	•			
Cemetery[13]								•	•		•	
Chapels			•									
Check Cashing Service		•		•	•		•	•				

Filling tation OR

13 With Planning Commission approval.

USE	RP	NSC	NBC	ASC	CBD	CBD	GB	LM	IP	FC	AG	WHO
Church	•	•	•		•	•	•	•	•		•	
Clinic, Dental & Medical	•	•	•		•	•	•	•	•		•	
Cold Storage Plant					•		•	•	•			
College or University					•	•	•	•	•			
Condominiums (not more than two stories)	•				•							
Contractor's Storage Yard								•	•			
Correctional, Detention or Penal Institution					•		•	•	•			
Dairy Equipment Sales					•		•	•	•			
Detail Shop					•		•	•	•			
Dog Pound								•	•			
Donation/Collection Boxes (Must be setback minimum 50' from major thoroughfares ROW, Permit Required)		•		•								
Dry Cleaning, Self-Service & Pick-up		•	•	•	•		•	•	•			
Dry Cleaning Plant					•		•	•	•			
Electric Repair Shop					•		•	•	•			
Elevator Maintenance & Service					•		•	•	•			
Embroider, sewing shop (including alterations)		•		•	•	•	•	•	•			
Exterminators					•		•	•	•			
Fire Station	•	•	•	•	•		•	•	•		•	
Fix-it-Shop (small appliance repair)		•		•	•		•	•	•			
Funeral Home, Mortuary Estab.			•	•	•	•	•	•	•			
Furniture Repair (in enclosed bdlg.)					•		•	•	•			

Photographic Studio & Processing		•	•	•	•	•	•	•	•			
Picture Framing and/or Mirror Silvering		•	•	•	•	•	•	•	•			
Plumbing Supply Store					•		•	•	•			
Publicly Funded Youth Detention Facility				•								
Radio & Television Store & Repair		•		•	•	•	•	•	•			
Reducing Salon		•	•	•	•	•	•	•	•			
Revival Church (not to exceed 2 weeks)					•		•	•	•			
Rug Cleaning					•		•	•	•			
Schools (public & private grades K-12)	•	•	•	•	•	•	•	•	•		•	
Shoe Repair Shop		•		•	•	•	•	•	•			
Shuttle Bus Service					•		•	•	•			
Single-Family Dwellings	•				•	•						
Single-Family Semi-Detached Dwellings	•				•	•						
Single-Family Attached Dwellings	•				•	•						
Sign Shop					•		•	•	•			
Specialized Care Facility	•											
Studio for Professional Work/Teaching of Fine Arts	•	•	•	•	•	•	•	•	•			
Tailor Shop		•	•	•	•	•	•	•	•			
Taxi Cab Service		•			•		•	•	•			
Taxidermist					•	•	•	•	•			
Television Production Studio			•									
Tourist Homes & Rooming Houses				•	•	•	•					
Townhouses (not more than 2 stories)	•				•	•						

Trade School (public)								•	•			
Trade School (private)								•	•			
Truck Fleet Maintenance Shops & Garages								•	•			
Veterinary Clinic (in sound proof structure)		•		•	•		•	•	•		•	

SEE SECT. 22

CULTURAL, ENTERTAINMENT AND RECREATION

[illegible]	RIP	NSC	NSC	ASC	CBD	CBD	CB	[illegible]	[illegible]	[illegible]	AG	WHO
Amusement, Commercial (including driving range, bowling alley, skating rink and similar)				•	•		•	•				
Art Gallery or Museum		•	•	•	•							
Auditorium (private)				•	•	•	•	•	•			
Auditorium (public)	•	•		•	•	•	•	•	•		•	
Carnival or Circus (not to exceed 2 weeks)				•	•		•	•	•			
Club, Private				•	•		•	•	•			
Country Club	•	•	•	•	•		•	•	•	•	•	
Firing Range (indoor)				•	•		•	•		•	•	
Game Room (in enclosed & sound proof building)		•	•	•	•		•	•	•			
Health Club (private)	•	•		•	•		•	•	•		•	
Library, Public	•	•	•	•	•	•	•	•	•		•	
Miniature Golf[14]		•										
Miniature Golf (outdoor)				•			•	•	•		•	
Park & Recreation, Public	•	•	•	•	•	•	•	•	•	•	•	
Special Events Center (i.e., weddings and receptions)		•		•	•		•	•	•			
Theater, Indoor		•		•	•	•	•	•	•			
Theater, Outdoor								•	•	•		
Zoo								•	•		•	

[14] No obstacles on the miniature golf course shall exceed six (6) feet in height. No lighting poles or devices shall exceed 12 feet in height. No loudspeaker or amplifier system shall be allowed. Fencing, walls, or vegetative screen may be required in order to minimize glare, noise, or any adverse affects on adjoining properties. Adequate spacing between the course and residential areas shall be maintained. Adequate parking shall be provided.

