

# **TOWN OF LOXLEY, ALABAMA**

## **ZONING ORDINANCE**



**Adopted  
August 9, 2004**

**With Amendments  
Through  
July 12, 2021**



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# ZONING ORDINANCE OF THE TOWN OF LOXLEY, ALABAMA

## PREAMBLE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY VOLUME 10, TITLE 11, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF LOXLEY, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS 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 REPEAL ALL EXISTING ZONING ORDINANCES AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the Town Council of the Town of Loxley, Alabama, as follows:

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# ARTICLE I

## SHORT TITLE

This Ordinance shall be known as the "Zoning Ordinance of Loxley, Alabama," and the map herein referred to, identified by the title "Loxley Zoning Map" shall be further identified by the signature of the Mayor of Loxley and attested to by the Town Clerk. The Zoning Map of Loxley is hereby adopted and made a part of this Ordinance. Such map is filed with the Town Clerk of Loxley at the time of the introduction of this Ordinance and will remain on file in the office of the said Clerk. Upon the adoption of this Ordinance, said map shall show by endorsement thereon the date of such adoption.

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# ARTICLE II

## DEFINITIONS

2.1 Definitions Applicable To This Ordinance:

For the purpose of this Ordinance words used in the present tense include the future, the singular number includes the plural, and plural the singular. Words and terms are defined as follows:

2.2 Abutting Lot Line:<sup>7</sup> A lot line that is shared entirely or partially, by one or more parcels of land and/or any lot line separated from another lot line by any road or right of way.

2.3 Abutting Property:<sup>7</sup> Property that is immediately adjacent to property that is subject to review under these regulations, property that has an abutting lot line, or property that is located immediately across any road or public right-of-way from the property that is subject to review under these regulations.

2.4 Accessory Structure: is one which:

- a. Is subordinate to and serves the principal building or principal use;
- b. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- c. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

2.5 Accessory Use: A use customarily incidental and subordinate to the principal use of building; and located on the same lot with such principal use or building.

2.6 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; or
- c. Any change 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 cement of such repairs, renovation, remodeling or rebuilding.

- 2.7 Antennas and/or Aerials: A metallic structure or device (as a dish, rod, or wires) for radiating or receiving radio and television transmission waves whether conventional or by satellite, for the purpose of carrying, magnifying and transferring the signals into the interior of buildings.
- 2.8 Apartment: A building which is used as a residence for three (3) or more families living in separate dwelling units.
- 2.9 Awning/Canopy: A shelter attached to, and hanging from a vertical surface of a building without any other support from the ground.
- 2.10 Back-To-Back Sign:<sup>3</sup> A structure with two parallel sign faces oriented in opposite directions, or two structures, each with one sign face and located not more than ten (10) feet from an obstruction preventing both structures from being seen at the same time from any point along the traveled way.
- 2.11 Block: The word block as herein used shall be construed to be that portion on either side of the street considered, upon which the building is situated or proposed, bounded by the nearest intersecting streets.
- 2.12 Boarding House: A building other than a hotel, cafe, or restaurant where, for compensation, meals are provided for three (3) or more persons.
- 2.13 Building: Anything constructed or erected which required location on the ground or attached to something having a location on the ground, including among other things, signs, billboards, fences, walls and satellite television and radio antennas, but not including telephone poles, overhead wires, wire fences and other fences less than three (3) feet high, retaining walls or terraces.
- 2.14 Building Official: Such person or persons designated by the Town Council to administer and enforce this Ordinance.
- 2.15 Building Area/Coverage: The portion of the lot occupied by the main building including porches, carports, accessory buildings, and other structures.
- 2.16 Building Line: A line showing the nearest distance to the street property line or lines that it is permissible to build a structure, either to be in compliance with this chapter, or in compliance with a plat, deed, or private contract.
- 2.17 Condominium: A multi-unit dwelling, group of multi-unit dwellings, townhouse complex, group of townhouse complexes, or any combination thereof; each of whose residents, known as unit owners, enjoy exclusive ownership of an individual apartment or dwelling unit holding fee simple title thereto, while retaining an undivided interest, as a tenant in common, in the common facilities and areas of the building or buildings and grounds which are used by all the residents.

- 2.18 Dimensional Requirements:<sup>3</sup> Those measurements contained in this article that identify the area and height requirements for signs.
- 2.19 Display Surface Area:<sup>3</sup> The area within each face of a geometric shape enclosing all elements of informational or representations matter including blank masking. Structural supports not bearing information shall not be included in the computation of display area. All decorative embellishments or appurtenances such as directional arrows which are not a part of the display area shall not be greater than twenty percent (20%) of the display area.
- 2.20 Dry Cleaner, Small: Cleaning plants using non-flammable, non-explosive type cleaning solvent; occupying not more than one thousand five hundred (1,500) square feet of floor space; operating not more than two (2) delivery and pickup trucks; and employing not more than four (4) persons, exclusive of sales clerks and truck drivers.
- 2.21 Dry Cleaner, Large: Cleaning plants occupying more than one thousand five hundred (1,500) square feet of floor space, and employing more than four (4) persons exclusive of sales clerks and truck drivers.
- 2.22 Dwelling: A house or other building used primarily as an abode for one or more families except that the word "dwelling" shall not include boarding or rooming houses, tents, tourist camps, hotels, trailers, nursing homes and hospitals.
- 2.23 Dwelling - One Family: A dwelling containing only one (1) dwelling unit.
- 2.24 Dwelling - Two Family: A dwelling containing two (2) dwelling units.
- 2.25 Dwelling - Multi-Family: Any dwelling containing at least two (2), but not more than four (4) dwelling units, excluding row dwelling.
- 2.26 Dwelling Unit: A building or a portion thereof, designed for and occupied by one (1) family for living and sleeping purposes with kitchen facilities for the exclusive use of the one (1) family.
- 2.27 Drive-In Restaurant: A restaurant or public eating business so conducted that food, meals, or refreshments are delivered to the motor vehicles for consumption by the customer or patron.
- 2.28 Family: An individual, or two (2) or more persons related by legal adoption, blood, or a licit marriage, or a group of not more than four (4) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.
- 2.29 Flashing Signs:<sup>3</sup> A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature or date shall not be considered flashing signs.

- 2.30 Garage, Commercial: A building or portion thereof used for equipping, servicing, repairing, rental, selling and/or storing self-propelled motor vehicles. Gasoline, oil, grease, batteries, tires and motor vehicles accessories may be supplied and dispensed at retail.
- 2.31 Home Occupation: An occupation conducted in a dwelling unit, provided that:
- a. There shall be no more than three persons involved in such home occupation;
  - 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 occupation, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupancy.
  - 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 one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
  - d. No home occupation shall be conducted in any non-enclosed accessory building, and any enclosed accessory building so used shall meet all other codes and ordinances of the Town of Loxley.
  - e. There shall be no public displays of goods in connection with such home occupation.
  - f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
  - g. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, unsightly accumulation of product or junk, fumes, odors, or electrical interference or nuisances detectable from off of the lot.
  - h. All home occupations existing at the time of adoption of this ordinance must fully comply with the requirements set for home occupations after one (1) year from date of adoption of this ordinance.
- 2.32 Hotel: Any building or portion thereof which contains at least ten (10) guest rooms intended for occupancy by individuals for compensation whether paid directly or indirectly.
- 2.33 Identification Signs:<sup>3</sup> A sign indicating the name and/or number of the owner and/or premises or the accessory use of a dwelling or a home for professional purposes or identifying multi-family units.
- 2.34 Illuminated or Lighted Signs:<sup>3</sup> A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within the sign, including but not limited to, neon and exposed lamp signs, or a sign illuminated by an

external light directed primarily toward the sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.

- 2.35 Instructional Signs:<sup>3</sup> A sign exclusive of any commercial message that conveys direction in traffic circulation or necessary specific information to the public.
- 2.36 Interstate System:<sup>3</sup> That portion of the national system of interstate and/or defense highways located within this Town.
- 2.37 Junk Yard: Place, structure or lot where junk, waste, discarded salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable second hand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.
- 2.38 Kitchen Facilities: A portion of a building used for the preparation of meals, and for the purpose of this Ordinance shall include a sink or similar fixture for washing dishes.
- 2.39 Legal Non-Conforming Structure: Any structure which was lawfully erected or altered in conformity with all applicable municipal ordinances, or through variance granted by the Board of Adjustment and Appeals but which structure does not comply with all the provisions this Ordinance establishes for structures in the district in which the same is located.
- 2.40 Legal Non-Conforming Use: A use which, on the effective date of this Ordinance, was lawfully operated in accordance with the provisions of any prior Zoning Ordinance, or through variance granted by the Board of Adjustment and Appeals, but which use is not a permitted use as established by this Ordinance in the district in which the use is located.
- 2.41 Lot: A piece, parcel, or plot of land occupied or intended to be occupied by one (1) main building, accessory building, uses customarily incidental to such main buildings and such open spaces as are provided in this Ordinance, or as are intended to be used with such piece, parcel or plot of land. Two (2) or more platted lots may be combined to create lot as defined herein.
- 2.42 Marquee:<sup>3</sup> A permanent structure which projects over the entrance and is attached to and supported by a building.
- 2.43 Mobile Dwelling/Mobile Structure: Any vehicle or structure, mounted or designed for mounting on wheels, used or intended for use for permanent dwelling or business operation purposes including structural additions, except parked and unoccupied. Any

vehicle or structure shall be deemed to be a mobile dwelling/mobile structure whether or not the wheels have been removed therefrom and whether or not resting on temporary or permanent foundations.

- 2.44 Mobile Dwelling Park: A tract of land under unified control which has been developed with all necessary facilities and services in accordance with a development plan meeting all the requirements of this Ordinance, which is intended for the express purpose of providing a satisfying living environment for mobile dwelling residents on a long term occupancy basis.
- 2.45 Mobile Dwelling Subdivision: A tract of land with individually owned lots, which has been developed with all necessary facilities and services in accordance with a development plan meeting all the requirements of this Ordinance and Subdivision Regulations of the Town of Loxley, which is intended for the express purpose of providing a satisfying living environment for mobile dwelling residences on a long term occupancy basis.
- 2.46 Modular Dwelling: A dwelling unit constructed by the assembly of two (2) or more pre-manufactured units, sections or modules to be placed on a permanent foundation, thereby creating a permanent residence which shall comply with all provisions as set forth in this ordinance. These units will be allowed only after the approval by the Planning Commission and inspection by the Loxley Building Official.
- 2.47 Motor Court: 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 which rooms or suites of rooms automobile parking space is provided.
- 2.48 Non-Conforming Signs:<sup>3</sup> Signs which were in existence prior to the adoption of this ordinance which do not conform to the provisions of this ordinance are declared non-conforming signs.
- 2.49 Non-Conforming Use: A use of any structure or land which does not conform with the provisions of this Ordinance or any subsequent amendments thereto for the district in which it is located.
- 2.50 Off-Premises Outdoor Advertising:<sup>3</sup> Any outdoor sign, display, figure, painting, drawing, message, billboard, or anything which is designed, intended, or used to advertise or inform, any part of which advertising or information content is visible from any place on the main traveled way of the interstate system or any thoroughfare in the Town; but does not include on-premise signs advertising or identifying activities conducted on or products sold by the property upon which they are located.
- 2.51 Offices: Space or rooms used for professional, administrative, clerical and similar uses.
- 2.52 Office Complex: A group of not less than four (4) nor more than twelve (12) offices connected by party walls.



- 2.53 Parapet:<sup>3</sup> That portion of a building wall that rises above the roof line.
- 2.54 Parking Space: The space necessary to park an automobile. Not less than an area nine (9) feet wide by eighteen (18) feet long shall be provided for each parking space, and all parking spaces required shall be provided with necessary access lanes and maneuvering areas, shall not block access to or from the right-of-way nor encroach into pedestrian ways or the flow of traffic.<sup>18</sup>
- 2.55 Patio-Garden Home (PGH): A single family dwelling located on its own lot, having only one (1) side yard required or two (2) single family dwellings connected by a firewall as required by the Building Code with only one (1) side yard required per dwelling, with six hundred (600) square feet of court yard, patio or open space provided per dwelling.
- 2.56 Permanent Window Sign:<sup>3</sup> A sign that is placed on or attached to the interior side of a window.
- 2.57 Planned Unit Development (PUD): For the purposes of this Ordinance a Planned Unit Development is defined as:
- a. Land under unified control, planned and developed as a whole in a single development operation or a definitely programmed series of development operations, including all lands and buildings; and
  - b. Consisting of not less than five (5) contiguous acres of land; and
  - c. Developed primarily for residential uses, with such other uses as may be permitted upon approval of the Planning Commission.
- 2.58 Recreational Vehicle: For the purposes of this Ordinance, a recreational vehicle shall consist of any of the following as herein defined:
- a. A travel trailer is a vehicular portable structure mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use.
  - b. A camping trailer is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic, or other pliable material for folding compactly while being drawn by another vehicle, and when unfolded at the site or location, providing temporary living quarters; and whose primary design is for recreation, camping, or travel use.
  - c. A truck camper is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters; and whose primary design is for recreation, camping, or travel use.

- d. A motor home is a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car, primarily designed to provide temporary living quarters for recreation, camping and travel.
  - e. A boat is any recreational vehicle designed or intended for operation on water. Boats and trailers to transport the same shall be considered a recreational vehicle, and subject to the same requirements and restrictions applying to other recreational vehicles.
- 2.59 Rooming House: Any building or portion thereof which contains not less than three (3) or more than nine (9) guest rooms, which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly.
- 2.60 Road-Side Stand: A structure for display and sale of products, with no space for customers within the structure itself.
- 2.61 Self-Service Laundry: A structure containing washing machines, usually drying machines, and dry-cleaning machines which are coin-operated by the customer. It may or may not have an attendant.
- 2.62 Semi-Public Buildings: Structures for the use of a group the membership of which is open to the public, such as churches, Y.M.C.A. and Y.W.C.A. facilities, private schools, hospitals and nursing homes, colleges and health clubs, country clubs, tennis clubs, etc.; but not including profit-making organizations.
- 2.63 Service Station, Automobile: Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.
- 2.64 Sign:<sup>3</sup> All portions of a device designed to inform or attract the attention of persons not on the premises on which the device is located, or to advertise, promote the interest of, or attract attention to any business, industry, individual, group, enterprise, public performance.
- 2.65 Sign, Abandoned:<sup>3,6</sup> A sign shall be considered abandoned when the person, business activity or others which said sign advertises is no longer in operation or does not have a current business license for a period of three (3) months or more, or when the sign is in a state of disrepair.
- 2.66 Sign Copy:<sup>3</sup> All words, letters, numbers, figures, characters, art work, symbols, or insignia that are used on a display surface area.
- 2.67 Sign Face:<sup>3</sup> That portion of a sign, including the display area, border and trim - but excluding the base, supports, and other structural members intended for use as containing subject matter, or relating to subject matter for which the sign is intended.

