

# **ZONING RESOLUTION**

## **JEFFERSON COUNTY, ALABAMA**

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DEVELOPMENT SERVICES**

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**ZONING RESOLUTION**  
OF THE  
COUNTY OF JEFFERSON, ALABAMA

TITLE

A RESOLUTION OF THE COUNTY OF JEFFERSON, ALABAMA, REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; REGULATING THE SIZE OF YARDS; THE DENSITY AND DISTRIBUTION OF POPULATION; REGULATING THE USES OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, TRANSPORTATION, AGRICULTURE, CONSERVATION, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION, AMENDMENT, AND APPEAL; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS RESOLUTION.

## **ARTICLE 1**

### **PREAMBLE AND ENACTMENT CLAUSE**

WHEREAS, Act 344, General Acts of Alabama 1947, as amended, empowers the County of Jefferson to enact a zoning resolution and to provide for the administration, enforcement, and amendment thereof, and

WHEREAS, the Board of County Commissioners deems it necessary, for the purpose of promoting the public health, safety, convenience, order, prosperity, and general welfare of the County to enact such a resolution, and

WHEREAS, the Board of County Commissioners has appointed the Jefferson County Planning and Zoning Commission to recommend the boundaries of the various districts, and appropriate regulations to be enforced therein, and

WHEREAS, the Planning and Zoning Commission has divided the County into Districts and has prepared regulations pertaining to such districts and held public hearings thereon, and submitted its final report to the Board of County Commissioners, and

WHEREAS, the Board of County Commissioners has given due public notice of hearings related to the adoptions of zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of the provisions of Act 344, General Acts of Alabama, 1947, as amended, with regard to the preparation of the report by the Planning and Zoning Commission and subsequent action of the Board of County Commissioners have been met.

NOW, THEREFORE, the public welfare requirement, the Board of Commissioners of the County of Jefferson, Alabama, does ordain and enact into law the following articles and sections.

END ARTICLE 1

## **ARTICLE 2**

### **SHORT TITLE**

This resolution, as adopted and amended by the Board of County Commissioners of Jefferson County, Alabama (hereinafter referred to as the Jefferson County Commission), shall be known and may be cited as the Zoning Resolution of Jefferson County, Alabama.

END ARTICLE 2

### **ARTICLE 3 PURPOSE**

The zoning regulations and districts as herein set forth are made, in accordance with a comprehensive plan, for the purpose of guiding development in accordance with existing and future needs; and in order to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. These regulations are designed to lessen congestion on the streets; to secure safety from fire, flood, and other dangers; to promote the public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to protect scenic areas; and to facilitate the adequate provision of transportation, water, sewage disposal, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, of the character of each area and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods; protecting property against blight and depreciation; securing economy in governmental expenditures; and conserving the value of land, buildings and structures.

END ARTICLE 3

### **ARTICLE 4 APPLICATION OF REGULATIONS**

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

END ARTICLE 4

### **ARTICLE 5 ESTABLISHMENT OF DISTRICTS**

#### **SECTION 501 ZONING DISTRICTS**

For the purpose of this Resolution, the County of Jefferson, Alabama, is hereby divided into the following zoning districts:

E-1	Estate District	E-MF	Estate Mini-Farm District
E-2	Estate District	R-R	Rural Residential District
R-1	Single Family District	R-1(S)	Single Family District
R-2	Single Family District	R-G	Single Family District
R-3	Two-Family District	R-T	Residential Townhouse District
R-4	Multi-Family District	R-5(A)	Mobile Home Subdivision District
R-6	Single Family District	R-5(B)	Mobile Home Park District
R-7	Planned Unit Development (PUD) District		

A-1	Agriculture District	U-1	Utilities District
Inst-1	Institutional District	U-2	Communication Tower District
Inst-2	Institutional District	Cem-1	Cemetery District
Inst-3	Institutional District	PC-1	Pet Cemetery District
Air-1	Airport District	CC-1	Country Club District
C-P	Preferred Commercial District	C-N	Neighborhood Commercial District
C-1	Commercial District	C-2	Outdoor Amusement District
C-3	Commercial District		
C-5	Commercial Adult Entertainment District		
I-1	Light Industrial District		
I-2	Heavy Industrial District	I-2(A)	Industrial District
I-3	Industrial District	I-3(S)	Strip Mining District
I-4	Industrial Park District	I-5	Sanitary Sewage Disposal District
I-5(A)	Privately Developed Waste Water Treatment		
I-O	Obnoxious Odors District	HW-1	Hazardous Waste District

END SECTION 501

## **SECTION 502**

### **DISTRICT BOUNDARIES ESTABLISHED**

The boundaries of each district are indicated upon the Zoning Maps of the County of Jefferson, Alabama. Said maps and all notations, references and other information shown thereon shall be as much a part of this Resolution as if fully described therein. Said maps shall be retained in the office of Development Services.

However, all requirements and regulations of this Resolution are not applied based on district boundaries alone. Articles 10 through 15 are among those that contain regulations and requirements pertaining to properties in all zoning districts, or in one or more selected districts. Furthermore, Article 14 (Overlay District Regulations) contains supplemental regulations and requirements that apply in addition to – or in place of – the regulations and requirements set forth for the zoning districts established in Section 501 above. These overlay districts are based on specifically-defined geographic areas that may encompass any number of individual zoning districts, in whole or in part.

The geographic area to which any overlay district applies will be defined in its respective Section within Article 14; and, in all situations where any Article 14 overlay district contains or establishes higher standards, more restrictive regulations, or more detailed requirements than would otherwise be required or permitted by any other provision of this Resolution, the provisions of the overlay district shall prevail.

END SECTION 502



**SECTION 503**  
**INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of any district shown on the Zoning Maps, the following rules shall apply:

- 503.01**       Where such district boundaries are indicated as approximately following centerlines of streets and alleys, lot lines, stream centerlines, property lines or corporate limit lines, such lines shall be considered to be such boundaries.
- 503.02**       In un-subdivided property, or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing on the Zoning Map.
- 503.03**       Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by the preceding rules, the Director of Development Services or the Building Commissioner as designated by the Jefferson County Commission shall interpret the district boundaries.

END ARTICLE 5

## **ARTICLE 6 USE REGULATIONS FOR RESIDENTIAL DISTRICTS**

### **SECTION 601 E-MF ESTATE MINI-FARM DISTRICT**

**601.01 Use Regulations.** Within an E-MF Estate Mini-Farm District, a building or land shall be used only for the following purposes:

- a. Single Family Dwelling.
- b. Customary accessory buildings or structures in accordance with Article 10 of this Resolution, Sections 1001 through 1002.
- c. Horses kept for personal use only.
- d. Accessory buildings or structures customary to the care and keeping of horses, in accordance with Article 10 of this Resolution, Sections 1001 and 1002, and further subject to the Additional Requirements of Section 601.03 below.
- e. Home occupations in accordance with Article 16, Section 1601 of this Resolution.
- f. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**601.02 Area and Dimensional Requirements.** In all the above permitted uses, with the exception of accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 2 acres (87,120 square feet)
- b. Minimum Lot Width: 200 feet
- c. Minimum Yard Requirements: Front: 75 feet  
Rear: 75 feet  
Side: 50 feet
- d. Minimum Floor Area: 1,600 square feet (one story)  
1,800 square feet (two story; 1,200 first floor)
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

**601.03 Additional Requirements for Estate Mini-Farm Districts.** The minimum setback of livestock barns and other structures or facilities for the housing, feeding and/or watering of horses shall be:

- a. Seventy-five (75) feet from adjoining property lines;
- b. One hundred (100) feet from any road right-of-way; and,
- c. Three hundred (300) feet from the nearest then-existing residence other than that of the owner. However, if the adjoining property is zoned E-MF, this distance may be reduced to one hundred and fifty (150) feet.

END SECTION 601

**SECTION 602**  
**E-1 ESTATE DISTRICT**

**602.01 Use Regulations.** Within an E-1 Estate District, a building or land shall be used only for the following purposes:

- a. Single Family Dwelling.
- b. Customary accessory buildings or structures, in accordance with Article 10, Sections 1001 through 1002.
- c. Home occupations in accordance with Article 16, Section 1601 of this Resolution.
- d. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**602.02 Area and Dimensional Regulations.** In all the above permitted uses, with the exception of accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 1 acre (43,560 square feet)
- b. Minimum Lot Width: 150 feet
- c. Minimum Yard Requirements: Front: 75 feet  
Rear: 75 feet  
Side: 25 feet
- d. Minimum Floor Area: 1,400 square feet (one story)  
1,600 square feet (two story; 1,100 first floor)
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

END SECTION 602

**SECTION 603**  
**E-2 ESTATE DISTRICT**

**603.01 Use Regulations.** Within an E-2 Estate District, a building or land shall be used only for the following purpose.

- a. Any use permitted in an E-1 Estate District.

**603.02 Area and Dimensional Regulations.** In all the above permitted uses with the exception of accessory building, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 20,000 square feet
- b. Minimum Lot Width: 100 feet
- c. Minimum Yard Requirements: Front: 50 feet  
Rear: 50 feet  
Side: 15 feet
- d. Minimum Floor Area: 1,200 square feet (one story)  
1,400 square feet (two story; 1,000 first floor)
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

END SECTION 603

**SECTION 604**  
**R-R RURAL RESIDENTIAL DISTRICT**

**604.01 Use Regulations.** Within an R-R Rural Residential District, a building or land shall be used only for the following purposes:

- a. Single Family Dwelling.
- b. Customary accessory buildings or structures in accordance with Article 10 of this Resolution, Sections 1001 through 1002.
- c. Home occupations in accordance with Article 16, Section 1601 of this Resolution.
- d. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**604.02 Area and Dimensional Requirements.** In all the above permitted uses, with the exception of accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 30,000 square feet
- b. Minimum Lot Width: 100 feet
- c. Minimum Yard Requirements: Front: 50 feet  
Rear: 50 feet  
Side: 15 feet
- d. Minimum Floor Area: 1,200 square feet (one story)  
1,400 square feet (two story; 1,000 first floor)
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

END SECTION 604

**SECTION 605**  
**R-1 SINGLE FAMILY DISTRICT**

**605.01 Use Regulations.** Within an R-1 Single Family District, a building or land shall be used only for the following purposes:

- a. Any use permitted in an E-1 Estate District.
- b. Home day care in accordance with Article 16, Section 1602 of this Resolution.
- c. Customary accessory buildings or structures as follows:
  1. No more than two (2) such accessory buildings or structures shall be allowed per parcel or lot;
  2. The combined total floor area of such buildings or structures shall not exceed 1,200 square feet; and,
  3. All such buildings or structures shall be permitted only in accordance with Article 10, Sections 1001 and 1002 of this Resolution.

**605.02 Area and Dimensional Regulations.** In all the above permitted uses, with the exception of accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 15,000 square feet, or  
12,500 square feet for lots on which all  
plumbing drains are connected to and  
served by live sanitary sewer lines
- b. Minimum Lot Width: 75 feet
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 10 feet
- d. Minimum Floor Area: 1,000 square feet (one story)  
1,100 square feet (two story; 800 first floor)
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

END SECTION 605

**SECTION 606**  
**R-1(S) SINGLE FAMILY DISTRICT**

**606.01 Use Regulations.** Within an R-1(S) Single Family District, a building or land shall be used only for the following purposes:

- a. Any use permitted in an E-1 Estate District.

**606.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 11,000 square feet
- b. Minimum Lot Width: 65 feet
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 10 feet
- d. Minimum Floor Area: 1,100 square feet (one story)  
1,200 square feet (two story; 900 first floor)
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

**606.03 Additional Requirement of an R-1(S) District.** The use of on-site (septic tank) sewage disposal systems shall be prohibited in an R-1(S) zoning district. All plumbing drains installed on any property in such district, or in any building or structure located (or to be located) on property in such district, shall be connected to and served by live sanitary sewer lines.

END SECTION 606



**SECTION 607**  
**R-2 SINGLE FAMILY DISTRICT**

**607.01 Use Regulations.** Within an R-2 Single Family District, a building or land shall be used only for the following purposes:

- a. Any use permitted in an R-1 Single Family District.

**607.02 Area and Dimensional Regulations.** In all the above permitted uses, with the exception of accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 10,000 square feet
- b. Minimum Lot Width: 60 feet
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 9 feet
- d. Minimum Floor Area: 900 square feet (one story)  
1,000 square feet (two story; 800 first floor)
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

END SECTION 607

**SECTION 608**  
**R-3 TWO-FAMILY DISTRICT**

**608.01 Use Regulations.** Within an R-3 Two-Family District, a building or land shall be used only for the following purposes:

- a. Any use permitted in an R-1 Single Family District, in accordance with Section 608.02 below.
- b. Two-Family Dwelling, in accordance with Section 608.03 below.

**608.02 Area and Dimensional Regulations for Single-Family Dwelling Units.** In all the above permitted single-family uses, with the exception of accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 7,500 square feet
- b. Minimum Lot Width: 50 feet
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 8 feet
- d. Minimum Floor Area: 600 square feet (one story)  
800 square feet (two story; 600 first floor)
- e. Setbacks shall be measured in accordance with Article 10, Section 1001 through 1003.

**608.03 Area and Dimensional Regulations for Two-Family Dwelling Units.** In regard to the above permitted two-family uses (with the exception of any accessory buildings), the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 10,000 square feet
- b. Minimum Lot Width: 60 feet
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 9 feet
- d. Minimum Floor Area: 1,000 square feet (one story)  
1,000 square feet (two story; 500 first floor)
- e. Setbacks shall be measured in accordance with Article 10, Section 1001 through 1003.

END SECTION 608

**SECTION 609**  
**R-G SINGLE FAMILY DISTRICT**

**609.01 Use Regulations.** Within an R-G Single Family District, a building or land shall be used only for the following purposes:

- a. Single Family Dwelling.
  - b. Customary accessory buildings or structures as follows:
    1. One such accessory building or structure per parcel or lot;
    2. No such accessory building or structure shall exceed 200 square feet;
    3. Each such building or structure shall be located a minimum of 16 feet from the principal structure; shall maintain the same side setback as the principal structure; shall maintain a rear yard setback of not less than five (5) feet; and shall comply with all other applicable requirements of Article 10 of this Resolution, Sections 1001 and 1002.
- ADOPTED 9/22/87
- c. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**609.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 4,000 square feet
  - b. Minimum Lot Width: 40 feet
  - c. Minimum Yard Requirements: Front: 20 feet  
Rear: 25 feet  
Side: 0 feet
  - d. Minimum Floor Area: 1,000 square feet (one story)  
1,100 square feet (two story; 850 first floor)
  - e. Building Separation and Other Setback Requirements:
    1. Buildings and structures must be separated by no less than ten (10) feet side to side (outside wall to outside wall).
    2. No building shall be located less than twenty-five (25) feet from any boundary of the R-G development abutting single family residential zoning districts.
- ADOPTED 11/5/85
3. No dwelling unit shall be located nearer an arterial/perimeter road than thirty-five (35) feet.
  4. No dwelling unit or building shall be located nearer a private drive than ten (10) feet.

END SECTION 609

**SECTION 610**  
**R-T RESIDENTIAL TOWNHOUSE DISTRICT**

**610.01 Use Regulations.** Within an R-T Residential Townhouse District, a building or land shall be used for the following purposes:

- a. Townhouse dwelling.
- b. Customary accessory buildings or structures as follows:
  1. One such accessory building or structure per parcel or lot;
  2. No such accessory building or structure shall exceed 200 square feet;
  3. Each such building or structure shall be located a minimum of 16 feet from the principal structure; shall maintain the same side and rear yard setbacks as the principal structure; and shall comply with all other applicable requirements of Article 10 of this Resolution, Sections 1001 and 1002.
- c. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

ADOPTED 9/22/87

**610.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional requirements set forth below shall be observed:

- a. Minimum Lot Area: 1,250 square feet
- b. Minimum Lot Width: 18 feet
- c. Minimum Floor Area: 800 square feet (one story)  
800 square feet (two story; 400 first floor)
- d. Minimum Site, Yard and Other Setback Requirements:
  1. There shall not be less than 3500 sq. ft. of gross land area, including common area, for each townhouse dwelling in the townhouse development.
  2. No building shall be located less than thirty-five (35) feet from any boundary of the townhouse development.
  3. No building located in an R-T Residential Townhouse District shall be located nearer a dedicated exterior street than thirty-five (35) feet.
  4. No townhouse building shall be located nearer a dedicated interior street than twenty-five (25) feet or nearer a private drive than ten (10) feet.

AMENDED 5/8/84

5. Townhouse buildings shall be separated by not less than:
- Forty (40) feet front to front;
  - Thirty (30) feet front to side;
  - Fifty (50) feet front to back;
  - Forty (40) feet back to back;
  - Thirty (30) feet side to back;
  - Twenty (20) feet side to side;
  - Sixteen (16) feet in any other situation.

END SECTION 610

**SECTION 611**  
**R-4 MULTI-FAMILY DISTRICT**

**611.01 Use Regulations.** Within an R-4 Multi-Family District, a building or land shall be used only for the following purposes:

- a. Multi-Family Dwellings.
- b. Accessory structures and uses customarily incidental to a multi-family dwelling use, in accordance with the provisions of Section 611.02 below.
- c. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**611.02 Area and Dimensional Regulations for Multi-Family Dwellings** (other than Duplex). In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: See Section 611.03 below.
- b. Minimum Lot Width: None.
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 35 feet\*

\*Side yards may be reduced to a minimum dimension of fifteen (15) feet if adjoining property is zoned Commercial or R-4 Multi-Family District.

- d. Minimum Floor Area: 500 square feet per unit
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.
- f. No building located in a R-4 Multi-Family District shall be located nearer a dedicated exterior street than thirty-five (35) feet.
- g. No dwelling unit or building shall be located nearer a private drive (i.e., the “drive path” exclusive of parking spaces) than ten (10) feet.
- h. All buildings shall be separated by not less than sixteen (16) feet.

**611.03 Density Schedule for Development in an R-4 Multi-Family District.** In an R-4 Multi-Family District, the following development regulations shall apply.

- a. **For properties containing less than one (1) acre (43,560 square feet) in area:**

	<b>Square Feet Of Lot Area Required</b>	<b>Maximum Height</b>	<b>Maximum Lot Coverage*</b>
First Two (2) Units	7,000	3 stories	35%
Over Two (2) Units	2,000 per unit	3 stories	35%

\*See Section 1004 of this Resolution, Land Area Schedule, for assistance in computing the 35% coverage area for selected parcel sizes.

- b. **For properties containing one (1) acre (43,560 square feet) or more:**

<b>Amount Of Property</b>	<b>Number Of Units</b>	<b>Parking Spaces</b>	<b>Amount Of Property</b>	<b>Number Of Units</b>	<b>Parking Spaces</b>
1 acre	21	42	21 acres	457	914
2 acres	43	86	22 acres	479	958
3 acres	65	130	23 acres	500	1,000
4 acres	87	174	24 acres	522	1,044
5 acres	108	216	25 acres	544	1,088
6 acres	130	260	26 acres	566	1,132
7 acres	152	304	27 acres	588	1,176
8 acres	174	348	28 acres	609	1,218
9 acres	196	392	29 acres	631	1,262
10 acres	217	434	30 acres	653	1,306
11 acres	239	478	31 acres	675	1,350
12 acres	261	522	32 acres	696	1,392
13 acres	283	566	33 acres	718	1,436
14 acres	304	608	34 acres	740	1,480
15 acres	326	652	35 acres	762	1,524
16 acres	348	696	36 acres	784	1,568
17 acres	370	740	37 acres	805	1,610
18 acres	392	784	38 acres	827	1,654
19 acres	413	826	39 acres	849	1,698
20 acres	435	870	40 acres	871	1,742

Each additional acre will permit 21.78 units.

- c. **Efficiency Apartments.** For the purposes of both the density calculations above, and for the parking requirements of Section 1202 of this Resolution, efficiency apartments shall count as ½ unit each.

AMENDED 5/7/84

END SECTION 611

**SECTION 612**  
**R-5(A) MOBILE HOME SUBDIVISION DISTRICT**

**612.01 Use Regulations.** Within an R-5(A) Mobile Home Subdivision District, a building or land shall be used only for the following purposes:

- a. Mobile Home Subdivision.
- b. Customary accessory buildings or structures in accordance with Article 10 of this Resolution, Sections 1001 and 1002. ADOPTED: 9/22/87
- c. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**612.02 Area and Dimensional Regulations.** In all of the above permitted uses with the exception of accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 7,500 square feet
- b. Minimum Lot Width: 50 feet
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 8 feet
- d. Minimum Floor Area: 500 square feet
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

END SECTION 612



**SECTION 613**  
**R-5(B) MOBILE HOME PARK DISTRICT**

**613.01 Use Regulations.** Within an R-5(B) Mobile Home Park District, a building or land shall be used only for the following purposes:

- a. Mobile Home Park, provided that such mobile home park meets the standards and regulations set forth in Sections 613.02 and 613.03 below; and provided that it is developed in accordance with a layout plan approved in accordance with Section 613.04 below.
- b. Customary accessory building or structures in accordance with Article 10 of this Resolution, Sections 1001 and 1002. ADOPTED 9/22/87
- c. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**613.02 Mobile Home Park Standards**

- a. The minimum total site area for any mobile home park shall be five (5) acres.
- b. The maximum allowable density shall be ten (10) mobile home sites per acre.
- c. The mobile home park site shall be designed and developed such that it is completely surrounded by a buffer strip having a minimum width of thirty-five (35) feet, and which shall have the characteristics of a yard as defined in this Resolution. The buffer strip shall be landscaped and maintained.
- d. Access points for each mobile home park shall be controlled through the review of plans submitted to the Jefferson County Department of Roads and Transportation.
- e. All mobile home sites shall abut upon a roadway, and all roadways shall be hard-surfaced.
- f. The entire area shall be adequately served by water and sanitary facilities.
- g. No accessory buildings or structure shall be erected or maintained in the required buffer strip.
- h. Each mobile home park should be provided with a park and recreational area having a minimum area of one hundred (100) square feet per mobile home space. Such areas shall be consolidated into usable areas.

**613.03 Mobile Home Park Site Standards**

- a. Each mobile home lot/space shall be not less than 3,600 square feet in area.
- b. Minimum Yard Requirements:      Front: 15 feet  
    Rear: 10 feet  
    Side: 10 feet
- c. All required yards should be permanently landscaped and maintained with ground cover, trees, and shrubs.
- d. Each mobile home lot/space should be provided with a deck or patio of at least two hundred (200) square feet.
- e. Each mobile home lot/space shall be provided with two (2) off-street parking spaces.
- f. All mobile home lots/spaces are to be leased or rented only, and are not to be sold individually.

**613.04 Procedure for Plan Approval.** Layout plans of proposed mobile home parks shall be prepared and submitted to the office of the Jefferson County Planning and Zoning Commission for review and approval prior to construction. Such plans shall include, at a minimum, the following information:

- a. A description of the park's location with regard to highways and streets.
- b. The area and dimensions of the park site.
- c. The number, location, and dimensions of all mobile home lots/spaces.
- d. The location and width of roadways, automobile parking facilities, and walkways.
- e. The location of service buildings and any other proposed structures.
- f. The location and dimensions of recreational areas.

END SECTION 613

**SECTION 614**  
**R-6 SINGLE FAMILY DISTRICT**

**614.01 Use Regulations.** Within an R-6 Single Family District, a building or land shall be used only for the following purposes:

- a. Any use permitted in an R-1 Single Family District.
- b. Mobile Homes in accordance with Article 11, Section 1114 of this Resolution.
- c. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**614.02 Area and Dimensional Regulations.** In all the above permitted uses, with the exception of mobile homes (for which the area and dimensional requirements are governed by Article 11, Section 1114) and accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 7,500 square feet (or less)\*

\*Any new or future division of land shall have a minimum of 7,500 square feet per parcel or lot.

- b. Minimum Lot Width: 50 feet (or less)\*\*

\*\*Any new or future division of land shall provide a minimum lot width of at least 50 feet on each parcel or lot.

- c. Minimum Yard Requirements: Front: 25 feet  
Rear: 35 feet AMENDED 5/8/84  
Side: 8 feet

- d. Minimum Floor Area: 600 square feet (one story)  
800 square feet (two story; 600 first floor)

- e. Setbacks shall be measured in accordance with Article 10, Section 1001 through 1003.

END SECTION 614

**SECTION 615**  
**R-7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

**615.01 Use Regulations.** Within an R-7 Planned Unit Development (PUD) District, a building or land shall be used only for the following purposes:

- a. Residential Single Family Dwellings
- b. Duplex Dwellings
- c. Multi-Family Dwellings
- d. Institutional I & II Uses
- e. C-N, C-P and C-1 Commercial Uses
- f. Accessory structures and uses customarily incidental to the above permitted uses in accordance with Article 10, Section 1001 of this Resolution (except as denoted in Section 615.04 below).  
ADOPTED 9/22/87
- g. Additional uses as may be approved based upon site plan review.
- h. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution. However, business signs shall be further limited to identification signs placed upon the structures or individual businesses themselves; shopping center identification signs shall be placed within such designated commercial district; and no outdoor advertising signs or billboards will be permitted in a Planned Unit Development District.

**615.02 Definitions.** To assist in the understanding and application of the provisions of this Section, the following terms are defined in Article 19 of this Resolution: Gross Site Area; Land Use District; Net Residential Density; Planned Unit Development; Common Open Space and Public Open Space.

However, as a supplement to the general definitions of Article 19, the following specifications shall apply whenever the specified terms are used in conjunction with a Planned Unit Development District.

- a. **Common Open Space** – Notwithstanding the specifications listed herein below, any land area to be designated as common open space in any Planned Unit Development shall be further subject to the additional limitations, requirements and restrictions set forth in Sub-Section 615.03(c) below. Nevertheless, in all Planned Unit Developments, the term “common open space” shall only apply to land area within the gross site area of the Development that:
  1. Is not encumbered by any substantial structure or enclosure;
  2. Is not within eight (8) feet of any building;

3. Is not to be used as or in a roadway or parking area (e.g. planted islands and medians), or sidewalks or other impermeable surfaces adjacent to parking areas and/or used as direct access to structures from such areas;
  4. Is not to be used as or in any required drainage area, or any right-of-way or easement, unless such area is maintained as common natural area, meets the requirements of Items 3, 5 and 6 of this Sub-Section (615.02(a)), and is duly accepted as common open space through the site plan review and approval process as set forth in this Section;
  5. Is capable of being used and enjoyed for the purpose of informal and unstructured recreation and relaxation, for community gardens or agricultural purposes, or as undisturbed natural area(s) or wildlife habitat;
  6. Is legally and practicably accessible to the residents and/or users of the development out of which the required open space is taken;
  7. And can be:
    - a) Left in its natural or undisturbed state if wooded or floodplain, except for the cutting of trails for walking or jogging;
    - b) Maintained as open lawn area or re-landscaped as a natural area;
    - c) Used for ballfields, picnic areas or similar open recreation facilities;
    - d) Used for garden plots or agriculture; or,
    - e) Part of setback, buffer, flood zone, etc., as provided for in Sub-Section 615.03(c) below.
- b. **Planned Unit Development** – For the purposes of this Section, any project determined to be a Planned Unit Development shall hereinafter be referred to as “the Development”.

### **615.03 General Regulations and Guidelines.**

- a. The permitted number of dwelling units should in no case exceed the number which could be permitted in accordance with the minimum lot size and density requirements below. However, variation in said density requirements may be allowed upon approval by the PUD Committee based on preliminary plan review.

1. The R-6 Single Family District (Section 614) for single family dwelling units;
  2. The R-3 Two-Family District (Section 608) for duplex units;
  3. The Density Schedule for R-4 Multi-Family Districts (Section 611.03) for multi-family and condominium dwellings;
  4. The R-T Residential Townhouse District (Section 610) for townhouse dwellings; and
  5. The R-G Single Family District (Section 609) for garden or patio home dwelling units.
- b. No more than 50% of the Development's gross site area shall be covered by buildings and structures.
- c. No less than 30% of the Development's gross site area shall be maintained as permanent common open space as defined in this Section, and as may be further determined subject to the following additional limitations requirements and restrictions:
1. **Designation.** All areas to be included as common open space, both in meeting and exceeding the 30% requirement, shall be so designated on the development plan submitted with the application for an R-7 P.U.D. zoning district.
  2. **Buffers and Setbacks.** No more than 25% of the required common open space shall be included in buffers or building setbacks. Furthermore, in the case of buffers, the only areas that may be included are where the buffer:
    - is a contiguous area of at least 1,000 square feet; and,
    - exceeds 15 feet in width at its narrowest point.

Only buffers or setbacks in excess of the requirements set forth in this Section (615), or as may be determined upon site plan review, may be included in meeting the common open space requirement.
  3. **Unified Open Space.** No less than 20% of the required common open space shall be in one unified open space, which at no point in its width or length shall measure less than 100 feet.
  4. **Water.** Lakes or other bodies of permanently maintained water shall constitute no more than 30% of the required common open space.
  5. **Environmentally Sensitive Areas.** Steep slopes (areas with slopes in excess of 25%) that are to remain protected as undisturbed, natural or landscaped open space, and areas lying within a 100-year floodplain that are to be maintained as unobstructed open space, shall be allowed to account for 110% of their actual land area in meeting the minimum common open space requirement.

6. **Future Use.** No designated common open space area may be subdivided in the future, nor may such be used for any purpose other than those permitted by definition in this Section, without the review and approval of the PUD Committee. However, no re-arrangement or alteration to any approved common open space area that would result in a reduction of the original amount of open space, nor in its proportion to the overall Development, shall be permitted.
7. **Exclusivity to Residents.** No designated common open space shall be turned into a commercial enterprise admitting the general public for a fee.
8. **Maintenance.** All common open space areas shall be maintained such that its use and enjoyment as open space is not diminished or destroyed. This maintenance requirement may be achieved through one or more of the following mechanisms:
  - a) Dedication to a government agency approved by the Jefferson County Commission;
  - b) Common ownership by a home-owners' association with full responsibility for maintenance;
  - c) Dedication of development rights to a public agency, with responsibility for maintenance remaining with the property owner; or,
  - d) Deed-restricted private ownership that prevents misuse of the open space areas, and which also provides the means and/or mechanism for maintaining said areas.
9. **Authority of the PUD Committee.** The PUD Committee shall have the authority to waive or relax the requirements of this Sub-Item (615.03(c)) in cases where specific circumstances of the site and/or Development warrant, but only provided that such action in no way compromises or contradicts the spirit and intent of the common open space requirements of this Section.
- d. All pertinent regulations specified elsewhere in the Zoning Resolution that may be applicable, including minimum parking requirements, water supply and sewage disposal, density schedules, etc., shall be in force except where specifically addressed in this Section.

#### 615.04 Area and Dimensional Regulations.

##### a. Residential Uses

1. Minimum Floor Area: 600 square feet (one or two story);  
300 square feet on two-story first floor

2. Minimum Yard and Other Setback Requirements:

- a) No building shall be located less than 25 feet from any boundary of the Planned Unit Development.
- b) No building in the Development shall be located nearer a dedicated street than 25 feet.
- c) No dwelling unit or building shall be located nearer a private drive than 10 feet.
- d) All dwellings in the Development shall be separated by not less than:
  - 20 feet front to back
  - 15 feet front to side
  - 30 feet front to front
  - 20 feet back to back
  - 20 feet side to back
  - 10 feet side to side
  - 10 feet in any other situation

b. **Institutional and Commercial Uses**

- 1. Minimum Floor Area: None
- 2. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet\*  
Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is in commercial, multi-family, or institutional use.

\*\*If the adjoining property is zoned for commercial use, interior side yard setbacks may be reduced to zero (0) feet. If the adjoining property is zoned Institutional, interior side yard setbacks may be reduced to ten (10) feet.

- 3. Whenever a commercial or institutional use abuts a residential use, the required side and rear yards shall be increased by one (1) foot for every two (2) feet that said institutional building exceeds two stories in height.



**615.05 Procedure of Application for a Planned Unit Development District.**

- a. **Pre-application Conference.** Before filing any application for a Planned Unit Development District, the prospective applicant shall submit to the PUD Committee preliminary development plans, sketches and basic site information for consideration and comments as to the relation of the proposal to general developmental objectives in the area, County policies and practices, etc. In order to allow adequate review time, these materials must be submitted to the Department of Development Services at least ten (10) days prior to the date set for the pre-application conference.
- b. **Application.** After the pre-application conference has been held, formal application for zoning can be made. However, in addition to the information usually required, supplementary materials regarding such things as ownership(s), development objectives and construction schedules, maintenance agreements, quantitative development summaries and a development site plan must also be submitted at the time of application. The Department of Development Services shall provide the applicant with a copy of the following sub-sections of Section 615.09, “Supplementary Materials Required for Application for a Planned Unit Development District”: Sub-Section 615.09(a) specifically lists written documentation that must be submitted; Sub-Section 615.09(b) lists the items/information that must be included on the development site plan; and Sub-Section 615.09(c) is a quantitative summary form to be filled out and returned to Development Services with the rezoning application. These final application materials will be reviewed by the PUD Committee and county staff prior to the Planning and Zoning Commission meeting.
- c. **Exceptions** may be made regarding the extent of the “Supplementary Materials” required for application for R-7 zoning in cases where the subject property exceeds a total of fifteen (15) acres, or where the PUD Committee determines (at the pre-application conference) that there are special, unique or unusual circumstances that warrant such exceptions. In these cases, the applicant/developer will be allowed to submit said “Supplementary Materials” in phases as the project’s planning and development progresses. However, such allowance will in no way exempt the applicant/developer from submitting all of the “Supplementary Materials to the Application for a Planned Unit Development District” (as required in 615.05(b) above) for review and approval prior to beginning construction of the development or any portion thereof.

In cases where an exception under this Sub-Section is determined to apply, the following materials will be considered sufficient as minimum requirements for the filing of an application for, or rezoning to, an R-7 Planned Unit Development District:

1. Written Documentation
  - a) Items 1 through 5 specified in Sub-Section 615.09(a) below.
  - b) Gross site area (total size of the subject property).
  - c) Estimated percentages of acreage to be devoted to each land use type, including any sub-categories of residential, commercial and institutional uses, open space, recreational areas, etc.
2. Preliminary Development Site Plan or Development Concept
  - a) Items 1 through 7 specified in Sub-Section 615.09(b) below.
  - b) General delineation of areas to be devoted to each land use type/sub-category listed per Item 1(c) above.
  - c) General layout of major roads or thoroughfares.
  - d) General delineation of any phasing applicable to the project.
3. The PUD Committee of the Planning and Zoning Commission further reserves the right to request additional information that said Committee deems reasonable and necessary to allow for the adequate review and evaluation of the project at its various stages of development.

**615.06 Deviation from the Development Plan.** To facilitate minor adjustments to the approved Plan as may be required by engineering or other circumstances unforeseen at the time of permit issuance, the Director of Development Services is authorized to approve alterations to the Final Development Plan which are considered incidental in scope.

Changes to the original Development Plan which are more major in scope, and which must be reviewed and can be authorized by the PUD Committee of the Planning and Zoning Commission shall include:

- a. Changes in density, open space, land use or lot size of no more than five percent (5%);
- b. Changes in the size of any building or structure by no more than five percent (5%);
- c. Changing the location of any building or structure by no more than five (5) feet in any direction; and
- d. Rearrangement of lots, blocks and building tracts.