OFFICE

SEE SECT. 24 SEE SECT. 22

Accountant	•	•		•	•	•	•					
Consultant (including financial, media, marketing, and public relations)	•	•		•	•	•	•					
Employment Agency	•	•		•	•	•	•					
Licensed Masseuse Therapist	•	•		•	•	•	•					
Licensed Professional Counselor	•	•		•	•	•	•					
Mail Services		•		•	•		•	•				
Rehabilitation Center[15]		•		•	•		•	•	•			
Medical Instruction/Supplier		•		•	•	•	•	•	•			
Tanning Salon[16]		•		•	•		•					
Tattoo Parlor				•			•					
Upholstery Shop					•		•	•	•			

15 Rehabilitation Center shall not be permitted in these areas without master plan development approval

16 Tanning Salons shall be permitted as a secondary use to a gym, beauty parlor, etc.

TRANSPORTATION, COMMUNICATION AND UTILITIES

[illegible]	RP	[illegible]	[illegible]	ABC	CBD	CBD	[illegible]	LM	[illegible]	[illegible]	AG	WHO
Airport								•	•	•	•	
Automobile Parking Lots	•	•		•	•	•	•	•	•	•		
Electric Power Generating Stations								•	•		•	
Publicly Owned Landfill											•	
Gasoline Storage									•			
Electric Substation	•	•		•	•	•	•	•	•		•	
Electric Transmission Lines	•	•		•	•	•	•	•	•	•	•	
Passenger Depot, Rail or Bus							•	•	•	•		
Radio and Television Broadcasting Station					•	•	•	•	•			
Sewage Disposal Plant											•	
Telephone Exchange (not including garage & shops)	•	•		•	•	•	•	•	•		•	
Telephone Exchange (including garage & shops)								•	•			
Water Storage	•	•		•	•	•	•	•	•		•	
Water & Sewage Pumping Station	•	•		•	•	•	•	•	•		•	
Freight Depot								•	•			
Radio & Television Tower								•	•	•	•	

MANUFACTURING, RESOURCES OR EXCAVATION

Abrasives Manufacturer											•			
Air Products Manufacturer										•	•			
Alcohol Distillation and/or Storage											•			
Animal Raising													•	
Aviary													•	
Asbestos Products Manufacture											•			
Asphalt Products Manufacture											•			
Automobile and Truck Manufacture											•			
Battery Manufacture											•			
Beverage Manufacture										•	•			
Boat Building										•	•			
Boiler or Tank Works											•			
Brooms & Brushes Manufacture										•	•			
Butane & Liquified Petroleum Products Sales & Storage										•	•			
Cabinet or Carpenter Shop										•	•			
Canvas Products Manufacture										•	•			
Cement, Lime, Gypsum & Plaster Mfg.											•			
Chemicals Manufacture											•			
Clothing Manufacture										•	•			
Coffee Roasting										•	•			
Concrete & Concrete Products Mfg.											•			
Cotton Compress											•			

Cotton Ginning & Bailing											•			
Creamery											•	•		
Detergents Manufacture												•		
Disinfectant & Poison Mfg.												•		
Drug Manufacture											•	•		
Dyestuff Manufacture												•		
Electroplating												•		
Explosives Mfg & Storage												•		
Farming & Crop Production											•	•	•	•
Felt Manufacture												•		
Fertilizer Manufacture												•		
Food Products Mfg											•	•		•
Foundry												•		
Furniture Mfg.												•		
Glass Mfg												•		
Grain & Feed Mfg												•		•
Hardware Mfg											•	•		
Hatchery														•
Ice Mfg											•	•		
Insulation Mfg												•		
Linoleum Mfg												•		
Mattress Mfg & Rebuilding											•	•		
Meat Slaughtering & Packing												•		•
Metal Products Casting												•		
Metal Sharpening											•	•		
Metal Products Fabrication											•	•		
Millinery Mfg											•	•		

Millwork & Wood Products											•			
Outdoor Advertising, Off-Premise										•	•		•	
Packing & Gasket Mfg											•			
Paint Mfg											•			
Paper & Paper Products Mfg										•	•			
Petroleum Products Mfg & Recycling											•			
Plastic Fabrication										•	•			
Plastic Mfg											•			
Poultry Processing											•			
Printing, Publishing						•	•	•		•	•			
Roofing & Sheet Metal Shop										•	•			
Rubber Mfg & Processing											•			
Sand & Gravel Storage Yard											•			
Sawmill & Planing Mill											•		•	
Shoe Mfg										•	•			
Sporting Goods Mfg										•	•			
Stockyards													•	
Stone Cutting & Rock Crushing											•			
Sugars & Starches Mfg											•			
Syrup Mfg											•			
Tar Mfg											•			
Textile Mill										•	•			
Tool Mfg										•	•			
Toy Mfg										•	•			
Trailer Mfg (including mobile homes)											•			

USE	RIP	NSC	NSC	ASC		CBO	CBO	GIT		LM	IP	FC	AG	WHO
Water Distillation										•	•			
Welding Shop										•	•			
Well Drilling Company										•	•			
Wood Preserving											•			