- 2.68 Sign, Freestanding:<sup>3</sup> A sign which is permanently affixed to the ground and which is not a part of a building or other structure.
- 2.69 Sign, Mobile:<sup>3</sup> A sign, such as an A-frame, which is moveable by a person without aid of a motor vehicle or other mechanical equipment.
- 2.70 Sign, Flying Paraphernalia:<sup>3</sup> A sign which has no structural support, such as streamers, flags (excluding governmental flags), inflatable devices, pennants and similar items.
- 2.71 Sign, Multiple Use Identification:<sup>3</sup> A sign stating the name of the group development and the major tenants.
- 2.72 Sign, Off-Premises:<sup>3</sup> Any sign that advertises goods, products, services or facilities for a location different from the property where the sign is located.
- 2.73 Sign, On-Premises:<sup>3</sup> Any sign that disseminates information that directly relates to the use of the property on which it is located.
- 2.74 Sign, Owner:<sup>3</sup> Shall include the person, business or others receiving benefit from the sign and/or the property owner.
- 2.75 Sign, Portable:<sup>3</sup> A sign which may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a “mobile sign” in that it may be equipped for transportation by motor vehicle or other mechanical means. Trailer signs are considered to be portable signs.
- 2.76 Sign, Projecting:<sup>3</sup> Any sign, other than a “wall sign” which projects from and is supported by a building and projects more than 12 inches.
- 2.77 Sign, Roof:<sup>3</sup> A sign that is erected, constructed, or maintained above the roof of any building.
- 2.78 Sign, Temporary:<sup>3</sup> A sign which disseminates information about special events or occurrences.
- 2.79 Sign, Wall:<sup>3</sup> Any sign painted on or attached flat and parallel to the exterior wall or surface of a building or other structure and which projects not more than 12 inches from that wall or surface.
- 2.80 Site Plan:<sup>6</sup> The plan drawings of a proposed commercial, industrial, office or multi-family development on a lot or lots which reflects the existing conditions and proposed changes, including drainage and any other environmental, density or traffic impact.

- 2.81 Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there be no floor above it, then the space between such floor and the ceiling next above it.
- 2.82 Streets: Any public or private way set aside for common travel and affording a means of access to abutting property.
- 2.83 Structure: Anything constructed or erected which required location on the ground or attached to something having a location on the ground, including among other things, signs, billboards, fences, walls and satellite television and radio antennas, but not including telephone poles, overhead wires, wire fences and other fences less than three (3) feet high, retaining walls or terraces.
- 2.84 The Town:<sup>3</sup> The Town of Loxley, Alabama.
- 2.85 Telecommunications Towers and Facilities:<sup>6</sup> As defined in Ordinance No. 2001-12 of the Town of Loxley, Alabama.
- 2.86 Thoroughfare:<sup>3</sup> Any street, road, expressway, freeway, highway, or public way located within the Town.
- 2.87 Townhouse (TH): A single-family residential building attached to a series of other single-family residential buildings by not more than two (2) party walls. Townhouses shall be built in groups of not less than four (4); nor more than twelve (12) townhouses connected by party walls. As used herein, "townhouse" refers to single-family residential buildings, (whatever their configuration, and platted on individual lots) as described above, intended for sale to individuals or families, and not be residential units intended for rental purposes.
- 2.88 Traffic Analysis: As used in the Ordinance, the term traffic analysis shall be deemed to consist of the following:
- a. The current capacities of existing streets adjacent to the development; and
  - b. Current traffic counts on these streets; and
  - c. Developer's estimate of the amount of traffic that will be generated by the proposed development.
- Information required in a. and b. above shall be limited to the information which is available to the developer from Town, County, and State agencies.
- 2.89 Travel Trailer Park: A tract of land under unified ownership which has been developed with all necessary facilities and services in accordance with a development plan meeting all the requirements of this Ordinance, and which is intended for the express purpose of

providing a satisfactory living environment for recreational vehicle residents on a temporary basis.

- 2.90 Usable Wall Area:<sup>3</sup> The exterior wall or surface area of building or structure that excludes doors.
- 2.91 Uses: The purpose for which land, a building, or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.
- 2.92 V-Type Sign: A structure or structures with two or three sign faces forming the shape of the letter “V”, or a triangle when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.
- 2.93 Within The Town:<sup>3</sup> Within the corporate limits of the Town of Loxley, but this does not include any territory within the police jurisdiction of the Town of Loxley
- 2.94 Yard:<sup>6</sup> An open space on the lot with the main building left open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this chapter. Yards shall be measured from the wall of the structure to the property line, unless the overhang exceeds thirty (30) inches, in which case the yard shall be measured from the wall plus the overhang. (Thus, if a ten (10) foot side yard is required and the roof overhangs five (5) feet, the wall must be fifteen (15) feet from the side property line.)
- a. Front Yard: The yard extending across the entire width of the lot between the main building, including covered porches, and the front lot line; or if an official future street right-of-way line has been established, between the main building including covered porches and the right-of-way line. On corner lots both sides abutting the street shall observe the front setback requirement. The side setback requirement shall be observed on the narrow side of corner lots regardless of the location of the main entrance to the dwelling.
  - b. Rear Yard: The yard extending across the entire width of the lot between the main building, including covered porches, and the rear lot line.
  - c. Side Yard: The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports.

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# ARTICLE III

## PURPOSE AND METHOD

### 3.1 Purpose

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

### 3.2 Method

For the purpose hereinafter stated, the Town of Loxley is divided into districts of such number, shape and area, and of such community of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, use and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

### 3.3 Zoning Districts<sup>3</sup>

In order to classify, regulate, and restrict the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereinafter erected or altered as defined herein, to regulate and limit the intensity of the use of the land area, and to regulate and determine the areas of open spaces within and surrounding such buildings, the Town of Loxley, Alabama is hereby divided into the following districts.

<u>Designation</u>	<u>General Use</u>	<u>Specific Use</u>
R-1A	Residential Zone	Single Family
R-1B	Residential Zone	Single Family
R-2	Residential Zone	Single Family & Two Family
R-3	Residential Zone	Multi-Family
GPH-1	Residential Zone	Garden-Patio Homes
TH-1	Residential Zone	Townhouses
MH-1	Residential Zone	Mobile Home Park/Subdivision
PUD	Special Use	Planned Unit Development
B-1	Commercial Use	General Business District
B-1A	Commercial Use	General Business Interstate District
B-1B	Commercial Use	General Business Interstate Off-Premises Sign District

B-2	Commercial Use	Neighborhood Business District
M-1	Industrial Zone	Light Industry
A-O	Agricultural - Open Space	Agricultural Use

### 3.4 Zoning Map

The boundaries of the districts are shown on the map which shall be known as the "Loxley Zoning Map".

### 3.5 Interpretation of District Boundaries

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

- A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- B. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- C. Where boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or to the center lines or alley lines of alleys or to the center lines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance as given, such dimensions shall be determined by the use of the scale shown on said maps.
- D. In case any further uncertainty exists, the Board of Adjustments and Appeals shall determine the location of boundaries.



# ARTICLE IV

## ADMINISTRATION AND REVIEW PROCEDURES

### 4.1 General Administration

The provisions of this Ordinance shall be administered and enforced by the Building Official of the Town. This official shall have the right to enter upon any premises at any reasonable time for the purpose of inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

### 4.2 Building Permit

It shall be unlawful to commence earthwork for the construction of any building or other structure, including accessory structures, signs, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structure, until the Building Official of the Town has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for a building permit shall be made to the Building Official of the Town on forms provided for that purpose. Building permits shall not be required for any excavation, construction, or alteration, the cost of which is less than one hundred (\$100.00) dollars, provided such activity does not violate any section contained in this Ordinance.

4.2.1 Review of Building Permit Applications. The Building Official of the Town shall not approve plans or issue a building permit for any excavation, construction, alteration or repair until he has inspected such plans in detail and found them to be in conformity with this Ordinance. Said plan shall include the following, as required:

- A. The actual shape, proportion and dimensions of the lot,
- B. The shape, size, use, and location of all buildings, signs, or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade,
- C. The existing and proposed facilities for the disposal of storm water drainage, and
- D. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

4.2.2 Approval of Building Permit Applications. If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance and other applicable codes and Ordinances, the Building Official of the Town shall issue a building permit accordingly.

4.2.3 Denial of Building Permit Applications. The applicant, upon notification in writing by the Building Official of a building Permit denial, may contact the Town Clerk and request a hearing before the Board of Adjustment and Appeals.

4.2.4 Certificate of Occupancy. No land or building or other structure or part thereof erected, moved or altered in its use shall be used or occupied until the Building Official of the Town shall have issued a certificate of occupancy.

Within three (3) business days after the owner or his agent has notified the Building Official of the Town that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official of the Town to make a final inspection thereof, to issue a certificate of occupancy if the building or premises is found to conform with the provisions of this Ordinance, or if such certificate is refused, to notify such applicant in writing of the refusal and the cause or causes therefore. The applicant, upon notification in writing by the Building Official of a certificate of occupancy denial, may contact the Town Clerk and request a hearing before the Board of Adjustments and Appeals.

4.2.5 Expiration of Building Permit. A permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire. Permits shall be renewable for 90-day periods subject to the provisions of all ordinances in force at the time of said renewal.

#### 4.3 Violations

Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. Whenever the Building Official has declared a structure to be non-conforming with the provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from the issuance of a notice from the Building Official to vacate such premises, accomplish such vacation of such structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance.

#### 4.4 Penalties

Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined upon conviction not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

#### 4.5 Remedies

In case any building, sign or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Official of the Town, or the Town, or the Town on his behalf, or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building structure or land.

#### 4.6 Site Plan Review<sup>6, 7, 13</sup>

A zoning site plan review is a procedure designed to assure that the proposed development conforms to the requirements of the current zoning ordinance.

A zoning site plan review shall be required to be made in all cases on new construction, remodeling or refurbishing of existing structures, demolition and rebuilding on existing lots, and the change of occupancy or use of any structure involving commercial, industrial, office or multi-family developments.

A conceptual review may be performed with staff during the planning stages of a project, but will not be considered a formal review. Formal reviews will only be made on submitted finalized plans. Finalized plans are to be submitted not less than thirty (30) days prior to the regularly scheduled Planning Commission meeting in which the plans are to be considered by the Planning Commission.

Plans will be required by staff to be submitted to the Planning Commission for input for cases involving commercial, industrial, office or multi-family development.

It is the responsibility of the Building Official, City Engineer, City Planner, and Planning Commission to review the site plan. Following any formal review process, the staff will advise the applicant of the specific changes, if any, that will be required in order to comply with the zoning ordinance. Such changes shall be accomplished prior to the issuance of a land disturbance and/or building permit.

##### 4.6.1 Site Plan Contents<sup>6,7,8, 14, 15</sup>

- A. Most recent survey showing all property boundaries and easements.
- B. Topographical survey showing drainage, proposed retention areas and methods, wetlands, any other natural features, and drainage calculations. Additional buffering requirements may be required around natural drainage basins.<sup>7</sup>

- C. All bordering streets, avenues, roadways, or other public ways, illustrating consistency with the *Access Management Plan* where appropriate. Street type shall be identified. (ie. arterial, local ...)
- D. Sidewalks shall be a minimum of four (4) feet wide in residential and five (5) feet wide in commercial areas. The cross-section for a sidewalk shall be in accordance with standard details found in the Town's Subdivision Regulations.
- E. Parking lots, ingress and egress, and proposed and existing landscaping, including all trees, existing and proposed to be removed (does not replace requirement of 6.13).
- F. Placement and dimensions of proposed and existing structures.
- G. Locations and types of signage (does not replace requirement of 9.3.2.).
- H. Use/Occupancy type of the property and structure.
- I. Tax parcel number of lots or lots involved.

# ARTICLE V

## AMENDMENT

### 5.1 Procedure

The regulations and number, area, and boundaries established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the Town Council, but no amendment shall become effective unless it is first submitted to the Planning Commission for its recommendation. The Planning Commission, 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 to the Loxley Zoning Map, and report its recommendations to the Town Council. The provisions of Section 78 of Title II of the 1975 Code of Alabama, as same may be amended, shall apply to all changes and amendments.

### 5.2 Rezoning by Petition of Property Owner

The following procedure shall be followed when a rezoning is requested:

- A. A minimum of five (5) working days prior to a regularly scheduled Planning Commission meeting the applicant shall submit to the Building Official:
  1. A required fee in accordance with a schedule adopted by the Town Council to defray the cost of processing the application.
  2. A map, drawn to scale, indicating:
    - a. The actual shape, proportion and dimensions of the lot;
    - b. The shape, size, use, and location of all buildings, signs, or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade;
    - c. The existing and proposed facilities for the disposal of storm water drainage; and
    - d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.
  3. A written statement indicating:
    - a. Reason for rezoning request;

- b. Expected traffic volumes to be generated by the proposal;
    - c. Availability of required utilities;
    - d. Relationship of the proposed rezoning to the land use pattern of the vicinity.
  - 4. The Building Official shall review the application for completeness and conformance to the requirements of this section.
- B. A minimum of fourteen (14) days prior to the Planning Commission meeting at which the rezoning is initially considered the Building Official shall notify all persons included on the list of adjacent property owners, by mail. The notice shall state:
  - 1. Location of rezoning request (by mailing address and legal description).
  - 2. The nature of the rezoning request (indicating the current zoning of the site and the proposed rezoning classification).
  - 3. The time, date and location of the Planning Commission meeting at which the rezoning request is to be reviewed.
- C. The Planning Commission shall schedule a public hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. The Planning Commission shall render a decision on the application before or at the next regularly scheduled meeting unless additional information is required. The Planning Commission shall have thirty (30) days from the date of submittal of this additional information to the Town, in which to make a recommendation on the request to the Town Council.
- D. Upon receipt of the recommendation of the Planning Commission in favor of a proposed zoning amendment, the Town Council shall give a "first reading" of the proposed amendment at a regularly scheduled Town Council meeting and set same for a public hearing.
- E. The Town shall prepare a notice containing the information set forth in Section 5.2.B of this Article, and, not less than two (2) calendar weeks prior to action on the application, post the notice in several conspicuous public places around the Town.
- F. At the time and place scheduled for the public hearing of the proposed amendment, the Town Council shall hear the presentation of the applicant, review the recommendation of the Planning Commission, and hear any arguments in opposition and support of the proposal by the general public.