All other changes in the Development or the approved Plan shall be subject to review by the PUD Committee which, in turn, shall determine the most appropriate course of action regarding said changes. The Director of Development Services and/or the PUD Committee reserve the right to require further review, public hearing or complete re-submission under the procedures applicable to the initial approval of the Planned Unit Development District in question with regard to any changes - including those listed above - that they believe may substantially alter the concept of the Development as originally approved.

**615.07 Plan Violation.** Any deviation from the Development Plan not approved under Section 615.06 above shall constitute a violation of the resolution establishing the Planned Unit Development District. Such violation will subject the developer to the procedures and penalties set forth in Article 18, Section 1801.04 of this Resolution.

**615.08 Failure to Begin Construction.** The applicant must begin construction of the Development within two (2) years from the time of its approval (exclusive of any additional time taken in the filing of covenants, or the conduct of other such follow-up). Failure to implement development within said two-year period shall result in the property's reversion to its original zoning classification(s).

Furthermore, if the development is to be constructed in stages, the applicant must begin construction of each stage as provided for in the development schedule. In all cases, progress towards Development completion should proceed in accordance with said development schedule submitted as a part of the requirements for application. Failure to comply with these provisions shall constitute a deviation from the development plan, and the provisions and procedures of Section 615.07 above shall accordingly be applied.

**615.09 Supplementary Materials Required for Application for a Planned Unit Development District.** For the convenience of those who may wish to file an application for rezoning to an R-7 Planned Unit Development (PUD) District, the three-part supplementary material requirements – consisting of Sections 615.09(a), 615.09(b) and 615.09(c) – are self-contained on the following four (4) pages.

ADOPTED: June 30, 1987;

AMENDED: May 20, 1998

## (SECTION 615.09)

**SUPPLEMENTARY MATERIALS REQUIRED FOR APPLICATION  
FOR AN R-7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

In accordance with Section 615.05 of the Zoning Resolution of Jefferson County, Alabama, the Procedure of Application for a Planned Unit Development District requires, in addition to the information usually required for rezoning applications, the submission of certain supplementary materials regarding such things as ownership(s), development objectives, construction schedules, maintenance agreements, quantitative development summaries and a site plan for the proposed development.

These material requirements are set forth in the three (3) sub-sections that follow, and all required information, documentation and related materials must be submitted at the time of application in order for the case to be processed.

**615.09 a. WRITTEN DOCUMENTATION****Required for Application for R-7 Planned Unit Development (PUD) Zoning**

1. Legal description of the total site, including a statement of present and proposed ownership.
2. A statement of development objectives, including a description of the character of the proposed development and its relationship to surrounding development.
3. A development schedule indicating the approximate date when construction of the Development can be expected to begin and be completed, and any applicable phasing of construction.
4. A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the Development, including land areas, dwelling units, etc.
5. Planned or intended manner of permanent care and maintenance of open spaces, recreational areas, road right-of-ways, public utilities, etc.
6. The quantitative summary information required in Sub-Section 615.09(c) below.
7. Any additional information necessary to evaluate the character and potential impact of the proposed development.

**615.09 b. DEVELOPMENT SITE PLAN INFORMATION****Required for Application for R-7 Planned Unit Development (PUD) Zoning**

1. Development name;
2. Legal tie, quarter-quarter section, township and range;

3. Scale;
4. Vicinity map and north arrow;
5. Boundary survey and dimensions of property;
6. Topographic map and floodplain information;
7. Delineation of proposed land use districts;
8. Proposed lot lines and dimensions;
9. Number of all existing and proposed residential buildings and structures, including:
  - distribution of housing types,
  - location, grouping and orientation,
  - number of stories and maximum heights;
10. Number of all existing and proposed non-residential buildings and structures, including:
  - types of uses proposed,
  - location, grouping and orientation,
  - number of stories and maximum heights;
11. Location and sizes of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses;
12. Location of utility easements;
13. Existing and proposed circulation system of arterial, collector and local streets including:
  - location and dimensions of streets, alleys, driveways and points of access to public right-of-ways,
  - notations of proposed ownership,
  - location, dimensions and capacities of parking areas,
  - service and loading zones,
  - pedestrian circulation;
14. A general landscape plan indicating treatment of materials used for private and common open spaces, and the proposed treatment of the perimeter of the Development, including materials and techniques used.
15. Any additional information necessary to evaluate the character and potential impact of the proposed development.

**615.09 c. QUANTITATIVE SUMMARY FORM**  
Required for Application for R-7 Planned Unit Development (PUD) Zoning

Development Name: \_\_\_\_\_

Location: \_\_\_\_\_

Gross Site Area: \_\_\_\_\_ acres.

**Proposed Land Uses**

**Residential (total)**

Number of Dwelling Units: \_\_\_\_\_

Number of Acres: \_\_\_\_\_

Percentage of Development: \_\_\_\_\_

Density (dwelling units per net residential acre): \_\_\_\_\_

**Residential (by type)**

Type: \_\_\_\_\_

Number of Units: \_\_\_\_\_

Number of Acres: \_\_\_\_\_

Type: \_\_\_\_\_

Number of Units: \_\_\_\_\_

Number of Acres: \_\_\_\_\_

Type: \_\_\_\_\_

Number of Units: \_\_\_\_\_

Number of Acres: \_\_\_\_\_

Type: \_\_\_\_\_

Number of Units: \_\_\_\_\_

Number of Acres: \_\_\_\_\_

Type: \_\_\_\_\_

Number of Units: \_\_\_\_\_

Number of Acres: \_\_\_\_\_

Type: \_\_\_\_\_

Number of Units: \_\_\_\_\_

Number of Acres: \_\_\_\_\_

**Common Open Space**

Acres: \_\_\_\_\_

Percentage of Development: \_\_\_\_\_

**Commercial**

Number: \_\_\_\_\_

Acres: \_\_\_\_\_

Percentage of Development: \_\_\_\_\_

**Institutional**

Number: \_\_\_\_\_

Acres: \_\_\_\_\_

Percentage of Development: \_\_\_\_\_

**Recreational**

Acres: \_\_\_\_\_

Percentage of Development: \_\_\_\_\_

**Other Uses (specify)**

Type: \_\_\_\_\_

Number: \_\_\_\_\_

Acres: \_\_\_\_\_

Percentage of Development: \_\_\_\_\_

Type: \_\_\_\_\_

Number: \_\_\_\_\_

Acres: \_\_\_\_\_

Percentage of Development: \_\_\_\_\_

Total Site Coverage by Buildings and Structures: \_\_\_\_\_ or \_\_\_\_\_ %  
(square footage or acreage) (% of total site)

(END SUB-SECTION 615.09(c), Quantitative Summary Form)

(END SUB-SECTION 615.09, Supplementary Materials Required For Application For An R-7 Planned Unit Development (PUD) District)

END SECTION 615

## ARTICLE 7 USE REGULATIONS FOR SPECIALTY DISTRICTS

### SECTION 701 A-1 AGRICULTURE DISTRICT

**701.01 Use Regulations.** Within an A-1 Agriculture District, a building or land shall be used only for the following purposes:

- a. Single Family Dwelling.
- b. Apiary.
- c. Christmas tree farm.
- d. Dairy.
- e. Dog kennel with outside runs/no retail sales. AMENDED 5/8/84
- f. General farming
- g. Green house and nursery (wholesale only). AMENDED 5/8/84
- h. Home day care in accordance with Article 16, Section 1602 of this Resolution.
- i. Home occupations in accordance with Article 16, Section 1601 of this Resolution.
- j. Mobile Homes, provided that such uses meet the requirements of Article 11, Section 1114 of this Resolution.
- k. Poultry farm.
- l. Rabbit and other animal farms.
- m. Ranching.
- n. Removal of chert.
- o. Existing recreational camps, river camps, etc., plat to be approved by the Board of Zoning Adjustment.
- p. Sale and storage of farm products grown on the premises.
- q. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.



- r. Truck farming.
- s. Customary accessory buildings or structures in accordance with Article 10 of this Resolution, Sections 1001 and 1002; but further provided that, on lots or tracts containing one (1) acre or less, such customary accessory buildings or structures shall be limited to two (2) per parcel or lot, and shall not exceed a cumulative total floor area of 1,200 square feet.
- t. Gas wells (wells only, and only as may be permitted on appeal). ADOPTED 9/14/10

**701.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 1 acre, or 43,560 square feet (or less)\*  
\*Any new or future division of land in an A-1 zoning district, whether by recorded subdivision or otherwise, shall have a minimum of 1 acre (43,560 square feet) per parcel or lot. However, in no case shall any lot, tract or parcel in an A-1 zoning district contain less than 15,000 square feet.  
ADOPTED 5/10/05
- b. Minimum Lot Width: 100 feet
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 15 feet
- d. Minimum Floor Area: 600 square feet
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

**701.03 Additional Setback Requirements for Livestock Barns and Similar Uses.** The setback provisions of Section 1001.07, in Article 10 of this Resolution, shall apply to all livestock barns and other similar animal-related uses in an A-1 (Agriculture) District.

**701.04 Additional Requirements for Gas Wells.** The setback provisions of Section 1001.10, in Article 10 of this Resolution, shall apply to all gas wells located in an A-1 (Agriculture) District.  
ADOPTED 9/14/10

END SECTION 701

**SECTION 702**  
**INST-1 INSTITUTIONAL DISTRICT**

**702.01 Use Regulations.** Within an Inst-1 Institutional District, a building or land shall be used only for the following purposes:

- a. Churches, including all structures and/or uses normal and incidental thereto.
- b. Public elementary and high schools, and private or parochial elementary and high schools having curricula approximately the same as ordinarily given in public schools.
- c. Public playgrounds and parks.
- d. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**702.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
    Rear: 35 feet  
    Side: 35 feet
- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.
- c. There shall be no more than thirty-five percent (35%) coverage of the land area by buildings or structures. This provision shall apply only to newly established uses. (See Section 1004 of this Resolution, Land Area Schedule, for assistance in computing the 35% coverage area for selected parcel sizes.)

**702.03 Change of Ownership.** When land in an Institutional-1 District is sold or leased to a party other than a public institution, no construction, alteration, or change of use shall be permitted on said land until it shall have been reclassified in another zoning district.

**702.04 Buffer Requirements.** In addition to the requirement of Article 10, Section 1001.09 of this Resolution, all newly established uses shall further provide a planted buffer strip (in accordance with Article 11, Section 1104 of this Resolution) along any side or rear property line which abuts a residential zoning district.

END SECTION 702

**SECTION 703**  
**INST-2 INSTITUTIONAL DISTRICT**

**703.01 Use Regulations.** Within an Inst-2 Institutional District, a building or land shall be used only for the following purposes:

- a. Business colleges and trade schools.
- b. Charitable and philanthropic organizations.
- c. Colleges and universities.
- d. Convalescent and nursing homes and homes for the aged.
- e. Convents and monasteries.
- f. Day nurseries and kindergartens.
- g. Fire stations.
- h. Government buildings used exclusively by the Federal, State, County, or Municipal government for public purposes except for garages, repair or storage yards, warehouses and buildings used or intended to be used as correctional or penal institutions for housing prisoners, for industrial type operations, or for operations requiring frequent movement of heavy trucks.
- i. Helistops (permitted on appeal only).
- j. Hospitals.
- k. Libraries, community centers, private parks, museums, art galleries, legitimate theaters, etc.
- l. Lodges, fraternal and social organizations, headquarters for Scout and other youth organizations, YMCA and YWCA facilities.
- m. Membership clubs not operated for profit.
- n. Stadiums, coliseums and assembly halls owned by non-profit organizations or by State, County or Municipal government.
- o. Transitional homes.
- p. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**703.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet\*  
   Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Commercial, Industrial or Utilities.

\*\*If the adjoining property is zoned Commercial, Industrial, Utilities, or Institutional-3, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**703.03 Change of Ownership.** When land in an Institutional-2 District is sold or leased to a party other than a public institution, no construction, alteration, or change of use shall be permitted on said land until it shall have been reclassified in another zoning district.

END SECTION 703

**SECTION 704**  
**INST-3 INSTITUTIONAL DISTRICT**

**704.01 Use Regulations.** Within an Inst-3 Institutional District, a building or land shall be used only for the following purposes:

- a. Government buildings used exclusively by Federal, State, County or Municipal government for public purposes.
- b. Helistops (permitted on appeal only).
- c. Mental health care or treatment facilities (distinguished from similar facilities permitted in an INST-2 District in that the latter is strictly voluntary, with the patients essentially free to come and go as they please).
- d. Penal and correctional institutions.
- e. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**704.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
    Rear: 35 feet  
    Side: 35 feet
- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**704.03 Change of Ownership.** When land in an Institutional-3 District is sold or leased to a party other than a public institution, no construction, alteration, or change of use shall be permitted on said land until it shall have been reclassified in another zoning district.

END SECTION 704

**SECTION 705**  
**U-1 UTILITIES DISTRICT**

**705.01 Use Regulations.** Within a U-1 Utilities District, a building or land shall be used for the following purposes:

- a. Public utilities, such as sewage pumping or lift stations, power substations, gas peak shaving stations, and water pumping stations, etc.
- b. Radio and television stations and towers, etc.
- c. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**705.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet\*  
   Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Commercial, Industrial or Utilities.

\*\*If the adjoining property is zoned Commercial, Industrial, Utilities, Institutional-2 or Institutional-3, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**705.03 Buffer Requirements.** In addition to the requirement of Article 10, Section 1001.09 of this Resolution, all newly established uses shall further provide a planted buffer strip (in accordance with Article 11, Section 1104 of this Resolution) along any side or rear property line which abuts a single family residential zoning district, or a recorded subdivision in an A-1 zoning district.

END SECTION 705

**SECTION 706**  
**U-2 COMMUNICATION TOWER DISTRICT**

**Repealed 7/16/2015.**

**SECTION 707**  
**CEM-1 CEMETERY DISTRICT**

**707.01 Use Regulations.** Within a Cem-1 Cemetery District, a building or land shall be used only for the following purposes:

- a. Cemetery.
- b. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**707.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Site Area: 40 acres
- b. No interments shall be made closer than 35 feet to any adjoining property lines.
- c. No interments shall be made within 150 feet of any well used for drinking water purposes.
- d. All building or structures, including materials, shall be set back from adjoining property lines a distance of thirty-five (35) feet.
- e. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**707.03 Additional Regulations Pertaining To Cemeteries.**

- a. No interments shall be made until paved streets have been completed, basic landscaping completed and all drainage problems eliminated.
- b. No approval for cemetery use will be issued until final approval has been obtained from the Jefferson County Health Department, and the appropriate cemetery resolution has been placed on the minutes of the County Commission.

END SECTION 707



**SECTION 708**  
**PC-1 PET CEMETERY DISTRICT**

**708.01 Use Regulations.** Within a PC-1 Pet Cemetery District, a building or land shall be used only for the following purposes:

- a. Pet Cemetery.

**708.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Site Area: 5 acres
- b. All buildings and interments shall be located a minimum of 35 feet from all property lines.
- c. No well shall be within 150 feet of any interment.
- d. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**708.03 Additional Regulations Pertaining To Pet Cemeteries.**

- a. Paved, chert or gravel roads, maintaining a minimum width of twenty (20) feet, shall be provided within the cemetery.
- b. Entrance roads and drainage shall be subject to approval of County Engineer.
- c. The cemetery shall be subject to the approval of the Jefferson County Health Department.

END SECTION 708

**SECTION 709**  
**AIR-1 AIRPORT DISTRICT**

**709.01 Use Regulations.** Within an Air-1 Airport District, a building or land shall be used as follows:

- a. Airports, airport terminals and related facilities customarily located on airport property.
- b. Air freight and air cargo operations.
- c. Aircraft repair shops.
- d. Aerial survey companies.
- e. Automobile parking lots and garages.
- f. Automobile rental.
- g. Heliports.
- h. Warehousing, as related to air freight.
- i. Motels.
- j. Offices.
- k. Other accessory uses as may be related to airport operation.
- l. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**709.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet\*  
   Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Commercial, Industrial or Utilities.

\*\*If the adjoining property is zoned Commercial, Industrial, Utilities, Institutional-2 or Institutional-3, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

END SECTION 709

**SECTION 710**  
**CC-1 COUNTRY CLUB DISTRICT**

**710.01 Use Regulations.** Within a CC-1 Country Club District, a building or land shall be used only for the following purposes:

- a. Country Club (as defined in Article 19 of this Resolution).
- b. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**710.02 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet  
   Side: 35 feet
- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

ADOPTED 5/5/81

**710.03 Additional Requirements for Uses Permitted in a CC-1 (Country Club) District.** Alcoholic beverages, including beer, wine and liquor, shall be sold only in accordance with Article 11, Section 1111 of this Resolution, and only within the interior of the premises.

END SECTION 710

## SECTION 711 C-U CURRENT USE DISTRICT

The purpose of this district is to stabilize land use and development patterns in Jefferson County by helping to avoid the creation of land use and zoning conflicts arising due to the presence of antiquated, non-applicable or otherwise inappropriate zoning. This district is intended to provide a means for more properly zoning land in accordance with its actual use and with proper consideration of its compatibility with the surrounding area; in accordance with the County's adopted General Land Use Plan, where there is conflict between the existing zoning and the future proposed land use pattern of a given area; or in order to establish a Jefferson County zoning classification on property previously zoned by another jurisdiction.

**711.01 Use Regulations.** Within a C-U Current Use District, land shall be used only for the following purposes:

- a. Continuation of any legal existing use(s) actually established and operating on the parcel or property as of the date C-U (Current Use) zoning was applied to said parcel or property;
- b. Silviculture (as defined in Section 1118), and any other activity (such as minor maintenance or repair work) for which a land disturbance permit from either the Alabama Department of Environmental Management (ADEM) or the local Storm Water Management Authority (SWMA) is *not* required.
- c. A single family residence on an existing individual parcel, including accessory buildings and structures as are normally permitted in association therewith.

**711.02 Area and Dimensional Requirements.**

- a. Minimum Lot Area: 15,000 square feet
- b. Minimum Yard Requirements:       Front: 35 feet  
  Rear: 35 feet  
  Side: 15 feet
- c. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

**711.03 Use Restrictions.** In conjunction with the uses permitted in this Section, the following development and operational parameters shall apply:

- a. Any existing use(s) established and operating on any and each parcel or property in a C-U District shall remain at the same level of intensity and density of such use(s) as was present at the time of zoning to C-U (Current Use).

- b. No increase in said intensity or density of use shall be permitted, including new construction, clearing of vegetation, grading, fill, improvements, road-cutting or other modifications of the existing surface features of the property.
- c. Nothing in this Section shall be construed or used to grandfather or otherwise make legal any currently illegal or nonconforming use(s) that are not listed as being permitted in sub-section 711.01 above (Use Regulations).

**711.04 Additional Provision for the subsequent Rezoning of C-U-Zoned Properties.**

Any owner of an interest in land classified into the Current Use District zoning may, at any time following such reclassification, file a petition seeking rezoning to different classification in accordance with Article 18 of this Resolution.

However, it is hereby provided that the rezoning fees of said Article shall be waived with regard to the first such filing for any given parcel or property.

END SECTION 711

ADOPTED 7/17/07

## SECTION 712 MX-PUD MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT

### Section 712 MX-PUD - Mixed-Use Planned Unit Development District

**808.01 Purpose and Intent.** The MX-PUD Mixed-Use Planned Unit Development District is intended to provide a zoning classification for mixed use projects in urban and suburban areas of the County in order to:

- a. **Infill Development.** Promote infill development and, where appropriate, redevelopment within existing urban and suburban areas of the County with readily available services and existing or planned public infrastructure.
- b. **Mix of Uses.** Encourage a compatible mixture of civic, commercial, institutional, recreational, residential and accessory uses; and foster development opportunities where people can live, work, shop, meet, and play.
- c. **Pedestrian Environment.** Facilitate a pedestrian-oriented environment on streets and sidewalks; and support opportunities for pedestrian amenities, including parks, plazas, greenways and public art.
- d. **Preservation of Natural Features.** Encourage the preservation or enhancement of natural features through development in accordance with a unified site plan.

**808.02 Use Regulations.** Within a MX-PUD Mixed-Use Planned Unit Development District, a building or land is permitted by right to be used for the following purposes:

- a. Common Open Space
- b. C-N, C-P, C-1 and C-3 Commercial Uses, with the exception of automotive dealerships, service, and rental facilities, car washes, and mini-storage facilities.
- c. Institutional I & II Uses
- d. Multi-Family Dwellings
- e. Residential Single Family Dwellings
- f. Townhouse Dwellings
- g. Two-family dwellings
- h. Accessory structures and uses customarily incidental to the above permitted uses.
- i. Signs as permitted in and in accordance with the regulations of Article 13 of this Resolution; however, variation in said sign requirements may be allowed upon approval by the PUD Committee.

- j. Other compatible uses as may be approved by the PUD Committee.

#### 808.03

**Area and Dimensional Requirements.** To be eligible for rezoning to MX-PUD Mixed-Use Planned Unit Development District, the following minimum conditions must be satisfied:

- a. Minimum Lot Area: None
- b. Minimum Lot Width: None
- c. Minimum Yard Requirements: None
- d. Minimum Setback Requirements: None
- e. No structure within the development shall be nearer to a peripheral arterial or collector street than 35 feet.

#### 808.04

##### **Definitions.**

The following terms are defined as follows for purposes of this Section 808:

- a. **Development Covenants** – means a written instrument setting forth certain conditions and restrictive covenants regulating the development of the Project as required by the County, which may include regulations and guidelines regarding density, height, common open space and landscaping, architectural standards, and design requirements, signage, buffer requirements, off street parking and loading requirements, architectural design requirements, perpetual maintenance of common areas, and other performance standards as required by the County for each parcel designated within the Master Development Plan.
- b. **Master Development Plan** – means a conceptual development plan for the proposed Project showing: (i) legal description for the Project, (ii) topography, (iii) proposed lot or parcel boundaries, (iv) proposed uses of each lot or parcel in the Project with tabulations by acreage and the maximum percentage of the property to be occupied by each use, (v) public and private vehicular access to and from the Project, including traffic circulation, (vi) pedestrian circulation systems, (vii) parking areas, (viii) open space areas, (ix) approximate locations of water, storm sewer, sanitary sewer, electricity, natural gas and data communications infrastructure, (x) the location and size of recreational spaces, parks and other facilities which are intended for public use, and (xi) a preliminary subdivision plat if applicable.
- c. **Project** – means any improvements constructed or to be constructed on land rezoned to a MX-PUD Mixed-Use Planned Unit Development District under this Section 808.
- d. **Shared Parking Study** – means an analysis of the expected number of parking spaces to provide adequate parking for the Project during periods of peak demand prepared by a nationally recognized shared parking consultant utilizing the Urban Land Institute's (ULI) methodology for determining shared parking, or such other generally accepted methodology accepted by the County.

**General Regulations and Guidelines.**

- a. **Access.** Each Project shall have access to and from an arterial, collector or local street either directly or indirectly via a court, driveway, private road or other area dedicated to public or private use by an easement granting access. Permitted uses are not required to have frontage on a publicly dedicated road. The County shall be allowed access on privately owned roads, easements and common areas to ensure police and fire protection, to meet emergency needs, to conduct County services, and to conduct license and code enforcement inspections.
- b. **Traffic.** All public and private streets proposed for the Project shall conform to applicable state and local construction standards, and shall be adequate to serve the projected traffic conditions. The applicant shall provide a traffic study for the Project.
- c. **Parking.** Unless otherwise provided in the Development Covenants and subject to permitted reductions pursuant to a Shared Parking Study, the required number of parking spaces shall be in accordance with Section 1202 of this Resolution. The PUD Committee may authorize a reduction in the number of required parking spaces for multiple and mixed-use projects and for uses that are in close proximity to one another that have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:
  - 1. A Shared Parking Study shall be submitted and approved by the County Traffic Engineer.
  - 2. All uses which participate in a shared parking plan shall be located on the same lot or on contiguous lots.
  - 3. The Shared Parking Study shall establish the uses that will use the shared spaces at different times of the day, week, month, or year and shall address the size and type of activities, the composition of land uses, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic demands.
  - 4. Should any of the uses or conditions in the Shared Parking Study change in any material respect, the owner of record shall have the option of submitting a revised Shared Parking Study in accordance with the standards of this Section 808 and providing the number of spaces required under the revised Shared Parking Study.
- d. **Underground utilities.** All utilities including telephone, television and data cabling, and electrical systems within the Project shall be installed underground.
- e. **Compatibility.** The Project shall be designed for compatibility between proposed and existing land uses. The allocation of land uses within the Project and buffering shall be designed to achieve compatibility between the Project and adjacent land uses.



- f. **Density Regulations and Guidelines.** The applicant shall submit a Master Development Plan and a draft of the Development Covenants for the Project. The Development Covenants shall set forth any conditions, regulations and guidelines required by the County regarding density, height, common open space and landscaping, architectural standards, signage, buffer requirements, off street parking and loading requirements, and other performance standards as required by the County for each parcel designated within the Master Development Plan. The final Development Covenants approved by the County shall be incorporated within the resolution or ordinance (or amended resolution or ordinance) authorizing the rezoning of the property to the C-M Mixed-Use Planned Unit Development District.
- g. **Open Space.** The project shall be designed so that a minimum of 15% of the development is dedicated as open space.
  - 1. It is encouraged to dedicate any environmentally sensitive areas (i.e., flood plan, steep slopes, etc.) as open space.
  - 2. Any space dedicated for nature trails, bioswales, rooftop gardens, etc., can be included in the calculations for open space.
  - 3. Pervious areas within dedicated park space can be included in the calculations for open space.
  - 4. The PUD Committee shall have the authority to waive or relax the requirements of this sub-item in cases where specific circumstances of the site and/or development warrant.

## 808.06

### **Procedure of Application for an MX-PUD Mixed-Use Planned Unit Development District.**

- a. **Pre-application Conference.** Before filing any application for an C-M Mixed-Use Planned Unit Development District, the prospective applicant shall submit to the PUD Committee preliminary development plans, sketches and basic site information for consideration and comments as to the relation of the proposal to the existing and proposed land development patterns. In order to allow adequate review time, these materials must be submitted to the Office of Land Planning & Development Services at least ten (10) days prior to the date set for the pre-application conference.
- b. **Application.** After the pre-application conference has been held, formal application for zoning can be made. However, in addition to criteria generally applicable for a change of zoning, as specified in Section 1802.02 of this Resolution, the following must be submitted at the time of application:
  - 1. a Master Development Plan for the Project;
  - 2. a draft of the Development Covenants;
  - 3. letter of fire coverage; and,

4. supplementary materials as may be reasonably requested by County staff or the PUD Committee regarding current ownership structure, development objectives, development schedules and quantitative development summaries.

These final application materials will be reviewed by the PUD Committee and county staff prior to the Planning and Zoning Commission meeting.

**808.07      Development Covenants.** Following approval by the County of the Master Development Plan for a Project, the property owner (or its designee) shall record the Development Covenants in the County in the Office of the Judge of Probate of Jefferson County, Alabama. The Development Covenants shall be approved by the PUD Committee prior to recording, run with the land, and specify that (i) the County has the right to enforce the terms and provisions of the Development Covenants and (ii) the Development Covenants cannot be modified or amended without approval from the PUD Committee.

**808.08      Deviation from the Approved Master Development Plan.** To facilitate minor adjustments to the approved Master Development Plan as may be required by engineering or other circumstances unforeseen at the time of approval thereof, the Director of Development Services is authorized to approve alterations to the final Master Development Plan which are considered incidental in scope.

The following changes to the approved Master Development Plan must be reviewed and approved by the PUD Committee:

- a. Changes in density, open space, land use or lot size of more than five percent (5%); and
- b. Rearrangement of lots, blocks and building tracts.

END SECTION 712

ADOPTED 2/8/2024

## ARTICLE 8 USE REGULATIONS FOR COMMERCIAL DISTRICTS

### SECTION 801 C-P PREFERRED COMMERCIAL DISTRICT

**801.01 Use Regulations.** Within a C-P Preferred Commercial District, a building or land shall be used only for the following purposes:

- a. Business offices used exclusively for office purposes.
- b. Professional offices, occupied by physicians, surgeons, dentists, attorneys, architects, engineers and other similar professions.
- c. Public buildings.
- d. Accessory uses which are incidental to and customarily found in connection with the principle use of a building and which do not occupy more than 10 percent of the gross area of the building, these include branch banks with no detached drive through windows, coffee shops, drug stores and gift shops.

ADOPTED 7-16-2015

**801.02 Use Restrictions.** In conjunction with the above permitted uses, the following uses or operational elements will not be permitted within a C-P Preferred Commercial District:

- a. Any office, business or establishment wherein retail or wholesale trade or business is conducted, or wherein any commodities, merchandise or products are stored, handled, conveyed, sold or otherwise disposed of.

**801.03 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed.

- a. Minimum Yard Requirements:      Front: 35 feet  
    Rear: 35 feet\*  
    Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Commercial, Industrial, Institutional-1, Institutional-2, Institutional-3 or Utilities.

\*\*If the adjoining property is zoned Commercial, Industrial, Utilities, Institutional-1, Institutional-2 or Institutional-3, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

END SECTION 801

**SECTION 802**  
**C-N NEIGHBORHOOD COMMERCIAL DISTRICT**

**802.01 Use Regulations.** Within C-N a Neighborhood Commercial District, a building or land shall be used only for the following purposes:

- a. Any use permitted in a C-P Preferred Commercial District.
- b. Convenience store.
- e. Barber and beauty shops.
- f. Drug stores.
- g. Ice cream parlors.
- h. Florist.
- i. Gift shops.
- j. Specialty shops.
- k. Single family dwelling as an accessory use after the primary (commercial) use has been established.

**802.02 Use Restrictions.** In conjunction with the above permitted uses, the following uses or operational elements will not be permitted within a C-N Neighborhood Commercial District:

- a. Service station (however, the sale of petroleum products will be permitted).
- b. Sale of alcoholic beverages.
- c. Drive-thru windows.

**802.03 Area and Dimensional Regulations.** In all the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Maximum Floor Area: 2,000 square feet
- b. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet\*  
Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Commercial, Industrial, Institutional-2, Institutional-3, or Utilities.

\*\*If the adjoining property is zoned Commercial, Industrial, Utilities, Institutional-2 or Institutional-3, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

- c. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

ADOPTED 11/5/85

END SECTION 802

**SECTION 803**  
**C-1 COMMERCIAL DISTRICT**

**803.01 Use Regulations.** Within a C-1 Commercial District, a building or land shall be used only for the following purposes:

- a. Automotive service stations as defined in Article 19 of this Resolution, and in accordance with Article 10, Section 1001.03.
- b. Bakery.
- c. Banks and financial institutions.
- d. Barber and beauty shops.
- e. Bowling alleys.
- f. Bus stations.
- g. Contractors (e.g., heating & air conditioning, electrical, and plumbing) whose operation does not include a materials yard.
- h. Daycares.
- i. Dog kennels (without outside runs).
- j. Drug stores.
- k. Fortune-telling and palmistry.
- l. Helistops (permitted on appeal only).
- m. Hotels.
- n. Ice cream soda and soft drink dispensing establishments.
- o. Indoor recreation.
- p. Laundry and dry-cleaning pick up stations and plants using non-flammable solvents only.
- q. Lodge halls.
- r. Mini-warehouses.
- s. Motels, provided that such use consists of not more than one unit for each 1000 square feet of lot or building plot area; and that no unit occupies more than 50% of an area calculated by dividing the total site area by the number of units.

- t. Private clubs.
- u. Private music, dancing, business and vocational schools or colleges.
- v. Post offices and other public buildings.
- w. Professional and office buildings.
- x. Radio stations, but not including towers.
- y. Restaurants.
- z. Retail stores and service establishments (except those listed in lower class districts).
- aa. Shopping centers.
- bb. Theaters housed in a permanent indoor structure.
- cc. Veterinary establishments (without outside runs).
- dd. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution, except as may otherwise be restricted in Section 803.04 below.
- ee. Single family dwelling as an accessory use after the primary use has been established.

ADOPTED 5/10/83

**803.02 Use Restrictions.** In conjunction with the uses permitted in this Section, the following uses or operational elements will not be permitted within a C-1 Commercial District:

- a. Outside storage, as defined in Article 19 of this Resolution, except finished and/or packaged items placed on display to be sold at retail through an above-listed properly-permitted C-1 Commercial use.
- b. Outside animal runs, such as may be associated with dog kennels, veterinary establishments and/or any other similar business or use.

**803.03 Area and Dimensional Regulations.** In all of the uses permitted herein, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:
  - Front: 35 feet
  - Rear: 35 feet\*
  - Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Commercial, Industrial, Institutional-2, Institutional-3 or Utilities.

**\*\*If the adjoining property is zoned Commercial, Industrial, Utilities, Institutional-2 or Institutional-3, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.**

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**803.04 Permitted Conditional Uses:** Within the C-1 Commercial District, the following uses may be permitted provided the specified conditions are met:

- a. Fireworks may be sold under the following conditions: ADOPTED 12/6/83
  - 1. Fireworks are to be sold in a permitted structure only.
  - 2. Permit will be good for thirty (30) days only.
  - 3. The front setback may be zero (0) feet; however, the side and rear setbacks shall meet the minimum yard requirements for the district in which the fireworks stand is located.
  - 4. A minimum of five (5) off-street parking spaces shall be required at each site, said spaces to be in addition to the minimum number of spaces required for the primary use of the property on which the fireworks sales structure is to be located (as determined by Article 12, Section 1202 of this Resolution). Furthermore, no fireworks sales operation shall be permitted that prevents, obstructs, or in any other way hinders the full and proper use of the minimum number of parking spaces required for said primary use of the property.
  - 5. A permit fee shall be required in accordance with Article 18 of this Resolution, Section 1803.
- b. Restaurants offering the sale of alcoholic beverages for on-premises consumption (as an accessory component of the sale, serving and consumption of food) shall be permitted under the following conditions, and in the following manner: ADOPTED 6/5/01
  - 1. Food sales shall constitute no less than 70% of the gross sales receipts for food and beverages.
  - 2. Business hours shall end no later than 11:00 PM on Sunday through Thursday, and no later than 12:00 Midnight on Fridays and Saturdays.
  - 3. The restaurant shall maintain and enforce an employee dress code that is commensurate with that of a “family restaurant” (as defined in Article 19 of this Resolution).



4. Any “live entertainment” (as defined in Article 19 of this Resolution) shall be strictly limited to the types commonly associated with “family restaurants”; however, when such entertainment is provided, it shall not be audible on adjoining properties or in any public rights-of-way.
5. Outdoor lighting shall be directional only, with no illumination of any adjoining properties; and shall be further limited to the minimum lighting necessary to assure the safety of patrons, and to provide for the safe and proper circulation of motor vehicles within the parking lot area.
6. No sign advertising alcoholic beverages shall be visible from the exterior of the establishment.
7. Such restaurants shall be permitted in a C-1 Commercial District only.
8. No such restaurant shall be permitted except by approval of the Jefferson County Commission, following review and recommendation by the Jefferson County Planning & Zoning Commission.
9. Any property on which such a restaurant is so permitted shall have its zoning classification annotated to read “C-1(A)” on the Official Zoning Map of Jefferson County, Alabama.
10. The limitation of Section 1111 shall be reduced to allow restaurants, only as permitted herein, to be located no closer than five hundred (500) feet to any church or school.

END SECTION 803

**SECTION 804**  
**C-2 OUTDOOR AMUSEMENT DISTRICT**

**804.01 Use Regulations.** Within a C-2 Outdoor Amusement District, a building or land shall be used only for the following purposes:

- a. Archeries.
- b. Amusement parks.
- c. Athletic fields such as baseball, football, etc.
- d. Carnivals.
- e. Circuses.
- f. Drive-in theaters.
- g. Golf courses, both commercial and miniature.
- h. Merry-go-rounds.
- i. Miniature railroads.
- j. Other (outdoor) commercial amusement establishments.
- k. Picnic grounds or groves.
- l. Pony riding tracks, provided the provisions of Article 10, Section 1001.07 of this Resolution are met.
- m. Practice golf driving tees.
- n. Public swimming pools.
- o. Riding stables, provided the provisions of Article 10, Section 1001.07 of this Resolution are met.
- p. Roller-skating and ice-skating rinks.
- q. Skeet, rifle or trap shooting range, provided that such use is not located nearer than 1000 feet to any residence other than owner or lessor of the site.
- r. Shooting galleries.
- s. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**804.02 Area and Dimensional Requirements.** In the above permitted uses, the area and dimensional requirements set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet\*  
   Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Commercial, Industrial, Institutional-2, Institutional-3 or Utilities.

\*\*If the adjoining property is zoned Commercial, Industrial, Utilities, Institutional-2 or Institutional-3, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

END SECTION 804

**SECTION 805**  
**C-3 COMMERCIAL DISTRICT**

**805.01 Use Regulations.** Within a C-3 Commercial District, a building or land shall be used only for the following purposes:

- a. Sale of alcoholic beverages, including beer, wine and liquor, for on-premise consumption. Said beverages shall be sold only in accordance with Article 11, Section 1111 of this Resolution, and only in retail establishments within the interior of the premises.
- b. Dance halls.
- c. Night clubs.
- d. Taverns.
- e. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**805.02 Use Restrictions.** In conjunction with the above permitted uses, the following uses or operational elements will not be permitted within a C-3 Commercial District:

- a. Drive-thru windows used for the sale or distribution of alcoholic beverages.
- b. Adult cabaret or dancing establishments, as defined in Article 19 of this Resolution.

AMENDED 11/5/97

**805.03 Area and Dimensional Regulations.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet\*  
   Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Commercial, Industrial, Institutional-2, Institutional-3 or Utilities.

\*\*If the adjoining property is zoned Commercial, Industrial, Utilities, Institutional-2 or Institutional-3, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

END SECTION 805

**SECTION 806**  
**C-4 PACKAGE STORE LIQUOR DISTRICT**

DELETED 8/27/92

**SECTION 807**  
**C-5 COMMERCIAL ADULT ENTERTAINMENT DISTRICT**

**807.01 Use Regulations.** Within a C-5 Commercial Adult Entertainment District, a building or land shall be used only for the following purposes:

- a. Adult establishments, as defined in Article 19 of this Resolution, in accordance with Article 11, Section 1117 of this Resolution.
- b. Adult cabaret or dancing establishments (in accordance with Article 11, Section 1117 of this Resolution) whose operation may or may not include the sale of alcoholic beverages, including beer, wine and liquor, for on-premise consumption. Such sale of alcoholic beverages shall be permitted only in accordance with Article 11, Section 1111 of this Resolution, and shall take place only within the interior of the premises.
- c. Signs as permitted in Article 13 of this Resolution, and only in accordance with the regulations of Section 1303.06.

**807.02 Area and Dimensional Requirements.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
    Rear: 35 feet  
    Side: 35 feet
- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**807.03 Additional Requirements.** All uses permitted in a C-5 Commercial Adult Entertainment District shall be subject to the additional restrictions and requirements of Article 11, Section 1117 of this Resolution (Regulations Governing Adult Establishments).

ADOPTED 2/7/84    AMENDED 11/5/97

END SECTION 807

## ARTICLE 9 USE REGULATIONS FOR INDUSTRIAL DISTRICTS

### SECTION 901 I-1 LIGHT INDUSTRIAL DISTRICT

**901.01 Use Regulations.** Within an I-1 Light Industrial District, a building or land shall be used only for the following purposes:

- a. Any use permitted in a C-1 Commercial District. ADOPTED 5/10/83
- b. Light industrial, fabricating, processing, assembling and manufacturing uses.
- c. Bottling and distribution plant.
- d. Contractors and their respective yards.
- e. Distribution yards for gasoline and fuel oil tank trucks, in accordance with Article 10, Section 1001.03 of this Resolution.
- f. Heavy equipment sales and service.
- g. Highway maintenance yards and buildings.
- h. Helistops (permitted on appeal only).
- i. Laundry and dry cleaning plants.
- j. Service of agricultural machinery, automobiles, buses, trucks, boats, boat trailers, prefabricated structures, and mobile homes.
- k. Service stations with garages.
- l. Truck or bus terminal facilities.
- m. Wholesaling, warehousing, lumber storage yards, and those businesses which are incidental thereto, including building material yards.
- n. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

NOTE: On May 28, 2002, the Jefferson County Board of Zoning Adjustment, in accordance with the powers, duties and responsibilities ascribed to it under Article 17, Section 1701(c) of this Resolution, approved a petition classifying a “concrete batch plant” as a permitted use in an I-1 (Light Industry) zoning district.

**901.02 Use Restrictions.** In conjunction with the above permitted uses, the following uses or operational elements are expressly prohibited within an I-1 Light Industrial District:

- a. Industrial, fabricating, processing, assembling and manufacturing uses that are specifically identified as being permitted in any other Industrial zoning district.
- b. Industrial, fabricating, processing, assembling and manufacturing uses which are especially detrimental to property, or to the public health and safety beyond the district, by reason of the emission of odor, dust, gas, fumes, smoke, noise, vibration or waste material.
- c. Wholesaling, warehousing, lumber storage yards, and those businesses which are incidental thereto, including building material yards, which involve the storage of any materials of an explosive nature.
- d. Open storage of junk or salvage materials of any type.

**901.03 Area and Dimensional Regulations.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet\*  
   Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Industrial or Utilities.

\*\*If the adjoining property is zoned Industrial or Utilities, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten (10) feet shall be maintained.

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

END SECTION 901

**SECTION 902**  
**I-2 HEAVY INDUSTRIAL DISTRICT**

**902.01 Use Regulations.** Within an I-2 Heavy Industrial District, a building or land shall be used only for the following purposes:

- a. Any use permitted in an I-1 Light Industrial District.
- b. Cement plants.
- c. Fixed plants for processing stone, chert, gravel, clay, slag, coal, or iron ore.
- d. Helistops (permitted on appeal only).
- e. Iron and steel mills.
- f. Other heavy industrial manufacturing uses.
- g. Railroad shops, round-houses and yards.
- h. Saw mills for the purpose of cutting, sawing, milling, drying, treating and processing timber (logs) into lumber for building purposes.

**902.02 Area and Dimensional Regulations.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet  
   Side: 35 feet
- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**902.03 Additional Requirements for Uses in an I-2 Heavy Industrial District.**

- a. The refuse, sawdust and slabs of saw mills shall be kept at a minimum, and the method of disposal of such must be made so as to preclude any fire hazard.

END SECTION 902



**SECTION 903**  
**I-2(A) INDUSTRIAL DISTRICT**

**903.01      Use Regulations.** Within an I-2(A) Industrial District, a building or land shall be used only for the following purposes:

- a.      Auto dismantling, junk yards and salvage yards.
- b.      Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**903.02      Area and Dimensional Regulations.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a.      Minimum Yard Requirements:      Front: 35 feet  
   Rear: 35 feet  
   Side: 35 feet
- b.      All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**903.03      Additional Requirements for Uses in an I-2(A) Industrial District.**

- a.      A wall or suitable screen that will obstruct from view all wrecked cars and other junk, but maintaining a minimum height of no less than eight (8) feet, will be required.
- b.      All wrecked cars and other junk must be stored to the rear of (behind) said wall or suitable screen.
- c.      Said wall and/or suitable screen, and the location thereof, shall be approved by the Planning and Zoning Commission.

ADOPTED 5/10/83

END SECTION 903

**SECTION 904**  
**I-3 INDUSTRIAL DISTRICT**

**904.01 Use Regulations.** Within an I-3 Industrial District, a building or land shall be used only for the following purposes:

- a. Any use permitted in an I-2 Heavy Industrial District.
- b. Heliports (permitted on appeal only).
- c. Subsurface and underground mining with all surface support facilities, and quarrying of all mineral or other earth products of every kind.
- d. Timbering, logging, saw milling, extraction of timber products and processing, distilling, manufacturing and treating of all such products.
- e. The right to erect, maintain, alter, enlarge, use and operate structures, buildings, machinery, housing, roads, railroads, transmission lines, right-of-way, and all other facilities of every kind accessory or appropriate to the conduct of such above permitted uses.
- f. The right to dump spoil, tailings, and other waste, and to use so much of said district as may be required for such purposes; and such other rights as may be incidental or accessory to such permitted uses.
- g. Gas wells, and related equipment and facilities, in accordance with Article 10 of this Resolution, Sections 1001.

AMENDED 9/14/10

**904.02 Area and Dimensional Regulations.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
    Rear: 35 feet  
    Side: 35 feet
- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**904.03 Additional Requirements for Gas Wells.** The setback provisions of Section 1001.10, in Article 10 of this Resolution, shall apply to all gas wells, and any related equipment and facilities, to be located in this District.

ADOPTED 9/14/10

END SECTION 904

**SECTION 905**  
**I-3(S) SURFACE MINING DISTRICT**

AMENDED 7/12/2011

**905.01 Use Regulations.** This is the only district in which strip mining shall be permitted. Within an I-3(S) Strip Mining District, a building or land shall be used only for the following purposes:

- a. Extracting minerals, coal, ore or other earth products of every kind, by the surface stripping method with all surface support facilities, including but not limited to any and all processing and/or washing activities associated with the extraction and/or production of same.
- b. Extracting minerals, coal, ore, or other earth products of every kind, by subsurface and underground mining or quarrying with all surface support facilities, including but not limited to any and all processing and/or washing activities associated with the extraction and/or production of same.
- c. Timbering, logging, saw milling, extraction of timber products and processing, distilling, manufacturing and treating of all such products.
- d. The right to erect, maintain, alter, enlarge, use and operate structures, buildings, machinery, housing, roads, railroads, transmission lines, right-of-way, and all other facilities of every kind accessory or appropriate to the conduct of such above permitted uses.
- e. The right to dump spoil, tailings, and other waste, and to use so much of said district as may be required for such purposes; and such other rights as may be incidental or accessory to such permitted uses. ITEMS a.- e. AMENDED 7/12/2011
- f. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.
- g. Gas wells, and related equipment and facilities, in accordance with Article 10 of this Resolution, Sections 1001. ADOPTED 9/14/10

**905.02 Area and Dimensional Regulations.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed: AMENDED 6/30/87

- a. The extraction of minerals, coal, ore, etc., by the surface stripping method will not be permitted within 100 feet of any property line or public road right-of-way within this zoning district, with the following exceptions:  
AMENDED 9/14/10, 7/12/2011
  1. The foregoing 100-foot property line setback requirement may be reduced in whole or in part with the written consent of the owner(s) of the adjacent property and the approval of the Director of Development Services.

2. The foregoing 100-foot public road right-of-way setback requirement may be reduced in whole or in part with the written consent of the Jefferson County Commission.
  3. Where the adjoining property is also zoned I-3(S), no setback from the adjoining property line will be necessary.
- b. The right to erect, maintain, alter, enlarge, use and operate a structure, building, machinery, housing, road, railroad, transmission lines, right-of-way and other facilities accessory to all permitted uses in this district, as well as the operations themselves (except for surface mining and gas wells, which are addressed separately herein), will not be permitted within 50 feet of any property line or public road right-of-way line within this zoning district, with the following exceptions:
- AMENDED 7/12/2011
1. The foregoing 50-foot public road right-of-way setback requirements shall not apply where mine access roads or haulage roads join such right-of-way line.
  2. The Commission or other governmental body having the appropriate jurisdiction over an affected public road may permit such public road to be relocated, or may permit the above-listed activities within 50 feet of such public road.

**905.03 Additional Requirements for Surface Mining Operations.** Prior to the use of land for surface mining purposes, the applicant shall submit a plan showing an informal sketch as to the locations to be surface mined; the estimated number of tons to be mined; the approximate length of time that will be required to surface mine and reclaim the property; and a general expression of the anticipated subsequent use of the property.

AMENDED 7/12/2011

**905.04 Additional Requirements for Gas Wells.** The setback provisions of Section 1001.10, in Article 10 of this Resolution, shall apply to all gas wells, and any related equipment and facilities, to be located in this District.

ADOPTED 9/14/10

END SECTION 905

**SECTION 906**  
**I-4 INDUSTRIAL PARK DISTRICT**

**906.01 Use Regulations.** Within an I-4 Industrial Park District, a building or land shall be used only for the following purposes:

- a. Light industrial, manufacturing, fabricating, wholesale, warehousing, distribution, storage or similar uses.
- b. Banks.
- c. Helistops (permitted on appeal only).
- d. Office buildings.
- e. Research or testing laboratories.
- f. Restaurants.
- g. Retail sales outlets related to the products manufactured or stored by the principal use.
- h. Service stations, provided there is no repair work conducted on the site.
- i. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**906.02 Use Restrictions.** In conjunction with the above permitted uses, the following uses or operational elements are expressly prohibited within an I-4 Industrial Park District:

- a. Any light industrial, manufacturing, fabricating, wholesale, warehousing, distribution, storage or similar uses which are especially detrimental to property, or to the public health and safety beyond the district, by reason of the emission of odor, dust, gas, fumes, smoke, noise, vibration or waste material.
- b. Outside storage, as defined in Article 19 of this Resolution.

**906.02 Area and Dimensional Regulations.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 35 feet  
    Rear: 35 feet\*  
    Side: 35 feet\*\*

\*Rear yard may be reduced to fifteen (15) feet if the adjoining property is zoned Industrial or Utilities.

**\*\*If the adjoining property is zoned Industrial or Utilities, interior side yard setbacks may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, an minimum setback of at least ten (10) feet shall be maintained.**

- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**906.03 Additional Requirements for Uses in an I-4 Industrial Park District.**

- a. All light industrial, manufacturing, fabricating, wholesale, warehousing, distribution, storage or similar uses and operations permitted herein must be conducted wholly within an enclosed building.

END SECTION 906

**SECTION 907**  
**I-5 SANITARY SEWAGE DISPOSAL DISTRICT**

**907.01 Use Regulations.** Within an I-5 Sanitary Sewage Disposal District, a building or land shall be used only for the following purposes:

- a. Sanitary sewage disposal plant.
- b. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**907.02 Area Dimensional Regulations.** In the above permitted use, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 350 feet  
   Rear: 350 feet  
   Side: 350 feet
- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

END SECTION 907

**SECTION 908**  
**I-5(A) PRIVATELY DEVELOPED WASTEWATER TREATMENT**  
**WITH A POINT DISCHARGE TO STREAMS**

- 908.01      Use Regulations.** Within an I-5(A) Privately Developed Wastewater Treatment With A Point Discharge to Streams District, a building or land shall be used for the following purposes only:
- a. Privately developed wastewater treatment with a point discharge to streams.
  - b. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.
- 908.02      Area and Dimensional Regulations.** In the above permitted use, the area and dimensional regulations set forth below shall be observed:
- a. Minimum Yard Requirements:      Front: 100 feet  
   Rear: 100 feet  
   Side: 100 feet
  - b. All setback requirements of Article 10, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.
- 908.03      Additional Requirements for Uses in an I-5(A) Privately Developed Wastewater Treatment With A Point Discharge To Streams District.**
- a. Prior to the filing for rezoning, all applicants must have preliminary or final approval from the Alabama Department of Public Health (or equivalent governmental agency) and the Alabama Department of Environmental Management.

ADOPTED 6/30/87

END SECTION 908

**SECTION 909**  
**I-O OBNOXIOUS ODORS DISTRICT**

**909.01 Use Regulations.** Within an I-O Obnoxious Odors District, a building or land shall be used only for the following purposes:

- a. Fertilizer plants.
- b. Glue factories.
- c. Incinerators.
- d. Oil refineries.
- e. Other establishments and/or plants giving off obnoxious fumes and gases.
- f. Other garbage disposal plants, landfills, and/or areas.
- g. Paper and/or pulpwood plants.
- h. Rendering plants.
- i. Slaughter houses.
- j. Tanneries.
- k. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**909.02 Area and Dimensional Regulations.** In the above permitted uses, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Yard Requirements:      Front: 100 feet  
   Rear: 100 feet  
   Side: 100 feet
- b. All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

END SECTION 909



**SECTION 910**  
**HW-1 HAZARDOUS WASTE DISTRICT**

**910.01      Use Regulations.** Within a HW-1 Hazardous Waste District, a building or land shall be used only for the following purposes:

- a.      Facilities for storing, treating or disposing of hazardous waste.
- b.      Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Resolution.

**910.02      Area and Dimensional Regulations.** In the above permitted use, the area and dimensional regulations set forth below shall be observed:

- a.      Minimum Yard Requirements:      Front: 350 feet  
   Rear: 350 feet  
   Side: 350 feet
- b.      All setback requirements of Article 10 of this Resolution, Sections 1001 through 1003, shall be applicable as appropriate to any given development, use, or element thereof.

**910.03      Additional Requirements for Uses in an HW-1 Hazardous Waste District.**

- a.      Any use herein permitted/allowed shall have approval of the Alabama Department of Public Health, Environmental Health Administration, Division of Solid and Hazardous Waste, or equivalent governmental agency before any rezoning becomes final.

END SECTION 910

**ARTICLE 10**  
**GENERAL AREA AND DIMENSIONAL REQUIREMENTS,**  
**EXCEPTIONS AND MODIFICATIONS**

**SECTION 1001**  
**GENERAL AND/OR SUPPLEMENTAL SETBACK REQUIREMENTS**

**1001.01      Yards and Building Setbacks from Roads and/or Streets.**

- a. When any required yard abuts a street or roadway with a dedicated right-of-way of forty (40) feet or more, the setback shall be the front yard setback required in that zoning district. The setback shall be measured from the property/right-of-way line.
- b. When any required yard abuts a street or roadway with a dedicated right-of-way of less than forty (40), the setback shall be not less than twenty-five (25) feet plus the front yard setback required in the zoning district affected. The setback shall be measured from the centerline of the existing street or roadway.
- c. When any required yard abuts a street or roadway without a dedicated right-of-way (including instances where the right-of-way is prescriptive), the setback shall be not less than twenty-five (25) feet plus the front yard setback required in the zoning district affected. The setback shall be measured from the centerline of the existing street or roadway.

**1001.02      Corner Lots.** The front yard setback shall be observed on all streets and roads; however, the determination of the rear yard shall be made by the owner/applicant.

**1001.03      Gasoline, Fuel, Lubricating Oil, Etc.** The following shall apply:

- a. Gasoline pumps, air and water services, etc., of retail service stations shall be at least fifteen (15) feet from the street or road right-of-way. Canopies over pump islands shall not have any supports beyond the center of the pump island nearest to the property lines; and in no case shall such canopies be permitted to extend over or into any street or road right-of-way.
- b. Gasoline, fuel, lubricating oil and all petroleum refineries, distribution plants, pipeline terminals, etc., and all above-ground bulk storage tanks and loading platforms shall be set back from the adjoining property lines a distance of not less than one hundred and fifty (150) feet.

**1001.04      Setbacks for Accessory Buildings.** Incidental or accessory buildings (not for occupancy, commercial or industrial use) shall be located to the rear of the principal building (except in A-1 (Agriculture) Districts on properties that are not included in a recorded subdivision); shall be not less than five (5) feet from any side and/or rear property line (except as provided in R-G (Single Family) and R-T (Residential Townhouse) Districts); and shall meet the provisions of Section 1001.01 above.

ADOPTED: 5/10/83

- 1001.05 Fences, Hedges and Shrubbery.** At street and/or road intersections, fences, hedges and shrubbery must be maintained at a height that will permit clear view within the vision triangle formed by the setback lines established by this Section, and points three and one-half (3.5) feet above the crowns of the intersecting roads.
- 1001.06 Denied-Access Highways and Railroad Rights-of-Way.** In no case shall any setback along a denied-access highway or railroad right-of-way be less than fifteen (15) feet.
- 1001.07 Setbacks for Livestock Barns and Similar Uses:**
- a. The minimum setback of livestock barns and commercial chicken (or other fowl) houses from adjoining property lines shall be one hundred (100) feet.
  - b. The minimum setback of livestock barns and commercial chicken (or other fowl) houses from highway (road) right-of-way lines shall be three hundred (300) feet.
  - c. No livestock barn or commercial chicken (or other fowl) houses shall be built closer than three hundred (300) feet to the nearest residence (other than that of the owner) existing at the time of construction of such barn or fowl house.
  - d. Swine (hogs) shall not be housed, fed and/or watered within one hundred (100) feet of any adjoining property line, nor within three hundred (300) feet of any road or road right-of-way.
- 1001.08 Setbacks for Signs.** See Article 13 of this Resolution, Section 1301.
- 1001.09 Buffer Required.** When districts requiring a side and rear setback of thirty-five (35) feet abut a residential use there shall be a buffer strip/privacy fence planted/erected and maintained in accordance with Article 11, Section 1104 of this Resolution.
- 1001.10 Setback Requirements for Gas Wells, and related equipment and facilities.**
- a. The interior setback requirements of this Section may be reduced to zero (0) where the adjoining property is zoned I-3 (Heavy Industry) or I-3(S) (Strip Mining); provided, however, that the required distance from the exterior-most zoning district boundary line of the adjoining I-3 and/or I-3(S) Districts is maintained.
  - b. The minimum setback of gas wells from adjoining property lines in an A-1 District, or from the exterior-most zoning district boundary line in I-3 and/or I-3(S) Districts, shall be one hundred and fifty (150) feet.
  - c. The minimum setback for compressor stations and any similar noise-generating equipment or facilities associated with gas wells shall be two-thousand five hundred (2,500) feet from the exterior-most zoning district boundary line (in I-3 and/or I-3(S) Districts). This setback may be reduced, however, provided the equipment or facility can be proven to comply with

Item 1001.10.e of this Section (regarding sound levels at the zoning district boundary line) at the alternative location.

- d. The existing, natural vegetation within the setback areas set forth hereinabove shall be preserved and maintained as a buffer to the maximum extent practicable.
- e. In no case, nor at any time during the life of any gas well operation, shall the sound generated by any component exceed 60dB as measured (by the Department of Development Services) at the nearest point from which the applicable setback above is measured. Furthermore, in order to facilitate the review and permitting of well-related facilities in accordance with this requirement, the operator/applicant shall include, in the construction plan submittal, an equipment specifications sheet and whatever other information may be necessary to document that the proposed equipment/facilities will comply with this requirement.
- f. The sound limitations of this Section shall apply only to the regular, on-going operation of the equipment, and not to site preparation or construction activities (e.g., well pad, drilling, well completion and maintenance activities).
- g. No well shall be drilled within two hundred (200) feet of any permanent residence (including mobile homes), unless the owner of such residence shall have submitted to the Department of Development Services an affidavit requesting a reduction of this distance, and indemnifying Jefferson County from any litigation, by current or future owners, relating to the well in question.
- h. **Special Provisions regarding Gob Wells**
  - 1. **Emergency Gob Wells.** Immediate drilling of a gob well in emergency situations – i.e., specifically to address conditions constituting an imminent threat to personal health and safety, and for which a failure to address could be expected to result in bodily harm, injury or death – shall be allowed to take place with the following stipulations:
    - a) The well in question must have prior approval from the State Oil & Gas Board of Alabama.
    - b) Documentation establishing the urgency of the situation; justifying the situation as an emergency (as defined above); precisely identifying the location and expected operating life of the well; and including a site plan showing the extent of all disturbed land and all improvements/installations thereon must be submitted to the Department of Development Services within seven (7) calendar days following commencement of drilling.

- c) If the well is to continue operating beyond the next regular application and hearing cycle of the Jefferson County Board of Zoning Adjustment, the operator must – by the BZA filing deadline – submit construction plans (including the information pertaining to sound, as required in 1001.10.e above) to the Department of Development Services; and, if the well has been located contrary to any applicable provision of this Section 1001.10, application must also be made to the Board of Adjustment for any and all variances necessary to allow the well to remain as located.
2. **All Other Gob Wells.** Gob wells not being drilled to address an emergency situation (as defined above) shall be subject to the same location and permitting requirements applicable to all other (standard) gas wells and related facilities; provided, however, that the setbacks for such gob wells shall be such that in no case, nor at any time during the life of said well, shall the sound generated by any component of the well site exceed 60dB as measured (by the Department of Development Services) at the nearest point from which each setback is measured (see 1001.10.a, 1001.10.b and 1001.10.e above).

ADOPTED 9/14/10

END SECTION 1001

## **SECTION 1002**

### **DISTANCES BETWEEN BUILDINGS**

Minimum requirements for distances between buildings shall be:

Between residences	16 feet*
Between residences and accessory buildings	16 feet
Between residences and commercial or industrial buildings and in addition to the side yard requirements of residence	35 feet

\*Excluding the R-G (Single Family), R-T (Residential Townhouse) and R-7 (Planned Unit Development) zoning districts.

END SECTION 1002

ADOPTED: 11/5/85

**SECTION 1003**  
**EXCEPTIONS AND MODIFICATIONS**  
**TO AREA AND DIMENSIONAL REQUIREMENTS**

**1003.01 Front Setbacks to Conform to Existing Pattern.** In any residential district where the front setbacks of a majority of the existing residences are less than the minimum distance required for that zoning district, the front setback for new construction may be in line therewith.

**1003.02 Stoops, Steps, Decks, Chimneys, Bay Windows, etc.** The Director of Development Services may, in cases of practical difficulty or unnecessary hardship, grant the following exceptions to the yard requirements in a residential district:

- a. Uncovered front and rear stoops or steps, including handicap access ramps, may extend up to five (5) feet into the required front and rear yard, respectively.
- b. Chimneys, bay windows, etc., may project no more than thirty (30) inches into the required rear or side yards, provided they are not more than ten (10) feet in width.
- c. Uncovered rear decks may project not more than fifteen (15) feet into the minimum required rear yard.

AMENDED: 11/5/85

**1003.03 Irregularly-Shaped Subdivision Lots:**

- a. The lot width at the building line (as specified in Section 1001.01 of this Article) shall be at least the minimum required by the specific zoning district.
- b. Minimum road, street or highway frontage shall be not less than fifty percent (50%) of that required at the minimum building setback line as specified in Section 1001.01 of this Article.

**1003.04 Building Line For Flag-Shaped Parcels.** Where access to right-of-way is by deed or record plat, and the building line measured at the required setback from the right-of-way does not satisfy the required lot/parcel width, the Director of Development Services may establish a building line at a point where the lot or parcel does satisfy the minimum width requirement. The Director may also determine the front, rear and side yards of such lot or parcel, with consideration given to future development and provisions for access to adjacent property, and to the location of existing structures, residences and topography.

### SECTION 1004 LAND AREA SCHEDULE

<b>Gross Site Area Square Footage</b>	<b>35% Coverage (Square Feet)</b>	<b>Gross Site Acreage</b>	<b>35% Coverage Square Feet</b>	<b>Acres</b>
50 sq.ft.	17.5	1 acre	15,246	0.35
100 sq.ft.	35	2 acres	30,492	0.70
200 sq.ft.	70	3 acres	45,738	1.05
300 sq.ft.	105	4 acres	60,984	1.40
400 sq.ft.	140	5 acres	76,230	1.75
500 sq.ft.	175	6 acres	91,476	2.10
600 sq.ft.	210	7 acres	106,722	2.45
700 sq.ft.	245	8 acres	121,968	2.80
800 sq.ft.	280	9 acres	137,214	3.15
900 sq.ft.	315	10 acres	152,460	3.50
1,000 sq.ft.	350	11 acres	167,706	3.85
2,000 sq.ft.	700	12 acres	182,952	4.20
3,000 sq.ft.	1,050	13 acres	198,198	4.55
4,000 sq.ft.	1,400	14 acres	213,444	4.90
5,000 sq.ft.	1,750	15 acres	228,690	5.25
6,000 sq.ft.	2,100	16 acres	243,936	5.60
7,000 sq.ft.	2,450	17 acres	259,182	5.95
8,000 sq.ft.	2,800	18 acres	274,428	6.30
9,000 sq.ft.	3,150	19 acres	289,674	6.65
10,000 sq.ft.	3,500	20 acres	304,920	7.00
15,000 sq.ft.	5,250	25 acres	381,150	8.75
20,000 sq.ft.	7,000	30 acres	457,380	10.50
25,000 sq.ft.	8,750	35 acres	533,610	12.25
30,000 sq.ft.	10,500	40 acres	609,840	14.00
35,000 sq.ft.	12,250	45 acres	686,070	15.75
40,000 sq.ft.	14,000	50 acres	762,300	17.50
45,000 sq.ft.	15,750	55 acres	838,530	19.25
		60 acres	914,760	21.00
		65 acres	990,990	22.75
		70 acres	1,067,220	24.50
		75 acres	1,143,450	26.25
		80 acres	1,219,680	28.00
		85 acres	1,295,910	29.75
		90 acres	1,372,140	31.50
		95 acres	1,448,370	33.25
		100 acres	1,524,600	35.00

END ARTICLE 10

## **ARTICLE 11 GENERAL REGULATIONS AND SUPPLEMENTAL PROVISIONS**

### **SECTION 1101 ONE MAIN BUILDING ON LOT**

Every building hereafter erected or moved shall be located on a lot, tract or parcel, and in no case shall there be more than one (1) principal residential building (and its accessory buildings) on any one lot, tract or parcel, except as provided in Article 6, Sections 611, 613 and 615 of this Resolution.

END SECTION 1101

### **SECTION 1102 PRINCIPAL BUILDING TO BE BUILT PRIOR TO ACCESSORY BUILDING**

In all residential districts, and in recorded subdivisions in an A-1 (Agriculture) zoning district, the construction of the principal building must take place prior to the establishment or construction of an accessory building.

END SECTION 1102

### **SECTION 1103 WATER SUPPLY AND SEWAGE DISPOSAL**

Every residence, business, trade, or industry hereafter established and requiring water supply and sewage disposal facilities shall provide such facilities conforming to standards of design and location approved by the State and County Health Authorities, and/or the Director of the Jefferson County Department of Environmental Services.

END SECTION 1103

### **SECTION 1104 BUFFER STRIP AND PRIVACY FENCE REQUIREMENTS**

In cases where a buffer strip, green belt or privacy fence is required or deemed necessary for the protection and/or separation of uses on adjoining properties or parcels, the following elements shall constitute the minimum requirements for each (unless otherwise specified in individual cases):

- 1104.01**      **For a Buffer Strip or Green Belt**, a planted strip at least fifteen (15) feet in width composed of living deciduous or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense, living evergreen shrubs spaced not more than five (5) feet apart. However, it is further provided that the preservation and use of natural vegetation (already existing on a site) may be utilized as a buffer upon determination by the Director of Development Services that the composition of such existing vegetation meets the minimum planting requirements of this Section; and that the density and location of said vegetation is such that it can adequately perform the functions of a buffer. In any case, all buffer strips and green belts shall be maintained as such in perpetuity by the owner of the property.



**1104.02**      **For a Privacy Fence**, a solid wooden fence, six (6) feet in height, erected on the interior of the property in question at least fifteen (15) feet from and parallel to the property line(s) abutting the parcels that are to be screened. The land area between the privacy fence and the property line shall be grassed, landscaped or otherwise maintained as a buffer strip or green belt, and both said grassed or landscaped area and the fence shall be perpetually maintained neat and orderly in appearance by the owner of the property.

END SECTION 1104

### **SECTION 1105 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING**

The minimum yards or other open spaces required by this Resolution for each and every building hereafter erected, moved or structurally altered shall not be encroached upon or considered to meet the yard or open space requirements of any other building.

END SECTION 1105

### **SECTION 1106 REDUCTION OF LOT AND YARD AREAS**

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

Provided, however, that for the purpose of recording a subdivision lot, this requirement shall not apply to residential property where a required lot or yard area must be reduced in order to accommodate the expansion or establishment of a public right-of-way; the property in question contains a properly-permitted residential dwelling or mobile home; and the property complied with the minimum lot area requirement applicable at the time said residence was permitted.

ADOPTED 5/10/05

END SECTION 1106

### **SECTION 1107 GARAGE APARTMENTS AND GUEST HOUSES**

Garage apartments and guest houses will be permitted only on appeal to, and upon approval of, the Board of Zoning Adjustment. In cases where such approval is granted, the floor area encompassed by a permitted garage apartment or guest house shall not be considered as, or be subject to, any size or number limitations that may pertain to customary accessory buildings or structures in the zoning district affected.

END SECTION 1107

## **SECTION 1108 INCIDENTAL USES**

Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings and structures incidental thereto if located on the same site or building plot. However, such incidental uses, buildings and structures shall not be established or erected prior to the establishment or construction of the principal use or building (except in an A-1 (Agriculture) zoning district where the property is not in a recorded subdivision), and shall be compatible with the character of the principal use.

END SECTION 1108

## **SECTION 1109 REGULATIONS PERTAINING TO LIVESTOCK AND POULTRY**

No livestock, poultry or fowl shall be permitted in any residential zoning district.

END SECTION 1109

## **SECTION 1110 USE EXEMPTIONS**

**1110.01 Exemptions from Use Regulations.** The following uses are permitted in any district, provided the parties in interest have complied with all existing laws and regulations governing such installations: poles, towers, wires, cables, conduits, pipe lines, utility vaults, laterals or other similar distributing equipment; and any roads or ways of any description, provided that proper and necessary “use” and “building” permits are secured. No permit is required for harvesting timber and/or reforestation; however, neither mineral extraction nor any structure used in the extraction of minerals shall be exempt under this Section.

**1110.02 Exemptions from Height Limitations.** The height limitations of this Resolution, if any, shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; nor shall they apply to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials and similar structures, except as otherwise provided in the vicinity of airports (as required by FAA regulations) or in Section 706 of this Resolution.

END SECTION 1110

## **SECTION 1111 ALCOHOLIC BEVERAGES**

**1111.01 General.** All petitions and/or applications for use permits covering the sale of alcoholic beverages shall be referred to the County Sheriff for criminal history and comment, and the Sheriff's report shall be filed with said petition or application. A legal description of the property must accompany each application for such a use permit or change of zoning. An application fee for all liquor applications will be assessed in accordance with Section 1803 of this Resolution.

**1111.02 Location Requirements.** No establishment offering the sale of liquor for off-premise consumption shall be permitted within one thousand (1,000) feet of any church or school; nor shall any establishment offering the sale of alcoholic beverages with on-premise consumption, with the sole exception of restaurants approved as a Conditional Use in a C-1 District, be permitted within one thousand (1,000) feet of a church or school. The distance provided herein shall be measured from the exterior boundary of the facility authorized to the nearest zoning district boundary line of the church or school.