- G. Upon receipt of a negative recommendation from the Planning Commission on a proposed amendment, the Town Council review procedure as set forth in Section 5.2.D, E, and F of this Article shall be followed upon the initiative of the applicant.
- H. When the Town Council denies a rezoning request, the Planning Commission shall not reconsider the same request for a period of six (6) months. Each time the Town considers a zoning request, the prescribed administration fee must be paid.

5.3 Amendments by the Town Council of the Town of Loxley

The Planning Commission and/or Town Council may, upon its own initiative, hold public hearings for the consideration of any proposed amendment to the provisions of this Ordinance or to the zoning district boundaries after notice thereof in accordance with the provisions of Section 5.2.E of this Article, and the Planning Commission shall report its recommendations to the Town Council.

The Town Council shall adhere to the procedure for adoption of zoning ordinance amendments set forth in Section 5.1 of this Article.

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# ARTICLE VI

## GENERAL REGULATIONS

### 6.1 General Use Requirements

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

6.1.1 Application of This Ordinance. No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the Town except as specifically or by necessary implication, authorized by this Ordinance.

#### 6.1.2 Except as Otherwise Provided in This Ordinance.

- A. No land may be used except for a purpose permitted in the district in which it is located.
- B. No building shall be erected, altered, as defined herein, nor shall any building be used except for a use permitted in the district in which the building is located.
- C. No building shall be erected, enlarged, reconstructed, moved, or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.
- D. The minimum building line, parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- E. Every building hereafter erected or altered shall be located on a lot as herein defined and in no case shall there be more than one main building and one main use on one lot. Accessory structures shall not include living quarters; neither will sanitary facilities be permitted in accessory structures without the approval of the Building Official.

6.1.3 Joint Occupancy. No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use, except as provided for in this Ordinance.

6.1.4 Public Utilities. Utility structures including, but not limited to, poles, wires, crossarms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone, telegraph service or cable television, and pipe lines, vents, valves, hydrants, regulators,

meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district within the Town. This is not to be construed to include the erection or construction of buildings. Electric substations are conditional uses in all zoning districts of the Town.

- 6.1.5 Where the Town of Loxley's central water and sanitary sewer systems are reasonably accessible, the subdivider shall connect to these systems and provide connections to each lot. Where these systems are not reasonably accessible, alternative methods of water supply and sewage disposal must be used. Such systems must meet all applicable public health regulations and maintain the Town's current fire rating.<sup>10</sup>

## 6.2 Non-Conforming Uses of Land and Buildings

Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these 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, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- 6.2.1 Continuance. A lawful non-conforming use existing at the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

- 6.2.2 Restoration After Damages. No non-conforming building or structure which has been damaged by fire or other causes to the extent of more than 50 percent of its current replacement value at the time of such damage shall be rebuilt or restored except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than 50 percent of its current replacement value it may be rebuilt or restored and used as before the damage, provided that such rebuilding or restoration is completed within 12 months of the date of such damage.

- 6.2.3 Abandonment. A non-conforming use which has been discontinued for a continuous period of one year shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

- 6.2.4 Change in Use. A non-conforming use shall not be changed to another non-conforming use. A non-conforming use that is changed to a conforming use shall not be permitted to revert to the original use.

## 6.3 Abandoned Right-of-Way

Whenever any street, alley or other public way is vacated or abandoned by official action of the Town of Loxley, the zoning district adjoining each side of such street, alley or

public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

- 6.3.1 Abandoned Right-of-Way Effect on Setback. Where the abandonment of right-of-way by the Town of Loxley causes an increase in lot size or extension of the same, the setback as required in this Ordinance and appropriated district shall be in conformance with the original lot line.

6.4 Structures Conforming to District Regulations But Not Other Regulations

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

- 6.4.1 Buildings To Be Moved. Any building or structure which is to be moved to any location within the Town limits of Loxley, shall be considered for the purpose of this Ordinance to be a new building under construction, and as such shall conform to the applicable provisions of this Ordinance, Article IV, Section 4.2.2.

6.5 Reductions in Lot Area Prohibited

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance, unless and until the Planning Commission has granted a variance as provided for in the Subdivision Regulations of the Town of Loxley.

6.6 Corner Visibility in All Districts Except B-1, B-1A, B-1B, B-2, and M-1<sup>3</sup>

In all districts except as noted above, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 1/2) feet and fifteen (15) feet above street level shall be permitted within twenty-five (25) feet of the intersection of the right-of-way lines of two (2) streets, or of a street right-of-way line

6.7 Location of Accessory Structures on Residential Lots

Accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following regulations:

- 6.7.1. No accessory structure shall be erected in any required front yard. Accessory structures shall not exceed two (2) stories in height, and shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five (5) feet from all lot lines and ten (10) feet from any other structure on the same lot.
- 6.7.2. Plant nurseries and greenhouses are permitted provided no sales are made from the premises, and provided further that all accessory structures and material storage facilities larger than three hundred (300) square feet in area are located not less than twenty (20) feet from all property lines, and no closer than ten (10) feet to any other structure.

6.7.3. Satellite antennas (radio and television) are permitted in addition to other accessory structures provided the unit, dish, rod, or other component of the structure does not exceed fourteen (14) feet in height, ten (10) feet in diameter, and shall meet all setback requirements as set forth in this section of the Ordinance. Roof mounted satellite antennas shall not exceed ten (10) feet in diameter, and shall not extend over fifteen (15) feet above the height limits established for the district in which it is located; and no such antennas shall be used for any type commercial use or advertising purposes. All other satellite antennas in residential districts shall be permitted only on appeal to the Board of Adjustments and Appeals.

6.8 Off-Street Parking Requirements (Residential)<sup>18</sup>

Each residential unit shall have a minimum of two (2) parking spaces per unit with an additional parking space for each bedroom in excess of two (2).

6.9 Off-Street Loading (Non-Residential)

6.9.1. On the same lot with every structure or use hereafter erected or created, there shall be provided and maintained space for loading and unloading of materials, goods, or things, and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

6.9.2. Where any structure is enlarged, or any use is extended so that the size of the resulting occupancy comes within the scope of this Section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this Article, the full amount of off-street loading space shall be supplied and maintained to comply with this Article.

6.9.3. For the purpose of this Section, an off-street loading space shall be an area of at least twelve (12) feet wide by forty-five (45) feet long with fourteen and one-half (14 1/2) foot vertical clearance. Each off-street loading space shall be accessible from a street or alley, and arranged for convenience and safe ingress and egress by motor truck and/or trailer combination.

6.9.4. Off-street loading space shall be provided and maintained in accordance with the following schedule:

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

1. Over 10,000 square feet, but not over 25,000 square feet: 1 space.
2. Over 25,000 square feet, but not over 120,000 square feet: 2 spaces.

3. Over 120,000 square feet, but not over 290,000 square feet: 4 spaces.
  4. For each additional 90,000 square feet over 290,000 square feet or fraction thereof: 1 space.
- B. For each auditorium, convention hall, exhibition hall, museum, hotel, apartment-hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which has an aggregate gross floor area of:
1. Over 10,000 square feet, but not over 40,000, square feet: 1 space.
  2. For each additional 60,000 square feet over 40,000 square feet, or major fraction thereof: 1 space.
- C. For any use not specifically mentioned in this Section, the requirements for off-street loading for a use which is mentioned, and to which the unmentioned use is similar, shall apply.
- 6.9.5. Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.
- 6.9.6. No area or facility supplied to meet the required off-street parking facilities for a use shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.
- 6.9.7. Nothing in this section shall prevent the collective, joint, or combined provisions of off-street loading facilities for two or more buildings or uses provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses, and are so located and arranged as to be usable thereby.
- 6.9.8. Plans for buildings or uses requiring off-street loading facilities under the provisions of this Article shall clearly indicate the location, dimensions, clearance, and access of all such required off-street loading facilities.
- 6.10 Use and Maintenance of Building Front and Parking Lots in Commercial (B-1, B-1A, B-1B, and B-2) Districts<sup>3,6</sup>

Off-street parking space shall be maintained in accordance with the following specifications:

- 6.10.1. Shall be used only by (a) passenger vehicle or (b) vehicles up to one half (1/2) ton manufacturer's capacity rating having wheels not to exceed seventeen (17) inches; and (c) not be used for the parking or storage of automobile trailers;
- 6.10.2. Shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies;

- 6.10.3. Shall be graded for proper drainage and maintained at all times in such a manner as to protect the release of dust, and to be free of trash and debris;
- 6.10.4. Shall be provided with an aggregate paved surface;<sup>6</sup>
- 6.10.5. Shall be provided with entrances and exits so located as to minimize traffic congestion;
- 6.10.6. Lighting facilities shall be so arranged and directed that they neither unreasonably disturb occupants of adjacent residential properties, nor interfere with traffic;
- 6.10.7. May have not more than one (1) attendant shelter building conforming to all setback requirements for structures in the district, and which shelter building shall contain not more than fifty (50) square feet of gross floor area.

6.11 Residential Lots That May Be Used for Off-Street Parking

When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured, the Board of Adjustment and Appeals may, in specific cases, permit the use of a lot or lots under the same ownership in a residential district immediately adjacent to any office, business or industrial district for the parking of passenger cars, provided no fee is charged. Such lots may be separated therefrom by an alley and shall be protected under such safeguards and conditions as the Board may require for the adequate protection of the more restricted property.

6.12 Fences and Walls<sup>4,5,17</sup>

Fences and walls may be erected, placed, maintained, or hedges grown along a lot line of property zoned for office or residential use, or adjacent thereto. The height shall not exceed eight (8) feet above the ground provided the main structure has yard space as required by this Ordinance. No fence, wall or hedge located in a required front or street side yard shall exceed a height of three (3) feet, (height of wall or hedge shall be measured from the lowest ground elevation on either side of a joint property line), except for the use of an unobstructed chain link fence, or fifty percent open slat fence, which shall not exceed a height of five (5) feet, and not have an associated hedge in excess of three (3) feet in height. For corner lots, one side abutting a street shall serve the applicable Minimum Depth of Front Yard requirement and the side abutting the other street shall observe a Minimum Side Yard Abutting Street requirement of then (10) feet.

6.13 Abatement of Uses Creating Hazards or Nuisances

The Board of Adjustment and Appeals may require the conduct of any use conforming or non-conforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, explosion hazard, or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Board may direct the Building Official to issue an abatement order, but such order may

be directed only after a public hearing by the Board, notice of which shall be sent by certified mail to the owners or operators of the property on which the use is conducted. A hearing to consider issuance of an abatement order shall be held by the Board either upon petition signed by any person affected by the hazard of the nuisance, or upon the initiative of the Board. An abatement order shall be directed by the Board only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

6.14 Design and Landscaping of Building Front and Off-street Parking Lots Shall Be in Conformance with ARTICLE XI Hereof<sup>3,6</sup>

The design and appearance of parking areas is intended to enhance and be compatible with the character of the community while making the area more visually appealing. Toward this objective, the following standards shall be observed in the construction of off-street parking area construction accommodating ten (10) or more parking spaces as otherwise defined herein:

- 6.14.1 A minimum of ten (10%) percent of the total interior area intended for off-street parking shall be suitably landscaped. Such landscaping to include the placement of a shade tree at intervals approximately fifty (50) linear feet with a minimum of five (5) shrubs per tree.
- 6.14.2 Interior portion of the parking area shall be broken by provision of landscaped islands.
- 6.14.3 Each square landscaped area must be a minimum of sixteen (16) square feet if it is to be counted toward the minimum landscaped area requirement.
- 6.14.4 Landscaped areas shall be protected from vehicular encroachment by the use of curbing.
- 6.14.5 When lawful paved or unpaved off-street parking area already exists at the effective date of the ordinance, such area may continue until it is expanded by more than five (5%) percent of its existing parking capacity as calculated pursuant to this part at which time the entire parking area must be brought into conformity with requirements for new construction.
- 6.14.6 Cross-visibility at the corner of each side of permitted points of access from public right-of-way, or at corners of intersecting streets, landscaping shall be so planted and maintained as to provide unobstructed visibility between the heights of two and one-half (2 1/2) feet and fifteen (15) feet within an area defined by projecting lines parallel to and twenty-five (25) feet from the point of intersection of curb lines projected.
- 6.14.7 The owner, tenant, agent of either or other person in charge of premises shall be jointly and severally responsible for the compliance with this section of the ordinance as well as the maintenance of all landscaping, landscaped areas and incidentals as required by this ordinance. All trees and other plant material shall be kept in a healthy, living state and grounds shall be kept free of rubbish, refuse and debris. Grass and shrubbery shall be kept neatly trimmed in accordance with applicable municipal ordinance.

6.14.8 A landscape plan shall be submitted with other information required for approval prior to the issuance of a building permit.

6.15 Telecommunications Towers and Facilities<sup>6</sup>

As defined and regulated by Ordinance No. 2001-12 of the Town of Loxley, Alabama.

6.16 Architectural Restrictions<sup>7</sup>

No bare metal-sided buildings shall be constructed on properties sited closer than 200 feet from the right-of-way of Alabama Highway 59. All metal buildings shall have an architectural façade on the front elevation and any other elevation that is adjacent to a public street or right-of-way.

Acceptable materials for the external elevations of buildings or facades include stucco, brick, scored and split face block and wood. It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, wainscot, protrusions, recessed windows or entries. Alternative materials must be approved through the site plan approval process.

6.17 Storm Drainage Design Requirements<sup>17</sup>

A. Storm drainage facilities shall be provided for each commercial development. They shall be designed to carry not less than the storm water from a maximum projected rainfall to occur once in twenty-five (25) years, with run-off factor of 90% for pavements and buildings and a variable run-off factor depending on the topography of the ground for other areas. All drainage facilities and appurtenances shall meet the specifications for street paving and storm sewer as set forth by the Planning Commission. The Planning Commission may require a more restrictive design (i.e., 50- or 100-year design) for such facilities as major drainage ways. Design calculations shall be based on future probable development of the entire drainage area to be served or developed.

B. Storm water detention shall be required unless otherwise approved by the Planning Commission. All stormwater detention structures must be attenuated the post-development peak flow rates from the 2-year, 5 year, 10-year, 25-year, 50-year, and 100-year 24-hour design storms to release a graduated discharge at or below pre-development peak rates.



# ARTICLE VII

## DISTRICT REGULATIONS

### 7.1 Regulations Applying to All Districts

#### 7.1.1 Uses Permitted:

- A. Public utilities (but not including power and gas substations and pumping stations).
- B. Public buildings of a governmental nature, including public schools and libraries.
- C. Recreational facilities, including parks, playgrounds, stadiums, etc.
- D. Accessory Structures.
- E. Home Occupations.