**1111.03 Alcoholic Beverage Uses Permitted in a C-1 (Commercial) Zoning District:**

- a. Retail sales of beer and wine for off-premise consumption.
- b. Retail sales of liquor for off-premise consumption only, except that no such sales shall be allowed within one thousand (1,000) feet of a church or school (measured in accordance with the provisions of this Section).
- c. Restaurants offering the sale of alcoholic beverages for on-premise consumption as an accessory component of the sale, serving and consumption of food, approved and operating as a Conditional Use in accordance with Section 803.04 of this Resolution; except that no such use shall be allowed within five hundred (500) feet of a church or school (measured in accordance with the provisions of this Section).

AMENDED 6/05/01

**1111.04 Notification and Public Hearing Requirements.** A public hearing shall be held in the following cases, with prior written notice given to all owners of property (as shown by the records of the Tax Assessor of Jefferson County, Alabama) of which any portion lies within the applicable distance prescribed hereinabove (500 or 1,000 feet) of the proposed establishment (measured in accordance with the provisions of this Section):

- a. all applications for a license to sell alcoholic beverages of any kind for on-premise consumption;
- b. all applications for a license to sell liquor, irrespective of whether for on-premise or off-premise consumption (e.g., package liquor store); and,
- c. any application for a license to sell alcoholic beverages of any kind (beer, wine and/or liquor) at a location where such alcoholic beverages have not previously been sold, whether for on-premise consumption or off-premise consumption; and for which purpose a public hearing has not already been held (e.g., rezoning).

AMENDED 9/27/11

END SECTION 1111

## SECTION 1112 CONSTRUCTION TRAILERS

Portable, mobile or transportable temporary contractors' construction buildings, the use of which are incidental to construction operations being conducted on the same or adjoining lot or tract, will be allowed, with permit, in all districts, provided they are not used as a dwelling. These temporary structures are exempt from setback requirements; however, the safe placement of such structures shall be the sole liability of the permit holder. These buildings or structures shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of one (1) year, except, however, that at the end of one (1) year, an application for a renewal permit may be made for a one (1) year extension.

END SECTION 1112

## SECTION 1113 SUBDIVISION SALES OFFICES

In developing subdivisions in any residential zoning district, the use of a single lot for the conduct of real estate sales operations shall be permitted only in accordance with the provisions of this Section.

- 1113.01      Conditions of Permit.** Such real estate operations as may be allowed herein shall:
- a.      Strictly involve the sales of properties/units only within the subdivision in which said office is permitted;
  - b.      Be limited to one (1) such office per subdivision/development;
  - c.      Maintain the exterior of the building/structure in which any sales operation is conducted to the level of appearance as when originally constructed or manufactured; and,
  - d.      Improve the property on which any sales office is located such that it shall be landscaped and maintained in a manner that maximizes its aesthetic compatibility with residences on surrounding lots. (Any violation of Ordinance No. 1188/1223 (Jefferson County Weed and Litter Ordinance), or any other violation of the Zoning Regulations, shall automatically and instantaneously void any permit issued under this Section.)
- 1113.02      Location of Sales Offices.** Sales offices permitted under this Section shall be placed on properties only as set forth below:
- a.      A building permit must be issued by the Department of Development Services prior to implementation or placement of any such sales office in Jefferson County.
  - b.      Sales offices shall be located either at an entrance to the subdivision, or at a location where no adjoining lots have already been developed or sold for residential purposes.
- 1113.03      Signs.** In addition to the general requirements and restrictions of Article 13 of this Resolution, signage for real estate sales operations permitted under this Section shall

be further limited to one (1) identification sign per property/office, with the size of said sign not to exceed a maximum of eight (8) square feet.

**1113.04      Expiration of Permit.** Any such permit authorizing the use of any property for real estate sales under this Section shall expire at the end of three (3) years, or upon completion of the sale of ninety percent (90%) of the lots contained in the subject subdivision, whichever occurs first. Extensions may be considered upon appeal only.

**1113.05      Final Disposition of Property Used for Real Estate Sales Operations.** Upon discontinuance of any property's use for sales operations, the property in its entirety – including any structures thereon – will promptly be made suitable for sale and use as a residence in full accordance with the regulations and requirements of the zoning district in which it is located.

**1113.06      Additional Provisions Regarding Real Estate Sales Operations Conducted in Model Homes.** In addition to the restrictions and requirements specified above (Sections 1113.01 through 1113.05), the conduct of real estate sales in model homes shall only be permitted provided the structure is located and constructed, and the entire property itself developed and maintained, in accordance with all applicable requirements of the zoning district in which the property is located.

**1113.07      Additional Provisions Regarding Real Estate Sales Operations Conducted in any kind of Portable, Modular or Mobile Building or Structure.** In addition to all of the restrictions and requirements specified above (Sections 1113.01 through 1113.05), the following conditions shall apply to any portable, modular or mobile structure or building to be used for sales offices under the authority of this Section.

- a.      Such structure shall be located, and the entire property itself developed and maintained, in accordance with all applicable requirements of the zoning district in which the property is located (said structure to be considered, for the purposes of this Section alone, a “dwelling” as would otherwise be permitted within the district in which said structure is located).
- b.      Any such structure shall be underpinned and skirted, and otherwise installed and maintained in full accordance with all requirements set forth in the adopted building code of Jefferson County.
- c.      Said structure shall be removed within forty-five (45) days of:
  1.      The expiration of the permit authorizing same;
  2.      Completion of the sale of ninety percent (90%) of the lots within the subject subdivision; or,
  3.      Discontinuation of the structure's use for sales purposes, for any reason, for a period of forty-five (45) days.

**1113.08      Sales Offices Prohibited.** No sales office shall be permitted in any subdivision containing less than twenty (20) lots.

ADOPTED 3/26/2002

END SECTION 1113

**SECTION 1114**  
**REGULATIONS GOVERNING MOBILE HOMES IN ZONING DISTRICTS OTHER**  
**THAN R-5(A) MOBILE HOME SUBDIVISION AND R-5(B) MOBILE HOME PARK**

Mobile homes are prohibited in all zoning districts within the jurisdiction of Jefferson County except R-5(A) Mobile Home Subdivision and R-5(B) Mobile Home Park. However, mobile homes limited to personal or family use only (i.e., not for rental purposes) shall be allowed in R-6 (Single Family) and A-1 (Agriculture) zoning districts upon compliance with all of the requirements of this Section.

**1114.01      Area and Dimensional Requirements.**

- a.      Minimum Lot Area:            15,000 square feet
- b.      Minimum Lot Width:           100 feet
- c.      Minimum Yard Requirements:  
            Front: 35 feet  
            Rear: 35 feet  
            Side: 15 feet
- d.      The mobile home as located on the proposed site shall be at least seventy-five (75) feet from the nearest residential structure (excluding other mobile homes) located on property under separate ownership.
- e.      Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

**1114.02      Sanitation Requirements.** Prior to the placement of any mobile home upon a property, sanitation must be approved by the appropriate sanitation authority.

**1114.03      Additional Provisions Regarding Mobile Homes, used for personal or family use only, in an A-1 (Agriculture) Zoning District.** In an A-1 (Agriculture) Zoning District, a parcel – or two or more contiguous parcels under the same ownership – will allow the following:

- a.      One (1) mobile home on a (cumulative) minimum total area of 15,000 square feet.
- b.      One (1) mobile home and one (1) single family dwelling on a (cumulative) minimum total area of 30,000 square feet.
- c.      Two (2) mobile homes on a (cumulative) minimum total area of 1 acre (43,560 square feet).
- d.      Two (2) mobile homes and one (1) single family dwelling on a (cumulative) minimum total area of 45,000 square feet.
- e.      Three (3) mobile homes on a (cumulative) minimum total area of 2 acres.

**1114.04 Multiple Mobile Homes Prohibited.** In no case will four (4) or more mobile homes be permitted to locate on a single parcel, or on multiple parcels under the same ownership, without such property or properties first being rezoned to R-5(A) Mobile Home Subdivision or R-5(B) Mobile Home Park.

**1114.05 Permits and Fees.**

- a. A permit fee shall be required for each mobile home in accordance with Article 18, Section 1803 of this Resolution.
- b. If all of the requirements of this Section have been complied with, the right to keep a mobile home on the site on which it is to be located shall be for one (1) year; provided, however, that there shall be automatic renewals of one (1) year each as long as all of the requirements and conditions of this Section continue to be met.

END SECTION 1114

**SECTION 1115  
TEMPORARY EMERGENCY RELIEF**

The Director of Development Services is hereby granted authority to provide immediate temporary emergency relief, to applicants requesting such, by permitting the installation of a mobile home on an applicant's property under the following conditions:

- a. Such permit shall be valid only for a period not to exceed one (1) year from the date of issuance;
- b. Such permit shall not be transferable; and,
- c. Prior to issuance of such permit, the Director of Development Services must be reasonably satisfied that the applicant's requested relief is necessary, and that the need for such relief is directly related to damage resulting from fire or natural disaster.

END SECTION 1115

**SECTION 1116  
MOBILE HOMES FOR SECURITY PURPOSES**

Mobile homes will be permitted for security purposes in all zoning districts within the jurisdiction of Jefferson County under the following conditions:

- a. Such permit shall be valid for a period of one (1) year from date of issuance, but may be renewed on a year-to-year basis;
- b. All requirements of Section 1114 of this Article must be met;
- c. Any mobile home permitted under this Section is to be used as a residence only; and,

- d. Prior to issuance of such permit, the Director of Development Services shall thoroughly investigate each site upon which such mobile home is proposed to be located, and must be reasonably satisfied that the facts warrant the permitting of a mobile home for security purposes.

END SECTION 1116

## SECTION 1117

### REGULATIONS GOVERNING ADULT ESTABLISHMENTS

The regulations set forth in this Section supplement or modify the district regulations appearing elsewhere in this Resolution, and shall apply to all property within any commercial district as established by the Jefferson County Commission. The following regulations shall accordingly apply to any and all adult establishments as defined in Article 19 of this Resolution.

- 1117.01** No adult establishment shall be permitted within one thousand (1,000) feet of any religious institution, school, kindergarten or child-care facility, public or private park or playground, and/or residential zoning district. The distance provided herein shall be measured from the zoning district boundary line of the adult establishment to the nearest zoning district boundary line of the use and/or district listed herein.
- 1117.02** Signs for all adult establishments shall be permitted only in accordance with Article 13 of this Resolution, Section 1303.06 (Signs Permitted in C-5 Commercial Adult Entertainment Districts), and shall be further subject to the following:
- a. Signs located on the property with the establishment shall pertain only to goods, products or services sold or offered on the premises.
  - b. Signs and/or exterior displays of any kind that may be visible from any public way shall be limited to words, phrases and numbers, and shall not include live, animated or pictorial displays, or any material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined in Article 19 of this Resolution). This provision shall apply to any display, decoration, sign, show window or other openings.
- 1117.03** There shall be no visible exposure to the general public of activities taking place within any adult establishment. All doors and windows shall be covered or blacked out.

ADOPTED 11/5/97

END SECTION 1117

## SECTION 1118

### RESTRICTIONS, REGULATIONS AND REQUIREMENTS REGARDING LAND-DISTURBING ACTIVITIES

- 1118.01** **Purpose.** The purpose of this Section is to safeguard life, limb and property in Jefferson County, and the public health, safety and general welfare of its citizens, by regulating land-disturbing activities conducted in conjunction with, or in anticipation of, the development of property through the review and prior approval of plans.



It is the intent of this Section to prevent the unauthorized disturbance of land by ensuring that all proposed development and/or use of property fully complies with all applicable requirements and regulations of Jefferson County in order to protect the County's investment in the safety, use and/or stability of its roads, rights-of-way, storm sewer system and other public ways and properties.

**1118.02 Definitions.** To assist in the understanding and application of the provisions of this Section, the following definitions shall apply:

**Adverse Impact:** Any deleterious effect which is, or may potentially be, harmful or injurious to human health, welfare or safety, or to any property, public or private, physically or economically.

**Agriculture:** Activities undertaken on land for the production of plants, crops and animals which are useful to man.

**Best Management Practices:** regulations adopted and enforced by the Alabama Department of Environmental Management (ADEM) and the local Stormwater Management Authority (SWMA) to protect public and private property from damage caused by land-disturbing activities, and to reduce stormwater pollution to the maximum extent possible.

**Clearing:** The removal from the land of trees, shrubs, grass, brush and/or other varied ground cover and vegetation which, in its undisturbed state, is useful for windbreaks, water retention and the maintenance of topsoil (but not including the ordinary mowing of grass or the maintenance of previously cleared areas).

**Earthwork:** Land-Disturbing Activity as defined herein below, but not including Clearing.

**Erosion:** Wearing away of land surfaces as a result of the movement of wind or water.

**Erosion Control:** The application of measures to reduce erosion of land surfaces.

**Filling:** The placement, storing, depositing or dumping of material on or into the ground or water, such action resulting in an increase in the natural surface elevation, or the displacement or redirection of surface water. (Note, however, that this definition does not distinguish the types of material that may legally be used for filling purposes on any given property.)

**Land-Disturbing Activity:** Any change to a property that may result in soil erosion or the movement of sediment, or cause an increase or change of direction in water run-off or drainage, including but not limited to the clearing, dredging, grading, compaction, excavating, transporting or filling of land.

**Silviculture:** The care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

**Stabilization:** The prevention of soil movement by any of various vegetative and/or structural means.

**1118.03 Applicability.** Any activity requiring a land disturbance permit from either the Alabama Department of Environmental Management (ADEM) or the local Storm Water Management Authority (SWMA) shall also be required to have construction plans approved by Jefferson County prior to any disturbance of land, including the clearing of any vegetation, pursuant to said ADEM or SWMA permit.

**1118.04 Exemptions.** Except as may otherwise be required, the following activities shall be exempt from obtaining Construction Plan Approval prior to their commencement:

- a. Agriculture (as defined herein), silviculture (as defined herein), and any other activity (such as minor maintenance or repair work) for which a land disturbance permit from either the Alabama Department of Environmental Management (ADEM) or the local Storm Water Management Authority (SWMA) is *not* required.

The Director of Development Services may consult with the Alabama Forestry Commission, the Alabama Department of Environmental Management and/or the County Farm Agent before making a determination regarding exemption under this subsection.

- b. Single family residences and mobile homes being constructed or located on individual parcels. This exemption shall also apply to accessory buildings and structures as are normally permitted.
- c. Site-specific evaluation testing for such things as soil suitability, soil compaction, percolation rates, etc.; provided, however, that any disturbance occurring to the property or its resident vegetation in the course of such testing shall be strictly limited to the minimum amount reasonably necessary to conduct the test(s) in question, as determined by the Director of Development Services.

**1118.05 Construction Plan Approval Required.** It shall be unlawful to commence or continue to conduct, or for a property owner to allow the commencement or continuance of, any land-disturbing activity without first obtaining Construction Plan Approval as required herein, unless specifically exempted under Section 1118.04 above. A separate Approval shall be required for each site and/or project, and/or for each phase of a project, as determined by the scope of the plans submitted.

**1118.06 Plan Submission and Review Procedures.** Whenever Construction Plan Approval is required, as determined in Sections 1118.03 and 1118.04 above, the following procedures and requirements shall apply.

- a. Before commencing any land-disturbing activity, it shall be the duty of the owner of the land on which such activity is proposed to be conducted, or his duly authorized agent, to file construction plans

with the Department of Roads & Transportation in accordance with the submission requirements set forth in the Jefferson County Subdivision & Construction Regulations.

- b. A plan review fee shall be assessed by the Department of Development Services.
- c. **Plan Content and Informational Requirements.** All plans must specifically include the following information, as well as meet the other requirements of the Jefferson Subdivision & Construction Regulations:
  - 1. a statement clearly identifying the proposed use of the site;
  - 2. a development site plan sufficient for determining compliance with all applicable zoning requirements;
  - 3. a description of the clearing work to be undertaken on the property;
  - 4. a plan showing the location and extent of any filling, grading and/or excavation to be undertaken on the property;
  - 5. the measures that will be taken to protect the County's investment in the safety, use and/or stability of its roads, rights-of-way, storm sewer system and other public ways, during both the site preparation phase and the actual construction phase(s) of the project.
- d. **Pre-Development Site Preparation Activities.** Any party proposing to commence a land-disturbing activity that will not be directly followed by the construction of buildings, structures or any other physical improvements (such as streets, parking lots, storm drainage structures, sanitary facilities, etc.), but where such activity is not exempt from the requirement for Construction Plan Approval, shall be required to submit engineering drawings that fully depict their plan for:
  - the clearing of the vegetation;
  - the filling, grading and/or excavation that is to be undertaken;
  - the erosion and sedimentation control measures to be used;
  - the condition in which the property will be left following the completion of the proposed activity; and,
  - any subsequent use to which the property is intended to be put.

**1118.07 Plan Approval**

- a. **Scope.** If a construction plan is approved, but does not show the full and final development of an entire tract of land, only that part of the property that was depicted on the plans may be disturbed, and only to the extent such disturbance was indicated on the plans.
- b. **Surety.** A surety may be required in conjunction with each project submitted. The amount of surety shall be determined by the Director of Roads & Transportation.

The purpose of the surety required in this Section is to provide the means by which adverse impacts on the safety, use and/or stability of County roads, rights-of-way, storm sewer system and other public ways can be addressed.

**1118.08 Administration, Enforcement and Violations**

- a. **Responsibility.** The property owner of record will be responsible for ensuring full compliance with the requirements of this Section.
- b. **Violations and Remedies.** Any occurrence of any of the situations listed herein below shall constitute a violation of this Section, and shall constitute a violation of the Jefferson County Zoning Regulations.
  - 1. commencement of any land-disturbing activity prior to obtaining a required Construction Plan Approval;
  - 2. any disturbance of land or vegetation beyond the “boundary” of the area approved for such activity on the construction plans;
  - 3. any violation of any provision of this Section, or any failure to comply therewith;
  - 4. failure or refusal to comply with any lawful notice to properly abate or correct a condition, or cease and desist an activity, within the time specified by such notice.
- c. **Release of Surety.** The required surety may be held by the County for up to eighteen (18) months following completion of the vegetation or re-vegetation of the property.
- d. **Withholding of Certificate of Occupancy.** If, upon inspection of a completed development project, any violation situation is determined to exist, the Director of Development Services and/or the Director of Roads & Transportation shall cause the withholding of a Certificate of Occupancy for any building or structure located on the property in question.

ADOPTED 5/10/05

END SECTION 1118

**SECTION 1119**  
**REGULATIONS GOVERNING TELECOMMUNICATIONS**  
**FACILITIES AND SUPPORT STRUCTURES**

**1119.01 Purpose and Intent.** The purpose of this Section, in accordance with the purpose of the Zoning Resolution of Jefferson County to protect the public health, safety and welfare, is to establish minimum locational requirements, siting criteria and development standards for telecommunications facilities and support structures, and to do so in such a way as to be consistent with the Federal Telecommunications Act of 1996, as amended. It is therefore a concurrent purpose of this Section to prevent discrimination between and among the various providers in the telecommunication industry.

As authorized by the Federal Telecommunications Act of 1996, as amended, Jefferson County finds it necessary to enact and enforce these minimum standards and requirements, which are designed to advance Jefferson County's zoning, planning and design standards; and discourage the unnecessary proliferation of telecommunications facilities and support structures.

It is the intent of this Section to encourage and maximize the use of existing and approved (future) towers so that the construction of new telecommunications towers will be an option of last resort. To the extent feasible, co-location of antennas on existing towers, or their attachment to buildings, water towers and other suitable structures, should be sought first. However, where new tower construction is justified as being absolutely necessary, compatible design measures, concealment and screening techniques should be used to minimize any and all detrimental effects to the area in which it is to be located.

**1119.02 Definitions.** To assist in the understanding and application of the provisions of this Section, the following terms are defined in Article 19 of this Resolution: Administrative Review; Co-location; Concealed Telecommunication Facility; F.A.A.; F.C.C.; Protected Residential Area; Support Structure; Telecommunications Antenna (including types thereof); Telecommunications Facility(ies); Telecommunication Service Provider; Telecommunications Tower (including types thereof); Tower Compound.

**1119.03 Approvals Required for Telecommunications Facilities and Support Structures.**

- a. **Administrative Review – Tier I.** The following may be permitted by administrative review and approval by the Jefferson County Commission in accordance with the standards set forth in this Ordinance:
  1. Monopole Telecommunications Towers one-hundred-eighty feet (180') or less in height may be permitted in all zoning districts other than those classified as a Protected Residential Area;
  2. Monopole Telecommunications Towers one-hundred-twenty feet (120') or less in height may be permitted in all zoning districts;

- b. **Administrative Review – Tier II.** The following may be permitted by administrative review and approval by the Director of Development Services in accordance with the standards set forth in this Ordinance:
1. Telecommunications antennas and related necessary facilities locating or co-locating on any pre-existing, properly permitted telecommunications tower;
  2. Concealed Telecommunications Facilities;
  3. Temporary telecommunication towers upon a declaration of emergency by federal, state or local government for the purpose of providing temporary service in place of a damaged tower;
  4. Temporary mobile telecommunication towers up to sixty feet (60') in height for a special event; and
  5. Replacement of existing telecommunications facilities and support structures.
- c. **Conditional Use Permit.** Telecommunications facilities and support structures not permitted by administrative review may be permitted in all zoning districts other than those classified as a Protected Residential Area upon the granting of a Conditional Use Permit from the Jefferson County Commission in accordance with the standards set forth in this Ordinance.
- d. **Application and Justification.** Unless otherwise specified herein, all telecommunications facilities and support structures shall comply with Section 1119.07 Application and Justification.
- e. **Exemptions.** The following wireless telecommunication facilities shall be exempt from the requirements of this Section, except as noted:
1. Amateur radio antennas and receive-only antennas that are no more than 50 feet in height, and satellite earth station antennas two meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed;
  2. Accessory facilities used exclusively for dispatch telecommunications by public emergency agencies or government agencies;
  3. Accessory facilities used exclusively for dispatch telecommunications by private entities, provided such facilities do not exceed fifteen (15) feet in height above the rooftop of the building to which said facilities are accessory; and

4. Telecommunications towers, antennas and related necessary facilities used exclusively for internal telecommunications by public utilities, provided that:
  - a) Such facilities are subordinate and incidental to approved non-residential uses or structures on the same parcel;
  - b) Such facilities do not exceed twenty (20) feet in height above a structure or building when mounted thereto, or sixty (60) feet in height when ground-mounted; and,
  - c) Towers, poles or other support structures do not exceed thirteen (13) inches in diameter.

Determination of exemption of any such facilities exceeding the foregoing dimensions shall be made only after administrative review by the Director of Development Services.

f. **Site Development Plan Approval Required.**

1. Any telecommunication facility proposal which involves development of a new site, expansion of an existing tower compound, or new or revised ingress/egress shall submit engineered site development plans for review and approval in compliance with Article 3 of the Jefferson County Subdivision and Construction Regulations.
2. Any telecommunication facility proposal for a co-location, concealed telecommunication facility, or replacement of existing facilities that does not involve expansion of an existing tower compound, or new or revised ingress/egress shall submit the following information for administrative review:
  - a) Site Development Plans (2 sets) prepared by a registered engineer, drawn to a standard engineering scale and comprised of:
    - 1) Cover sheet with project name, number, location (address, section, township and range, and latitude/longitude), telecommunication tower owner, telecommunication service provider and consultant contact information;
    - 2) Site Layout Plan showing zoning district/lease area boundaries, compound enclosure, existing and proposed improvements; and
    - 3) Compound and Support Structure Elevation(s) showing equipment of all providers, existing and proposed, with mounting heights indicated.

- b) Certification of Adequate Structural Capacity prepared by a registered engineer; and,
  - c) Listing of all providers currently located on the tower.
- g. **Site Plan Approval and Building Permit Required.** All telecommunications facilities, including those otherwise exempted herein, shall obtain site plan approval and building permits in compliance with Section 1801 of the Jefferson County Zoning Regulations.

**1119.04 Telecommunications Facilities and Support Structures Permitted by Administrative Review and Approval.**

- a. Telecommunications antennas and related necessary facilities locating or co-locating on any pre-existing, properly permitted telecommunications tower are permitted in all zoning districts, provided that:
  - 1. No significant visible structural alterations to the existing tower will be necessary; and if structural strengthening is necessary to accommodate co-location, the tower type as referenced in Section 1119.02 shall remain the same as previously permitted;
  - 2. There will be no increase in the total height or lighting of the facility, including the tower, antennas and all other associated facilities except as otherwise allowed by federal or state laws; and
  - 3. All setback and buffer requirements applicable to the existing tower at the time its permit was issued can and will be complied with.
  - 4. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.
- b. Concealed Telecommunications Facilities are permitted in all zoning districts as an accessory use, provided that:
  - 1. The concealed telecommunications facilities shall be subordinate and incidental to approved uses or structures (e.g., buildings, water towers, etc.) on the same parcel;
  - 2. Antennas and associated equipment shall not extend more than ten feet (10') above the height of the structure;
  - 3. Antennas and associated equipment shall be of a color and finish to blend in with the structure, screened, or otherwise obscured so as to not be readily apparent to the casual observer; and
  - 4. Antennas and associated equipment shall not be lighted.



5. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.
- c. Monopole Telecommunications Towers one-hundred-eighty feet (180') or less in height may be permitted in all zoning districts other than those classified as a Protected Residential Area.
  1. Area and Dimensional requirements.
    - a) Tower setbacks from properties not classified as Protected Residential Areas shall be the greater of the zoning district yard setback or twenty-five percent (25%) of the tower height;
    - b) Tower setbacks from properties classified as a Protected Residential Area shall be a minimum of fifty (50') feet plus five feet (5') for every one-foot (1') of tower height in excess of one-hundred-twenty feet (120');
    - c) In no event shall a tower be closer to a residential structure under separate ownership than one-hundred-ten percent (110%) of the height of said tower;
    - d) Tower compounds shall be setback a sufficient distance to accommodate any required landscape buffering, but in no event shall a tower compound be closer than fifteen feet (15') to an adjoining property line; and
    - e) On a lot where a principal building is present, no tower compound shall be permitted between the front of the principal building(s) and a street.
  2. No lighting shall be allowed on towers.
- d. Monopole Telecommunications Towers one-hundred-twenty feet (120') or less in height may be permitted in all zoning districts.
  1. Area and Dimensional requirements.
    - a) Tower setbacks from properties not classified as Protected Residential Areas shall be the greater of the zoning district yard setback or twenty-five percent (25%) of the tower height;
    - b) Tower setbacks from properties classified as a Protected Residential Area shall be a minimum of fifty (50');
    - c) In no event shall a tower be closer to a residential structure under separate ownership than one-hundred-ten percent (110%) of the height of said tower;

- d) Tower compounds shall be setback a sufficient distance to accommodate any required landscape buffering, but in no event shall a tower compound be closer than fifteen feet (15') to an adjoining property line; and,
  - e) On a lot where a principal building is present, no tower compound shall be permitted between the front of the principal building(s) and a street.
- 2. No lighting shall be allowed on towers.
- e. Temporary telecommunication towers upon a declaration of emergency by federal, state or local government for the purpose of providing temporary service in place of a damaged tower.
  - 1. Applicant shall submit sufficient documentation of need for administrative review and approval by the Director of Development Services.
  - 2. Approvals may be granted for up to one-hundred-twenty (120) days and may be renewed for additional terms subject to the review and approval of the Director of Development Services.
  - 3. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.
- f. Temporary mobile telecommunication towers up to sixty feet (60') in height for a special event.
  - 1. Applicant shall submit sufficient documentation of need for administrative review and approval by the Director of Development Services.
  - 2. Approvals may be granted for up three (3) days prior to and three (3) days after the special event; not to exceed fifteen (15) days.
  - 3. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.
- g. Replacement and upgrading of existing telecommunications facilities and support structures.
  - 1. Replacement and/or upgrading of existing telecommunications facilities and support structure does not result in significant visible structural alterations to/from the existing tower except as otherwise allowed by federal or state laws.
  - 2. All setback and buffer requirements applicable to the existing tower at the time its permit was issued can and will be complied with.

3. Telecommunications facilities under this sub-item shall be exempt from Section 1119.07 Application and Justification.

**1119.05 Telecommunications Facilities and Support Structures Permitted by Conditional Use Permit.**

- a. Telecommunications facilities and support structures not permitted by administrative review may be permitted in all zoning districts other than those classified as a Protected Residential Area upon the granting of a Conditional Use Permit from the Jefferson County Commission in accordance with the standards set forth in Section 1805, Conditional Use Permit.
- b. **Area and Dimensional Requirements.**
  1. Tower setbacks from properties not classified as Protected Residential Areas shall be the greater of the zoning district yard setback or twenty-five percent (25%) of the tower height;
  2. Tower setbacks from properties classified as a Protected Residential Area shall be a minimum of fifty feet (50') plus five feet (5') for every one-foot (1') of tower height in excess of one-hundred-twenty feet (120');
  3. In no event shall a tower be closer to a residential structure under separate ownership than two-hundred percent (200%) of the height of said tower;
  4. Tower compounds shall be setback a sufficient distance to accommodate any required landscape buffering, but in no event shall a tower compound be closer than fifteen feet (15') to an adjoining property line; and
  5. On a lot where a principal building is present, no tower compound shall be permitted between the front of the principal building(s) and a street.

**1119.06 General Standards and Design Requirements.**

- a. **Lighting Restrictions.** There shall be no lighting on any telecommunications towers except when required by the F.A.A. In cases where the F.A.A. does require a tower to be lighted, only red blinking lights shall be used at night; white strobe lights will not be permitted for nighttime lighting. Written documentation of any F.A.A. directives to light a tower differently than provided herein must be submitted with the zoning application.

Any security lighting used at the facility shall be of a low-intensity nature, and shall not be directed or reflected away from/off of the site. Such lighting shall be restricted to two-thousand-seven-hundred (2700) lumens.

- b. **Maximum Height.** No telecommunications tower shall exceed a maximum height of three hundred (300) feet.
- c. **Co-Location Requirements.** All telecommunications towers constructed subsequent to the adoption of this Section, and their associated compounds, shall be designed and built to accommodate additional telecommunication service providers based on the height of the tower as follows:
  - 1. Telecommunications towers sixty (60) to one-hundred (100) feet in height shall accommodate a minimum of two (2) telecommunication providers;
  - 2. Telecommunications towers one-hundred-one (101) to one-hundred-fifty (150) feet in height shall accommodate a minimum of three (3) telecommunication providers; and
  - 3. Telecommunications towers greater than one-hundred-fifty (150) feet in height shall accommodate a minimum of four (4) telecommunication providers.
- d. **Maximum Utilization of Existing Sites.** No new telecommunications tower shall be constructed if, in the determination of the County Commission, space is structurally, technically and economically available for the proposed telecommunications antenna(s) and related facilities on an existing tower, or on an alternative site (e.g., building or other structure), where such alternative location would cover the required service area without creating undue signal interference.
- e. **Permission to Co-Locate Required.** Pursuant to Items (c) and (d) above, and to the stated purpose and intent of this Section, the owner of any existing telecommunications tower that has space structurally and technically available for any additional telecommunications antennas shall make such space reasonably and economically available to other providers.
- f. **Visual Impact.** All new telecommunication towers, antennas and tower compounds shall be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way through the use of such design techniques as colors, finishes, landscaping, concealment and/or other similar techniques, consistent with the unique characteristics of the tower site and the surrounding area.
- g. **Use Compatibility and Design Harmony.** All new telecommunications tower facilities must be compatible with the surrounding land uses, given the character of the use(s) and development trends in the area around the tower site. Said tower facilities shall be designed, both structurally and with regard

to finish or color, to be as much in harmony as possible with the natural setting of the site and/or the surrounding development pattern, as well as being up to the highest industry standards.

- h. **Safety.** All telecommunications towers must comply with wind loading and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
- i. **Security.** A security fence shall be installed around the perimeter of the compound, with a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable).
- j. **Maintenance.** The owner of a telecommunications tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by Jefferson County or its authorized representative, in perpetuity for as long as said tower remains on a site.
- k. **Abandoned Facilities.** Any telecommunications facility that ceases to be used for its original telecommunications purpose shall be removed at the owner's expense. The owner of the facility shall provide the Director of Development Services with a copy of the notice to the F.C.C. of the intent to cease operations, and shall have ninety (90) days from the date of such ceasing to remove the obsolete tower and all accessory structures, and to restore the site to its natural condition.
- l. **Violations.** Any violation or other failure to comply with any provision of this Section shall subject the violator to the fullest extent of the Remedies and Penalties for Violation as set forth in Article 18, Section 1801.04 of this Resolution.

**1119.07 Application and Justification.** Sufficient justification must be submitted for the siting of all new telecommunication towers and expansion of existing telecommunication towers in Jefferson County except as otherwise exempted by federal or state laws.

Determination as to the adequacy of the justification for any new tower will be made as a routine part of the Conditional Use Permit and/or Administrative Review process, and shall be based upon – along with the other standard land use considerations of appropriateness – the review and evaluation of the application for construction of a new telecommunication tower and expansion of an existing telecommunication tower. The following information and materials shall accordingly be considered the minimum application requirements when seeking approval for construction of a new telecommunication tower or expansion of an existing telecommunication tower:

- a. A detailed site plan showing, at minimum, the following:
  - 1. The layout of the facility, including the location and dimensions of all improvements, setbacks, accesses, security installations (including fencing), etc.;
  - 2. A description and drawing of the visual aspects of the proposed facility; the need for additional displays, such as a balloon test and photo simulations, will be determined on a case-by-case basis;
  - 3. A buffer plan showing the nature of the setback space, both as it presently exists and as it will be after installation of the proposed facility; how it will address the requirements of Sections 1119.06(f), Visual Impact, and 1119.06(g), Use Compatibility and Design Harmony; and the provisions that will be made for the ongoing maintenance of such space;
  - 4. A scaled elevation diagram of the facility showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location; and,
  - 5. Any additional information as may be deemed necessary and required by the reviewing authority in order to conduct a proper evaluation of the proposed facility within the context of the purpose and intent of this Section.
- b. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility, and its relationship to the next nearest adjacent “cells”, existing towers, alternative sites and available support structures (e.g., buildings, billboards, water towers, etc., which could be used for support in lieu of a new tower) that were considered within a 2-mile radius of the proposed location.
- c. An inventory and analysis of all existing telecommunications towers and support structure sites within two (2) miles of the proposed location. This inventory must include the following information:
  - 1. The location (address, section, township and range, and latitude/longitude) and ownership of the telecommunications tower;
  - 2. Type and height of towers or structures; and,
- d. Written documentation justifying the need for a new telecommunications tower site to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:

1. A list, description and map of the potential co-location, non-residential use or alternative location sites that are located within a 2-mile radius of the proposed site;
  2. Documentation that requests for co-location have been made at least thirty (30) days prior to the filing of application;
  3. A detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;
  4. An analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the County-wide network; and
  5. An analysis of why the height of the proposed telecommunications tower is essential to meet service demands for the geographic service area and the County-wide network. The ability to accommodate additional providers (co-location) shall not serve as justification for tower heights in excess of that required by the initial telecommunication service provider to meet service demands.
- e. Registration of the name, address and telephone number of the officer, agent or employee who shall be authorized by the telecommunications service provider (who will be operating the telecommunication facility in question) as the single point of contact and party responsible for the accuracy of all information and certifications submitted, and for said provider's on-going compliance with all of the provisions of this Section (and any other applicable codes or regulations).

Additionally, should the telecommunications tower be owned by an entity other than the telecommunications services provider, the name of the tower owner, address and telephone number of the officer, agent or employee who shall be authorized by the tower owner as the single point of contact and party responsible for the accuracy of all information and certifications submitted, and for said owner's on-going compliance with all of the provisions of this Section (and any other applicable codes or regulations).

It shall further be the responsibility of the telecommunications tower owner and telecommunications services provider so named on the registration form to ensure that the identity, legal status, address and phone number of the responsible party registered with Jefferson County is complete, current and totally accurate at all times, unless and until the provider/owner submits notice of its intent to cease operation of the facility in question as set forth in Section 1119.06(k).

- f. Certification letter that the proposed telecommunications tower is structurally and technically designed and capable, and will be so constructed to meet the co-location requirements set forth in Section 1119.06(c) .
- ~~g. A fee of five hundred dollars (\$500.00) to cover additional review costs incurred by reviewing the materials submitted with each application as required herein. This fee shall be in addition to any and all other fees for processing Conditional Use Permit requests as set forth in this Resolution and any other permitting and review fees that may be required by separate ordinance.~~

**1119.08 Repeal Of Existing Regulations.** All ordinances and regulations, or parts of ordinances and regulations, in conflict with this Section shall be repealed upon adoption of this Section. Any previous resolution(s) referring to and/or authorizing such administration and regulation as provided for in this Section, prior to as if in place of this Section - specifically, but not necessarily limited to Section 706, U-2 Telecommunication Tower District, of the Zoning Resolution of Jefferson County, Alabama - are also hereby repealed.

END ARTICLE 11

ADOPTED 7/16/2015



## **ARTICLE 12 REGULATIONS FOR OFF-STREET PARKING**

### **SECTION 1201 OFF-STREET PARKING/SETBACK SPACE (USE)**

There shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking in the amount specified by this Article. Such parking space may be provided in a parking garage or parking lot or in driveways serving single and two-family residences. Parking facilities provided in accordance with the terms of this Resolution shall not subsequently be reduced below the requirements of this Resolution.

- 1201.01      Parking Lots To Be Improved.** Parking lots intended to provide for the off-street parking space required by this Resolution shall be improved and maintained.
- 1201.02      Joint Use of Parking Lots.** Parking facilities for one use shall not be considered as providing the required parking facilities for any other use on the same or separate lots, except under circumstances wherein a combination of uses or other factors might require total parking facilities in excess of actual need if so determined and certified by the Director of Development Services, and subsequently approved by the Planning and Zoning Commission.
- 1201.03      Certification of Minimum Parking Requirements.** Each application for site plan approval shall include information as to the location and dimensions of off-street parking spaces, if required, and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the Director of Development Services to determine whether or not the requirements of this Article are met. Site plan approval for the use of any building, structure or land where off-street parking space is required shall be withheld by the Director of Development Services until the provisions of this Article are fully met.
- 1201.04      Free Flow of Traffic and Pedestrian Protection.** Access and egress for parking facilities shall be so arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicles on sidewalks or streets. If a reservoir or vehicle standing area on the property is necessary to prevent such blocking of traffic, an adequate reservoir shall be provided.
- 1201.05      Use of Setback Space.** In all districts except single family where the side and rear yards adjoin single family districts, all of the required setback space may be utilized for parking space only as follows: The outermost fifteen (15) feet shall be grassed or landscaped.

**1201.06 Remote Parking Space.** All dwelling units, motels, tourist courts, tourist homes and trailer parks shall have the required parking spaces provided on the lot or lots on which such dwelling type unit is located. For all other uses, if the off-street parking space required by this Resolution cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet walking distance of the main entrance to such principal use. Said land shall be used for no other purpose so long as no other adequate provisions for parking space meeting the requirements of this Resolution have been made for the principal use. However, remote parking areas must be zoned the same as the principal use or as may be permitted upon appeal.

**1201.07 Dimensional Requirements.** For purposes of this Resolution, each off-street parking space should be not less than two hundred (200) square feet in area exclusive of access drives or aisles, should be of usable shape and condition, and should have vehicular access to a public street. Except for single family and two-family residences in residential districts, turning space should be provided so that no vehicle will be required to back into a public street.

END SECTION 1201

## SECTION 1202 MINIMUM PARKING REQUIREMENTS

The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Where a use is not specifically mentioned herein, the parking space requirements of a similar or related use shall apply.

TYPE OF USE	REQUIRED OFF-STREET PARKING
a. Any residential use consisting of not more than three (3) dwelling units.	One (1) parking space for each dwelling unit.
b. Multi-family structures containing more than three (3) dwelling units.	Two (2) parking spaces for each dwelling unit.
c. Multi-family structures containing more than three (3) dwelling units and designed exclusively for occupancy by elderly residents.	One (1) parking space for each dwelling unit.
d. Bowling alley.	Four (4) parking spaces for each alley.
e. Business, Professional or Public Office Building, Studio, Bank, Medical or Dental Clinic.	Three (3) parking spaces, plus one (1) additional space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
f. Church or Place of Worship.	One (1) parking space for each four (4) seats in the main auditorium.
g. College or High School.	Five (5) parking spaces for each classroom, office room, kitchen and gymnasium.

TYPE OF USE	REQUIRED OFF-STREET PARKING
h. Community Center, Library, Museum or Art Gallery.	Ten (10) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area in excess of two thousand (2,000) square feet.
i. Dance Hall, Assembly or Exhibition Hall without fixed seats.	One (1) parking space for each One hundred (100) square feet of floor area devoted to such use.
j. Day Nursery and Kindergarten.	Two (2) parking spaces for each employee, plus adequate provision for the loading and unloading of children.
k. Golf Club.	One (1) parking space for each five (5) members.
l. Hospitals.	One (1) parking space for each four (4) beds.
m. Manufacturing or Industrial Use, Research Laboratory, Distribution Warehouse or Wholesale Use, and other similar uses.	One (1) parking space for each three (3) employees on the maximum working shift.
n. Mortuary or Funeral Home.	One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
o. Private Club or Lodge.	One (1) parking space for each one hundred (100) square feet of non-storage and non-service floor area.
p. Restaurant, Cafe, Night Club, or similar Recreation or Amusement Establishment.	One (1) parking space for each one hundred (100) square feet of floor area.
q. Retail Store or Personal Service Establishment.	One (1) parking space for each two hundred fifty (250) square feet of floor area.
r. Shopping Center.	Five and one-half (5.5) parking spaces for each one thousand (1,000) square feet of leasable area.
s. Sanitariums, Rest and Convalescent Homes, Homes for the Aged and similar institutions.	One (1) parking space for each six (6) beds.

TYPE OF USE	REQUIRED OFF-STREET PARKING
t. School, Elementary.	Two (2) parking spaces for each classroom and office room.
u. Sports Arena, Stadium or Gymnasium.	One (1) parking space for each five (5) seats or seating spaces.
v. Theater or Auditorium (except school).	One (1) parking space for each five (5) seats or seating spaces.
w. Tourist Home, Motel or Motor Court.	One (1) parking space for each sleeping room or suite.
x. Auto Movies, Open Air Theaters, Shows, Carnivals and similar uses.	Sufficient off-street parking space for patrons and employees, and satisfactory ingress and egress points in relation to the street with ample off-street parking spaces for patrons and guests awaiting entrance to the facilities.

END SECTION 1202

### SECTION 1203

#### MINIMUM LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING

**1203.01 Purpose.** The Minimum Landscaping Requirements for Off-street Parking are provided to improve the environmental performance of new development, to enhance the appearance of buildings and their parking areas, and to minimize the impact of parking lots on adjacent land uses.

Benefits derived to the community include the protection and enhancement of property values, the reduction of stormwater run-off from parking lots, the reduction of erosion and sedimentation, the improvement of ground water quality and air quality, and the provision of shade in parking lots thus minimizing solar heat gain. Trees and other forms of vegetation, in the process of photosynthesis, remove some carbon dioxide from the atmosphere, generate a significant amount of oxygen that is necessary for life support, and hold and absorb some chemical pollutants.

Landscaping shall be provided as part of the site plan, parking lot, and stormwater system design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, minimizing adverse environmental impacts, enhancing and preserving the particular identity of the site, and creating a pleasing character.

- 1203.02      Applicability and Exceptions.** All parking lots containing twelve (12) or more spaces shall be subject to these regulations. When existing parking lots, including those previously exempt from these regulations, are expanded to include a total of twelve (12) or more spaces the additions shall comply with the requirements of this section. Provided, however, that coal mining operations, because of their unique location and operational circumstances, shall be exempt from the requirements of this Section.

AMENDED 7/12/2011

- 1203.03      Definitions.** To assist in the understanding and application of the provisions of this Section, the following terms are defined in Article 19 of this Resolution: Landscaping; Parking Lot; Parking Space; and Shade Tree.

**1203.04      Landscape Plan Review and Approval.**

- a. Prior to the issuance of site plan approval certification of compliance with these regulations must be obtained from the Department of Development Services.
- b. Prior to the issuance of an Occupancy Permit, parking lot landscaping shall be installed in accordance with the approved Landscape Plan.

In lieu of installation of landscaping prior to issuance of an Occupancy Permit, a cash deposit or surety in an amount equal to the cost plus 20% for installation of approved landscaping, guaranteeing the complete installation of the landscaping within six (6) months, may be accepted by the Department of Development Services. If cash deposit/surety is forfeited, any remaining funds will be returned to the owner/developer upon completion of required landscape improvements.

**1203.05      Landscape Plan Submittal Requirements.**

- a. **Format and Materials.** The Landscaping Plan and Details shall be drawn at an appropriate standard scale sufficient to convey the design intent of the submittal. Complete Landscape Plans, when required, shall be included in Preliminary Plan sets and Construction Plan sets submitted to Jefferson County for review and approval in accordance with the County's Subdivision and Construction Regulations.
- b. **General Information.** Plan sets submitted for review and approval shall include the following:
  1. A title block, showing the title of the development, the name and address of the owner/developer/agent, the name and address of the person or firm preparing the plan, the date of preparation, the scale, the north point, and the date of all revisions.
  2. A location map, showing the relative location of the site to the nearest existing public street intersection.

3. The boundaries of the subject property including the location and description of all adjoining property, the location and names of all adjoining streets and easements.
4. The parcel identification number, zoning classification, the required number of parking spaces according to Section 1202 of these Regulations, and the proposed number of parking spaces of the subject property/development.
5. The total square footage, including required landscaped areas, of the proposed parking lot and the total square footage of the required landscaped areas.
6. Location and dimensions of all entrances and exits of the parking lot and the manner in which vehicles will be parked, and the location and names of all utility lines, easements or right-of-ways on, or adjacent to, the site.
7. All existing and proposed built improvements, all plant materials, natural features such as streams and rock outcroppings, and other landscape elements.
8. All cross-sections, elevations and details needed to communicate appearance, and methods of construction and/or installation.
9. A Planting Schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name and cultivar, if any, quantity of materials, size of materials at planting, and plant spacing.

**1203.06 General Requirements.** Landscape improvements to parking lots shall be subject to the following requirements:

- a. For developments requiring one hundred (100) or more off-street parking spaces, Landscape Plans shall be prepared by a registered landscape architect or licensed landscape designer. Submitted plans shall bear the registered landscape architect's/designer's seal, signature and State of Alabama registration number.
- b. All landscape improvements shall be constructed and/or installed by a contractor who is knowledgeable of and licensed by the State of Alabama to perform such work.
- c. **Site Protection and General Planting Requirements:**
  1. **Topsoil:** To the extent practicable, topsoil moved during the course of construction shall be preserved and stockpiled for re-use on the site.

2. **Existing Trees:** Preservation of each existing healthy tree of an approved species, within required landscape areas, shall count as one and one-half (1-1/2) trees toward fulfillment of these requirements.
  - a) The existing tree to be preserved must be at least four (4) inches in caliper to receive credit.
  - b) Methods for preserving existing trees shall be subject to review and approval by the Department of Development Services.
  - c) Existing trees that are credited towards meeting the requirements of this Section shall be subject to the same maintenance and replacement requirements as newly planted trees.
3. **Slope Plantings:** Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion.
4. **Additional Landscaping:** All areas of the site not occupied by buildings and required improvements shall be left in its natural state or landscaped with mulch, grass or other groundcover, shrubs and trees as part of the Landscape Plan approved by the Director of Development Services.
5. **Planting Specifications:** Deciduous shade trees shall have at least a two-inch (2-inch) caliper at planting. Small deciduous ornamental trees shall be a minimum of six (6) feet in height at planting. The size of evergreens and shrubs shall be allowed to vary depending on the setting and type of shrub. Only nursery-grown plant materials which conform with the current edition of "Horticulture Standards" for number one grade nursery stock, as adopted by the American Association of Nurserymen, shall be acceptable. All trees, shrubs and groundcovers shall be planted and maintained according to accepted horticultural standards. Dead and dying plants shall be replaced during the following planting season.
6. **Plant Species:** Plant Species selected should be hardy to U.S.D.A. Plant Hardiness Zone 7b, be appropriate for soil conditions, water availability and the environment and appropriate in terms of function and size.
7. **Mulch:** All planting areas, except those with turfgrass, shall be provided with a layer of mulch.
8. **Irrigation Systems:** The use of irrigation systems is encouraged in all planting areas. Refer to Section 1203.08 for specific requirements.

d. **Shade Trees**

1. **Location:** Trees shall be either massed or strategically spaced on the site, or both. Trees shall be planted so as not to interfere with utilities, roadways, sidewalks, sight easements, or street lights. Tree location, landscaping design, and spacing plan shall be approved by the Director of Development Services as part of the Landscape Plan.
  2. **Maintenance Specifications:** Upon reaching adequate size, branches of all shade trees shall be trimmed and maintained at a minimum height of eight (8) feet above finished grade.
- e. The use of raised curbing is discouraged throughout parking lots so that stormwater may infiltrate into planting areas.
- f. Parked vehicles shall not be allowed to overhang planting areas or sidewalks.

**1203.07 Landscaping Requirements.** Parking lots shall be subject to the following requirements:

- a. **Peripheral Parking Lot Landscape Requirements.** All parking lots containing twelve (12) or more spaces shall be required to provide peripheral landscaping adjacent to abutting properties as follows:
1. Facing onto abutting property lines: A landscaped strip shall be located the entire length between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.
    - a) Parking Lots with 12 - 49 Spaces: The landscaped strip shall be a minimum of eight (8) feet in width.
    - b) Parking Lots with 50 or More Spaces: The landscaped strip shall be a minimum of ten (10) feet in width.
  2. Facing onto public rights-of-way: A landscaped strip a minimum of ten (10) feet in width, exclusive of any sidewalk or trail, shall be located between the parking lot and the public right-of-way.
  3. Where minimum yard setbacks are fifteen (15) feet or more, as part of the overall planting within the landscape strip, a minimum three (3) foot wide row of evergreen plant materials capable of forming a visual screen at maturity shall be provided with a minimum height of eighteen (18) inches at time of installation.
  4. At a minimum, the equivalent of one (1) shade tree for every fifty (50) linear feet or portion thereof shall be planted in the landscaped strip; however, this should not be construed as requiring the planting of trees at fifty (50) feet on-center.



5. Where peripheral landscaping required by this Article conflicts with street planting regulations of the Alabama Department of Transportation, the regulations of the latter shall govern; compliance with both regulations, when possible, shall be pursued on a case-by-case basis.
6. Landscaping in and adjacent to parking lots shall not obstruct the driver's view of the right-of-way at driveways and intersections, including that from adjoining properties.
7. Vision clearance triangle setbacks are ten (10) feet in parking areas, thirty (30) feet at intersections, and as required by the Alabama Department of Transportation. Line of sight shall be measured at three and one-half (3-1/2) feet above the crown of such intersecting roads.

**b. Interior Parking Lot Landscape Requirements.**

1. Parking lots with 30 to 49 parking spaces shall be provided with interior landscaped areas covering not less than five percent (5%) of the total parking area. Such landscaping shall be in addition to all planting within six (6) feet of a building and any required peripheral plantings and buffers.
2. Parking lots with 50 to 99 parking spaces shall be provided with interior landscaped areas covering not less than seven and one-half percent (7.5%) of the total parking area. Such landscaping shall be in addition to all planting within six (6) feet of a building and any required peripheral plantings and buffers.
3. Parking lots with 100 or more parking spaces shall be provided with interior landscaped areas covering not less than ten percent (10%) of the total parking area. Such landscaping shall be in addition to all planting within six (6) feet of a building and any required peripheral plantings and buffers.
4. Parking lots containing thirty (30) or more spaces shall be subject to the following requirements:
  - a) The primary landscaping material used in parking lots shall be shade trees. At a minimum, the equivalent of one shade tree per fifty (50) linear feet of parking bay or portion thereof shall be provided; this shall not be construed as requiring the planting of trees at fifty (50) feet on-center. Double-loaded parking bays may share a common shade tree.
  - b) Shrubs and other planting material may be used to complement the shade tree planting, but shall not be the sole component of the landscaping.

5. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.
  - a) In general, no planting area shall be less than five (5) feet in width.
  - b) No planting area shall be less than 100 square feet in area.
6. Landscaping Requirement Summary Chart.

Landscaping Requirements	Number of Parking Spaces				
	0 - 11	12 - 29	30 - 49	50 - 99	100 +
Facing onto abutting property lines provide a landscaped strip a minimum of eight (8) feet in width along the entire length, except where driveways and other openings necessitate other treatment.		●	●		
Facing onto abutting property lines provide a landscaped strip a minimum of ten (10) feet in width along the entire length, except where driveways and other openings necessitate other treatment.				●	●
Facing onto public rights-of-way provide a landscaped strip a minimum of ten (10) feet in width, exclusive of any sidewalk or trail		●	●	●	●
Where minimum yard setbacks are fifteen (15) feet or more, provide a three (3) foot wide row of evergreen plant materials in the landscapes strip.		●	●	●	●
Provide interior landscaped areas covering not less than five percent (5%) of the total parking area.			●		
Provide interior landscaped areas covering not less than seven and one-half percent (7.5%) of the total parking area.				●	
Provide interior landscaped areas covering not less than ten percent (10%) of the total parking area.					●

**1203.08 Irrigation System Requirements.** Installation of irrigation systems is encouraged in all planting areas to ensure the survivability of plant materials. Installation of automatic irrigation equipment is required in all parking lot planting areas that have raised curbs.

- a. Complete irrigation plans that comply with the Plumbing Code of Jefferson County, shall be submitted as part of the Landscaping Plan when such is required by this section. Irrigation plans shall be drawn at the same scale as the Landscaping Plan and shall cover the entire area where irrigation is required.
- b. Shrub and lawn irrigation heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be pop-up heads or drip emitters.

- c. The owner shall maintain the irrigation system in proper working condition as part of a regular maintenance program.

**1203.09 Maintenance.**

- a. The owner, tenant and their agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping in good condition so as to present a healthy and attractive appearance, free of refuse and debris.
- b. Failure to properly maintain all landscaping shall be considered a violation of these regulations.

END ARTICLE 12

## ARTICLE 13 SIGN REGULATIONS

The purpose of these sign control regulations is to: Provide the minimum control of signs to promote the health, safety and general welfare by lessening hazards to pedestrians and vehicular traffic; to preserve property values by preventing unsightly and detrimental development which has a blighting influence upon residential, business and industrial uses; to prevent signs from reaching such excessive size or number that they obscure one another to the detriment of all concerned; and, to secure certain fundamentals of design for the County.

### SECTION 1301 PERMITS AND ENFORCEMENT

#### 1301.01 Permits required.

Except as otherwise provided in these regulations it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign in the portions of the county where County zoning regulations apply, or cause the same to be done, without first obtaining a sign permit for each sign from Jefferson County as required by this ordinance. Permits are not required to do routine sign maintenance.

- a. ***Application for Sign Permit.*** A sign permit is required prior to sign installation. The applicant shall provide the following:
  1. Name and address of owner of the sign.
  2. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
  3. Clear and legible drawings with a description showing the location of the sign which is to be erected or modified and all other existing signs on the premises.
  4. Drawings showing the dimensions, construction supports, size, electrical wiring and component materials of the sign and the method of attachment.
- b. ***Permit fees.*** Sign permit fees are due when the sign permit is issued.
- c. ***Inspection of signs.*** The person erecting, altering, relocating, enlarging or converting any sign shall notify the Department of Development Services upon completion of any work for which permits have been issued to schedule a final inspection
- d. ***Unlawful signs.*** Every sign shall be maintained in good structural condition. The building official may inspect any sign and shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or abandoned.

END SECTION 1301

## SECTION 1302 SIGN REGULATIONS BY ZONING DISTRICT

### 1302.01 Signs permitted in A-1, R-R, and E-MF districts.

In all agricultural zoning districts (A-1, R-R, E-MF) signs are permitted subject to the following regulations:

- a. ***On-premise signs.*** Only wall signs or monument signs are permitted. No sign shall have sign faces exceeding sixty (60) square feet and no parcel may have more than 2 signs. The maximum combined area of all signs shall not exceed seventy-two (72) square feet. All free-standing signs are subject to the setback requirements in Section 1303.05. On-premise signs customarily incidental to uses permitted in A-1, R-R, E-MF Districts, including signs advertising the sale of products produced on the property, are permitted. (in addition to signs permitted under 1303.01 and 1303.03).
- c. Signs permitted under 1303.01 and 1303.03
- d. ***Off-premise signs.*** Billboards (off-premise signs) subject to Section 1304 and 1303.05.

### 1302.02 Signs Permitted in E-1, E-2, R-1, R-1(S), R-2, R-3, R-4, R-5(A), R-5(B), R-6, and R-7 residential districts.

In all residential zoning districts, signs are permitted subject to the following regulations:

- a. On-premise identification signs and signs identifying properly-permitted real estate sales operations in developing subdivisions which, if illuminated, shall be lighted with indirect, non-intermittent light only. One sign is permitted per development, a monument sign or a wall sign only. No sign shall exceed sixty (60) square feet in area and all signs are subject to the setbacks in Section 1303.05;
- b. Subdivision identification signs are permitted only in accordance with the Ordinance of the Jefferson County Commission to Regulate the Erection of Community of Subdivision Identification Signs on the Public Rights-Of-Way under Jefferson County, Alabama Maintenance Jurisdiction. Any such sign shall be in compliance with AASHTO standards in Geometric Design of Highways and Streets, latest edition for unobstructed sight distance; and,
- c. Signs permitted under 1303.01 and 1303.03

### 1302.03 Signs Permitted in Inst-1, Inst-2, U-1, U-2, CEM-1, and CC-1 districts.

In all the above zoning districts signs are permitted subject the following regulations:

- a. On-premise identification signs which, if illuminated, shall be lighted with indirect, non-intermittent light only. One sign only is to be permitted per development and the sign may be a free-standing monument sign or an attached wall, projecting, canopy or under canopy sign. No sign shall exceed sixty (60) square feet in area and any sign shall be subject to the setbacks in Section 1303.05; and,
- b. Signs permitted under 1303.01 and 1303.03.

**1302.04 Signs permitted in C-P, C-N, and C-4.**

In all Preferred Commercial, Neighborhood Commercial and Package Liquor Store districts the following signs are permitted subject to the following regulations:

- a. ***Single-tenant developments.*** Each single-tenant development is permitted no more than three (3) signs attached to the building (wall, projected, canopy or under canopy sign) and one free-standing monument sign per road frontage.
  1. ***Attached Signs.*** Any development may have up to seventy-two (72) square feet in combined sign area or combined sign area of no more than 10% of the area of the building façade facing the street, but no sign may exceed a maximum of four hundred (400) square feet in area. On buildings with only one street face, the building signs may be placed on any side of the building, but the total square footage of signs allowed will be governed by the size of the street facing façade. However, where the principal entrance of the building is on the side of the building and where the property adjacent to that façade is also commercial the total square footage of signs allowed may be no more than 10% of the area the size of that façade, however, the total signage permitted on the street facing façade may not exceed 10% of that façade.
  1. ***Monument Signs.*** All free standing signs shall be monument signs. Monument signs shall not exceed sixty (60) square feet per face and shall be no more than six (6) feet in height. Larger or higher monument signs may only be permitted as a Special Use by the Planning and Zoning Commission if the physical constraints of the property warrant it. If a larger sign face is permitted by Special Use the combined area of the monument sign and all attached signs may not exceed 10% of the area of the building façade facing the street, and no sign may exceed four hundred (400) square feet in area. All free standing signs shall be subject to the setbacks in Section 1303.05.
- b. ***Multi-tenant developments.*** Each multi-tenant development is permitted no more than one (1) sign attached to the building to identify the development and one (1) sign per tenant (wall, projected, canopy or under canopy sign) and one (1) free-standing monument sign per road frontage. The total combined area of all attached signs may be sixty (60) square feet or up to 10% of the area of the building façade facing the street.
  1. ***Attached signs.*** Each tenant in a multi-tenant development is permitted one on-premise wall sign with square footage equal to twenty (20) square feet or no more than 10% of the area of the area of the business façade, however, the combined area of all the attached signs shall not exceed 10% of the total area of the building façade facing the street. However, where the principal entrance of the building is on the side of the building and where the property adjacent to that façade is also commercial the total square footage of signs allowed may be no more than 10% of the area the size of that façade, however, the total signage permitted on the street facing façade may not exceed 10% of that façade, and no individual sign may exceed four hundred (400) square feet in area.

2. *Free-standing Sign.* Monument signs shall not exceed sixty (60) square feet per face and shall be no more than six (6) feet in height and subject to the setbacks in Section 1303.05. Larger or higher monument signs may only be permitted as a Special Use by the Planning and Zoning Commission if the physical constraints of the property warrant it. If a larger sign face is permitted by Special Use the combined area of the monument sign and all attached signs may not exceed 10% of the area of the building façade facing the street, and no sign may exceed four hundred (400) square feet in area. All free standing signs shall be subject to the setbacks in Section 1303.05.

- c. Signs permitted under 1303.01 and 1303.03.

### **1302.05 Signs permitted in C-5.**

In all Commercial Adult entertainment Districts the following signs are permitted:

- a. Each establishment shall be limited to:
1. One (1) on-premise monument sign not to exceed sixty (60) square feet per face and no more than six (6) feet in height and subject to the setbacks in Section 1303.05; *or*,
  2. One (1) wall sign with a total square footage not or no more than 10% of the area of the façade of the building facing the street and not to exceed a maximum of four hundred (400) square feet. On buildings with only one street face, the building sign may be placed on any side of the building, but the total square footage of the sign allowed will be governed by the size of the street facing façade.;
- b. Any free-standing sign shall be located to the front of the establishment and be subject to the setbacks in Section 1303.05;
- c. No signs shall have graphic displays;
- d. Any sign for establishments in C-5 shall be further restricted in accordance with Section 1117.02 of this Resolution.

### **1302.06 Signs Permitted in C-1, C-2, C-3, Air-1, I-1, I-2, I-2(A), I-3, I-3(S), I-4, I-5, I-5(A), I-O, and HW-1.**

In all the above districts signs are permitted subject to the following regulations:

- a. ***Single tenant developments.*** Each single-tenant development is permitted no more than five (5) signs attached to the building (wall, projected, canopy, fuel canopy, or under canopy sign) and one free-standing sign per road frontage.
1. *Attached Signs.* Any development may have up to seventy-two (72) square feet in combined sign area or no more than 10% of the area of the building façade facing the street, but no sign may exceed a maximum of four hundred (400) square feet in area. On buildings with only one street face, the building signs may be placed on any side of the building, but the total square footage of signs allowed will be governed by the

size of the street facing façade. However, where the principal entrance of the building is on the side of the building and where the property adjacent to that façade is also commercial the total square footage of signs allowed may be no more than 10% of the area the size of that façade, however, the total signage permitted on the street facing façade may not exceed 10% of that façade.

2. *Monument Signs.* All free standing signs shall be monument signs except as allowed below. Monument signs shall not exceed sixty (60) square feet per face or more than six (6) feet in height and all signs are subject to the setbacks in Section 1303.05. Larger or higher monument signs may only be permitted by Special Use if the physical constraints of the property warrant it. If a larger sign face is permitted by Special Use the combined area of the monument sign and all attached signs may not exceed 10% of the area of the building façade facing the street and no sign may exceed four hundred (400) square feet in area.

3. *Pole or Pylon Signs.* The free standing sign may be a pole or pylon sign if the property is adjacent to an Interstate Highway or within six hundred (600) feet of the right-of-way of an Interstate Highway interchange. The combined sign area of the pole sign and the sign or signs attached to the building may not exceed an area equal to 10% of the building façade facing the street, and no sign may exceed 400 square feet. If a Pole or Pylon sign is permitted it may not exceed thirty-five (35) feet in height, but the Planning and Zoning Commission may permit the sign to be up to fifty (50) feet in height as a Special Use. No pole or pylon sign shall be permitted within three hundred (300) feet of a protected residential zone or two hundred (200) feet of any residence and subject to the setbacks in Section 1303.05.

- b. ***Multi-tenant developments.*** Each multi-tenant development is permitted one (1) sign per tenant (wall, projected, canopy or under canopy sign) and one (1) free-standing sign per road frontage.

1. *Attached signs.* Each tenant in a multi-tenant development is permitted one (1) on-premise wall sign with square footage equal to twenty (20) square feet or equal to up to 10% of the area of the area of the business façade, however, the combined area of all the attached signs shall not exceed 10% of the total area of the building façade facing the street. However, where the principal entrance of the building is on the side of the building and where the property adjacent to that façade is also commercial the total square footage of signs allowed may be no more than 10% of the area the size of that façade, however, the total signage permitted on the street facing façade may not exceed 10% of that façade, and no individual sign may exceed four hundred (400) square feet in area.



2. *Free-standing Monument Sign.* Monument signs shall not exceed sixty (60) square feet per face and shall be no more than six (6) feet in height and subject to the setbacks in Section 1303.05. Larger or higher monument signs may only be permitted as a Special Use by the Planning and Zoning Commission if the physical constraints of the property warrant it. If a larger sign is permitted by Special Use the combined area of the monument sign and all attached signs may not exceed 10% of the area of the building façade facing the street, and no sign may exceed four hundred (400) square feet in area. All free standing signs shall be subject to the setbacks in Section 1303.05.

3. *Pole or Pylon Signs.* The free standing sign may be a pole or pylon sign if the property is adjacent to an Interstate Highway or within six hundred (600) feet of the right-of-way of an Interstate Highway interchange. The area of the pole sign may not exceed an area equal to 5% of the building façade facing the street and no sign may exceed 400 square feet. If a Pole or Pylon sign is permitted it may not exceed thirty-five (35) feet in height, but the Planning and Zoning Commission may permit the sign to be up to fifty (50) feet in height as a Special Use. No pole or pylon sign shall be permitted within three hundred (300) feet of a protected residential zone or two hundred (200) feet of any residence and subject to the setbacks in Section 1303.05.

- c. Signs permitted under 1303.01 and 1303.03.
- d. ***Off-premise signs.*** Billboards (off-premise signs) subject to Section 1304 and 1303.05.

END SECTION 1302

### SECTION 1303 GENERAL SIGN REGULATIONS APPLYING TO ALL AREAS

In any zoning district the following general regulations shall apply.

#### **1303.01 Signs permitted in all zoning districts.**

In all zoning districts, the following signs shall be permitted without limitation:

- a. Signs to regulate traffic;
- b. Signs required to be posted by law;
- c. Warning signs and no trespassing signs;
- d. Signs established by, or by order of, any government agency;
- e. Signs indicating bus stops, taxi stands, and similar transportation facilities;
- f. Signs giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities;

- g. Non-illuminated temporary real estate for sale signs, for rent signs, political signs, or builder/renovator signs, maximum two (2) per parcel, measuring no more than four (4) square feet in area. The signs shall be posted for a period of not more than six (6) months, after which time they must meet the standards for permanent signs.

#### **1303.02 Prohibited signs**

The following signs are prohibited in all districts:

- a. **Vehicle signs.** Vehicles with signs or vehicles as signs permanently parked. All vehicles with signs or logos must be operable and may not be parked in the same or similar location for more than forty-eight (48) continuous hours in a location visible from the street.
- b. **Portable signs.** Signs made of permanent materials that are made to be towed or placed on a temporary basis.

#### **1303.03 Exempt signs**

The following signs are exempt from these regulations:

- a. **Addresses.** Address numerals used for the sole purpose of providing addresses;
- b. **Directional.** Directional signs of less than four (4) square feet in area with or without logos;
- c. **Fuel pump logo.** Corporate or brand logos attached to fuel pumps;
- d. **Window signs.** Signs posted inside of windows comprising less than 40% of the glass area; and,
- e. **Construction signs.** Temporary construction signs to be removed upon completion of construction.

#### **1303.04 Temporary signs**

Temporary signs are non-illuminated signs including banners and free standing signs or posters made of materials not intended to be permanent and for purposes of advertising temporary promotions such as grand openings or closings and special events. These signs are subject to permit requirements and are allowed for a maximum of 30 days. Any sign posted for a longer period of time than thirty (30) days must meet the requirements for permanent signs.

#### **1303.05 Sign setbacks**

Except where otherwise required or permitted, the minimum front setback for any free-standing sign shall be zero (0) feet from the road right-of-way or twenty-five (25) feet from the centerline of an undedicated public road, whichever is greater. The side and rear setbacks shall be the minimum required for the district in which said sign is located. All sign locations are subject to approval for clear sight distance.

**1303.06      *Sign location***

No sign shall be erected or maintained at any location where by reason of its position, illumination, shape, symbol, color, form or character, it may obstruct impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device; or which may in any other way interfere with, mislead, confuse or disrupt traffic, as determined by the Director. Appeals to the decision of the Director may be made to the Board of Zoning Adjustment.

**1303.07      *Sign with sound or noise***

Signs incorporating any noisy mechanical device (whistles, horns, sirens, or other noisy audible devices) are expressly prohibited.

**1303.08      *Sign in the right-of-way***

No sign of any type, or any foundation or support thereof, shall be placed in a public street or highway right-of-way without full compliance and proper permits in accordance with the Ordinance of the Jefferson County Commission to Regulate the Erection of Community of Subdivision Identification Signs on Public Rights-Of-Way under Jefferson County, Alabama Maintenance Jurisdiction, and under no circumstances shall permanent or temporary signs shall be erected or otherwise fixed to any pole, tree, stone, fence, building, structure, or any object within the right-of-way of any street unless expressly authorized herein. No permanent or temporary sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or be confused with any authorized traffic sign, signal or device.

**1303.09      *Standards for signs***

- a.      ***Projecting signs.*** Signs that project from walls are permitted in non-residential districts and shall be securely fastened by metal supports to the building surface and meet all applicable building codes while maintaining a clear height of eight (8) feet above the ground level. No projecting sign may extend above the parapet wall.
- b.      ***Wall signs.*** Wall signs may project from the building face a maximum of eighteen (18) inches from the building provided that, if they project more than four (4) inches from the building surface, they shall maintain a clear height of eight (8) feet above the ground level. No wall sign may extend above the parapet wall.
- c.      ***Canopy signs.*** Canopy signs shall be securely fastened by metal supports to the building surface and meet all applicable building codes. Canopy signs may not extend above the parapet wall and shall maintain a clear height of eight (8) feet above the ground level.
- d.      ***Under canopy signs.*** Under Canopy signs must be no less than eight (8) feet above the ground from the lowest extremity of the sign and attached to the supporting structure at no less than two points.
- e.      ***Signs with multiple faces.*** A sign designed to be viewed from more than one direction shall be considered as one sign, provided that the sign faces are not more than forth-eight (48) inches apart if parallel, nor form an angle of more than sixty (60) degrees if angular.