#### 7.1.2 Uses Permitted on Appeal:

- A. Public utilities not otherwise specified, including power and gas substations and pumping stations.
- B. Public buildings of a proprietary nature.
- C. General hospitals for humans (including nursing homes).
- D. Semi-public buildings and uses, including private schools and churches.
- E. Lights for recreational facilities, including private and semi-public tennis courts, ball fields, etc., located in residential districts, provided the lights are designed for this use. Spotlights or floodlights shall be restricted on such courts and play fields.
- F. Public and semi-public buildings with heights greater than three (3) stories or thirty-five (35) feet provided approved sprinkler systems are installed.

7.1.3 Uses Prohibited<sup>3</sup>: The on-street or off-street parking of any motorized vehicle in excess of 10,000 pounds or with more than six (6) wheels in Districts R-1A, R-1B, R-2, R-3, GPH-1, TH-1, MH-1, and any residential area approved as a part of a Planned Unit Development.

7.1.4 Minimum Yard Size: (Public and Semi-Public Buildings) Structure shall meet the minimum setback requirements in the district in which they are located.

7.1.5 Maximum Height: Public and Semi-Public Buildings - three (3) stories or thirty-five (35) feet.

7.1.6 Off-Street Automobile Parking (Specified Uses):

- A. Church, auditorium, stadium, and similar uses - One (1) parking space for each five (5) seats.
- B. Schools - Five (5) spaces for each schoolroom.
- C. Hospitals - One space for each three (3) beds.
- D. Restaurants - One space for each four (4) seats.
- E. Other uses permitted in Section 7.1.1 and 7.1.2 of this Article - the number of parking spaces as determined by the Planning Commission to meet the need of the use.

7.1.7 Off-Street Loading and Unloading: See Article VI, Section 6.7.

7.2 Residential Districts<sup>16</sup>

7.2.1 R-1A Residential Single Family

- A. Uses Permitted: Single family dwelling units excluding townhouses and patio garden homes.  
  
On lots of one (1) acre or less in size, up to four chickens, none of which shall be roosters. On lots greater than one (1) acre, up to ten chickens, none of which shall be roosters. Pens shall be located no closer than 40 feet from any residential dwelling.
- B. Uses Permitted on Appeal: Agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.
- C. Uses Prohibited: Any use not specifically permitted or permitted on appeal other than those uses contained in Section 7.1 of this Article.
- D. Required Lot Area, Width etc.  
  
Minimum Lot Area 12,000 square feet

Minimum Lot Width at Building Line	100 feet
Minimum Depth of Front Yard	35 feet
Minimum Depth of Rear Yard	30 feet
Minimum Width of Each Side Yard	12 feet
Minimum Side Yard Abutting Street	35 feet
Maximum Building Area as % of Gross Lot Area	30 %
Maximum Building Height:	
Feet	35
Stories	2
Off-Street Parking Spaces Required Per Bedroom <sup>18</sup>	1
Maximum Density Per Acre	N/A

### 7.2.2 R-IB Residential Single Family

- A. Uses Permitted: Single family dwelling units excluding townhouses and patio garden homes.
- Up to four chickens, none of which shall be roosters. Pens shall be located no closer than 40 feet from any residential dwelling
- B. Uses Permitted on Appeal: Agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.
- C. Uses Prohibited: Any use not specifically permitted or permitted on appeal other than those uses contained in Section 7.1 of this Article.
- D. Required Lot Area, Width, etc.
- |  |   |
|--|---|
| Minimum Lot Area   | 9,500 square feet                         |
| Minimum Lot Width at Building Line                           | 75 feet                                   |
| Minimum Depth of Front Yard                                  | 30 feet                                   |
| Minimum Depth of Rear Yard                                   | 30 feet                                   |
| Minimum Width of Each Side Yard                              | 10 feet or 5 feet<br>on side with carport |
| Minimum Side Yard Abutting Street                            | 30 feet                                   |
| Maximum Building Area as % of Gross Lot Area                 | 40 %                                      |
| Maximum Building Height:                                     |   |
| Feet   | 35  |
| Stories  | 2   |
| Off-Street Parking Spaces Required Per Bedroom <sup>18</sup> | 1   |
| Maximum Density Per Acre                                     | N/A                                       |

7.2.3 R-2 Residential Single Family and Duplex

A. Uses Permitted: Single family dwelling units excluding townhouses and patio garden homes; residential structures containing two family units.

Up to four chickens, none of which shall be roosters. Pens shall be located no closer than 40 feet from any residential dwelling

B. Uses Permitted on Appeal: Agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line; modular dwelling structure.

C. Uses Prohibited: Any use not specifically permitted or permitted on appeal other than those uses contained in Section 7.1 of this Article.

D. Required Lot Area, Width, etc.

Minimum Lot Area	9,000 square feet
Each Additional Family	2,500 square feet
Minimum Lot Width at Building Line	75 feet
Minimum Depth of Front Yard	30 feet
Minimum Depth of Rear Yard	30 feet
Minimum Width of Each Side Yard	10 feet or 5 feet on side with carport
Minimum Side Yard Abutting Street	30 feet
Maximum Building Area as % of Gross Lot Area	40 %
Maximum Building Height:	
Feet	35
Stories	2
Off-Street Parking Spaces Required Per Bedroom <sup>18</sup>	1
Maximum Density Per Acre	N/A

7.2.4 R-3 Residential Multi-Family

A. Uses Permitted: Residential structures containing one or two family units; apartments containing any number of units; lodges and clubs not operated for a profit, offices and hotels.

- B. Uses Permitted on Appeal: Agriculture, poultry, and livestock raising, but not including the operation of chicken brooderhouses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line; modular dwelling structures.
- C. Uses Prohibited: Any use not specifically permitted or permitted on appeal other than those uses contained in Section 7.1 of this Article.
- D. Required Lot Area, Width, etc.
- |  |                   |
|--|-------------------|
| Minimum Lot Area   | 8,500 square feet |
| Each Additional Family                                       | 2,000 square feet |
| Minimum Lot Width at Building Line                           | 75 feet           |
| Minimum Depth of Front Yard                                  | 30 feet           |
| Minimum Depth of Rear Yard                                   | 30 feet           |
| Minimum Width of Each Side Yard                              | 10 feet           |
| Minimum Side Yard Abutting Street                            | 30 feet           |
| Maximum Building Area as % of Gross Lot Area                 | 35 %              |
| Maximum Building Height:                                     |                   |
| Feet   | 35                |
| Stories  | 2                 |
| Off-Street Parking Spaces Required Per Bedroom <sup>18</sup> | 1                 |
| Maximum Density Per Acre                                     | N/A               |

7.2.5 GPH-1 Residential Garden Patio Homes<sup>17</sup>

- A. Uses Permitted: Garden patio home single family dwellings that meet all requirements contained in Article VIII, Section 8.2.
- B. Uses Permitted on Appeal: Single family dwellings excepting townhouses; agriculture, poultry and livestock raising, but not including the operation of chicken brooder houses, and provided no structure, pen, or corral housing animals be located closer than 200 feet to any property line.
- C. Uses Prohibited: Any use not specifically permitted or permitted on appeal other than those uses contained in Section 7.1 of this Article.

D. Required Lot Area, Width, etc.:

Minimum Lot Area	6,000 square feet
Minimum Lot Width at Building Line	60 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	15 feet
Minimum Width of Each Side Yard	10 feet
Minimum of Side Yard Abutting Street	10 feet
Maximum Building Area as % of Gross Lot Area	100 %
Maximum Building Height:	
Feet	35
Stories	2
Off-Street Parking Spaces Required Per Bedroom <sup>18</sup>	1
Maximum Density Per Acre	N/A

7.2.6 TH-1 Residential Townhouse

- A. Uses Permitted: Townhouse single family dwellings that meet all requirements contained in Article VIII, Section 8.1.
- B. Uses Permitted on Appeal: Single family dwellings including garden patio homes meeting all requirements of Section 7.2.5 of this Article.
- C. Uses Prohibited: Any use not specifically permitted or permitted on appeal other than those uses contained in Section 7.1 of this Article.

D. Required Lot Area, Width, etc.:

Minimum Lot Area	2,400 square feet
Minimum Lot Width at Building Line	24 feet
Minimum Depth of Front Yard	20 feet
Minimum Depth of Rear Yard	N/A
Minimum Width of Each Side Yard	16 feet (Applies only to unattached end unit.)
Minimum Side Yard Abutting Street	16 feet
Maximum Building Area as % of Gross Lot Area	100 %
Maximum Building Height:	
Feet	35
Stories	2
Off-Street Parking Spaces Required Per Bedroom <sup>18</sup>	1
Maximum Density Per Acre	N/A

7.2.7 MH-1 Mobile Home Park

- |    |  |  |
|----|--|--|
| A. | Uses Permitted:  | Mobile dwelling units that meet all requirements contained in Article VIII, Section 8.4.                     |
| B. | Uses Permitted on Appeal:                                    | None   |
| C. | Uses Prohibited:   | Any use not specifically permitted on appeal other than those uses contained in Section 7.1 of this Article. |
| D. | Required Lot, Area, Width, etc.:                             |  |
|    | Minimum Lot Area   | 3,000 square feet (provided that lot is at least three times greater than area occupied by dwelling)         |
|    | Minimum Lot Width at Building Line                           | A minimum of 20 feet of side clearance and 15 feet of end clearance  |
|    | Minimum Depth of Front Yard                                  | N/A  |
|    | Minimum Depth of Rear Yard                                   | N/A  |
|    | Minimum Width of East Side Yard                              | N/A  |
|    | Minimum Side Yard Abutting Street                            | N/A  |
|    | Maximum Building Area as % of Gross Lot Area                 | N/A  |
|    | Maximum Building Height                                      | N/A  |
|    | Off-Street Parking Spaces Required Per Bedroom <sup>18</sup> | 1  |
|    | Maximum Density Per Acre                                     | 8 units  |

7.3 Commercial Districts<sup>3</sup>

7.3.1 B-1, B-1A and B-1B General Business Districts<sup>1,2, 17</sup>

- |    |                |   |
|----|----------------|---|
| A. | Uses Permitted | Stores selling food, general merchandise, apparel, furniture, housewares and household wares, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair; offices; banks; post offices and similar services; automobile service stations (setback requirements for pump islands of service stations is at least |
|----|----------------|---|

twenty (20) feet from all property lines); drive-in eating places, motels, automobile repair; any retail business not specifically restricted herein, places of amusement and assembly, hotels; large dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically restricted herein; and wholesale business.

B. Uses Permitted on Appeal Animal clinic, hospital or kennels; travel trailer parks; and any residential use.

C. Uses Prohibited Junk yards; any use of a mobile dwelling/mobile structure; industrial uses not otherwise specifically permitted herein.

D. Required Lot Area, Width, etc.

Minimum Depth of Front Yard	35 feet
Minimum Depth of Rear Yard	20 feet
Maximum Height	65 feet <sup>17</sup>
Maximum Building Area As % of Gross Lot Area	N/A
Off-Street Parking Requirements	1/2 space for each 200 square feet of building space
Off-Street Loading	See Section VI, Section 6.8.4

7.3.2 B-2 Neighborhood Business District<sup>17</sup>

A. Uses Permitted Stores selling food, general merchandise, apparel, furniture, housewares and household goods, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and pick-up stations; barber and beauty shops; shoe repair; offices; banks; post offices; and similar services; automobile filling stations (setback requirement for pump islands of service stations is at least twenty (20) feet from all property lines); drive-in eating places, motels, automobile repair; any retail business not specifically restricted herein; places of amusement and assembly; and hotels.



B.	Uses Permitted On Appeal	Large dry cleaners and laundries; animal clinics; manufacturing incidental to a retail business where articles are sold at retail on the premises; wholesale businesses; and any residential use.
C.	Uses Prohibited	Animal hospital or kennels; junk yards; any use of a mobile dwelling/mobile structure; industrial uses not specifically permitted herein and travel trailer parks.
D.	Required Lot Area, Width, etc.	
	Minimum Depth of Front Yard	30 feet
	Minimum Depth of Rear Yard	20 feet
	Maximum Height	65 feet
	Maximum Building Area As % of Gross Lot Area	30 %
	Off-Street Parking Requirements	1 space for each 200 square feet of building space
	Off-Street Loading	See Article VI, Section 6.8.4.

7.4 Light Industrial District (M-1)<sup>2,17</sup>

7.4.1 Uses Permitted: Building used for the operation of light industrial, fabricating, processing, assembling and manufacturing, bottling and distribution plants, woodworking shops, cabinet shops, contractor or building material yards, highway maintenance yards and buildings, laundry and dry cleaning plants and printing establishments.

7.4.2 Uses Permitted on Appeal: Any use permitted in districts B-1 or B-2, and other industrial or commercial use not included in Section 7.4.1 above that, in the opinion of the Planning Commission would be within the intent of the district regulations and not cause noise, smoke, gas, vibration, fumes, dust, or other objectionable conditions which, if present, would affect adjacent properties and the safety of the citizens of the Town of Loxley.

7.4.3 Uses Prohibited: Any use of a mobile dwelling/mobile structure, any residential structure, except that of a watchman or caretaker, junk yards, storage of junk or wrecked automobiles other than for repair or service, explosive products, manufacture, garbage disposal plants or sanitary land fills, and any other uses not specifically permitted in Section 7.4.1 above, or deemed by the Planning Commission to be detrimental to property or to the health and safety of residents beyond the district.

7.4.4 Required Lot Area, Width, etc.:

Minimum Lot Area	None
------------------	------

Minimum Lot Width at Building	None
Minimum Depth of Front Yard	75
Minimum Depth of Rear Yard	35 <sup>1</sup>
Minimum Depth of Side Yard	35 <sup>2</sup>
Maximum Building Area	50%
Maximum Building Height:	
Feet	65
Stories	2
Off-Street Loading Requirements	See Article VI, Section 6.8.4.
Off-Street Parking Spaces:	
Per Employee	1/2
Per Garaged Vehicle	1

7.5 Agricultural - Open Space District (A-O)

7.5.1 Uses Permitted: Farms, single-family dwellings, parks, playgrounds, clubs, lodges, public and private forests, wildlife refuges, stables, kennels, home occupations, churches, schools, public buildings, and other accessory uses to the above.

7.5.2 Uses Permitted on Appeal:<sup>7</sup> Temporary and unenclosed roadside stands for the sale of agricultural products, mobile homes, public and private utilities, airports, hunting lodges, radio or television broadcasting towers, hospitals, institutions, mausoleums and cemeteries.

7.5.3 Uses Prohibited: Any business or industry not contained in Sections 7.5.1 and 7.5.2 above, and signs, billboards, and the excavation of minerals, or the removal of surface material.

7.5.4 Required Lot Area, Width, etc.:<sup>7</sup>

Minimum Lot Area	3 acres
Minimum Lot Width at Building Line	150
Minimum Depth of Front Yard	50
Minimum Depth of Rear Yard	50
Minimum Width of Each Side Yard	25
Maximum Building Area	25 %
Maximum Building Height:	
Feet	35
Stories	2
Off-Street Parking Requirement Per Family Dwelling Unit	1

<sup>1</sup> Rear Yard may be reduced to fifteen (15) feet if the adjoining property is zoned M-1.

<sup>2</sup> If the adjoining property is zoned M-1, interior side yard setbacks may be reduced to zero (0) feet; provided that all portions of the side of the structure are enclosed with an unpierced firewall of four (4) hour fire construction, in accordance with the National Board of Fire Underwriters Code. In addition, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

## 7.6 Planned Unit Development (PUD)

### 7.6.1 Classes of Structures Permitted

- A. Single family dwellings.
- B. Dwellings containing two, three, or four family units.
- C. Apartments for any number of families.
- D. Townhouses.

### 7.6.2 Classes of Structures Permitted With Specific Recommendations of the Planning Commission:

- A. Restaurants; stores selling food, general merchandise, apparel, furniture, houseware and household wares, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair; banks; post offices; offices; and similar services.
- B. Lodges and clubs not operated for profit.
- C. Business or professional offices, public buildings, hospitals for humans, veterinary offices, and/or hospitals, nursing homes.
- D. Nurseries or kindergartens.

### 7.6.3 Classes of Uses Permitted on Appeal. Due to the flexibility and range of authority granted the Planning Commission in the review and approval of Planned Unit Developments and as Planned Unit Developments are to be developed in accordance with a unified, comprehensive plan that shall provide for all appropriate uses and structures, in Planned Unit Development Districts the powers of the Board of Adjustment shall be limited to the granting of variances as to yard and height requirements and signs where permitted, and shall not include the power to grant special exceptions.

### 7.6.4 Classes of Structures or Uses Restricted:

- A. Any commercial, industrial, or agricultural use not specifically permitted by the Planning Commission when granting final approval of a PUD.
- B. Mobile dwellings.

Minimum Area: The minimum area required to qualify for a PUD District shall be not less than five (5) contiguous acres of land.

Ownership: The tract of land for a PUD must be either in one ownership, or be subject to an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land).

Location of PUD District: This district shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of the PUD District as stated in Article VIII of this Ordinance.

Land Use and Density: Because land is used more efficiently in PUD Districts, improved environmental quality can often be produced with a greater number of dwelling units per net acre than usually permitted in traditionally zoned residential districts. The Planning Commission shall determine in each case the appropriate land use pattern and dwelling unit density for individual projects, including the amount of land to be reserved for common open space and/or recreational uses. These determinations shall be completely documented.

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# ARTICLE VIII

## SPECIAL PROVISIONS

### 8.1 Townhouses

- 8.1.1. No building permit shall be issued for townhouses, and the Board of Adjustment and Appeals shall not issue a special exception involving townhouses, except upon a favorable or conditionally favorable report from the Planning Commission. Prior to issuing a favorable report the Planning Commission shall determine that the proposed townhouses are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the building permit. If special exception is involved, the Board of Adjustment and Appeals shall only grant such exception with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.
- 8.1.2. It is the intent of this Ordinance that townhouses in areas where they are or may be permitted:
- A. May be appropriately intermingled with other types of housing;
  - B. Shall not form long, unbroken lines of row housing;
  - C. Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.
- 8.1.3. In line with the general considerations above, the following site plan and design criteria are established:
- A. Not more than six (6) contiguous townhouses shall be built in a row with the same front line, and not more than twelve (12) townhouses shall be contiguous. In groups of townhouses consisting of more than six (6) units, the required difference in front line shall be a minimum of three (3) feet.
  - B. Minimum width for the portion of the lot on which a townhouse is to be constructed shall be twenty-four (24) feet.
  - C. Minimum lot area shall be two thousand four hundred (2,400) square feet.
  - D. No portion of a townhouse or accessory structure in or related to one townhouse complex shall be closer than twenty (20) feet to any portion of the townhouse or accessory structure related to another townhouse complex, or to any building outside the townhouse area.

- E. Each townhouse shall be constructed on its own lot. Townhouses constructed in condominium developments may be excepted from this requirement by the Planning Commission.
- F. No side yards shall be required except at the unattached ends of a townhouse complex, in which case the minimum width shall be sixteen (16) feet. Minimum depth of front yards shall be twenty (20) feet.
- G. Each townhouse shall have on its own lot one yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or from neighboring property. In condominium townhouse developments not subdivided into individual lots, one (1) yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or from neighboring property, shall be provided contiguous to, and for the private use of, the occupants of each dwelling unit.
- H. Off-street parking shall be provided at the rate of one space per bedroom per townhouse.<sup>18</sup> Insofar as practicable, off-street parking facilities shall be grouped in bays, whether adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
- I. In townhouse developments with a total area greater than five (5) acres at least twenty (20) percent of the total area shall be devoted to common open space, exclusive of parking areas or accessory buildings. Such common open areas may include recreational facilities. Provisions satisfactory to the Planning Commission and approved by the Town Council shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, or recreational use, and the common off-street parking spaces established for the development.

## 8.2 Garden Patio Home

- 8.2.1. No building permit shall be issued for patio homes except upon favorable or conditionally favorable report by the Planning Commission. Prior to issuing a favorable report, the Planning Commission shall determine that the proposed patio homes are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the building permit.
- 8.2.2. It is the intent of this Ordinance that patio homes, in areas where they are or may be permitted may be appropriately intermingled with other types of housing; shall constitute

groupings making efficient, economical, comfortable, and convenient use of land and open space; and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildings areas.

8.2.3. In line with general considerations above, the following site plan and design criteria are established:

- A. No more than two (2) contiguous patio homes shall be connected.
- B. Each patio home shall be constructed on its own lot, and shall be a minimum lot width of forty (40) feet at the building line with minimum lot area of four thousand (4,000) square feet.
- C. Each patio home lot shall have one (1) side yard with a minimum of ten (10) feet. Minimum depth of rear yard shall be fifteen (15) feet. Side yards may be averaged but shall not be less than eight (8) feet. Fireplace and chimney may be placed in the side or rear yard setback provided they do not project beyond the thirty (30) inch permitted roof overhang and provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed.
- D. The required ten (10) foot side yard must be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates.
- E. Privacy fences or walls may be placed on or along any lot line provided that such fences or walls are not constructed in such a manner as to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protection. An eight (8) foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.
- F. Each patio home shall have on its own lot one yard containing not less than six hundred (600) square feet, reasonably secluded from view of streets of neighboring property.
- G. Maximum lot coverage permitted for the main dwelling shall be one hundred (100) percent of the permitted building area not including coverage permitted for accessory buildings or structures.
- H. Off-street parking shall be provided at the rate of not less than one space per bedroom.<sup>18</sup>
- I. The exterior walls of the patio home, or any accessory structures located on the zero-foot side yard setback shall not project over the property line. Roof overhang may penetrate maintenance and drainage easements of the adjacent lot a maximum of thirty (30) inches, provided the roof shall be so designated that water run-off shall be restricted to the drainage easement area.



- J. No windows, doors, or other openings shall be permitted on the zero (0) foot side line of any patio home unit. Where adjacent zero (0) lot line dwellings are not constructed against or along a common lot line, a perpetual wall maintenance easement of three (3) feet in width along and parallel to the adjacent lot shall be provided.
- K. Where adjacent zero (0) lot line dwellings are not constructed against or along a common lot line, a perpetual drainage easement shall be provided which shall be approved by the Town. Fences and walls may be located on or along this easement provided gates or other openings that will not block local lot drainage are maintained.
- L. The lot adjacent to the zero (0) setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts).
- M. A ten (10) foot side setback shall be required, provided the adjacent property is not zoned for patio homes.
- N. No accessory structures shall be erected in a required front, side, street side yard, or open space. Accessory structures shall be permitted in the rear yard and shall not exceed one and one half (1 1/2) stories in height; and shall not cover more than twenty-five (25) percent of the required rear yard; and shall be permitted a zero (0) foot setback from the rear yard, and side property lines, and five (5) feet from any other structure on the same lot. These requirements shall not apply to unattached open carports and garages.
- O. Unattached garages and carports shall be permitted in addition to the twenty-five (25) percent coverage for accessory structures, but shall not exceed six hundred (600) square feet in area; and shall not be placed in any required front, side or street side yard or open space; and shall not exceed one and one half (1 1/2) stores in height; and shall be permitted a zero (0) setback from the rear and side property lines, and five (5) feet from any other structure on the same lot.

### 8.3 Planned Unit Development Residential Districts

It is the intent of this Ordinance to permit, on application and on approval of detailed site, use and building plans, creation of new Planned Unit Development (PUD) Districts where tracts of no less than five (5) acres in size and suitable in location and character for the uses and structures proposed are to be planned and developed as units. Suitability of such tracts for the plans and development proposed for the PUD district shall be determined by the existing and prospective character of surrounding development.

In view of the substantial public advantages of Planned Unit Development, it is the intent of this Ordinance to promote and encourage development in this form where appropriate in location and character.

Prior to recommending the establishment of a Planned Unit Development District, the Planning Commission shall determine the suitability of such development in the location proposed, and the desired density of dwelling units. A person or firm applying for a zoning amendment to establish a Planned Unit Development District shall be required by the Planning Commission to furnish the following information:

- 8.3.1. Preliminary plans which include streets, utilities, lots or building sites, site plans, drainage plans, and elevations for all major buildings as intended to be located, constructed, and used; and detailed plans for other uses and improvements on the land as related to the building; and
- 8.3.2. Evidence of provision for operation and maintenance of such areas, improvements facilities, and services as will be for common use by some or all of the occupants of the development, but will not be provided, operated, or maintained at general expense; and
- 8.3.3. A preliminary traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area.

### 8.4 Mobile Dwellings

The regulations and requirements in this section are designed to ensure protection of health, safety and welfare of both the residents of mobile dwellings and residents of neighboring property.

- 8.4.1 General Requirements: No mobile dwelling shall be occupied for dwelling purposes unless the same is located in a mobile dwelling park or subdivision. Mobile dwellings may not be used as accessory structures.

No mobile dwelling shall be admitted to any mobile home park or mobile home subdivision unless it meets all code requirements that may be in effect at that time in the Town of Loxley.

No mobile dwelling park can be operated until a permit to operate the park has been obtained from the Building Official.

No building permit shall be issued for construction of a mobile dwelling park, and the Board of Adjustment and Appeals shall not issue a special exception involving a mobile dwelling park, except upon a favorable or conditionally favorable report from the Planning Commission. Where conditions are attached by the Planning Commission, they shall be included as a part of the building permit. If special exception is involved, the Board of Adjustment and Appeals shall grant such exception with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.

The following information shall be submitted to the Planning Commission for its evaluation:

- A. Area and dimensions of the proposed park.
- B. Location of all drives, mobile dwelling layout and parking.<sup>18</sup>
- C. Location of water and sewer lines, water supply, and sewage disposal areas.
- D. A preliminary drainage plan for the park prepared by a registered engineer.
- E. Location and dimension of all buffers, office structures, recreational areas, and open spaces.
- F. A traffic analysis, showing the effect of the proposed mobile dwelling park on neighborhood streets.

8.4.2 Development Standards: Except where specified, the development standards which follow apply to mobile dwelling parks and mobile dwelling subdivisions.

- A. Buffers:
  - 1. Each boundary of a mobile dwelling park of subdivision must be at least one hundred (100) feet from any residential property or industrial property line located outside the park or subdivision, unless separated therefrom by a natural or artificial barrier.
- B. Utilities:
  - 1. Each mobile dwelling lot shall have attachments for waste disposal and water supply facilities properly connected to an approved method of sewage disposal and water supply.

C. Required Open Space:

1. Each mobile dwelling park shall provide land for open space which may be used for recreational purposes, but which may not be used for parking or for accessory structures. Such open space shall total at least thirteen (13) percent of the gross land area of the park. This requirement does not apply to mobile dwelling subdivisions.
2. Mobile dwelling subdivisions greater than five (5) acres in total area shall include open space equal to ten (10) percent of the total area. Such open space may be used for recreational purposes, but may not be used for parking or accessory structures. Provision shall be made, by covenant or other means satisfactory to the Planning Commission, to ensure that such open space shall be preserved and maintained for the use of the residents of the subdivision, without expense to the Town of Loxley.

D. Additional Requirements:

1. No additions shall be made to a mobile dwelling except a canopy and/or porch on three (3) sides, or an addition made by the mobile dwelling manufacturer.
2. All mobile dwellings shall be anchored against wind or storm damage via a method approved by the Building Official.
3. The space under a mobile dwelling shall not be used for storage, unless the mobile dwelling is skirted.
4. All mobile dwellings shall be placed on pads approved by the Building Official.
5. All mobile dwelling parks must be divided into lots. Regulations governing lot sizes and spacing requirements are contained in Article VII of this Ordinance.

E. Traffic and Circulation:

1. Access to the park or subdivision shall not require intensive use of minor established residential streets.
2. All access driveways and interior streets of mobile dwelling parks must be at least thirty (30) feet in width. Requirements contained in the Subdivision Regulations of the Town of Loxley shall govern in the case of mobile dwelling subdivision.

3. All access driveways and interior streets of mobile dwelling parks and all walkways shall have a durable surface. This requirement does not apply to mobile dwelling subdivisions.
- F. Single Mobile Dwellings: Where single mobile dwellings are permitted by the Board of Adjustment and Appeals in A-O District they shall be subject to the following regulations:
1. Such mobile dwellings shall be in compliance with all codes of the Town of Loxley.
  2. The minimum lot size shall be one acre with a one hundred fifty (150) feet minimum width.
  3. The lot must have access to a public road.
  4. A permit must be obtained from the Planning Commission. Such permit shall remain in force for two (2) years and shall be renewable upon application to the Building Official. In the event the property on which the mobile dwelling is located is rezoned to a classification other than A-O the mobile dwelling shall then be governed by the regulations for lawful non-conforming uses, as contained in Section 2, 6.2 of Article VI.
  5. The Board of Adjustment and Appeals shall add such additional requirements in individual cases as may be deemed by the Board to be appropriate.

# ARTICLE IX

## SIGN REGULATIONS<sup>14</sup>

### 9.1. General Provisions

9.1.1. Compliance. All signs must be in compliance with the provisions of the International Building Code, the National Electrical Code, and other such codes as may be adopted from time to time by the Town.

9.1.2. Notification of Violations. Such notifications shall be made by Certified Letter from the Building Inspector.

9.1.3. Signs Used in Conjunction With Uses Permitted on Appeal. Such signs shall be approved by the Building Inspector.

9.1.4. Line of Sight. In addition to the provisions of Subsection 6.6 of Article VI of Section 3, no sign shall obstruct vehicular vision between a height of three feet and eight feet measured vertically from the street level at the base of the sign if such impairment would affect traffic safety. In no case may a sign exceeding ten feet in height be located within eighteen inches of the right-of-way or eight feet from any side property line, if adjacent property is used as a single family residence.