- f. ***Oversize signs.*** Any sign face in excess of four hundred (400) square feet is defined as a Billboard and is subject to the regulations for Billboards.
- g. ***General Standards for all electronic or lighted signs.*** The following standards apply to all electronic or lighted signs.
  - 1. No electronic sign having flashing or intermittent lights are permitted;
  - 2. Electronic display signs shall not be permitted within three hundred (300) feet of any residential zoning district in any jurisdiction except as a Special Use approved by the Planning and Zoning Commission. (This does not apply to billboards (off-premise signs), see Section 1304 for billboard distance requirements);
  - 3. All on-premise sign lighting must comply with this Section and the International Building Code within two (2) years after adoption.
  - 4. All on-premise reflective sign lighting systems are permitted without appeal and shall have bulbs or illumination points directed at the sign with brightness no greater than eight-hundred (800) lumens per bulb or the equivalent. All internally lighted signs and billboards (off-premise signs) must meet the light standards of Digital signs below.
  - 5. On-premise digital signs and electronic message centers (EMC) are permitted along all designated State or U.S. Highways (except where an Overlay District exists) but not within three hundred (300) feet of a residential district unless granted a Special Use permit by the Planning and Zoning Commission. Under no circumstances may a sign be located less than 100 feet from a residential district. EMCs can only be permitted along other roadways as a Special Use, but where allowed as a Special Use shall not be operated at night after 10:00 pm. (Digital Billboards are subject to all standards in Section 1304 and are not eligible for Special Use.)
- h. ***Operating and lighting standards for all on-premise and off-premise digital signs, and electronic message centers.*** All digital signs, electronic message centers, and digital billboards shall conform to the following standards:
  - 1. All electronic or digital displays, digital billboards, or EMCs shall contain static messages or images only, and shall not have movement, scrolling, fading or flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message. Messages or displays shall not change more often than once in eight (8) seconds.

- 2) Electronic or digital signs, digital or other billboards (off-premise signs) or EMCs shall not operate at brightness levels of more than 0.30 foot candles above ambient light levels as measured at the following distances:

Sign Area sq. ft.	Distance in feet
10	32
15	39
20	45
25	50
30	55
35	59
40	63
41-300	150
≥301	200

- 3) The owner of digital billboards (off-premise signs) shall submit an annual certification of the brightness of the sign showing compliance with the above standard by an independent contractor and provide said certification to the Director of the Department of Development Services.
- 4) Each electronic or digital sign, digital billboard, or EMC must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
- 5) All existing digital billboards (off-premise signs) shall have one hundred-eighty (180) days to comply with the provisions of this section of the ordinance regarding lighting from the date of passage by the Jefferson County Commission.

END SECTION 1303

## **SECTION 1304**

### **GENERAL REGULATIONS APPLYING TO BILLBOARDS (OFF-PREMISE SIGNS)**

#### **1304.01 Permits**

In addition to any applicable requirements of Section 1301.01 above (including, but not necessarily limited to, the need to obtain a sign permit), billboards (as defined in Article 19 of this Resolution) shall further comply with the regulations and requirements set forth below.

- a. No permit for a billboard shall be issued without the applicant first having presented documentation of the removal of an existing sign of equal or greater size. All such documentation will be subject to stringent enforcement. If any misrepresentation is made pertaining to any such documentation, the applicant will be subject to revocation of any permit issued in reliance on such misrepresentation, and may be required to remove any structure built or erected under such permit.
- b. Existing billboards must comply with these regulations when removed or replaced.
- c. All signs shall be properly maintained and shall have no structural defects or unsightly defects, including peeling paint and/or damaged displays.

- d. All digital signs, electronic message centers, and digital billboards shall conform to the standards in 1303.09 (g) and (h).
- e. An application/permit fee will be assessed for each billboard in accordance with Section 1803 of this Resolution.

#### **1304.02 Location**

- a. Billboards located on interstates which are under State and Federal authority shall be required to meet their regulations pertaining to sign placement.
- c. Billboards located in unincorporated areas shall not exceed six hundred seventy-two (672) square feet, have more than two (2) faces, nor be erected closer than one thousand (1,000) feet to another legally erected billboard, as measured along the same side of the street or highway or no closer than one thousand five hundred (1,500) feet as measured along the same side of the street or highway if one or both are digital billboards. All billboards shall be located only along the roads or highways specified below:

Interstates 22, 20, 59, 65, 459 or any federally-designated Interstate  
Alabama Highways 75, and 79  
US Highway 78

Billboards may also be permitted, subject to these regulations, on other roadways only as a Special Use approved by the Planning and Zoning Commission except in Overlay Districts.

- d. Billboards on the opposite side of the street or highway shall be no closer than five hundred (500) feet or seven hundred fifty (750) feet if one or both are digital billboards.
- e. Billboards may not be located within five hundred (500) feet of any residence in a single-family residential district or within three hundred (300) feet of any residence on a separate parcel or under separate ownership as measured along the frontage of the same side of the street or highway to which the sign is to be viewed.
- f. Billboards four hundred (400) square feet or more per face may only be located within one-hundred (100) feet of the right-of-way along Interstate Highways.

#### **1304.03 Height**

- a. No billboard may exceed seventy (70) feet in height measured from the established road grade at the nearest point of the aforementioned road.

## **ARTICLE 14 OVERLAY DISTRICT REGULATIONS**

### **SECTION 1401 AIRPORT HAZARD AREA REGULATIONS**

The purpose of these Airport Hazard Area Regulations is to promote the health, safety and general welfare of the inhabitants of the County by preventing the creation or establishment of airport hazards at airports within the zoning jurisdiction of Jefferson County; by preventing destruction or impairment of the utility of airports, and the investment therein; and by protecting the lives and property of users of airports, and the occupants of land in the vicinity of airports.

- 1401.01      Airport Hazard Areas.** For the purpose of this Resolution, Airport Hazard Areas shall be designated for all or a portion of the area within two (2) miles of any airport. Such areas shall be described for each airport, on a map or maps entitled “Airport Zoning Map”. Said map or maps, and all explanatory matter thereon, shall be adopted and made a part of this Resolution, and shall be maintained as a public record in the Department of Development Services.
- 1401.02      Zoning Districts.** Airport Hazard Areas are hereby divided into the same number and types of districts, and with the same designations or names, as listed in Section 501 of this Resolution; and with the same boundaries of said districts, as established by Sections 502 and 503, and shown on the “Zoning Maps of the County of Jefferson, Alabama”.
- 1401.03      Zoning District and Related Regulations.** The district regulations contained in this Resolution shall apply within an Airport Hazard Area except where the height allowances of a district, or its respective use regulations, conflict with the height limitations hereinafter established for Airport Hazard Areas. In such case, the height regulations of the Airport Hazard Area shall govern. Furthermore, the height exceptions provided in Section 1110 of this Resolution shall not apply in an Airport Hazard Area.
- 1401.04      Exceptions.** Exceptions to the height regulations of this Section may only be granted by the Board of Zoning Adjustment, and only when said Board – with the advice of the Alabama Department of Aeronautics – is satisfied that such exception will not create a hazard to air navigation. In granting any such exception, however, the Board may impose any reasonable conditions it deems necessary to effectuate the purposes of this Resolution and this Section.
- 1401.05      Airport Hazard Area Height Regulations.** Within Airport Hazard Areas, the primary approach, conical, horizontal and transitional surfaces are hereby created and established. These surfaces are shown on maps entitled “Standards for Determining Obstructions to Air Navigation in the Vicinity of Airports Within the Zoning Jurisdiction of Jefferson County, Alabama”. The details and provisions governing heights in relation to these surfaces shall be in conformity with the FAA rules and regulations.

**1401.06 Application of Height Regulations.** Within an Airport Hazard Area, no structure or tree shall be erected, altered or allowed to grow to, or otherwise maintained at, a height in excess of the horizontal, conical, approach and transitional surfaces. However, height requirements concerning trees shall be enforced only when a failure to do so would allow an obstruction to air navigation to occur or exist.

**1401.07 Land Use Restrictions.** Notwithstanding any other provisions of this Resolution, no use may be made of land within any zone established by this Resolution in such a manner that it creates electrical interference with radio communication between an airport and aircraft; that it makes it difficult for flyers to distinguish between airport lights and others; or that it creates glare in the eyes of flyers using the airport, such as to imperil the landing, take-off or maneuvering of an aircraft.

**1401.08 Non-Conforming Uses.** The regulations prescribed by this Section shall not be construed as requiring the removal, lowering, or other change or alteration to/of any structure or tree not conforming to the regulations of this Section as of its effective date, nor to otherwise interfere with the continuance of any legal non-conforming use. Furthermore, nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Resolution.

However, notwithstanding any other provision of this Resolution, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary, by the Director of Development Services, to indicate the presence of such airport hazards to the operators of aircraft flying in the vicinity of the airport. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner.

**1401.08 Administration and Enforcement.** Within an Airport Hazard Area, the Board of Zoning Adjustment shall act as the “Administrative Agency” provided for in Sections 9 and 10 of Act 730 of the 1953 Session of the Alabama Legislature (and reprinted in Title 4, Chapter 6 of the Code of Alabama, 1975, as amended), and shall have all responsibilities and powers conferred by said Sections (Chapter).

The provisions of this Resolution within an Airport Hazard Area shall be administered and enforced by the Director of Development Services, and Article 18 of this Resolution shall apply in administering and enforcing the provisions herein. No material change shall be made in the use of land, and no structure shall be erected, altered, or otherwise established in an Airport Hazard Area until required permits have been issued for such work.

END SECTION 1401



## SECTION 1402

### U.S. HIGHWAY 280 OVERLAY DISTRICT REGULATIONS

The purpose of this Section is to establish minimum standards for the development of property in the designated corridor of U.S. Highway 280, as depicted on the U.S. 280 Corridor Map. When regulations appear in this Section, as well as in any other provision of this Zoning Resolution, such regulations shall apply to building or land planning in the designated Highway Corridor; however, whenever the provisions of this Section contain or establish higher standards, more restrictive regulations, or more detailed requirements than would otherwise be required or permitted by any other provision of this Resolution, the provisions of this Section shall prevail.

#### **1402.01 Section Overview.**

- 1402.02 Administration
- 1402.03 Application For Site Plan Approval
- 1402.04 Highway Access
- 1402.05 Building Materials, Design and Orientation
- 1402.06 Development Standards Pertaining to Fences and Walls
- 1402.07 Development Standards Pertaining to Exterior Lighting
- 1402.08 Development Standards Pertaining to Grading and Drainage
- 1402.09 Regulations, Requirements and Procedures Regarding Signs
- 1402.10 Regulations, Requirements, Procedures and Standards Regarding Buffers and Landscaping.

**1402.02 Administration.** Prior to the issuance of any building permit for property located in the designated corridor of U.S. Highway 280 (as depicted on the U.S. 280 Corridor Map), hereinafter referred to as “the Highway Corridor”, the property owner, or his or her agent, shall submit a site plan and accompanying information to the Department of Development Services. Such building permit will then only be issued upon determination by the Director of the Department of Development Services that the site plan and accompanying information sufficiently documents both the ability and the intent of the developer/property owner, and of the development or other proposed improvements themselves, to fully comply with the regulations and requirements of this Section as well as all other applicable provisions of this Resolution.

**1402.03 Application for Site Plan Approval.** Any person(s) seeking site plan approval affecting land or property in the Highway Corridor should meet with the Department of Development Services staff to review a preliminary site plan prior to preparation and submission of the final site plan. The site plan shall show the information listed herein below in sufficient detail so as to clearly demonstrate that all applicable requirements and standards of this Section are fully satisfied.

- a. All dimensions and distances, property lines, easements, landscaping, buffers and public and private rights-of-way;

- b. Existing and proposed buildings and structures, including signs, trash containers, fences, walls, light poles, power poles, outdoor utility equipment and structures, and roof- and ground-mounted mechanical appurtenances/units;
- c. Location, height, size, materials, color and lighting of all signs;
- d. Existing and proposed buildings and structures on adjacent property affected by any required buffer;
- e. Bodies of water, water detention areas, drainage structures, water distribution lines, and sanitary sewer lines and facilities;
- f. Driveways, parking areas, existing and proposed parking spaces, access aisles and other vehicle maneuvering areas, and all required landscaping associated therewith;
- g. Accommodations for bicycles and pedestrians;
- h. All existing and proposed built improvements and natural features, such as rock outcroppings, streams, and other landscape elements;
- i. Additional information as follows:
  - 1. A grading plan which shows all areas of cut and fill, and the grade of all finished floor elevations in relation to the elevation of the Highway 280 pavement which adjoins the property;
  - 2. An access management plan which shows compliance with Section 1402.04; provided, however, that all proposed median access cuts must be approved by the Alabama Department Of Transportation prior to submission of any site plan and access management plan;
  - 3. Certification that the orientation, construction materials and design of the building(s) comply with the requirements of Section 1402.05;
  - 4. An exterior lighting plan that shows compliance with Section 1402.07, including the proposed foot-candles of artificial light on and off of the premises;
  - 5. A signage plan which shows compliance with Section 1402.09;
  - 6. A landscape plan which shows compliance with Section 1402.10, and which includes a list of plant materials to be utilized, keyed to a Planting Schedule, and specifying the botanical names, common names, cultivar (if any), quantity of materials, size of materials at time of planting/landscaping;

7. An erosion and sedimentation control plan which meets or exceeds the Alabama Department of Environmental Management's Best Management Practices;
8. Other plans or specifications necessary to show compliance with this Section.

**1402.04 Highway Access.** All projects shall be designed so as to minimize congestion on Highway 280 by incorporating the principles set forth herein below.

**a. Access Management:**

1. Limit the number of conflict points by limiting left-turning movements and cross-highway through movements.
2. Separate conflict areas by adequate spacing between driveways and street intersections.
3. Reduce interference with through traffic by providing turning lanes; designing driveways with large turning radii; and restricting turning movements in and out of driveways.
4. Provide sufficient spacing for at-grade signalized intersections.
5. Provide adequate on-site and intra-site circulation and parking areas in order to minimize the number of driveways to the highway (e.g., utilize joint-driveways wherever possible – see below).

**b. Access Limitations:**

1. All parcels that adjoin private property shall either share access with adjoining properties, or have access to a frontage road.
2. The number and location of access points to Highway 280 shall be determined as part of the site plan review process. Access to Highway 280 shall be limited to one driveway unless otherwise permitted.
3. The development of each parcel in areas where a frontage road is either available or planned shall incorporate the frontage road into the site design.
4. In areas where a frontage road is not available or planned, each parcel shall be designed to share paved highway access drives with adjoining properties, unless the adjoining property is zoned for residential use and is recommended for residential use in the master plan.
5. Access to Highway 280 may be prohibited from any tract having access to a street intersecting Highway 280, and from any tract which has access through an existing joint-use access easement or driveway.

6. The maximum practical spacing between driveways shall be required. Unless otherwise approved by a jurisdiction's engineer, no driveway accessing Highway 280 shall be located:
  - a) Closer than three hundred (300) feet from the nearest adjacent driveway, unless no other access is available to a parcel of land;
  - b) Where the sight distance, in feet, is less than ten times the numerical posted speed limit;
  - c) On the inside radius of a curve; or,
  - d) Where the roadway grade of Highway 280 exceeds seven and one-half percent (7.5%).
7. The minimum spacing between local streets intersecting Highway 280 shall be six hundred (600) feet; and the minimum spacing between collector streets intersecting Highway 280 shall be one thousand, three hundred and twenty (1,320) feet. Any required improvements to such intersections will be based upon a professional traffic analysis.
8. The Highway 280 median should be designed and landscaped to be compatible with the intent of these regulations. The number of median breaks on Highway 280 should be minimized. All future connecting streets should align with median breaks to the greatest extent practicable.

**1402.05 Building Materials, Design and Orientation.** The following standards shall apply to all development (except single-family detached dwellings) in the Highway Corridor.

- a. The minimum building setbacks shall be as follows:
  - fifty (50) feet from the Highway 280 right-of-way;
  - forty (40) feet for a front setback from any other public street right-of-way; and,
  - twenty-five (25) feet as the side and rear setbacks from other public street rights-of-way.
- b. Service and loading areas, outdoor storage areas, trash receptacles, utility equipment, mechanical units and similar appurtenances shall be located so as to minimize visibility from public property, and shall be visually screened from view from off of the premises.
- c. Trash receptacles shall be located within a four-sided structure that completely conceals the trash receptacle. The color and architecture of the structure shall be compatible with that of the building that it serves.

- d. The outdoor display of sales merchandise, and outdoor storage when permitted, shall not be visible from public property; except, however, that this restriction shall not apply to automobiles, live plants, Christmas trees and vending machines.
- e. Mechanical units shall be ground-mounted when feasible; roof-mounted units shall be screened from view from public property.
- f. Building orientation shall be such that loading and service areas do not face Highway 280; except, however, in the case of double-frontage lots where such areas must be located in a rear or side yard which faces the Highway.
- g. In order to ensure the permanency of buildings, reduce the need for periodic maintenance and maintain a character which is commensurate with the public interest, the following materials shall be used as primary exterior building wall finishes on the portions of the building(s) which are visible from the Highway 280 right-of-way: brick, stone, glass, wood, stucco, imitation stucco, pre-cast concrete, poured concrete, and/or split-face concrete block.
- h. Non-structural awnings, covered with cloth, plastic or other fabric, shall not project more than seven (7) feet from the building wall; shall be no less than eight (8) feet, but no higher than fourteen (14) feet above grade; and shall not be internally illuminated.

#### **1402.06 Development Standards Pertaining to Fences and Walls**

- a. Screening walls and fences shall match the color and material(s) of the principle building(s) on the premises.
- b. Fences designed to create privacy or separation shall be of masonry, ornamental metal or durable wood construction; made of a vinyl that is designed and fabricated to appear as wood; or constructed with a combination of these materials.
- c. Chain link, plastic or wire fencing is not permitted for fences visible from public property.
- d. When visible from public property, solid fences shall have an evergreen landscaped strip on the Highway 280 side of the fence.
- e. Fences and walls shall not restrict traffic visibility and intersection sight lines.

#### **1402.07 Development Standards Pertaining to Exterior Lighting**

- a. Lighting shall have underground electric service, except where the lights, service poles and wires are not visible from public property.

- b. The intensity, location and design of lighting shall be such that not more than one footcandle of light is cast upon adjacent property or the public right-of-way. Light fixtures shall be designed to cast light downward; and, where necessary, cut-off devices shall be used to minimize glare off of the premises.
- c. Exterior lights shall not exceed twenty (20) feet in height.
- d. Wooden light poles are prohibited on private property.
- e. Light poles and fixtures shall be compatible with the architecture of the principle building(s) on the premises.
- f. Flashing, blinking or intermittent lights, and neon tubing are prohibited.

#### **1402.08 Development Standards Pertaining to Grading and Drainage**

- a. Except for retaining walls, smooth topographic transition shall be provided throughout the site, and between properties. Slopes steeper than a 1:3 rise-to-run ratio are prohibited.
- b. The exterior surface of retaining walls shall be compatible with the architecture and site design of the property.
- c. Retaining walls that exceed eight (8) feet in height, and which are visible from public property, shall be visually screened from said public property with vegetation.
- d. In areas that are visible from public property, subsurface drainage structures and grass swales shall be used to manage stormwater. Open ditches are prohibited.
- e. The use of crushed granite or limestone for slope stabilization and storm drainage is prohibited in the public right-of-way, and in any areas that are visible from any driving travel or turn lanes of Highway 280.
- f. Prior to the issuance of a certificate of occupancy for the premises, all slopes shall be stabilized with grass or other evergreen groundcover, or other vegetation.

#### **1402.09 Regulations, Requirements and Procedures Regarding Signs**

- a. **Sign Permit Required:** A Sign Permit ~~zoning approval~~ must be obtained from the Department of Development Services prior to the erection or placement of any sign that is subject to regulation by this Resolution; and each such sign shall be subject to the fees set forth in Article 18 of this Resolution as well. However, no such permit shall be issued to locate any sign on property in the Highway Corridor unless and until such sign has been determined to comply with all applicable regulations and requirements of both this Resolution and this Section.

- b. Sign Definitions:** Definitions for the different types of signs addressed in this Section are included in Article 19 of this Resolution. However, additional definitions are provided below for application specifically in conjunction with the administration of this Section.
1. Institution: A nonprofit or quasi-public use such as a church, library, public or private school, hospital, or publicly owned or operated building, structure or property used for public purpose.
  2. Mixed-Use Development: A development which contains any combination of retail, office, institution or multi-family residential uses.
  3. Public Property: Property owned by a municipality, a county, the State of Alabama or the United States government, except property used for public utility purposes. All public street rights-of-way are public property.
- c. Exempt Signs:** The following signs are exempt from the requirements of this Section, provided they do not create a safety hazard as determined by the appropriate governmental authority.
1. Directional signs which do not exceed four (4) square feet of copy area; do not exceed three (3) feet in height; are located in parking or vehicle maneuvering areas, and are intended to direct traffic through said areas; and do not contain any advertising.
  2. Regulatory, statutory and traffic control signs necessary to promote the public health, safety and welfare, as required by the municipal, county, state or federal government.
  3. Legal notices, memorial and historical markers, and other official government signs.
  4. Holiday lights and decorations.
  5. Signs incorporated into vending machines, by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine (including gasoline pumps, telephone booths, etc.).
  6. Merchandise displayed behind storefront windows, provided that no part of the display moves or contains flashing lights.
  7. Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.

8. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
  9. Works of art that do not constitute advertising.
  10. Signs carried by a person.
  11. Political campaign signs on private property.
- d. Prohibited Signs:** The following signs are prohibited, unless otherwise exempted or permitted by this Section.
1. Signs that do not comply with the adopted building, electrical or fire codes.
  2. Any sign that constitutes a safety hazard, as determined by the appropriate governmental authority, including signs that obstruct visibility at intersections; and signs which, by reason of size, location, movement, content, color or illumination, may conceal any traffic-control device.
  3. Signs or sign structures that interfere, in any way, with the free use of any fire escape, emergency exit or standpipe; or that obstruct any window such that light or ventilation is reduced to a point below that required by any provision of these regulations.
  4. Signs that are not permanently attached to the ground or a building, including portable signs, inflatable signs, banners and similar devices.
  5. Off-premise signs.
  6. Signs located in the public right-of-way, including signs attached to private property located in the public right-of-way.
  7. Signs attached to trees or poles.
  8. Animated signs, including signs that move, revolve, rotate; and signs that appear to be animated by virtue of mechanical, electronic or other means.
  9. Signs with flashing, blinking, moving or intermittent light, or with light that varies in intensity or color (except time and temperature signs).
  10. Signs that incorporate projected images.
  11. Strings of light bulbs.



12. Inflatable and wind-driven signs, including banners, flags, pennants, ribbons, spinners, streamers, hot-air balloons and captive balloons, and similar devices.
  13. Roof signs and projecting signs.
  14. Signs that emit odor; visible matter, such as smoke or steam; or noise or any other sound that is intended to attract attention.
  15. Signs that involve the use of live animals.
  16. Signs that resemble any official sign or marker erected by any governmental agency.
  17. Signs which, by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal; or which, by reason of size, location, movement, content, color or illumination, may be reasonably confused with, or construed as, a traffic-control device.
  18. Non-governmental signs that use the words “STOP”, “LOOK” or “DANGER”, or any similar word, phrase or symbol.
  19. Signs that contain any writing or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- e. **Permitted Signs:** The following signs are permitted on private property throughout the corridor, subject to the additional regulations and/or restrictions specified respectively herein:
1. One temporary construction sign, not to exceed sixteen (16) square feet in area, and not to exceed six (6) feet in height.
  2. Not more than three flags of governmental, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land. Each flag shall not exceed 60 square feet in area, and shall be flown from a pole, the top of which is less than 40 feet in height.
  3. A maximum of one off-premise directional sign per premises, for institutions, churches, schools and other public facilities only, provided the sign does not exceed two (2) square feet in sign face area, and is no greater than five (5) feet in height.
  4. Temporary Signs as provided below.
    - a) Each business, institution or public building may have one (1) temporary banner, affixed to the building wall, which advertises a sale or special event. However, the display of

such a sign by any one business, institution or public building shall be limited to a total of no more than thirty (30) days for each calendar year; and shall be further restricted such that no such sign may be displayed for a duration of more than nine (9) days at a time. A permit for a temporary sign shall be required prior to erection of any such sign.

- b) Each new business may have one (1) illuminated temporary sign, which may be a banner, but which shall not exceed 32 square feet in sign face area. Such sign shall be attached to the building wall of the premises, where it may remain for a period not to exceed thirty (30) days or until a permanent sign is installed, whichever time period is shorter. A permit for a temporary sign shall be required prior to erection of any such sign.
- c) A commercial property may have one (1) non-illuminated, free-standing, temporary identification sign for each abutting street on which the property has frontage. Such signs shall be permitted for display only while construction is underway on the premises; shall not exceed forty-eight (48) square feet of sign face area; and shall not exceed ten (10) feet in height. For single-tenant projects, the sign shall be removed when the project is complete, or when a permanent sign has been erected, whichever occurs first; for multi-tenant projects, the sign shall be removed when 75 percent (75%) of the tenant spaces have been leased, or a permanent sign has been erected, whichever occurs first.
- d) Residential subdivisions containing five or more lots may have one (1) non-illuminated, free-standing, temporary identification sign while the subdivision is being developed. Such sign shall not exceed thirty-two (32) square feet of sign face area; shall not exceed ten (10) feet in height; and shall be removed within 120 days after construction begins on the first dwelling, or the permanent subdivision identification sign has been erected, whichever occurs first.
- e) Each premises may have one (1) on-premise real estate sign which does not exceed six (6) square feet of sign face area when located in a single family residential zoning district; or twenty-four (24) square feet in all other zoning districts. Such sign shall be removed upon the sale or lease of the premises.

**f. General Regulations and Requirements Pertaining to Signs**

- 1. Berms shall not be used to increase the height of a free-standing sign.

2. Free-standing signs shall be set back no less than ten (10) feet from any property line, except as otherwise provided (in this Section) for subdivision signs in single-family residential areas.
3. In all cases where the elevation of a sign is determined based on the sign's relationship to a street, roadway or intersection, said elevation shall be taken from the street or roadway that is closest to the sign, and shall be measured at the point on that street or roadway centerline which is closest to the sign.
4. No signs shall not be located in any public street or road right-of-way.
5. The sign face area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces of the same size are placed back-to-back such that both faces cannot be viewed from any point at the same time; are spaced not more than 42 inches apart; and are placed forming a horizontal angle of no greater than 30 degrees, the sign area shall be computed by the measurement of one (1) of the sign faces.

**g. Signs Permitted for Specific Uses within the Highway Corridor**

1. **Signs Permitted for Retail and Service Establishments Which Are Not Located in a Shopping Center:** Each building may have one (1) free-standing sign, and either one (1) building wall sign or one (1) canopy sign, each as set forth below, for each abutting street on which the property has frontage. Reader boards with moveable copy may be incorporated into the sign face area of a free-standing sign; however, the sign face area of a reader board shall be included as part of the maximum allowable free-standing sign face area.
  - a) **Free-Standing Signs More Than Eight Feet in Height.**
    - 1) The maximum height of the sign shall be 20 feet above the average elevation of the ground at the base of the sign, or 10 feet above the centerline elevation of the public street or highway closest to the sign.
    - 2) The maximum sign face area of an internally illuminated sign shall be 55 square feet.
    - 3) The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 66 square feet.
  - b) **Free-Standing Signs Eight Feet or Less in Height** (as measured above the average elevation of the ground at the base of the sign).

- 1) The maximum sign face area of an internally illuminated sign shall be 66 square feet; provided, however, that the sign face area may be increased by one-half of a square foot for every one foot of building setback beyond 50 feet, up to a maximum sign face area of 100 square feet.
  - 2) The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 80 square feet; provided, however, that the sign face area may be increased by one-half of a square foot for every one foot of building setback beyond 50 feet, up to a maximum sign face area of 100 square feet.
- c) Building Wall and Canopy Signs.
- 1) The maximum sign face area shall be 15 percent (15%) of the area of the building wall to which the sign or canopy is attached, up to a maximum sign face area of 150 square feet; provided, however, that the sign face area may be increased by one square foot for every five (5) feet of building setback beyond 50 feet, up to a maximum sign face area of 210 square feet.

**2. Signs Permitted for Retail and Service Establishments Which Are Located in a Shopping Center:** Each tenant space may have one (1) building wall sign or one (1) canopy sign, each as set forth below. A tenant space with more than 50,000 square feet of gross floor area, and which is located at the end of the shopping center building that faces a public street intersection, may have one building wall sign or one canopy sign for each abutting street on which the property has frontage, but again subject to the provisions below.

- a) Building Wall and Canopy Signs.
- 1) The building wall sign or canopy sign for each business shall be attached to a front or side building wall which encloses that business premises.
  - 2) The maximum sign face area shall be 15 percent (15%) of the area of the building wall to which the sign or canopy is attached, up to a maximum sign face area of 150 square feet; provided, however, that the sign face area may be increased by one square foot for every five (5) feet of building setback beyond 50 feet, up to a maximum sign face area of 210 square feet.

3. **Signs Permitted for Shopping Center Developments as a Whole:** Each shopping center may have one (1) free-standing sign which identifies the name of the shopping center, as set forth below. Tenant signs are also permitted, provided that the combined total sign face area for both tenant signs and the shopping center identification sign does not exceed the maximum allowable sign face area provided for herein.

a) Free-Standing Signs.

- 1) The maximum height of the sign shall be 20 feet above the average elevation of the ground at the base of the sign, if the average grade is at or lower in elevation than the centerline of the nearest public street; or 10 feet above the average elevation of the ground at the base of the sign, if the average grade is higher in elevation than the centerline of the nearest public street.

For shopping centers with more than 300 continuous feet of public road frontage, the maximum height of the sign shall be 30 feet above the average elevation of the ground at the base of the sign, if the average grade is at or lower in elevation than the centerline of the nearest public street; or 18 feet above the average elevation of the ground at the base of the sign, if the average grade is higher in elevation than the center line of the nearest public street.

- 2) The maximum sign face area of an internally illuminated sign shall be 55 square feet; provided, however, that the sign face area may be increased by one square foot for every eight (8) feet of continuous public street frontage in excess of 300 feet, up to a maximum sign face area of 96 square feet.
- 3) The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 66 square feet; provided, however, that the sign face area may be increased by one square foot for every five (5) feet of continuous public street frontage in excess of 300 feet, up to a maximum sign face area of 120 square feet.

4. **Signs Permitted for Office, Industrial and Institutional Buildings:** Each office, industrial or institutional building may have one (1) free-standing sign and one (1) building wall sign, as set forth below, for each abutting street on which the property has frontage.

a) Free-Standing Signs.

- 1) The maximum height shall be eight (8) feet above the average elevation of the ground at the base of the sign.
- 2) The maximum sign face area of an internally illuminated sign shall be 32 square feet; or 80 square feet for office buildings with a gross floor area greater than 100,000 square feet, and which are not located in an office park.
- 3) The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 48 square feet; or 120 square feet for office buildings with a gross floor area greater than 100,000 square feet, and which are located in an office park.

b) Building Wall Signs.

- 1) The maximum sign face area shall be 15 percent (15%) of the area of the building wall to which the sign is attached, up to a maximum sign face area of 60 square feet.
- 2) In addition to the above wall sign, each retail establishment located in an office or institution building may have one building wall sign not to exceed 30 square feet of sign face area, which shall be attached to the building wall of the retail tenant space.

**5. Signs Permitted in Office Parks, Industrial Parks, Institutional Campuses and Mixed-Use Developments Containing Multiple Principle Buildings:** Each office park, industrial park, institutional campus and mixed-use development which contains more than two buildings (other than accessory buildings) may have one (1) free-standing sign, as set forth below, for each entrance accessing a public street or road.

a) Free-Standing Signs.

- 1) The sign shall serve only to identify the name of the park or campus.
- 2) The maximum height of the sign shall be eight (8) feet above the average elevation of the ground at the base of the sign.
- 3) The maximum sign face area of an internally illuminated sign shall be 48 square feet; or 100 square feet for developments with buildings which contain a combined total of more than 500,000 square feet of gross floor area.

- 4) The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 60 square feet; or 120 square feet for developments with buildings which contain a combined total of more than 500,000 square feet of gross floor area.
  - 5) Signs with sign face area of 100 square feet or more shall be setback at least 50 feet from any property line.
6. **Signs Permitted for Multiple Dwellings:** Each complex or community of multiple dwellings may have one (1) free-standing sign, as set forth below, for each entrance accessing a public street or road.
  - a) Free-Standing Signs.
    - 1) The maximum height of the sign shall be six (6) feet above the average elevation of the ground at the base of the sign.
    - 2) The maximum sign face area of an internally illuminated sign shall be 32 square feet.
    - 3) The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 48 square feet.
    - 4) All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or by some other person who is legally accountable. Documentation of such accountability is required before a permit shall be issued; and if, following the issuance of a permit and subsequent erection of any such sign, there is found to be no accountable person accepting legal responsibility to maintain the sign, and no other provision has been made for such maintenance, the sign shall be removed by the developer or property owner.
7. **Signs Permitted for Single Family Dwellings/Subdivisions:** Unless otherwise prohibited by rule or by intent of any other provision of this Resolution, the following signs will be permitted, as set forth respectively below, in single-family residential areas within the Highway Corridor.
  - a) Free-Standing Signs.
    - 1) Each residential subdivision may have a maximum of two (2) non-illuminated or indirectly-illuminated free-standing signs for each entrance accessing a public street or road, with no more than one (1) sign to be located on each side of such entrance.

Such signs shall serve only to identify the name of the subdivision; and shall be incorporated into landscaping so as to compliment the design of the signs, and create an entrance feature for the subdivision.

Such signs shall have a maximum height of six (6) feet above the average elevation of the ground at the base of the sign; and the maximum sign face area shall be 32 square feet. Such signs may also be located as close as five (5) feet to a property line, but in no case shall any such sign be set back less than five (5) feet from any property line.

b) Building Wall Signs.

- 1) Each approved home occupation may have one non-illuminated building wall sign, not to exceed one (1) square foot of sign face area, and which serves only to identify the name and address of the business.

**1402.10 Regulations, Requirements, Procedures and Standards Regarding Buffers and Landscaping.** Buffers, landscaping and open space shall be utilized, as set forth herein below, in all developments in the Highway Corridor so as to enhance the physical appearance of buildings and their designated parking areas, and thereby create a more positive impact (of parking areas) on adjacent land uses.

- a. **Impervious Surfaces:** Except for single-family dwellings, impervious surfaces such as roofs and pavement shall not cover more than eighty percent (80%) of any lot or parcel.
- b. **Buffers:** The table provided below (as Item #5) shows the situations in which a buffer is required. When a use in Row A is developed adjacent to a use in Column B, the use in Row A shall provide the width of buffer indicated, and in accordance with the other provisions set forth below.
  1. Required buffers shall be located along all zoning district boundary lines and/or property lines which separate properties zoned to permit, or currently used for, the uses specified in the table of Item #5.
  2. Required buffers may be natural areas, planted areas, or a combination natural vegetation and supplemental plantings. However, all required buffers shall meet or exceed the standards set forth herein.
  3. The property owner shall be responsible for the maintenance and replacement of all landscaping material and irrigation systems required by this Article. All plant material shall be tended and maintained in a healthy growing condition; replaced when dead; and kept free of weeds, refuse and debris.



4. All required buffers shall be irrigated with an automatic irrigation system, except for approved natural buffers.

5. Buffer Requirement Table:

WIDTH OF REQUIRED BUFFER EXPRESSED IN FEET					
Row A					
Column B	Single Fam. Residential	Multi-Fam. Residential	Office and Institution	Retail Business	Industrial
Single Fam. Residential	0	15	15	25	25
Multi-Fam. Residential	0	0	15	20	25
Office and Institution	0	0	0	15	25
Retail Business	0	0	0	0	25
Industrial	0	0	0	0	0

- c. **Landscaping for Parking Areas:** These regulations shall apply to all areas, (hereinafter referred to as “parking areas”) that are either open to the general public or are visible from public property; and are used for off-street parking and loading, vehicle maneuvering, and/or the retail sale of motor fuels.

More specifically, these regulations shall apply to all new parking areas, and to any parking area in which the impervious surface area is to be enlarged by ten percent (10%) or more. Any such enlargement of an existing parking area shall require both the existing and new parking areas to conform the requirements of this Section.

1. **Landscape Plan Requirements.**

- a) Landscape plans for developments that require 100 or more off-street parking spaces shall be prepared by a registered landscape architect or a licensed landscape designer. All such plans shall bear the architect’s/designer’s seal, signature and State of Alabama registration number.
- b) All landscape plans shall be drawn at a scale appropriate for adequately communicating the design intent to the appropriate planning and zoning authority.
- c) All landscape plans shall include, at a minimum, the following:

- the title of development;
- name and address of the owner/developer/agent;
- name and address of person/firm preparing the plans;
- the date of preparation and all revisions;
- the scale and a north arrow;
- a location map of the site, showing its relation to the nearest public street intersection;
- the boundaries of the property in concern;
- the parcel identification number and zoning classification of the property in concern;
- the location and description of all adjacent properties, streets and easements;
- the number of parking spaces;
- the location and dimensions of entrance/exit points;
- the total square footage of impervious surface areas and landscaping.

## **2. Design Standards.**

- a) Only large trees may be planted in order to comply with the requirements of this Section. However, when site visibility at intersections or overhead utilities prevent the use of large trees, medium or small trees may be used.
- b) Interior landscaped islands and perimeter planting areas shall, at a minimum, be planted with at least one tree for each 900 square feet of impervious parking area.
- c) Only trees listed in the Tree Selection List and noted with (\*) may be planted within or on the perimeter of a parking area.
- d) Large parking areas shall be designed as a series of smaller lots that provide space for no more than 100 cars each. The smaller lots shall be separated by interior planting areas that form a perimeter which is at least nine (9) feet wide, and planted with large trees and shrubs. These planted areas shall be counted toward meeting the ten percent (10%) interior planting requirement for parking areas.
- e) The width of any required perimeter planting area which is located within a required buffer area may be included as part of the minimum buffer width, provided that the plant materials meet the minimum standards for a buffer.

## **3. Construction Standard.** All cuts and fills and/or terraces shall have sufficient vegetative cover installed so as to prevent erosion.

**4. Perimeter Planting Requirements.**

- a) All parking areas shall be separated from the Highway 280 right-of-way by a 15-foot wide perimeter planting area; and from all other public road rights-of-way by a 10-foot wide perimeter planting area.
- b) All parking areas shall be separated from other private property by an 8-foot wide perimeter planting area.
- c) All perimeter planting areas shall contain the following:
  - 1) A double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting, and which shall be maintained at a height of 36 inches at maturity; and,
  - 2) Deciduous trees in a quantity numbering at least one tree for every twenty-five (25) feet of highway, street and/or road frontage (or portion thereof); and/or at least one tree for every fifty (50) feet of abutting property line (or portion thereof).
- d) Large trees shall be planted on 35-foot centers, and small and medium size trees shall be planted on 25-foot centers.

**5. Interior Planting Requirements.** Whenever the impervious surface of a parking area exceeds 8,000 square feet, an area equal to no less than ten percent (10%) of said impervious surface shall be provided for landscaping islands, in the interior of the parking area, as follows:

- a) Plant material located within six (6) feet of a building shall not be considered as part of the minimum interior planting requirement.
- b) The interior parking area planting requirement is in addition to the required perimeter planting.
- c) Interior islands shall be at least 9 feet by 20 feet, planted with a combination of large trees and evergreen shrubs, and including at least one (1) large tree that meets the minimum requirements of this Section.
- d) There shall be one (1) landscaped island for each row of twelve (12) contiguous parking spaces. Each landscaped island must contain at least one large tree which meets the minimum requirements of this Section.

- e) Gasoline service stations, automobile sales lots and multi-level parking structures are exempt from the interior planting requirements.
- 6. **Maintenance.** The property owner shall be responsible for the maintenance, repair and replacement of all landscaping materials, barriers and irrigation systems required by this Section. All plant material shall be maintained in perpetuity in a healthy growing condition; shall be replaced when dead; and shall be kept free of weeds, refuse and debris.
- 7. **Irrigation.** All required landscaping shall be irrigated by an automatic irrigation system, except required interior landscaping within an existing parking area which is being landscaped to comply with the requirements of this Section. Pop-up heads or drip emitters shall be installed for shrub and lawn irrigation of areas next to buildings/structures, driveways, parking spaces and pedestrian walks.
- d. **Plant Material Standards:** All plant materials shall conform to the American Standard for Nursery Stock, latest edition, published by The American Association of Nurserymen and Standardized Plant Names, latest edition, by The American Joint Committee on Horticultural Nomenclature; and shall further comply with the following:
  - 1. **Trees.** Only trees meeting the specifications and requirements below may be planted in required landscaping and buffer areas.
    - a) Shade trees shall be at least 2 to 2-1/2 inch caliper in size.
    - b) Flowering trees shall be at least six (6) feet in height.
    - c) Pine trees shall be at least five (5) gallon, or five (5) feet in height; and the spacing of pine trees in containers shall be no more than eight (8) feet on center.
    - d) **Tree Selection List** – Only the trees in this list, or species native to the area and approved by the Director of Development Services, shall be permitted in any landscape or buffer area required by this Section. Trees permitted in landscaped buffers are noted with the # sign; trees permitted in parking areas are noted with the \* sign.

**SMALL DECIDUOUS TREES**  
(Trees from 10 to 40 feet in height.)

Acer barbatum / Florida Maple #  
 Betula nigra / River Birch # \*  
 Cercidiphyllum japonicum / Katsura Tree # \*  
 Cercis canadensis / Redbud # \*

Koelreuteria paniculata / Goldenrain Tree # \*  
Lagerstroemia indica / Crape Myrtle # \*  
Prunus c. pissardi / Purple Leaf Plum  
Prunus serrulata 'Kwanzan' / Kwanzan Cherry \*  
Prunus x incam 'Okame' / Okame Cherry \*  
Prunus yedoensis / Yoshino Cherry \*  
Pyrus calleryana 'Bradford' / Bradford Pear \*

#### LARGE DECIDUOUS TREES (Trees at least 40 feet in height.)

Acer rubrum / Red Maple # \*  
Fraxinus americana / White Ash \*  
Ginkgo biloba / Ginkgo # \*  
Platanus occidentalis / Sycamore #  
Quercus acutissima / Sawtooth Oak \*  
Quercus alba / White Oak \*  
Quercus coccinea / Scarlet Oak\*  
Quercus falcata / Southern Red Oak \*  
Quercus nigra / Water Oak \*  
Quercus palustris / Pin Oak \*  
Quercus phellos / Willow Oak # \*  
Quercus shumardii / Shumard Oak # \*  
Ulmus parvifolia / Chinese Elm \*  
Zelkova serrata / Zelkova # \*

#### SMALL EVERGREEN TREES (Trees less than 25 feet in height.)

Ilex x attenuata 'Fosteri' / Foster's Holly # \*  
Ilex opaca / American Holly # \*  
East Palatka # \*  
Hume No. 2 # \*  
Lusterleaf # \*  
Nellie R. Stevens # \*  
Savannah # \*  
Ilex vomitoria / Tree Form Yaupon Holly \*  
Juniperus virginiana / Eastern Red Cedar # \*  
Myrica cerifera / Wax Myrtle # \*

#### MEDIUM EVERGREEN TREES (Trees from 25 to 50 feet in height.)

Cupressocyparis leylandii / Leyland Cypress # \*  
Juniperus virginiana / Eastern Red Cedar # \*  
Pinus echinata / Shortleaf Pine \*  
Pinus thunbergiana / Japanese Black Pine#

LARGE EVERGREEN TREES  
(Trees at least 50 feet in height.)

Magnolia grandiflora / Southern Magnolia # \*  
Pinus elliottii / Slash Pine \*  
Pinus strobus / Eastern White Pine \*  
Pinus taeda / Loblolly Pine # \*  
Pinus Virginiana / Virginia Pine # \*

**2. Shrubs.** Only shrubs meeting the specifications and requirements below may be planted in required landscaping and buffer areas.

- a) Shrubs used for screening (e.g., in buffers) shall be evergreen, and shall obscure the view of the screened item upon installation.
- b) The minimum size of shrub that may be used in meeting the requirements of this Section shall be 1 gallon (8-inch pot).
- c) The spacing of shrubs shall be as follows:  
1-gallon shrubs shall be spaced two (2) feet on center;  
2-gallon shrubs shall be spaced two and one-half (2-1/2) feet on center;  
3-gallon shrubs shall be spaced three (3) feet on center; and  
5-gallon shrubs shall be spaced four (4) feet on center.
- d) **Shrub Selection List** – Only the shrubs in this list, or species native to the area and approved by the Director of Development Services, shall be permitted in any landscape or buffer area required by this Section.

Ilex c. compacta / Compacta Holly  
Ilex c. burfordi / Burford Holly  
Ilex. c. burford nana / Dwarf Burford Holly  
Ilex c. rotunda / Dwarf Chinese Holly  
Ilex c. needlepoint / Needlepoint Holly  
Juniperus p. nana / Dwarf Pfitzer Juniper  
Ilex vomitoria nana / Dwarf Yaupon Holly  
Illicium anisatum / Japanese Anise Shrub  
Ligustrum japiconica / Lusterleaf Ligustrum  
Photinia x fraseri / Photinia Fraseri  
Photinia x. fraseri / Red Tip Photinia  
Ilex c. repandens / Repandens Holly  
Prunus l. schipkaensis / Schip Laurel  
Eleagnus pungens / Thorny Eleagnus  
Myrica cerifera / Wax Myrtle  
Prunus l. zabeliana / Zabel Laurel

3. **Ground Covers.** Only plants meeting the specifications and requirements below may be planted as ground cover in required landscaping and buffer areas.
- a) Ground covers shall be of a single species.
  - b) Ground cover shall be planted in large masses.
  - c) The minimum size of a ground cover plant shall be 1 quart.
  - d) The spacing of ground cover plants shall be as follows:  
1-quart plants shall be spaced nine (9) inches on center; and  
1-gallon plants shall be spaced eighteen (18) inches on center.
  - e) **Ground Cover Selection List** – Only the shrubs in this list, or species native to the area and approved by the Director of Development Services, shall be permitted in any landscape or buffer area required by this Section.

Juniperus h. plumosa / Andorra Juniper  
 Liriope muscari / Big Blue Liriope  
 Ophiopogon japonicus / Mondo Grass  
 Juniperus davurica parsoni / Parsons's Juniper  
 Juniperus conferta / Shore Juniper

ADOPTED 11/7/2000

END SECTION 1402

## SECTION 1403

### SMARTCODE FLOATING OVERLAY DISTRICT

ADOPTED 10/19/2010

The SmartCode Floating Overlay District, published separately and as an appendix to this document, is available as an alternative to all other regulations and requirements of this Resolution. In most cases, this is an option that developers of property meeting certain criteria can choose in lieu of developing under the standard zoning, subdivision and construction regulations of Jefferson County. However, in cases where a village or other SmartCode-based plan has been adopted, the SmartCode Floating Overlay District shall be mandatory. In all cases, application of this District is dependent upon approval of a plan in accordance with the policies and procedures set forth in the Jefferson County Comprehensive Plan.

END ARTICLE 14

## **ARTICLE 15 NON-CONFORMING USES**

### **SECTION 1501 CONTINUANCE OF NON-CONFORMING USES AND STRUCTURES**

The lawful use of a structure or land, existing at the time of the effective date of this ordinance, may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, such non-conforming use may be changed to another non-conforming use of the same or a more restrictive classification. Also, a non-conforming use may be changed to a conforming use; however, no non-conforming use shall hereafter be changed to any use of a less restrictive classification.

END SECTION 1501

### **SECTION 1502 DISCONTINUED NON-CONFORMING USES**

In the event that a structure or premises occupied by a non-conforming use becomes and remains discontinued for a continuous period of one (1) year, the use of same shall thereafter conform to the Use Regulations of the district in which such structure or premises is located.

END SECTION 1502

### **SECTION 1503 STRUCTURAL EXTENSIONS AND ALTERATIONS**

No structure or premises occupied by a non-conforming use shall be enlarged, extended, reconstructed or structurally altered unless the use thereof is changed to a use that conforms to the Use Regulations of the District in which such structure or premises is located. Such a structure or premises may, however, be structurally altered if solely for the purpose of compliance with an existing and applicable law or ordinance specifying minimum standards of health and safety, and only to the extent necessary to achieve such compliance.

END SECTION 1503

### **SECTION 1504 USE EXTENSIONS**

No non-conforming use shall be enlarged, extended or expanded unless such use is changed to a use that conforms to the Use Regulations of the district in which such use is located.

END SECTION 1504

### **SECTION 1505 NEW CONSTRUCTION CONFORMING**

A structure or building that conforms to the Use Regulations of the district in which it is located, but does not conform to one or more other provisions of this Resolution, may be enlarged, extended or expanded provided that such enlargement, extension, or expansion conforms to all applicable regulations of this Resolution.

END SECTION 1505



**SECTION 1506  
DESTRUCTION**

Any non-conforming building or structure damaged by explosion, fire, act of God or the public enemy beyond seventy-five percent (75%) of its fair market value immediately prior to said damage, shall not be restored except in conformity with the regulations of this Resolution.

END ARTICLE 15

## **ARTICLE 16**

### **REGULATIONS PERTAINING TO HOME-BASED BUSINESSES**

#### **SECTION 1601**

#### **HOME OCCUPATIONS**

Applications for home occupations may be approved by the Director of Development Services, provided that all of the following regulations and requirements are met. However, the Director shall have the discretion, where the appropriateness of a proposed use as a home occupation may be in question, to require hearing and approval of any such application by the Board of Zoning Adjustment.

- 1601.01      General Restrictions.** The home occupation shall be clearly incidental to the residential use of the dwelling; shall not change the essential residential character of the dwelling; and shall not adversely affect the uses permitted in the zoning district in which it is located. No home occupations shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic, or any other conditions which would constitute an objectionable use of residentially-zoned property.
- 1601.02      Limitation of Type of Home Occupation.** Home occupations shall be limited to an office, or a business of a personal service nature.
- 1601.03      Limitation on Area.** The use of a dwelling for a home occupation purpose shall be limited to twenty-five percent (25%) of one floor of the principal building. The use of accessory buildings in conjunction with any home occupation shall be limited to an area no larger than twenty-five percent (25%) of the (total) floor area of the principal building.
- 1601.04      Confinement to Building.** The home occupation shall be confined entirely to the principal building and accessory building; however, no outside storage of any kind will be permitted in connection with any home occupation.
- 1601.05      Employment Limitations.** Employment shall be limited to members of the family residing in the dwelling with which the home occupation is associated; there shall be no employment of persons who are not members of said resident family.
- 1601.06      Sale of Products.** No display of products shall be visible from the street, and only articles made on the premises may be sold on the premises. However, non-durable articles (consumable products) that are incidental to a service being provided as part of a properly-permitted home occupation may be sold on the premises.
- 1601.07      Limitation on Patrons.** All home occupations shall be restricted such that there shall not, at any time, be more than two persons (who are not members of the resident family) on the premises for any reason related to such home occupation. Similarly, instruction in music, dance and similar subjects shall be limited to two students at any one time.

- 1601.08 Time Restrictions.** There shall be no operation of, or any activity related to, any home occupation before 7:00 a.m. or after 10:00 p.m.
- 1601.09 Signage Restriction.** There shall be no signage erected or displayed on the premises that in any way identifies or advertises a home occupation.
- 1601.10 Review.** All home occupations will be reviewed annually, upon issuance of the business license, for compliance with the regulations of this Section.
- 1601.11 Renewal.** Failure to renew a business license will rescind any prior approval that may have been issued by the Department of Development Services (permitting a home occupation), and may result in a re-application fee at the discretion of the Director of Development Services.
- 1601.12 Fee.** An application fee in accordance with Article 18, Section 1803 of this Resolution, shall be charged for each home occupation.

END SECTION 1601

## **SECTION 1602 HOME DAY CARES**

Home day cares, as permitted in specified zoning districts under Article 6 of this Resolution, shall be subject to the following regulations and requirements at all times:

- 1602.01** Proof of current licensure through the Department of Human Resources and/or other appropriate federal, state or county regulatory agency.
- 1602.02** Compliance with all of the regulations and requirements of the licensing agency referred to hereinabove.
- 1602.03** At no time shall there be more than six (6) children kept on the premises in conjunction with a home day care operation (excluding the children of the licensed operator).
- 1602.04** The operator of a home day care shall be a resident of the home in which said day care is operated.

END ARTICLE 16

## **ARTICLE 17**

### **BOARD OF ZONING ADJUSTMENT**

#### **SECTION 1701**

#### **POWERS, DUTIES AND RESPONSIBILITIES**

#### **OF THE BOARD OF ZONING ADJUSTMENT**

The Board of Zoning Adjustment, as prescribed by Act 344, General Acts of Alabama, 1947, as amended, shall have the powers, duties and responsibilities identified herein below.

**1701.01      Administrative Review.** The Board of Zoning Adjustment shall hear and decide appeals where it is alleged that there has been any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution, such as:

- a. In the interpretation of the provisions of this Resolution;
- b. In the determination of the precise location of a boundary line between zoning districts; or,
- c. In the classification of a use which is not specifically listed in the Use Regulations of any zoning district, and for which there is no reasonably comparable use so listed.

In exercising the power of Administrative Review, the Board of Adjustment must apply, and not vary, the terms of this Resolution.

**1701.02      Special Exceptions.** Within this Resolution, there are exceptions to certain uses of land that may be permitted in the respective zoning districts. In all such cases, where a use is listed as being “Permitted On Appeal Only”, The Board of Zoning Adjustment is specifically authorized to hear and decide such special exceptions as follows:

- a. Hold public hearing and decide such questions as are involved in determining whether or not a permit for a special exception should be granted;
- b. To ensure that special exceptions are granted only when they conform to the spirit and intent of this Resolution; and,
- c. In exercising this authority, the Board shall follow the language of this Resolution exactly, and shall make certain that all of the applicable conditions and requirements specified in this Resolution have been met.

**1701.03      Variances.** The Board of Zoning Adjustment shall have the authority to grant, upon appeal in specific cases, such variances from the terms of this Resolution as will not be contrary to the public interest; and where, owing to special conditions or circumstances unique to a specific property, a literal enforcement of the provisions of this Resolution will result in unnecessary hardship. However, in the course of hearing, considering and ruling on such appeals (as set forth herein below), the Board shall act such that the spirit of this Resolution will be observed and substantial justice done.

- a. In considering an appeal for any variance, the Board shall consider the following guidelines:
  - 1) There are extraordinary and exceptional conditions which are peculiar to the particular piece of property in question, because of its size, shape or topography, that are not applicable to other land or structures in the same zoning district.
  - 2) Granting the requested variance will not confer upon the applicant any special privileges that are denied to other residents of the same zoning district in which the property in question is located.
  - 3) A literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other residents of the zoning district in which the property in question is located.
  - 4) The requested variance will be in harmony with the purpose and intent of this Resolution, and will not be injurious or detrimental to the neighborhood or to the general welfare.
  - 5) The extraordinary and exceptional circumstances referred to hereinabove are not the results of the actions of the applicant (i.e., a self-imposed hardship).
- b. In determining whether or not a hardship has been imposed on a property as a result of the strict interpretation of this Resolution, the following conditions shall not be considered pertinent:
  - 1) Proof that a variance would increase the financial return from the land;
  - 2) Personal hardship; or
  - 3) Self-imposed hardship.
- c. Neither shall the following conditions be considered grounds for the granting of a variance:
  - 1) Any non-conforming use of neighboring land, structure(s) or building(s) in the same zoning district; or
  - 2) Any use of land, structure(s) or building(s), whether permitted or non-conforming, in any other zoning district.
- d. In no case shall the Board grant any variance that permits the extension of, or addition to, a non-conforming use; or which in any way makes a non-conforming use more permanent.
- e. In all cases, the Board shall consider the minimum variance necessary to make possible the legal use of the land, building or structure or question.

**1701.04 Airport Hazard Area Administration.** The Board of Zoning Adjustment shall act as the “Administrative Agency” provided for in Sections 9 and 10 of Act 730 of the 1953 Session of the Alabama Legislature (and reprinted in Title 4, Chapter 6 of the Code of Alabama, 1975, as amended), and shall have all responsibilities and powers conferred by said sections (chapter) in the administration of Section 1401 of this Resolution.

**1701.05 Execution of Authority.** In exercising the powers, duties and responsibilities of this Section, the Board may:

- a. Reverse or affirm, wholly or in part, the order, requirement, decision, or determination appealed from;
- b. Modify the order, requirement, decision, or determination appealed from; and,
- c. Issue such order, requirement, decision, or determination as ought to be made.

And to this end, in conformity with the provisions of Act 344, General Acts of Alabama 1947, as amended, the Board of Zoning Adjustment shall have all the powers of the administrative official from whom the appeal in question is taken.

END SECTION 1701

## **SECTION 1702 APPOINTMENT, MEETINGS, PROCEDURE**

The Jefferson County Board of Zoning Adjustment is composed of five (5) members appointed individually by the Jefferson County Commission for a term of three (3) years. Each member of this Board serves without pay and may be removed for cause.

The Chairman of the Board has ordered a standing meeting date on the fourth (4<sup>th</sup>) Monday of each month. Petitions to be heard at any regular meeting of the Board may be filed by any owner with a legal interest in the property in question, or by said owner's authorized agent (in which case a notarized letter is required). Such petition/application must be filed in the Department of Development Services, and shall be scheduled for hearing by the Board in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission. The petition/application shall state the nature of the request, and shall be accompanied by a deed and plot plan (site development plan). All regular meetings of the Board of Zoning Adjustment are open to the public; are held in the Jefferson County Courthouse; and begin at 1:00 p.m.

After the Board of Zoning Adjustment has voted on a petition or application, another application of the same nature for the same tract or parcel of land will not be considered until a period of six (6) months has elapsed (from the date of such action by the Board). However, the Board may adjust this time period if, in the opinion of a majority of said Board, an unusual situation or circumstance exists which would warrant another hearing prior to the conclusion of the specified six months.

END SECTION 1702

**SECTION 1703**  
**APPEALS FROM THE BOARD OF ZONING ADJUSTMENT**

Any party aggrieved by a final judgment or decision of the Board of Zoning Adjustment may, within fifteen (15) days thereafter, appeal therefrom to the Circuit Court (or court of like jurisdiction) by filing with such Court a written notice of appeal specifying the judgment or decision from which the appeal is taken. All such appeals shall be in conformity with, and subject to, the provisions of Act 344, General Acts of Alabama, 1947, as amended.

END SECTION 1703

## ARTICLE 18

### ADMINISTRATION, ENFORCEMENT, AMENDMENTS, PENALTIES

#### SECTION 1801

##### ADMINISTRATION AND ENFORCEMENT

**1801.01      Zoning Enforcement Officer.** The Building Commissioner, as designated by the Jefferson County Commission is hereby authorized, and it shall be his duty to enforce and administer the provisions of this Resolution. He shall give information upon request as to the provisions of the Resolution; shall interpret the meaning of the Resolution, and/or any part thereof, in the course of the administration of said Resolution; and shall conduct or direct the inspection of any property or premises, and any building or structure, as necessary to carry out the enforcement of this Resolution.

AMENDED 10/12/2023

**1801.02      Building Permit Required.** No building, sign, or other structure shall be erected, placed, moved, extended, enlarged or otherwise structurally altered, on any property, until a building permit has been issued for such work. However, no building permit shall be issued until such proposed erection, placement, movement, extension, enlargement or other alteration is first certified to be in conformance with the provisions of the Zoning Resolution by the Building Commissioner, as designated by the Jefferson County Commission. Where such conformity is determined to exist, the Department of Development Services shall certify the zoning prior to issuing a building permit.

In no case shall a building permit be issued for the erection, placement, movement, extension, enlargement or other alteration of any structure that is not in conformity with the provisions of this Resolution.

AMENDED 10/12/2023



**1801.03 Remedies and Penalties for Violation.** In accordance with Act 630, General Acts of 1967, the following shall apply:

- a) It shall be unlawful to erect, construct, reconstruct, alter, maintain, use or occupy any land in violation of any regulation in; any provision of; or any amendment to this Resolution, as enacted or adopted under the authority of this said Act. Any person, firm or corporation violating any such regulation, provision or amendment, shall be guilty of a class B misdemeanor. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance, use or occupancy continues shall be deemed a separate offense; provided, however, that prior to any criminal prosecution, the Building Commissioner as designated by the Jefferson County Commission or his representative shall give a written notice or citation to the person, firm or corporation violating this Resolution, stating the rule or regulation being violated, and notifying said person, firm or corporation to cease and desist such violation immediately, or said person will be prosecuted as provided for herein.

AMENDED 10/12/2023

- b) In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained, used or occupied in violation of any regulation or provision of this Resolution, or amendment thereof, as enacted or adopted by the County, the Building Commissioner as designated by the Jefferson County Commission may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, use or occupancy.

AMENDED 10/12/2023

- c) The Building Commissioner as designated by the Jefferson County Commission may intervene in any action, suit or other proceedings wherein there is involved any violation of any regulation or provision of this Resolution, or amendment thereof, as enacted or adopted by the County. When the Building Commissioner as designated by the Jefferson County Commission so intervenes hereunder, that official shall be deemed to be, and shall be treated as, an original party to the action, suit or proceedings. It is the intent of this Section that any action, suit or proceedings in which the Building Commissioner as designated by the Jefferson County Commission intervenes shall proceed the same as if the Building Commissioner as designated by the Jefferson County Commission had been an original party, insofar as any statute, act or rule prohibiting an entire change of parties is concerned. The provisions of this Section shall also apply to any action, suit or proceedings pending at the time of its adoption.

AMENDED 10/12/2023

END SECTION 1801

## SECTION 1802 PROCEDURE FOR AMENDMENT

The provisions of this Resolution, including the Zoning Maps, may from time to time be amended, supplemented, changed, modified, or repealed by the Jefferson County Commission in accordance with the procedure stated in this Section. It shall further be provided that, for the purposes of this Article, any use of the word “petition” shall include the word “application”, and any use of the “application” shall include the word “petition”.

**1802.01      Petition to Amend.** Petitions to amend this Resolution may be initiated only upon filing of an application with the Jefferson County Planning and Zoning Commission. Such application may be filed by:

- a)      The owner of the parcel or parcels of land that is the subject of the proposed amendment;
- b)      The authorized agent of such owner, in which case a notarized letter is required; or,
- c)      Any member of the Jefferson County Commission, in which case a rezoning of any parcel of land (within the zoning jurisdiction of Jefferson County, Alabama) may be initiated by introduction of a resolution for such purpose.

**1802.02      Application for a Change of Zoning.** An application for any change of zoning must be filed in the Department of Development Services, and shall be scheduled for hearing by the Planning and Zoning Commission in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission. The application itself shall, at a minimum, include the following:

- a)      A statement as to the nature of the proposed amendment;
- b)      A parcel identification number or legal description of the property involved;
- c)      The name and address of the owner(s) of the property; and,
- d)      Descriptive information as to how the petitioner proposes to utilize the parcel of land (plot plan, drawings, sketches, etc.).

**1802.03      Action on Petitions.** No amendment to this Resolution shall become effective unless it has been submitted to the Jefferson County Planning and Zoning Commission for a recommendation. The Planning and Zoning Commission shall consider a petition for amendment at the first regularly-scheduled meeting following proper filing of the application for same as set forth hereinabove. The Planning and Zoning Commission shall have up to seventy-five (75) days after that public hearing in which to make a recommendation to the Jefferson County Commission. The recommendations of the Planning and Zoning Commission shall be advisory only, and shall not be binding on the Jefferson County Commission. Failure of the Planning and Zoning Commission to make such recommendation within the prescribed time shall constitute a favorable recommendation.

AMENDED 3/26/2002

**1802.04 Notice Of Public Hearing.** No changes or amendments in the provisions of this Resolution shall become effective until after an advertised public hearing is held in relation thereto, at which time both the parties to the application and citizens in interest shall have an opportunity to be heard. At least seven (7) days notice of the time and place of such public hearing shall be given in a newspaper of general circulation in Jefferson County, Alabama; and at least fifteen (15) days written notice shall be given to all owners of property (as shown by the records of the Tax Assessor of Jefferson County) located, in whole or in part, within five hundred (500) feet of the boundaries of the parcel(s) or property to be considered for rezoning.

**1802.05 Time Limit.** After the Jefferson County Commission has voted on an application for rezoning, or for any other amendment to this Zoning Resolution, another application for the same kind of rezoning of the same tract or parcel or land; or for the same kind of change of the same portion of the Zoning Resolution; will not be considered until a period of one (1) year has elapsed from the date of such action by the Jefferson County Commission. Furthermore, a withdrawal of any application for rezoning after hearing has been held by the Planning and Zoning Commission, but prior to hearing by the Jefferson County Commission, shall also require a one (1) year period of time before another application of the same nature may be submitted.

However, the Planning and Zoning Commission may adjust the time period set forth herein if, in the opinion of a majority of said Commission, either an unusual situation exists, or there has been a substantial change in the circumstances surrounding the application or the property which would warrant another hearing prior to the conclusion of the specified one year.

END SECTION 1802

### **SECTION 1803 SCHEDULE OF FEES**

The schedule of fees shall be established by ordinance of the Jefferson County Commission and shall apply to any action under this Resolution. All funds collected under the provisions of this Resolution shall be paid to the General Fund of Jefferson County, Alabama.

**1803.08 General Provisions Regarding All Application Fees.** The application fees for rezoning, variance, beverage license approval, special use permit approval, or conditional use permit approval, ~~specified in this Section~~ shall be retained by the County, and shall not be conditioned upon, or related in any way to, any action taken with respect to said applications. In the event that a request for withdrawal or postponement is received after the required public notice has been given, there shall be no refund. If a hearing at a later date is desired, an additional fee for legal advertisement and/or public notice, in the same amount as the initial fee for legal advertisement and/or public notice, shall be charged.

**1803.09 Fee Exemptions.** The following groups are exempt from all zoning fees of this Section: churches, governmental agencies, fire departments, County properties, and projects funded ~~entirely~~ by Jefferson County or through Jefferson County's Community Development program.

ADOPTED 9/22/87; AMENDED 6/13/2000, 7/16/2015, 10/12/2023

END SECTION 1803

## **SECTION 1804 SPECIAL USE PERMIT**

As provided for by this Ordinance, there exist certain uses that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Jefferson County Planning and Zoning Commission and the granting of a Special Use Permit imposing such conditions as necessary to make the use compatible with other existing or permitted uses surrounding the site. The Jefferson County Planning and Zoning Commission shall act in accordance with the procedure stated in this Section. It shall further be provided that, for the purpose of this Section, any use of the word "petition" shall include the word "application", and any use of the word "application" shall include the word "petition".

**1804.01 Petition for a Special Use Permit.** Petitions for a Special Use Permit may be initiated only upon filing of an application with the Jefferson County Planning and Zoning Commission. Such application may be filed by:

- a. The owner of the parcel or parcels of land that is the subject of the proposed amendment; or
- b. The authorized agent of such owner, in which case a notarized letter of agent authorization is required.

**1804.02 Application for a Special Use Permit.** An application for a Special Use Permit must be filed in the Department of Development Services, and shall be scheduled for hearing by the Planning and Zoning Commission in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission. The application itself shall, at a minimum, include the following:

- a. A statement as to the nature of the proposed amendment;
- b. Descriptive information as to how the petitioner proposes to utilize the parcel of land (plot plan, drawings, sketches, etc.);
- c. A parcel identification number and legal description of the property, or portion thereof, involved;
- d. The name and address of the owner(s) of the property; and,
- e. A notarized letter of agent authorization, when required.

- 1804.03 Public Hearing Required.** The Jefferson County Planning & Zoning Commission shall take no action on any Special Use Permit until it shall first have held a public hearing thereon. The Planning & Zoning Commission shall hold its hearing for a Special Use Permit at the first regularly scheduled meeting following proper submission of a formal application for same in the Department of Development Services, in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission.
- 1804.04 Notice Of Public Hearing.** No Special Use Permits shall become effective until after an advertised public hearing is held in relation thereto, at which time both the parties to the application and citizens in interest shall have an opportunity to be heard. At least seven (7) days' notice of the time and place of such public hearing shall be given in a newspaper of general circulation in Jefferson County, Alabama; and at least fifteen (15) days written notice shall be given to all owners of property (as shown by the records of the Tax Assessor of Jefferson County) located, in whole or in part, within five hundred (500) feet or any required setbacks, whichever is greater, of the boundaries of the parcel(s) or property to be considered for a Special Use Permit.
- 1804.05 Action on Petitions.** No Special Use Permit shall become effective unless it has been submitted to the Jefferson County Planning and Zoning Commission for approval. The Planning and Zoning Commission shall consider a petition for a Special Use Permit at the first regularly-scheduled meeting following proper filing of the application for same as set forth hereinabove.
- a. The Planning and Zoning Commission shall have up to seventy-five (75) days after that public hearing in which to render a decision. Failure of the Planning and Zoning Commission to render a decision within the prescribed time shall constitute approval of the Special Use Permit.
  - b. The Planning & Zoning Commission's action shall take one of the following forms:
    1. **Approval.** Approval by the Planning & Zoning Commission shall constitute said Commission's finding that the proposed use satisfies the criteria for the issuance of a Special Use Permit.

2. **Conditional Approval.** If a reviewing department, agency or authority determines that there are one or more technical deficiencies on a given application, but that (1) those defects are not anything that should prevent the Commission from approving, as submitted, the Special Use Permit; and (2) any revisions that may subsequently be required would not necessitate a substantial change to the nature of said Special Use; then that department shall state such in its report to the Department of Development Services. The Planning and Zoning Commission may then approve the Special Use Permit – assuming it is also found to be satisfactory in all other respects within the Commission’s review authority – with the understanding that all such technical deficiencies will be corrected before the aforementioned department; agency or authority will certify its respective approval.
3. **Denial.** The grounds for denial of any Special Use Permit shall be stated upon the records of the Jefferson County Planning & Zoning Commission.
4. **Continuance.** The Planning & Zoning Commission may request that an applicant allow the case to be “carried over” to a subsequent meeting in order to allow the Commission to conduct further study of the proposal; to allow one or more reviewing department or authority additional time to study the proposal; or to allow the applicant the opportunity to correct deficiencies or make changes to the proposal without having to file a new case. A case may also be carried over at the applicant’s request, subject to agreement by the Planning & Zoning Commission.