9.1.5. Abandonments. An abandoned sign must be removed within 30 days from the date official notice is given by the Building Inspector. Permanent on-site signs applicable to a business temporarily suspended because of change in ownership or management of such business shall not be deemed abandonment unless property remains vacant for a period of three (3) months or more.

9.1.6. Sign Maintenance. Any signs not meeting the following provisions shall be repaired or removed within 30 days after receipt of notification by the Building Inspector.

A. The area around the sign shall be properly maintained clear of brush, trees, debris and litter; as well as obstacles that affect the signs visibility.

B. All burned out bulbs or damaged panels must be replaced.

C. All sign copy shall be maintained securely to the face and all missing copy must be replaced.

9.1.7. Owner Responsibility. It shall be the responsibility of the property owner to maintain and insure conformance to the provisions of this Ordinance regardless of who erects the sign.

9.1.8. Building Graphics. Drawings painted on buildings that contain no copy, symbols or other references to products or services shall not be considered signs and shall be exempt from the provisions of this article. Drawings painted on buildings that do contain

copy, symbols or other references to products or services shall be considered wall signs and shall be subject to the regulations of the district in which they are located.

9.1.9. Signs In or Over Public Right-Of-Way. No sign may be placed in or hang over encroaching on any public right-of-way.

9.1.10. Sight Clearance. No sign shall encroach upon vision clearances as established in Subsection 9.1.4. of this Article or Subsection 6.6 of Article VI of Section 3.

9.1.11. Grade Level. In cases where signs are located below the grade of the road to which they are oriented (as declared by the sign owner), sign height shall be measured from the grade of that street.

9.1.12. Endangerment. The Town may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed immediately.

## 9.2. Non-Conforming Signs

9.2.1. General Provisions for Non-Conforming Signs. Subject to Subsection 9.2.3 of this Article and to the conditions hereinafter set forth, non-conforming signs existing on the date of this Ordinance may be continued in operation and maintenance after the effective date of this Ordinance, provided that non-conforming signs shall not be:

- A. Changed to or replaced with another non-conforming sign;
- B. Structurally altered so as to extend their useful life;
- C. Expanded;
- D. Relocated;
- E. Re-established after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction; or
- F. Modified in any way that would increase the degree of non-conformity of such sign. Except in the case of (E) hereinabove, this shall not prevent repairing or restoring to a safe condition any art of a sign or sign structure or normal maintenance operations performed on a sign or sign structure.

9.2.2. Cessation of Other Non-Conforming Advertising. In addition to Subsection 9.2.1 of this Article, all non-conforming portable trailer signs, bus bench advertisements, mobile signs and flying paraphernalia advertising shall be removed within three (3) years from the enactment of this Ordinance.

- 9.2.3. Signs on Public Right-Of-Way. All signs in the public right-of-way shall be removed within ninety (90) days from the enactment of this Ordinance, unless variance is approved by the Board of Adjustments and the adjacent property owner(s) give written consent to the granting of the variance.
- 9.2.4. Signs Made Non-Conforming Due to Annexation. Such signs may continue in operation and maintenance subject to the provisions of Subsections 9.2.1, 9.2.2, and 9.2.3.
- 9.2.5. Method for Removal of Signs by Town Contractor and Charging Property Owner Taxes. In the event that the Town's Building Inspector determines that it is necessary under the terms of this Ordinance to remove a sign, the Building Inspector shall use either the Town department staff or a private contractor, depending upon the availability of budgeted funds and/or manpower and equipment to undertake this work. The Town department doing said removal work or the Town's contractor shall keep accurate records of the costs incurred which shall be submitted to the Inspection Department for an inspection, verification, and approval of the quality and quantity of the work performed. The sign owner shall be responsible for the cost of removal and must pay the costs of the work directly to the Town or the cost will become a lien against the real property upon which such cost was incurred. Said costs shall be collected in the same manner as Town taxes are collected. When private contractors are utilized, for work costing more than \$3,000, the lowest bidder shall be awarded the contract. At the Town's discretion, costs of such work may be collected through legal process.

### 9.3. Permit and Application

- 9.3.1. Building Permit. A building permit is required for all signs, unless otherwise exempted by this Ordinance, and the method of construction shall be governed by the International Building Code, the Building Code of the Town of Loxley and such other codes and regulations adopted from time to time by the Town. All signs shall conform to the Building Code and any other code of the Town of Loxley, including all signs utilizing or requiring electrical energy must obtain an electrical permit from the Town of Loxley and comply with all applicable electrical codes in effect in the Town of Loxley. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the Town or cause the same to be done without first obtaining a building permit from the Building Inspector or other appropriate official designated by the Town. These directives shall not be construed to require any permit for change of copy on any sign, nor for the repainting, cleaning, or other routine maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified or enlarged in any way.
- 9.3.2. Application Required. Applications for permits shall be upon forms provided by the Town and shall contain such information as may be reasonably required by the Town to assure compliance with all appropriate laws and regulations of the Town, as required by the International Building Code, including without limitation the following:



- A. Name, address, telephone number of applicant, sign erector, sign owner and property owner; and
  - B. A design plan prepared by a licensed professional, acceptable to the Building Inspector, showing the dimensions of the proposed sign and the position of the sign in relations to nearby structures, property lines and road right-of-ways, the zoning of the property, mechanical and electrical details and any other data deemed necessary to render opinion of sufficiency.
- 9.3.3. Time of Submission. Permit fees and application forms and all supporting documentation shall be filed with the Office of the Building Inspector at least ten (10) regular working days before any permit can be issued. A permit not issued within fifteen (15) days of filing the application form shall be deemed to have been denied.
- 9.3.4. Fee Payment Required. No application for a permit shall be processed and no permit shall be issued until the permit fees herein established are paid. Permit fees shall be established and approved from time to time by the Loxley Town Council by ordinance, and a schedule shall be maintained and open for public inspection in the Office of the Town Clerk.
- 9.3.5. Permit Duration. All work must be completed on the proposed sign within three (3) months of the issuance of the permit or the permit shall be null and void.
- 9.3.6. Permit Fees. The following fees shall be payable prior to the issuance of a permit based upon the square footage of total copy size of each permanent sign as follows:
- A. 0-40 square feet \$25.00 (minimum)
  - B. 40-80 square feet \$.75 per square foot
  - C. 80-120 square feet \$.75 per square foot
  - D. Over 120 square feet \$.75 per square foot
  - F. Off-Premise Signs \$1.00 per square foot
  - F. Notwithstanding the above, all illuminated signs shall pay a minimum fee of \$50.00.

9.4. Signs For Which A Permit Is Not Required

A permit is not required for the following types of signs, which meet the criteria set out below and such signs shall not be considered in determining the allowable number or size of signs on a zoned lot.

- 9.4.1. Emergency Signs. Traffic, directional, warning or information signs owned by any private, public or quasi-public agency provided they do not exceed twenty (20) square feet and are located on private property, except in the cases of hospitals or health facilities in which each sign shall not exceed forty (40) square feet.
- 9.4.2. Notices. Official notices issued by any court, public agency or officer.
- 9.4.3. Identifier Signs, Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- 9.4.4. Flags and Insignia of Any Government.
- 9.4.5. Integral Decorative or Architectural Features of Buildings. Not including letters, trademarks, moving parts, or moving lights.
- 9.4.6. Time and Temperature Signs Which Bear No Advertising. Not to exceed fifty (50) square feet.
- 9.4.7. Interior Event Signs. Signs located on the inside of windows intended for the purpose of disseminating information about special sales or promotional campaigns, provided that such signs are of a temporary nature and are constructed of such materials and are of such a nature that clearly indicates they are temporary.
- 9.4.8. Gasoline Pump Signs. Signs shall be allowed on gasoline pumps so as to provide required information to the public such as "gallons", "price", "octane rating" and "type of fuel". As the trade name of the business is oftentimes incorporated into the name for the different types of fuel, said trade name and any associated symbols shall be permitted on the pumps as flat signs not to exceed three (3) square feet in area per sign face and an aggregate area of six (6) square feet per pump.
- 9.4.9. Oil Rack Signs. Since oil is marketed on the gasoline pump island, the identification signs on the merchandise are visible and shall be permitted. Any additional signs on the oil rack shall not exceed three (3) square feet per sign face and an aggregate area of six (6) square feet per rack.
- 9.4.10. Pricing Signs. A sign advertising the price of gasoline, other than pump signs, shall be permitted and shall not exceed 12 square feet per sign face and an aggregate area of 24 square feet, nor shall it exceed five (5) feet in height, if freestanding. One (1) such sign per on premises frontage shall be allowed with a maximum of two (2) such signs per premises. However, should such pricing sign be attached to, or part of, a permanent

freestanding sign which identifies the premises, such sign must then conform to the requirements of freestanding signs in their respective categories.

9.4.11. Essential Signs. Where it is necessary to warn or furnish the public, tenants and employees with information necessary to prevent property damage or ensure their health, welfare and safety, no limits shall be placed on the number and/or size of signs. (i.e., Hard Hat Area, Low Area, Low Clearance, Fire Lane, Rain Crossing, etc.).

9.4.12. Interior Signs. Indoor signs not visible from public rights-of-way.

9.4.13. Community event displays. Temporary decorations and/or noncommercial signs associated with school activities, school elections, celebrations or commemorations that have significance to the entire community.

9.4.14. Promotional weekend and nationally recognized holidays. On federal and state-recognized holidays, retail and commercial establishments duly licensed to do business within corporate limits shall be permitted to display no more than two (2) of the following items provided: temporary decorative signs, pennants, banners, streamers, bunting, balloons, and flags (not to exceed twenty (20) square feet each); provided, however, that all such items shall be removed from the premises at the close of the final business day of the week within which the holiday occurred.

9.4.15. Political Campaign Signs. Signs announcing candidates seeking public office or relating to any election of public referendum shall be permitted in all districts subject to the following provisions:

- A. Such signs shall be confined wholly to placement on private property.
- B. Such signs shall be removed within seven (7) days after the election or referendum for which they were prepared has been decided.
- C. Such signs shall not be located within ten feet of any street or public right-of-way. Said signs shall not exceed eight square feet per side in a residential district (R-1A, R-1B, R-2, R-3, GPH-1, TH-1 or MH-1).
- D. The regulations of this section do not prohibit the purchase of advertising space on permitted advertising signs in addition to the signs permitted by this section.

9.4.16. Signs In Residential Districts. Signs in residential districts R-1A, R-1B, R-2, R-3, GPH-1, TH-1 and MH-1 are subject to the limitations contained in this section.

- A. *Home Occupation Signs*. One (1) nonilluminated sign shall be permitted for each home occupation provided that the display surface area of such sign does not exceed one (1) square foot in area and that such sign is mounted flat against the wall of the building in which such home occupation is conducted or flat against the wall of a principal structure.

- B. *For Sale/Rent Signs.* One (1) nonilluminated sign shall be permitted for the sale or rent of a structure provided said sign does not exceed eight (8) square feet in sign face area. Structures located on corner lots shall be permitted two such signs facing each intersecting street.
- C. *Subdivision Entrance Signs.* All plans must be submitted to and reviewed by the Planning Commission.

9.5. Prohibited Signs

- 9.5.1. Vehicular Distraction. Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shapes, or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as a part of a permitted private or public traffic control sign.
- 9.5.2. Distracting Devices. Signs or devices employing confusing, distracting or intense illumination when visible from the public right-of-way. No sign shall be permitted which utilizes intense flashing (strobe type) lights, spot lights, flood lights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision, cause glare, or otherwise interfere with any driver's operation of a motor vehicle.
- 9.5.3. Motion Devices. Signs employing confusing motion. No sign shall be permitted which employs motion in such a manner as to obstruct or interfere with a driver's view of approaching, merging or intersecting traffic, or a traffic signal, device or sign, or which would otherwise interfere with a driver's operation of a motor vehicle.
- 9.5.4. Roof Signs. Signs which are erected, constructed or maintained on or projecting above the eaves of a building or extending above the facade of the building are prohibited.
- 9.5.5. Portable Trailer Signs.
- 9.5.6. Mobile Signs.
- 9.5.7. Tethered Flying Paraphernalia.
- 9.5.8. Signs Of Any Kind Attached To Utility Poles Or Trees.
- 9.5.9. Bus Bench Signs.
- 9.5.10. Any Trailer Sign With Copy Being Towed or Transported.
- 9.5.11. Off Premises Signs. No off-premise sign is permitted except under the provisions of Section 9.8 of this Article.

## 9.6. Temporary Signs Permitted In Any District

A temporary sign is a non-illuminated on-premise sign which disseminates information for a short period of time about a seasonal or brief activity, event or occurrence, including sales, specials, promotions, holidays, auctions, and business grand openings, whether by sign, banner, pennant, action flag, non-official flag, ribbon, cloth, canvas, plywood, spinner, streamer, figure, inflatable figure or other object or material designed to attract attention to the activity, event or occurrence and which is not rigidly and permanently attached to a building or the ground through a permanent support structure. Temporary signs may be erected in any district in addition to signs otherwise permitted and subject to the provisions of this section.

9.6.1. General Restrictions. At least five (5) business days before a temporary sign is to be posted, the designated representative of the sponsoring group shall provide a sign installation and removal plan for review by the Building Inspector or other appropriate official designated by the Town, who shall grant written permission for signs to be posted subject to the following restrictions:

- A. *Time.* Except as otherwise provided herein, temporary signs may not be displayed for any period exceeding thirty (30) days and shall be removed within seven (7) days of completion of the event and may not exceed four (4) times per year.
- B. *Lighting.* Temporary signs may not be illuminated.
- C. *Location.* Temporary signs shall be confined to private property and shall be located outside of the public right-of-way of any public street and outside of the sight distance triangle of any intersection. Nothing in this section shall be construed to authorize the posting of such signs upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by this Ordinance, nor on private property without written consent of the owner. Each parcel of land containing multiple businesses shall be allowed not more than four (4) temporary signs.
- D. *Size.* The size and height of temporary signs not within established site clearance or setback areas shall not exceed [ten (10)] feet in height. Temporary signs may not encroach upon vision clearances due to height.
- E. *Condition.* All temporary signs must be kept in good condition and repair, free of peeling, fading, broken or cracked material or missing letters, during the entire period of time for which they are displayed. The general area in the vicinity of any sign shall be kept free and clear of any unnecessary or discarded sign materials.
- F. *Responsibility.* The property owner shall be responsible for all signage placed on the property regardless of who erects the sign.

- 9.6.2. Development signs. Signs used at the entrance to a subdivision, office park, or similar development that indicates lots for sale, the name of the developer, financial institution or other development parties. Signs are limited to thirty-two (32) square feet in size and no more than one (1) sign per development entrance. Signs are to be removed when the original developer sells all lots in the development or phase.
- 9.6.3. Construction Signs. Signs used to identify contractors, financial institutions or developers on a site under construction or undergoing modification. Signs are limited to three (3) signs per site and sixteen (16) square feet in size each. All construction signs shall be removed within seven (7) days after the certificate of occupancy has been issued.
- 9.6.4. Conventions and Grand Openings: One (1) temporary sign not exceeding fifty (50) square feet in area, recognizing conventions or grand openings of a new business or business in new location and no permanent sign exists, shall be allowed.

9.7. On-Premise Signs in Commercial and Industrial Districts

On-premise signs in commercial and industrial districts B-1, B-1A, B-1B, B-2 and M-1 are subject to the limitations contained in this section.

- 9.7.1. General Requirements. Signs in Commercial and Industrial Districts shall conform to the provisions set forth in Subsection 9.7.9 - District Requirements for Permanent Signs. An additional separate sign may be permitted upon review by the Board of Adjustments when required by an area product franchise, upon presentation of a contract setting forth the area covered by the franchise and a bonafide, reasonable requirement for separate signs.

9.7.2. Special Provisions for Group Office, Group Commercial and Group Industrial Developments.

- A. Where two (2) or more separate tenants or occupants occupy the same parcel or where the obvious intent is to function as a single center, then the following number of freestanding signs shall be allowed per street front of each development: If the linear feet of street frontage is 1 - 400 feet, then one (1) freestanding sign shall be allowed; if the linear feet of street frontage is 401 to 800 feet, then two (2) freestanding signs shall be allowed; and one additional freestanding sign shall be allowed for each full 300 feet thereafter. Notwithstanding the above, a group development shall be permitted a minimum display surface area of 250 square feet, and each commercial business shall be allowed signage on one (1) of the allowed freestanding signs of no more than 100 square feet of display surface area.
- B. When a business is located in front of a group development and occupies a freestanding building, then the front footage of such business shall not be

deducted from the front footage of the group development for purposes of sign size and spacing.

- C. Where a group development exists on a corner location and functions as a single center, the total display surface area may be apportioned on the various streets at the owner's election.
  - D. In addition, in any group development each tenant shall be allowed one wall sign, not to exceed 30 percent of the useable wall area of that tenant.
  - E. In addition to the above, each motion picture theater located in a development may erect one (1) additional free standing sign not to exceed fifty (50) square feet in display surface area per screen subject to approval by the Town of Loxley.
- 9.7.3. Exception To Group Occupancy Requirements. Where two (2) or more tenants or occupants occupy adjoining parcels and the intent is not to function as a single center, the sign provisions for group developments shall not apply. Businesses occupying the same parcel or other businesses subject to group development sign provisions, may be excluded from such provisions upon approval of an application by the Board of Adjustments and Appeals for a variance showing they do not function as a single center.
- 9.7.4. Other Regulations. All on-premise signs shall be designed and limited so as to comply with the provisions contained in Sections 9.1, 9.2, 9.3 and 9.9 of this Ordinance.
- 9.7.5. Rear Sign. In addition to the above, one (1) rear or service entrance wall sign is allowed not to exceed 10 square feet in area.
- 9.7.6. Roof Signs. Upon review by the Board of Adjustments and Appeals, a variance permitting a roof sign in lieu of another type authorized sign may be granted to a business upon a showing of hardship in that no other type sign is feasible and a roof sign is necessary. The size, height and location of such sign shall be determined by the Board of Adjustments and Appeals in compliance with all other provisions of this Ordinance.
- 9.7.7. Sandwich Signs. Any sign, double or single faced, which is not permanently attached to the ground or other permanent structure and may readily be moved from place to place, including, without limitation, signs on wheels, A-frame or T-frame signs, and temporary metal/cardboard/plastic/wood signs inserted in the ground containing a commercial message other than real estate signs are permitted only in the commercial district lying in that geographical area from Municipal Park Drive to County Road 55; provided however, that they must be removed daily prior to the close of business. Sandwich signs are otherwise strictly prohibited.
- 9.7.8. Fuel Pricing Signs. A sign advertising the price of gasoline, other than pump signs, shall be permitted and may consist of programmable electronic/LED features. One (1) such sign per on-premise frontage shall be allowed with a maximum of two (2) such signs per premises. However, should such sign be attached to, or part of, a permanent freestanding

sign which identifies the premises, such sign must then conform to the requirements of freestanding signs in their respective categories. Use of said signs shall be limited to the portion of any sign structure devoted exclusively to display of motor vehicle fuel price information required or permitted by law.



9.7.9 DISTRICT REQUIREMENTS FOR PERMANENT ON-PREMISE SIGNS

ZONING DISTRICT(S)	TOTAL NUMBER OF SIGNS ALLOWED	SPECIAL USE PROVISIONS	TYPE SIGNS ALLOWED	ALLOWABLE SQUARE FT OF DISPLAY SURFACE AREA PER SIGN	HEIGHT MAXIMUM	SETBACK
B-1, B-1A, B-1B, B-2, M-1	3 Per Business	Section 4-34. (2)	Wall	30% Usable Wall Area 400 square feet Max. Per Business	Not above roof line	Building Mounted
"	1 Per Business	"	Freestanding	100 square feet in Districts B-1, B-2, and M-1 and 256 square feet in Districts B-1A and B-1B	25 feet in Districts B-1, B-2, and M-1 with between 3' and 8' unobstructed sight from ground to bottom and 120' in Districts B-1A and B-1B.	As set forth in Section 9.1
"	1 Per Business	"	Marquee	No restrictions	Not above roof line	Building Mounted
"	1 Per Business	"	Projecting	1 per linear foot of building frontage 300 square feet max	No more than 5' above parapet	Building Mounted
"	2 Per Business	"	Window	20% of Window Area		

9.8. Off-Premise Signs

9.8.1. Location. Signs which conform to the provisions of this section shall be permitted by right only in District B-1B as contained on the Zoning Map, and as may be amended from time to time. Signs permitted under this section may be placed only in a manner which is intended for primary visibility from the eastbound and westbound lanes of the Interstate system.

9.8.2. Design Standards and Limitations.

- A. All off-premise signs shall be designed and limited so as to comply with the provisions contained in Sections 9.1, 9.2, 9.3 and 9.9 of this Ordinance.
- B. The maximum area of a sign face shall be six hundred seventy-two square feet (672) with maximum length of forty-eight (48) feet, facing one direction.
- C. Off-premise signs may be illuminated subject to the restrictions set forth in Section 9.9.

9.8.3. Prohibited Off-Premise Outdoor Advertising Signs. The following signs shall not be permitted to remain or to be erected:

- A. Signs which are not clean and in good repair.
- B. Signs that are not securely fixed on a substantial structure.
- C. Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
- D. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- E. Signs that prevent free ingress or egress from any door, window, or fire escape, or that are attached to a standpipe or escape.
- F. Signs that are deemed inappropriate or illegal under this section shall be removed in accordance with provisions of Section 9.2 of this Ordinance.

9.8.4. Drawings and Specifications Required. Prior to the issuance of a permit for any off-premise sign, drawings of the support structure must be included with application for permit. The drawings for support structure must bear the seal of a registered engineer or architect in the State of Alabama.

9.8.5. Height of Sign. There shall be a minimum height restriction of fifteen (15) feet and a maximum height restriction of seventy-five (75) feet, measured from the ground at the

base of the sign supports or from grade of the thoroughfare immediately adjacent to the sign, whichever is of greater height.

9.8.6. Spacing. Property facing thoroughfares and all other property which is zoned so as to permit the construction and maintenance of signs shall conform to the following spacing requirements:

- A. V-Type, back-to-back and stacked signs shall be considered as one sign and taken together must not exceed the maximum sign face area allowed for one sign.
- B. On the interstate system, no two (2) off-premise advertising structures shall be spaced less than five-hundred (500) feet apart as measured along the same side of the interstate highway right-of-way.
- C. No sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or otherwise physically interfere with a driver's view of approaching intersecting traffic.

9.8.7. Site And Location Plan. In addition to provisions of Subsection 9.8.4 of this section, a site drawing to scale is required that includes the exact location of the subject sign and all existing off-premise signs on both sides of the interstate system for one thousand (1,000) feet in either direction.

## 9.9. Electronic Signs

9.9.1. *General*. Permanent on-premise and off-premise signs may be illuminated subject to following restrictions:

- A. *Number of Signs*. No more than one (1) electronic sign with a maximum of two (2) parallel sides is permitted per lot of record. Lots with multiple businesses shall be allowed one (1) electronic sign to service all businesses located on that lot.
- B. *Lighting*. All lighting of signs shall be designed or located in a manner that will not interfere with commuters' vision or cause confusion with traffic signals. Devices that illuminate a sign shall be placed and shielded so that direct light may not be cast into the eyes of pedestrians, cyclists or motorists entering or using a street, road or highway. No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs which indicate customary public information such as time, date, temperature or other similar information shall be permitted. External lighting such as floodlights, thinline and goose-neck reflectors are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of the traveled way or onto other owner's property.

- C. *Intensity; Dimmer Control.* Such signs must have installed a light sensing dimmer control device to automatically adjust the brightness level of the sign based on light conditions. The maximum brightness level for such signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness during daylight hours. The maximum brightness level for such signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise. The sign must produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half (½) hour before sunset and one-half (½) hour after sunrise.
- D. *Setback from Residential.* The illumination of any sign within fifty (50) feet of a residential district boundary shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts, including, but not limited to, single-family and multi-family zoning districts or uses.
- E. *Setback from Other Electronic Signs.* Electronic signs must be separated from other electronic signs by at least fifty (50) feet.
- F. *Maintenance.* All electronic signs shall be maintained in proper working order. Any electronic signs determined by the Building Inspector to have substantial dead zones or non-illuminated portions of the signs shall be replaced or repaired within thirty (30) days or the use of the sign shall be discontinued.
- G. *Safely.* If at any time subsequent to the adoption of this Ordinance any portion of these regulations is deemed to be a safety hazard by the Town, the Town reserves the right to modify said regulations and all existing signs shall be modified to conform to the safety-related modifications.

9.9.2. *Electronic changeable copy signs.* A permanent sign displaying a changing message, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. Electronic changeable copy signs may be permitted as a detached freestanding or attached flat sign provided that they meet all requirements for the zoning area in which they are located and subject to the following:

- A. *Duration.* Electronic changeable copy signs may not change more than one (1) time per ten (10) seconds.
- B. *Area.* The area of the electronic changeable copy sign may comprise no more than forty (40) percent of the surface area of the allowable detached sign of which it is a part. Neither shall any portion of the electronic changeable copy sign project above the height of the permanent detached signage. Electronic changeable copy signs are secondary to the permanent, non-changeable portions of the sign and should be designated in this regard. An electronic changeable copy sign shall be

included in the calculation of the total permitted sign area of the detached sign of which it is a part.

9.10. Variances To Sign Regulations

Requests for variances to the provisions set forth in this Ordinance will be reviewed by the Board of Adjustment and Appeals at the election of the owner, in conformance with State law and this Ordinance.

9.11. Enforcement

9.11.1. Penalties. Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined as provided herein and may be prosecuted in the municipal court system of the Town and, upon conviction, fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) per violation, plus costs of court. For continuing violations, each day the violation is suffered or permitted to exist shall constitute a separate violation and offense.

9.11.2. Remedies. In case any sign or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any sign, structure or land is used in violation of this Ordinance, the Building Inspector of the Town or any other appropriate authority in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent such structure or use. The rights and remedies available to the Building Inspector and the Town listed herein are commutative, supplemental, and in addition to any other rights and remedies the Town and/or the Building Inspector may have pursuant to common law, its police power, the Town's building code, the rights and remedies specified in other articles of this Ordinance, and any other property maintenance codes or ordinances now in effect or hereafter adopted by the Town.

# ARTICLE X

## BOARD OF ADJUSTMENTS AND APPEALS

### 10.1 Board of Adjustment

The Board of Adjustment consists of five members and two supernumerary members appointed by the Town Council. Each member is appointed for a term of three (3) years. Members of the Board of Adjustment may be removed for cause by the Town Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any whose term becomes vacant.

### 10.2 Procedure

10.2.1 Rules. The Board of Adjustment shall establish rules for its operation not inconsistent with applicable state statutes or this Ordinance.

10.2.2 Officers. The Board of Adjustment shall elect a Chairman and Vice-chairman and Secretary from among its members. The Chairman shall be presiding officer of the Board and the Vice-chairman shall be the presiding officer in the Chairman's absence or disqualification. The terms of all officers shall be for one (1) year, with eligibility for reelection.

10.2.3. Minutes and Records. The Board of Adjustment shall keep minutes of its proceeding, showing the vote of each upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

10.2.4. Meetings Open to Public. All meetings of the Board of Adjustment shall be open to the public.

### 10.3 Powers and Duties

The Board of Adjustment shall have the following powers and duties when considering matters within its jurisdiction as defined by state statutes and this Ordinance.

10.3.1 Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this Ordinance;

10.3.2 Exceptions. To hear and decide special exceptions to the terms of this Ordinance upon which such board is required to pass under such Ordinance; and

10.3.3 Variances. Authorities upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in

unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

#### 10.4 Decision

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the appellant in respect to any matter upon which the Board of Adjustment can legally act.

#### 10.5 Appeals

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Building Official. Such appeal shall be made within thirty (30) days after rendition of the order, requirement, decision or determination appealed from in writing to the Board of Adjustment and file same, and two (2) copies of supporting facts and data with the Building Official. This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in this Article.

10.5.1 Procedure. Upon receipt of said appeal, the Building Official may forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other material constituting the record to the Town Attorney for his review and opinion. The Town Attorney shall present his opinion to the Board of Adjustment as to whether or not the subject of the appeal falls within the jurisdiction of the Board of Adjustment.

10.5.2 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate of stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

10.5.3 Hearing on Appeal. Before rendering a decision upon an appeal, the Board of Adjustment shall hold a public hearing for which a reasonable time shall be set. Public notice of the hearing shall be given as well as due notice to the parties in interest. Upon the hearing any party may appear in person or by agent or by attorney. The Board of Adjustment may require the person appealing to send certified mail receipt notice to the property owners within a reasonable area not to exceed a distance of one thousand (1,000) feet from the property involved. The guide for the mailing requirement to owners may be the most current town or county assessment role. At the hearing, any party may appear in person or by agent or by attorney.

#### 10.6 Special Exception Uses

The Board of Adjustment shall hear and decide applications for special exceptions; decide such questions as are involved in determining when special exceptions should be granted or denied; and grant special exceptions with appropriate safeguards or deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

In granting any special exception, the Board of Adjustment shall find that such grant will not adversely affect the public interest. Such decision shall be reached only after receipt of a written report from the Planning Commission and the holding of a public hearing conducted in a manner set forth in Article V, Section 5.2 of this Ordinance.

In granting any special exception, the Board of Adjustment shall be guided by the following standards:

- 10.6.1 That the use is permitted as a special exception within the zone district within which it is to be located.
- 10.6.2 That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- 10.6.3 That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- 10.6.4 That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.
- 10.6.5 That adequate landscaping and screening is provided to protect neighboring properties from the nuisance of visual intrusions of activities or structures that would detract from the enjoyment of property by adjoining owners.
- 10.6.6 That adequate off-street parking and loading is provided, that ingress and egress is so designed as to cause minimum interference with traffic on abutting streets and that heavy traffic is not introduced on residential streets.
- 10.6.7 That the use conforms with all applicable regulations governing the district where located, except as otherwise may be determined for planned unit developments.

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the term under which the special exception is granted, shall be deemed a violation of this Ordinance. The Board of Adjustment may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.



## 10.7 Variances

A variance is a deviation from the literal provisions of the Zoning Ordinance which is granted by the Board of Adjustment when strict conformity to the Zoning Ordinance would cause an unnecessary hardship owing to circumstances unique to the property on which the variance is granted. In order to authorize any variance from the term of this Ordinance, the Board of Adjustment must and shall find:

- 10.7.1 That the granting of the variance shall not be contrary to the public interest;
- 10.7.2 That the literal enforcement of the Ordinance will result in unnecessary hardship by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own action.
- 10.7.3 That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- 10.7.4 That the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance;
- 10.7.5 That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- 10.7.6 That granting the variance shall not permit a use in a zoning district which prohibits that use; and
- 10.7.7 That the grant of the variance will be in harmony with the general intent and purpose of this Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The burden of proving to the Board of Adjustment that the foregoing conditions have been met is upon the applicant.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. No nonconforming use of neighboring lands, structures, or buildings in other zone districts shall be considered grounds for the authorization of a variance.

## 10.8 Judicial Remedy by Circuit Court

Any party aggrieved by any final judgment or decision of the Board of Adjustment, or by a decision of the Town Attorney that the Board of Adjustments has no jurisdiction, may apply to the Circuit Court for judicial relief within the time period as provided in Title 11-52-81, Code of Alabama as amended.

# ARTICLE XI

## LANDSCAPING<sup>6</sup>

### 11.1 Purpose

The purpose of a Landscape Article is to establish minimum standards for the provisions, installation, and maintenance of landscape plantings in order to achieve a healthy, beautiful, and safe community by the following means:

11.1.1 Aesthetics: Improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and developed environment.

11.1.2 Environmental Quality: Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment.

11.1.3 Land Values: Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming itself a valuable capital asset.

11.1.4 Human Values: Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

11.1.5 Preservation of Vegetation: Preserve existing natural vegetation and the incorporation of native plants, plant communities and ecosystems into landscape design, where possible.

11.1.6 Improve Design: Promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping, encouraging existing tree preservation, water and energy conservation.

11.1.7 Improved Administration and Enforcement: Establish procedures and standards for the administration and enforcement of this article.

### 11.2 Definitions

11.2.1 Caliper: Diameter of a tree trunk. Caliper determines the minimum size of trees planted to fulfill this ordinance. For trees less than 4" in diameter, to be measure 6" above the ground. For trees from 4" to 12" in diameter, to be measured 12" above the ground.

11.2.2 D.B.H.: Diameter at Breast Height. Use to measure all existing trees 4.5 feet above the grade with a diameter greater than 12 inches.

11.2.3 Landscape Plan: A required component of a development or site plan on which is shown: proposed landscaping species (such as number, spacing, size at time of planting, and

planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features, grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

11.2.4 Overstory Tree: Trees, which at maturity comprise the canopy of a natural forest. Generally greater than fifty (50) feet at mature height.

11.2.5 Public/City Tree: Any tree located on city or public property including city right-of-way.

11.2.6 Significant Tree: Any hardwood tree that has aged and grown to an impressive stature (for its species) to be considered an integral part of the city's natural heritage with a D.B.H. of at least 12 inches.

11.2.7 Understory Tree: Trees, which at maturity comprise the sub-canopy of a natural forest. These are generally 20-40 feet at mature height.

### 11.3 Use and Applicability

11.3.1 The provisions of this article shall be required for all commercial developments, all industrial developments, all multi-family residential developments, and other uses as required by the Planning Commission.

11.3.2 Where a change in the following: 1) use of property it shall be the responsibility of the owner to comply with the provisions of this article within one hundred and eighty (180) days.

11.3.3 A site plan shall not be approved by the Planning Commission without an acceptable landscape plan, as the same is defined pursuant to the provision of this article.

11.3.4 If proposed construction causes changes in the landscape plan, a revised landscape plan must be submitted to the Planning Commission or its designee for reevaluation.

11.3.5<sup>6</sup> All developed properties owned by the Town of Loxley developed after the adoption of this ordinance shall be in compliance with this article.

### 11.4 Landscape Standards

#### 11.4.1 Landscape Plans:

A landscape plan shall be submitted in accordance with Section 11.2.3 as part of the site or subdivision plan to the Town of Loxley Building Department and approved by the Town of Loxley Planning Commission prior to commencing any site preparation or construction activities. Landscape plans shall be drawn by a licensed landscape architect or licensed landscape designer. The landscape plan shall be of professional quality and include:

- 11.4.2 Date, scale, north arrow, title, and names and contact information for property owner(s), developer, and landscape designer.
- 11.4.3 Location of existing boundary line dimensions of the building site, existing water sources, significant drainage features, existing and proposed utility easements on or adjacent to the building site, city road rights of way, required setbacks, locations of proposed parking spaces, and location of existing or proposed sidewalks.
- 11.4.4 The location(s) and dimension(s) of the proposed landscape areas within the parking area(s) including a description of new trees and plant materials to be placed within landscaped area(s). Both common and botanical names shall be included.
- 11.4.5 An indication, using written or graphic information, of how the applicant plans to protect from damage during construction any existing trees and other vegetation, which are proposed to be retained.
- 11.4.6 An indication, using written or graphic information, of how the applicant intends to protect tree roots by controlling erosion or sediment loss during construction.
- 11.4.7 Locations, type, and design of any required irrigation systems.
- 11.4.8 Location and species of buffer zone vegetation.

## 11.5 Trees

- 11.5.1 Tree Survey. A tree survey shall be made of the entire property and shall show all significant hardwood trees with a twelve (12) inch or greater caliper. This information shall be plotted on a 24" X 36" vellum drawing at the same scale as the site plan. This drawing is to be used as an overlay to determine which trees will be retained or removed. The landscape plan shall clearly show what existing trees, shrubbery and other vegetation will be retained; and what trees, shrubbery and other vegetation will be added to complete the final landscaping of the property. The Town of Loxley requires that existing significant hardwood trees be incorporated into the landscape plan.
- 11.5.2 Protection of Significant Trees. A hardwood overstory tree species is considered protected as a significant heritage tree if its D.B.H. exceeds twelve (12) inches. Significant trees are protected under this article and cannot be cut or intentionally harmed without the express written permission from the Planning Commission or its designee.
- 11.5.3 Tree Protection Zones. All lands provided under Section 11.3.1 and Section 11.3.2 of this Article lying within thirty (30) feet of the right-of-way of Alabama Highway 59 South, U.S. Highway 90, and within thirty (30) feet of the right-of-ways of all other city streets are hereby declared to be tree protection zones. No significant tree may be cut or intentionally harmed without the express written permission from the Loxley Planning Commission or its designee within a tree protection zone.

11.5.4 Exception. Landowners with undeveloped property prior to the adoption of this ordinance that can provide documentation that the property has been and intends to be used for future timber producing property shall be allowed to harvest timber within these tree protection zones with the following stipulations: 1) significant trees shall not be removed or damaged during timber harvest, 2) clear cutting within these tree protection zones shall be prohibited.

11.5.5 Greenbelt Zone<sup>7</sup>. All developments along or abutting the right-of-ways of U.S. Highway 90 and Alabama Highway 59 shall maintain a minimum of ten (10) feet of the required thirty (30) foot setback as a landscaped greenbelt along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. The trees shall be shade or flowering trees. There shall be a minimum of one (1) tree planted for every fifty (50) feet or fraction thereof of lot frontage, fifty (50) percent of which shall be shade trees having maximum crown of not less than seventy (70) feet unless determined by the Planning Commission that understory trees are suitable.

#### 11.6 Planting Requirements

Trees that are planted in accordance with this Article must be a minimum of two (2) different species per site and meet the following requirements:

11.6.1 At least one (1) species must be a medium (understory) tree in order to promote species richness. Medium (understory) trees shall be at least two and one-half (2 ½) inches in caliper and eight (8) feet in height at planting.

11.6.2 At least one (1) species shall be a large (overstory) tree shall be at least three and one half (3 ½) inches or greater in caliper and twelve (12) feet in height at planting.

11.6.3 Shrubs that can be pruned into tree form variations will not be approved toward tree planting requirements. These include, but are not limited to tree forms of the following: Ligustrum; Indian Hawthorn; Tree Yaupon; and Camellia.

11.6.4 It is recommended that trees be obtained from a licensed source. On site relocated trees may be acceptable.

11.6.5 Maintenance of new plantings is the responsibility of the property owner. Any vegetation or trees planted or retained to fulfill this article, which dies, becomes damaged or diseased must be replaced by the property owner by the beginning of the optimum planting season of the following year. The property owner must notify the Loxley Planning Commission or its designee in writing when the replacement tree(s)/vegetation has been planted.

## 11.7 Off-Street Parking Facilities

The design and appearance of parking areas are intended to be compatible with the character of the community, and in accordance with Article XI hereof. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces:

- 11.7.1 Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding placement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.
- 11.7.2 At least ten (10) percent of the total proposed developed area shall be suitably landscaped.
- 11.7.3 A maximum of eighteen (18) parking spaces in a row will be permitted without a landscaped island.
- 11.7.4 Interior portions of the parking area shall be broken by provision of landscaped islands. Such landscaped area shall include the placement of shade or flowering trees at intervals of eighteen (18) parking spaces; such trees shall comply with Section 11.6.1 or 11.6.2 of this ordinance.
- 11.7.5 Each separate landscaped area must be a minimum of one hundred (100) square feet if it is to be counted toward the minimum landscaped area requirements.
- 11.7.6 Landscaped areas shall be protected from vehicular encroachment by the use of curbing.
- 11.7.7 The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
- 11.7.8 A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Loxley Planning Commission or its designee. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors in interest, heirs, and their assigns.
- 11.7.9 Innovative landscape designs using "natural cluster of trees" rather than the required one (1) tree for every eighteen (18) parking spaces may be approved by the Planning Commission, if it is compatible with the character of the community and shown not to be a safety hazard.

11.8 Buffer Zone Requirements

All districts shall comply with the following minimum standards:

11.8.1 Where a business district abuts any part of a residential district, a buffer zone ten (10) feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of twenty (20) feet shall be required. The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements.

*Buffer Requirements.* Buffers shall be constructed of at least one of the following three (3) designs:

11.8.2 Wall or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.

11.8.3 Screen Planting Strip. If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.

11.8.4 Natural Forest. Natural, undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer shall be twenty-five (25) feet in width and shall be included on the Site Plan. The Loxley Planning Commission or its designee shall determine whether the barrier is satisfactory via site inspection prior to landscape approval. Said buffer strip shall maintain its healthy condition as to accomplish its purpose continuously.

11.9 Special Design

More stringent design and landscape standards may be required of a development in any district if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the Town of Loxley.

11.10 Appeals<sup>7</sup>



## ARTICLE XII

### LEGAL STATUS PROVISIONS<sup>6</sup>

#### 12.1 Interpretation and Purposes

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

#### 12.2 Severability Clause

If any section, subsection, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, or portion of this Ordinance.

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# ARTICLE XIII<sup>7,12</sup>

## THE SCHEDULE OF FEES

Schedule of Fees. The schedule of fees assessed by the Town of Loxley are as follows:

DESCRIPTION	FEES
<b>Site Plan</b>	
Requiring Review by Engineer	\$250.00
Not Requiring Review by Engineer	\$ 50.00
<b>Subdivisions</b>	
Preliminary Plat Application	\$250.00
Fee per lot	\$ 30.00
Amendments	\$ 50.00
Final Plat Application	\$150.00
Fee per lot	\$ 30.00
Advertisement fee and mailing fee	Current Rate
<b>Application to Rezone</b>	
Advertisement fee and mailing fee	Current Rate
<b>BOARDS OF ADJUSTMENT</b>	
Special Exception	\$100.00
Variance	\$100.00
Advertisement Fee	Current Rate

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## Loxley Zoning Ordinance

### Amend Procedure

This procedure outlines the steps necessary where the Town Council amends the ordinance directly without said amendment originating with the Planning Commission.

1. Post Notice of Public Hearing (A) in four places. Posting must be made and certified at least fifteen (15) days prior to the public hearing.
2. Hold Public Hearing.
3. Adopt Ordinance (B) after close of Public Hearing.
4. Post adopted ordinance a second time along with notice of adoption (C) and statement that it will become effective five (5) days from the date of the posting.

References:

- 1 Amended January 14, 1991.
- 2 Amended February 10, 1992
- 3 Amended by Ordinance No. 434 of August 8, 1994
- 4 Amended by Ordinance No. 461 of October 9, 1995
- 5 Amended by Ordinance No. 500 of January 14, 1998
- 6 Amended by Ordinance No. 2003-7 of March 10, 2003
- 7 Amended by Ordinance No. 2004-15 of August 9, 2004
- 8 Amended by Ordinance No. 2005-05 of March 14, 2005
- 9 Amended by Ordinance No. 2007-27 of September 10, 2007
- 10 Amended by Ordinance No. 2009-04 of April 13, 2009
- 11 Amended by Ordinance No. 2009-14 of June 8, 2009
- 12 Amended by Ordinance No. 2010 -13 of July 12, 2010
- 13 Amended by Ordinance No. 2013-27 of November 18, 2013.
- 14 Amended by Ordinance No. 2014-10 of June 9, 2014
- 15 Amended by Ordinance No. 2014-14 of July 14, 2014
- 16 Amended by Ordinance No. 2016-09 of April 11, 2016
- 17 Amended by Ordinance No. 2019-33 of December 9, 2019
- 18 Amended by Ordinance No.2021-22 of July 12, 2021