In the event that a reviewing department has requested additional time to review an application, or the Planning & Zoning Commission believes it to be in the best interest of the general public or the applicant to carry over the case for specific reasons, the Chairman shall ask the applicant to agree to a continuance. If the applicant consents to such continuance, the case will be carried over to the following month’s meeting (unless another date is specifically stated at that time). The Department of Development Services shall subsequently notify the applicant in writing as to purpose of the continuation, and any additional requirements or issues that the Commission has requested be addressed prior to that next hearing.

However, the applicant must consent to any extension of the prescribed time period for the Commission's rendering of a decision on an application. If the applicant does not consent to allowing the case to be carried over, the Planning & Zoning Commission shall vote to either approve or deny the application. If the Commission determines that it cannot, in good conscience, approve the application as submitted; or, if the Commission believes there exists issues that will prevent any other reviewing authority from approving the application as submitted; the Commission will be compelled, in the best interest of the citizens of Jefferson County, to deny the request – thereby necessitating full re-application before any further consideration can be given to the proposal in question.

**1804.06 Time Limit.** After the Jefferson County Planning and Zoning Commission has rendered a decision on an application for a Special Use Permit, another application for the same kind of Special Use Permit of the same tract or parcel or land will not be considered until a period of one (1) year has elapsed from the date of such action by the Commission. Furthermore, a withdrawal of any application for a Special Use Permit after a hearing has been held by the Planning and Zoning Commission shall also require a one (1) year period of time before another application of the same nature may be submitted. However, the Planning and Zoning Commission may adjust the time period set forth herein if, in the opinion of a majority of said Commission, either an unusual situation exists, or there has been a substantial change in the circumstances surrounding the application or the property which would warrant another hearing prior to the conclusion of the specified one year.

END SECTION 1804

Adopted 7/16-2015

## SECTION 1805 CONDITIONAL USE PERMIT

As provided for by this Ordinance, there exist certain uses that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Jefferson County Commission and the granting of a Conditional Use Permit imposing such conditions as necessary to make the use compatible with other existing or permitted uses surrounding the site. The Jefferson County Commission shall act in accordance with the procedure stated in this Section. It shall further be provided that, for the purpose of this Section, any use of the word “petition” shall include the word “application”, and any use of the word “application” shall include the word “petition”.

**1805.01      Petition for a Conditional Use Permit.** Petitions for a Conditional Use Permit may be initiated only upon filing of an application with the Jefferson County Commission. Such application may be filed by:

- a.      The owner of the parcel or parcels of land that is the subject of the proposed amendment; or
- b.      The authorized agent of such owner, in which case a notarized letter of agent authorization is required.

**1805.02      Application for a Conditional Use Permit.** An application for a Conditional Use Permit must be filed in the Department of Development Services, and shall be scheduled for public hearing by the Jefferson County Commission in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission. The application itself shall, at a minimum, include the following:

- a.      A statement as to the nature of the proposed amendment;
- b.      Descriptive information as to how the petitioner proposes to utilize the parcel of land (plot plan, drawings, sketches, etc.);
- c.      A parcel identification number and legal description of the property, or portion thereof, involved;
- d.      The name and address of the owner(s) of the property; and,
- e.      A notarized letter of agent authorization, when required.

**1805.03      Public Hearing Required.** The Jefferson County Commission shall take no action on any Conditional Use Permit until it shall first have held a public hearing thereon. The Jefferson County Commission shall hold its hearing for a Conditional Use Permit at the first scheduled hearing following proper submission of a formal application for same in the Department of Development Services, in accordance with the hearing and application deadline dates adopted by resolution of the Jefferson County Commission.



**1805.04 Notice Of Public Hearing.** No Conditional Use Permits shall become effective until after an advertised public hearing is held in relation thereto, at which time both the parties to the application and citizens in interest shall have an opportunity to be heard. At least seven (7) days' notice of the time and place of such public hearing shall be given in a newspaper of general circulation in Jefferson County, Alabama; and at least fifteen (15) days written notice shall be given to all owners of property (as shown by the records of the Tax Assessor of Jefferson County) located, in whole or in part, within five hundred (500) feet or any required setbacks, whichever is greater, of the boundaries of the parcel(s) or property to be considered for a Conditional Use Permit.

**1805.05 Action on Petitions.** No Conditional Use Permit shall become effective unless it has been submitted to the Jefferson County Commission for approval. The Jefferson County Commission shall consider a petition for a Conditional Use Permit at the first scheduled hearing following proper filing of the application for same as set forth hereinabove.

- a. The Jefferson County Commission shall have up to seventy-five (75) days after that public hearing in which to render a decision. Failure of the Jefferson County Commission to render a decision within the prescribed time shall constitute approval of the Conditional Use Permit.
- b. The Jefferson County Commission's action shall take one of the following forms:
  1. **Approval.** Approval by the Jefferson County Commission shall constitute said Commission's finding that the proposed use satisfies the criteria for the issuance of a Conditional Use Permit.
  2. **Conditional Approval.** If a reviewing department, agency or authority determines that there are one or more technical deficiencies on a given application, but that (1) those defects are not anything that should prevent the Commission from approving, as submitted, the Conditional Use Permit; and (2) any revisions that may subsequently be required would not necessitate a substantial change to the nature of said Conditional Use; then that department shall state such in its report to Department of Development Services. The Jefferson County Commission may then approve the Conditional Use Permit – assuming it is also found to be satisfactory in all other respects within the Commission's review authority – with the understanding that all such technical deficiencies will be corrected before the aforementioned department, agency or authority will certify its respective approval.
  3. **Denial.** The grounds for denial of any Conditional Use Permit shall be stated upon the records of the Jefferson County Commission.

4. **Continuance.** The Jefferson County Commission may request that an applicant allow the case to be “carried over” to a subsequent meeting in order to allow the Commission to conduct further study of the proposal; to allow one or more reviewing department or authority additional time to study the proposal; or to allow the applicant the opportunity to correct deficiencies or make changes to the proposal without having to file a new case. A case may also be carried over at the applicant’s request, subject to agreement by the Jefferson County Commission.

In the event that a reviewing department has requested additional time to review an application, or the Jefferson County Commission believes it to be in the best interest of the general public or the applicant to carry over the case for specific reasons, the President shall ask the applicant to agree to a continuance. If the applicant consents to such continuance, the case will be carried over to the next scheduled hearing date (unless another date is specifically stated at that time) Department of Development Services shall subsequently notify the applicant in writing as to purpose of the continuation, and any additional requirements or issues that the Commission has requested be addressed prior to that next hearing.

However, the applicant must consent to any extension of the prescribed time period for the Commission’s rendering of a decision on an application. If the applicant does not consent to allowing the case to be carried over, the Jefferson County Commission shall vote to either approve or deny the application. If the Commission determines that it cannot, in good conscience, approve the application as submitted; or, if the Commission believes there exists issues that will prevent any other reviewing authority from approving the application as submitted; the Commission will be compelled, in the best interest of the citizens of Jefferson County, to deny the request – thereby necessitating full re-application before any further consideration can be given to the proposal in question.

**1805.06 Time Limit.** After the Jefferson County Commission has denied an application for a Conditional Use Permit, another application for the same kind of Conditional Use Permit of the same tract or parcel or land will not be considered until a period of one (1) year has elapsed from the date of such action by the Commission. Furthermore, a withdrawal of any application for a Conditional Use Permit after a hearing has been held by the Jefferson County Commission shall also require a one (1) year period of time before another application of the same nature may be submitted. However, the Jefferson County Commission may adjust the time period set forth herein if, in the opinion of a majority of said Commission, either an unusual situation exists, or there has been a substantial change in the circumstances surrounding the application or the property which would warrant another hearing prior to the conclusion of the specified one year.

END SECTION 1805

## ARTICLE 19 DEFINITIONS

For the purposes of this Resolution, certain words and terms are defined as herein indicated, and shall apply to all parts of this Resolution. Unless specifically defined herein, words or phrases used in this Resolution shall be interpreted so as to give this Resolution its most reasonable application. All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise. The words “used for” shall include the meaning “designed for”; and the word “structure” shall include the word “building”; the word “lot” shall include the words “plot” and “tract”; and the word “shall” is mandatory.

**Administrative Review:** Review of an application by the designated reviewing authority, for a development permit based on documents, materials and reports, with no testimony or submission of evidence as would be allowed at a required public hearing. This process is not subject to a public hearing. Adopted 7/16/2015

**Accessory Structure or Use:** An accessory structure is a subordinate building, the use of which is incidental to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

**Adult Establishment:** Any adult book store, adult mini-motion picture theater, adult motion picture theater, adult cabaret or dancing establishment, adult video establishment, peepshow or adult novelty shop, as defined respectively herein below, or similar businesses or operations, or any combination thereof; or, any establishment, business, operation, or premises, except such as may be specifically addressed in the Use Regulations of any zoning district other than C-5 (Commercial Adult Entertainment District), into which entry is restricted, by the owner or operator thereof, or by rule or by law, to persons of a specified minimum age. Adult establishments shall include, but not necessarily be limited to, the types of operations further defined below; and any establishment or operation involving the facilities, devices, activities or subject matter defined below shall also be considered an adult establishment.

- a. **Adult Arcade:** An establishment where, for any form of consideration, one or more adult arcade devices - including but not necessarily limited to motion picture projectors, slide projectors, video/arcade machines, or any similar electronic and/or mechanical machine intended for viewing by five (5) or fewer persons each - is used to show films, pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- b. **Adult Arcade Device:** Any motion picture projector, slide projector, electronic equipment, video/arcade or similar machine, designed and/or intended for viewing by five or fewer persons, which employs films, pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in any kind of adult establishment.

- c. **Adult Book Store:** An establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals, cassette tapes, video tapes or films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein; or, an establishment with a segment or section devoted to the sale, display or rental of such material.
- d. **Adult Cabaret or Dancing Establishment:** A cabaret, club or dancing establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- e. **Adult Mini-Motion Picture Theater:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, for observation by patrons therein.
- f. **Adult Motion Picture Theater:** An enclosed building with a capacity for fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, for observation by patrons therein.
- g. **Adult Novelty Shop:** An establishment or business whose operation includes the sale or rental of items, including books, video tapes and other similar materials, depicting, describing or otherwise used in relation to “specified anatomical areas” or “specified sexual activities” as defined herein.
- h. **Adult Video Establishment:** Any business or operation that includes the sale, rental, display or distribution of “X”-rated video tapes, films or other similar items or materials.
- i. **Peepshow:** Any establishment or operation that charges any kind of fee for the viewing of live-action activity involving “specified anatomical areas” or “specified sexual activities” as defined herein, or which is in any way related to any use defined herein as an “adult establishment”.
- j. **Specified Anatomical Areas:** (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- k. **Specified Sexual Activities:** (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; and (3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- l. **Gambling Establishment:** The operation or conducting of any legal game(s) played with cards, roulette wheels, dice, slot machines, video lottery terminals, mechanical or electro-mechanical or electronic amusement devices or machines, or other gambling devices for money, property, checks, credit or any representative value. Except, however, that this definition shall not include legal games of chance operated by licensed charitable organizations.

- m. **Gambling Device:** Any legal clock, tape machine, slot machine, electronic equipment, video/arcade machine, or other machine or device for the reception of money or other thing of value, on chance or skill or upon the action of which, said money or other thing of value is staked, hazarded, bet, won or lost; or, any legal mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. Provided, however, that this definition shall not include (1) a coin-in-the-slot-operated-type of mechanical device played for amusement that rewards the player with the right to replay such mechanical device; (2) vending machines by which full and adequate return is made for the money invested, and in which there is no element of chance or hazard; or (3) games of skill designed and clearly intended for use by minors under the age of eighteen (18).

AMENDED 11/5/1997, 11/21/2000

**Airport Elevation:** The established elevation of the highest point on the usable landing area.

**Airport Hazard:** Any structure or tree or use of land which obstructs the airspace required for flight of aircraft in landing or taking off at the airport, or is otherwise hazardous to such landing or taking off of aircraft.

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

**Arcade:** Any commercial building in which there are three (3) amusement game machines, commercial recreation machines, or games other than amusement game machines, on the premises which are available to the public; or a place or facility where pinball or other similar electronic games are played for amusement only. However, an arcade shall not be construed so as to include bingo games, nor shall it be construed so as to include gambling devices, adult arcade devices, or any other devices, equipment, machines or operations that may otherwise be prohibited by this Resolution or by law.

**Banner:** See **Sign, Banner**.

**Basement:** A story partly or wholly underground.

AMENDED 5/8/1984

**Beer:** Any beer, lager beer, ale porter, malt or brewed beverage or similar fermented malt liquor containing one-half of one percent (0.5%) or more of alcohol by volume and not in excess of four percent (4%) alcohol by weight and five percent (5%) by volume, by whatever name the same may be called.

**Billboard:** Any permanent sign which directs the attention of the general public to a business, service or product not conducted, offered or sold as a major portion of business upon the premises upon which it is located. Synonymous with **Sign, Office Premise**. Amended 7/16/2015

**Buffer Strip or Green Belt:** A landscaped strip of land established to protect one type of land use from another type of use that is considered incompatible. Such a buffer strip or green belt is intended to separate and at least partially obstruct the view of adjacent land uses and properties from another.

**Building:** Any structure having a roof supported by columns or walls designated or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.

**Building Line:** The outermost projection of the extreme overall dimensions of a building as staked on the ground, including all area covered by any vertical projection to the ground of overhang of walls, roof or any other part of a structure which is nearest to the property line.

**Building, Principal:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building.

**Building, Temporary:** Portable, mobile or transportable temporary contractors' construction buildings; the use of which are incidental to construction operations being conducted on the same or adjoining lot or tract, will be allowed, with permit, in all districts, provided they are not being used as a dwelling. These buildings or structures shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of one (1) year, an application for a renewal permit may be made for one (1) year extension.

**Centerline (of a Street or Road):** A line, running parallel with the street right-of-way, which is half the distance between the extreme edges of the official right-of-way width as shown on a map approved by the County Engineer.

**Church:** Building used for non-profit purposes by a recognized and legally established sect solely for purposes of worship.

**Clinic:** A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment.

**Club, Country:** A chartered, membership club with or without dining facilities and cocktail lounge, catering primarily to its membership, providing one or more of the following recreational and social amenities: golf, recreation, including tennis and swimming, club house, locker room, pro shop, and other accessory uses.

**Club, Private:** A building or portion of thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Co-location:** The act of siting Telecommunications Facilities on an existing Telecommunications Tower. Adopted 7/16/2015

**Common Open Space:** Land and water areas retained for use, in an essentially undeveloped state, as active or passive recreation areas; for resource protection, conservation or enhancement; or for amenity or buffer yards. Such areas are neither individually owned nor dedicated for public use (as distinguished from use by the residents or occupants of the development of which said areas are a part).

**Concealed Telecommunication Facility:** A Telecommunications Facility that is integrated as an architectural feature of an existing structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer. Adopted 7/16/2015

**Condominium:** Individual ownership of a unit.  
(See State Law 1059, H.B. No. 107, 1973 Regular Session of the legislature of the State of Alabama).

**Country Club:** See **Club, Country**.

**Development, Multi-Tenant:** A development that includes multiple businesses, such as a shopping center, mall, or multiple tenant office building. Adopted 2-9-2017

**Development, Single-Tenant:** A development that includes only one business on the property, such as a stand-alone store or restaurant. Adopted 2-9-2017

**Dwelling:** A building containing one or more dwelling units used for residential purposes, but in the case of a building having two or more portions divided by one or more party walls forming a complete separation, each such portion shall be considered to be a separate dwelling.

**Dwelling, Cluster:** One or more dwelling units, detached or attached, each unit of which has a separate entrance and is designed to be occupied and may be owned by one family.

**Dwelling, Multi-Family:** A building or portion thereof designed for occupancy by two or more families living independently of each other under one roof. Multi-family dwellings shall include those in which individual dwelling units are intended to be rented and maintained under central ownership and management; those which are under collective ownership and management including cooperative apartments, condominiums, and the like; rowhouses or townhouses in individual ownership; and all other forms of multi-family dwellings, regardless of ownership, management, taxation, or other consideration, where such form does not meet the requirements of this Resolution for a single family dwelling.

**Dwelling, Single Family:** A building designed exclusively for occupancy by one family and having only one dwelling unit from the ground to the roof and having independent outside access.

**Dwelling, Townhouse or Townhome:** Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

**Dwelling, Two-Family:** A building designed exclusively for occupancy by two families living independently of each other under one roof.

**Dwelling Unit:** One or more rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

**F.A.A.:** The Federal Aviation Administration.

**F.C.C.:** The Federal Communications Commission.

**Erect:** The word “erect” or “erected” includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. When used in connection with signs shall mean to build, construct, attach, hang, place, suspend, or affix.

**Family:** One or more persons occupying a dwelling and living as a single housekeeping unit, all but two (2) of whom are related to each other by birth, adoption or marriage, as distinguished from a group occupying a boarding house, rooming house, or hotel. However, notwithstanding the preceding definition, a family shall also be deemed to include up to three (3) unrelated persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, if any one or more of said three (3) unrelated occupants is handicapped as defined in Title VIII of the Civil Rights Act of 1968 as amended by the "Fair Housing Act Amendments of 1988" and the "Alabama Fair Housing Law," Code of Alabama 24-8-1, et seq. Such unrelated individual(s) shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as first defined herein. (Amended per the approval of the U.S. District Court in the Consent Settlement of CV93-PT-1409-S.)

**Family Member:** See Family Use.

**Family Use or Family Member:** For the purposes of dividing property or establishing multiple residences on a single property (as allowed under Section 1114 of this Resolution), and for any other regulation or requirement to which this definition may be reasonably applied, the following relationships to the owner of a property, or to the spouse of the owner of a property, as established by blood, marriage, re-marriage, legal adoption or guardianship, shall be included in the term "family use": child, step-child, parent, step-parent, brother, sister, step-brother, step-sister, grandparent, grandchild, aunt, uncle, niece, nephew, and legal ward.

ADOPTED 5/10/05

**Family Restaurant:** See Restaurant, Family.

**Frontage, Street:** Distance measured along a highway or street right-of-way.

**Garage Apartment:** A building of which a portion is used for private storage and/or parking of a motor driven vehicle and the remainder is to be used as a single-family living unit for rental or non-profit purposes.

**Garage, Private:** An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is an accessory.

**Garage, Repair:** Any building, structure or property in or upon which a business, service or industry involving the storage, care, repair, or refinishing of motor vehicles including both minor maintenance activities and major repair operation such as mechanical overhauling, transmission repair, paint and body work, etc. conducted or rendered. Such business operations shall not, however, include the storage of wrecked or junk vehicles.

**Gas Wells, Related Equipment and Facilities:** The term "gas well" shall refer explicitly to the surface equipment installed for the sole purpose of collecting the gas at the point of extraction, while "related equipment and facilities" include all other surface facilities associated with such operations (including but not limited to compressor stations, generators, etc.). Collection pipe lines, poles, wires, conduits, and other similar distributing equipment shall not be included within this definition, provided that the parties in interest have complied with all existing laws and regulations governing such installations. For the purposes of this Resolution, a "gob well" shall be distinguished from a "gas well" in that a gob well site includes an independent compressor or generator dedicated specifically to powering that gob well.

ADOPTED 9/14/10

**Grade:** The average level of the finished ground surface adjacent to the exterior walls of the building.



**Green Belt:** See **Buffer Strip or Green Belt**.

**Gross Floor Area:** The gross horizontal areas of all floors, measured from the exterior faces of the exterior walls of a building. Basements and cellars shall not be included in the gross floor area.

**Gross Site Area:** The total land area of a site, property or project to be developed, or to be classified as a Planned Unit Development District.

**Guest House:** A structure which shall be for temporary occupancy only and shall not be used for rental purposes.

**Hazardous Waste:** Any waste or combination of wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating reversible illness; or which may pose a substantial present or potential hazard to human health or to the environment when improperly treated, transported or disposed of, or otherwise managed. Related terms within the scope of this definition shall include, but not necessarily be limited to, the following:

- a. **Disposal:** The ultimate introduction of hazardous wastes into the environment. The discharge, deposit, injection, dumping or placing of any hazardous waste into or on any land or place so that such waste or any constituent thereof may not endanger the environment or public health beyond the confines of a site or facility.
- b. **Facility:** All contiguous land and structures, other appurtenances, improvements on the land, used for treating, storing, or disposing of hazardous waste.
- c. **Storage:** The actual or intended containment of wastes, whether on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.
- d. **Storage Facility:** Any permitted facility which stores hazardous waste, except:
  - 1) Generators who store their own waste on site for less than ninety (90) days before subsequent transport off site; and
  - 2) Recycling facilities which have recycling, reclamation or energy recovery as their specific purpose. Such a recycling facility may only store incidental non-recyclable hazardous waste materials on site for less than ten (10) days before subsequent transport off site.
- e. **Treatment:** The physical or chemical treatment, recovery, detoxification, neutralization, incineration, biodegradation, separation, fixation or otherwise modification of a potentially hazardous waste to remove or reduce its harmful properties or characteristics.

**Heliport:** An area used by helicopters which may include passenger and cargo facilities, maintenance and overhaul, fuel service, storage space, tie-down space, hangars and other accessory buildings, and open spaces.

**Helistop, Private:** An area on a roof or on the ground limited to use by helicopters which are owned or controlled by the owner or occupant of the premises or by guests or patrons of such owner or occupant for the purpose of picking up or discharging passengers or cargo, but not including fuel service, maintenance or overhaul.

**Helistop, Public:** An area on a roof or on the ground used by any helicopters for the purpose of picking up or discharging passengers or cargo, but not including fuel service, maintenance or overhaul.

**Home Occupation:** Any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried on wholly within a main or accessory building by a member of the family residing on the premises.

**Indoor Recreation:** A commercial recreational land use conducted entirely within a building, including arcades, arenas, art gallery/art centers, assembly halls, athletic and health clubs, auditoriums, bowling allies, community/conference centers, exhibit halls, gymnasiums, movie theaters, museums, performance theaters, pool or billiard halls, skating rinks, swimming pools, tennis courts, and similar uses, except as may be prohibited by other provisions of this Resolution or by law.

**Industrial Park:** A tract of land, the control and administration of which are vested in a single body, suitable for industrial use because of location, topography, zoning, availability of utilities and accessibility to transportation. The uses permitted are regulated by protective minimum restrictions, including size of site, parking and loading regulations and building setback lines from front, side and rear yards. The front yards and side yards adjacent to streets are to be landscaped in conformance to planning standards set for the park. All requirements are to be compatible with the community and surrounding land uses in accordance with a comprehensive plan to enable a group of industrial establishments to operate efficiently within the park.

(Created by the Alabama Legislative Act 1978, No. 604)

**Industry:** Manufacturing and treatment of products and materials.

**Institutions:** The structure or land occupied by a group, cooperative, board, agency, or organization created for the purpose of the following nature including but not limited to hospitals, schools, churches, fraternal orders and orphanages.

**Junk:** Old, used, dilapidated, scrap or abandoned metal, paper, building material and/or equipment, bottles, glass, appliances, furniture, tools, implements or portions thereof, machinery or motor vehicles or parts thereof, plastic, cordage or any other items, material or waste that has been abandoned from its original use, and may or may not be used again in its present or in some other form.

**Junk Storage:** The open storage of any of the items or materials defined above as “Junk” in such a way that it is visually exposed to adjoining properties; is present in such quantity (or quantities) that the health, safety or aesthetic well-being of the surrounding area is compromised. Any such storage maintained on premises for a period exceeding thirty (30) days shall hereafter be considered a “Junk or Salvage Yard” as further defined herein, and will be treated accordingly.

**Junk Yard or Salvage Yard:** A lot, land, or structure, or part thereof, used primarily for either the collecting, storing or sale of waste paper, rags, scrap metal or discarded material or for either the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. The presence on any lot or parcel of land of two (2) or more motor vehicles which, for a period exceeding thirty (30) days, have not been capable of operating under their own power, and from which parts have been or are intended to be removed for reuse or sale, shall constitute prima facie evidence of a junk or salvage yard.

**Kennel:** A lot or premises on which three (3) or more dogs are either permanently or temporarily boarded.

**Kindergarten:** See **Nursery School**.

**Landscaping:** Material that may include plant materials such as trees, shrubs, groundcovers, perennials and annuals, and other materials such as rocks, water, walls, fences, signs, light fixtures, paving materials, street furniture, and any other features affecting the layout, use and aesthetic aspects of a site or development.

**Land Use District:** The delineation of land area intended for a specific use, including commercial development, institutional sites, various types of single and multi-family housing, etc., particularly within a Planned Unit Development.

**Liquor:** Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks and drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent (0.5%) or more of alcohol by volume, except beer and table wine.

**Live Entertainment:** Any musical, theatrical, dance, cabaret or comedy act performed by one or more persons, and/or any form of dancing by patrons, guests, etc. However, this definition shall not be construed so as to include any activity falling within the scope of the term "Adult Establishment" as defined elsewhere in this Article.

**Livestock:** Cows, horses, goats, sheep, swine, etc.

**Lot:** Parcel of land shown on a recorded plat or on the official County zoning maps or any piece of land described by legally recorded deed.

**Lot, Corner:** A lot abutting two (2) or more streets at their intersection(s).

**Lot, Depth:** The mean horizontal distance between the front and rear lot lines.

**Lot, Interior:** Any lot which is not a corner lot.

**Lot, Through:** A lot other than a corner lot abutting two streets.

**Lot, Width:** The width of the lot at the front building setback line.

**Lot of Record:** A lot which is part of a subdivision, a plat of which had been recorded by Jefferson County at the time of the adoption of this Resolution.

**Mini-Warehouse:** A structure (or group of structures) that is partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-explosives and nonvolatile materials; the facility or site is not used for wholesale or retail sales operations; and the individual storage spaces of a mini-warehouse do not exceed 800 square feet.

**Mobile Home:** A structure, transportable in one or more sections which is eight (8) feet or more in width and is thirty two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with, or without, permanent foundation, when connected to the required utilities and includes plumbing, heating, air-conditioning and electrical systems contained therein.

**Mobile Home Park:** An area containing one or more mobile homes and/or recreational vehicles (including travel trailers) used as living facilities, or an area containing one or more spaces designed or intended for parking of mobile homes and /or recreational vehicles (including travel trailers) to be used as living facilities.

AMENDED 7/12/2011

**Motel:** A building or group of buildings used for temporary occupancy and containing no facilities for cooking in the individual units.

**Multi-Tenant Development:** See Development, Multi-Tenant.

**Net Residential Density:** The number of dwelling units per acre of land, by type (e.g., single family residences, multi-family, townhouses, etc) for any given residential district.

**Non-Conforming Building or Structure:** A structure or building that conforms to the Use Regulations of the district in which it is located, but which does not conform to one or more other provisions of this Resolution, including area and dimensional requirements, etc.

**Non-Conforming Use:** The use of any building or land which was lawful at the time of passage of this Resolution, or amendment thereto; but which use does not conform, after the passage of this Resolution or amendment thereto, with the Use Regulations of the District in which it is situated.

**Non-Residential Mobile Buildings (Factory Built):** Non-Residential portable, mobile or transportable factory-built buildings or structures, the use of which may be the principal building or as an accessory building to an existing operation on the same lot or tract, will be allowed in all zoning districts except residential districts. The use thereof is for office, professional or business-type transactions, including normal accessory storage; and does not include the gathering together of persons for purposes such as civic, social or religious functions; recreation; food or drink consumption; or for the purpose of instruction; nor does the purpose thereof include use for the display or sale of merchandise, or for the purpose of providing medical treatment or care.

**Nursery School or Kindergarten:** Any premise or portion thereof used for educational work or parental care of children of less than age required for enrollment in the public school system.

**Nursing Home:** A home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation but not including hospitals, clinics or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured.

**Office:** The building, room or space where clerical or administrative activities are performed.

**Outside Storage:** The keeping of any goods or materials (other than that necessary in association with a valid building permit), junk, merchandise or vehicles (owned by persons other than the property owner) that are not wholly enclosed within a building or structure, and that are retained on the same premises for more than twenty-four (24) hours.

**Outdoor Advertising Sign:** See **Sign, Outdoor Advertising.**

**Parking Lot:** Any off-street area where vehicles will be parked, serviced, or stored.

**Parking Space:** A delineated area reserved for the parking of a single vehicle.

**Permitted On Appeal:** Uses specified as “Permitted on Appeal” are special exceptions; and no permit shall be issued for such uses except with the written approval of the Jefferson County Board of Zoning Adjustment, and then subject to such conditions as said Board may require to preserve and protect the character of the District.

**Planned Unit Development:** A development project comprehensively planned as a single entity via a unified site plan which permits flexibility in siting and development design, mixtures of housing types and land uses, usable open spaces and the preservation of natural features.

**Poultry:** Fowl normally raised as food such as chickens, ducks, geese, guineas and turkeys or for commercial uses such as peacocks.

**Premises:** A lot, parcel or tract of land, together with all buildings, structures and any other physical improvements existing thereon.

**Principal Building:** See **Building, Principal.**

**Privacy Fence:** As distinguished from a boundary fence, a privacy fence is typically intended to block or screen part, or all, of a property or use from the view of neighboring properties. Such fences are usually allowed or required to be solid and taller than other types of fences.

**Private Club:** See **Club, Private.**

**Private Drive:** A private roadway, not maintained by the County, used for the ingress and egress of owners and occupants, the use of which may or may not be utilized by the general public.

**Protected Residential Area:** Parcels of land with a residential zoning classification as listed in Article 6, regardless of current use, and as determined by the Director of Development Services those communities where the preponderance of land is currently in residential use and one (1) acre or less in area, regardless of current zoning classification. Adopted 7/16/2015

**Provider:** See **Wireless Communication Service Provider.**

**Public Open Space:** Land reserved for leisure and/or recreational use but dedicated in fee to a governing body or agency to be responsible for operation and maintenance; such land is therefore not for the exclusive use of a development's residents.

**Recreation Camp:** See **River Camp**.

**Recreation, Indoor:** See **Indoor Recreation**.

**Residential:** The term “residential” or “residence” is applied herein to any lot, plot, parcel, tract, area or piece of land or any building to be used exclusively for family dwelling purposes or intended to be used, including accompanying uses specified herein.

**Residential Zoning District (Signs):** Any area zoned exclusively for Single-Family housing in any jurisdiction. This includes E-1, E-2, R-1, R-2, R-3, and R-6 in Jefferson County, but not multi-family or multi-use zones such as Agriculture. Amended 7/16/2015

**Restaurant:** A commercial establishment where food and beverages are prepared, served and consumed primarily within the principal building, and where food sales constitute no less than seventy percent (70%) of the gross sales receipts for food and beverages.

**Restaurant, Family:** A restaurant which has no on-site sale or consumption of alcoholic beverages of any kind; and of which it shall also be characteristic to have some type of emphasis on children, such as special pricing, children's menus and/or other incentives or benefits for children, particularly those under the age of twelve (12).

**Right-of-Way Line:** The right-of-way line shall be considered a property line and all setback requirements provided in this Resolution shall be measured from said right-of-way line. Side and rear yard depths shall be measured from property line.

**River Camp or Recreation Camp:** Site or group of sites used to place single family residential units usually located along or adjacent to a river, lake, etc.

**Salvage Yard:** See **Junk Yard**.

**Service Station:** Any building or structure used primarily for the dispensing, sale or offering for sale at retail of any automobile fuel, and incidental oil and accessories; and/or performing automotive repair work which is conducted wholly within an enclosed building generating no excessive noise or fumes, with no outside storage of equipment or salvage materials.

**Shade Tree:** A species of tree that normally grows to a mature height of forty (40) feet or more, has a canopy of twenty-five (25) feet or more in diameter, and is grown primarily to produce shade, with the flowers being of secondary importance.

**Shopping Center:** A building which contains two or more retail establishments.

**Sign:** A name, identification, image, description, display or illustration which is affixed to, printed or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business. A sign is any form of publicity visible from a public street or highway directing attention to an individual activity, business, service, commodity, or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks or trade name or other pictorial matter designed to convey information concerning the same and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings, or other structure or supports.

**Sign, abandoned:** A sign that is no longer maintained or kept in good repair or an on-premise sign where the building or property is vacant. Adopted 2-9-2017

**Sign, Awning or Canopy:** A sign that is mounted, painted on or attached to an awning or canopy.

**Sign, Banner:** A sign, not otherwise classified as a temporary sign, made of cloth, canvas, plastic sheeting or any other flexible material, not rigidly attached to a building or the ground through a permanent support structure.

**Sign, Building Wall:** A sign attached parallel to and supported by the exterior wall of a building. Such signs are readable from in front of the building or wall on which they are mounted (as distinguished from projecting signs that are readable from the side of the building/wall), and may be painted on the surface of the wall, or erected and confined within the limits of said wall.

**Sign, Construction:** A sign pertaining only to the construction, alteration, rehabilitation or remodeling of buildings, and identifying only those parties involved in construction on the premises and the future activity for which the construction is intended.

**Sign, Dilapidated:** Any sign with structural defects or unsightly defects, including peeling paint and/or damaged displays.

**Sign, Electronic:** Any internally lighted sign that is designed to change color or display automatically, including Electronic Message Centers (EMC). Amended 7/16/2015

**Sign Face Area:** The sign face area of any sign with only one sign face, shall be computed by means of the smallest geometric figure that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

**Sign, Free-Standing:** A permanent sign which is not attached to a building.

**Sign Height:** The vertical distance measured from the lowest finished grade elevation directly beneath the center of the sign to the highest elevation of the sign.

**Sign, Illumination:**

- a. **Indirectly-Illuminated Sign:** A sign that reflects, or is illuminated by, light that is aimed toward it from source which is external to the sign cabinet or structure.
- b. **Directly-Illuminated or Internally-Illuminated Sign:** A sign which is illuminated by a light source which is behind the sign face (i.e., actually within/inside the sign cabinet or structure itself); or by light sources that are affixed to the sign face, and which emit beams of light outward from the sign.
- c. **Intermittent Illumination:** A sign containing any flashing light, including arrangements that spell messages, simulate motion or form various symbols or images.

**Sign, Monument:** A permanent sign mounted on the ground in such a manner that the sign face is attached to the ground either directly or in a landscaped setting wherein the bottom edge of the sign face shall be less than two (2) feet above the ground level. Adopted 2-9-2017

**Sign, Off-Premise:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Synonymous with Billboard. Amended 7/16/2015

**Sign, On-Premise:** A permanent sign erected upon, and maintained in conjunction with the use of a specific parcel of property identifying the name of the place, persons or organizations occupying the premises or designating the principal use or activity or the principal product or service available on the premises.

**Sign, Pole or Pylon:** A permanent sign mounted on a pole or poles wherein the bottom edge of the sign is be at least four feet above the ground level. Adopted 2-9-2017

**Sign, Portable:** Any sign not permanently attached to the ground or a permanent structure. Such signs shall include, but not be limited to, any sign, whether on its own trailer, wheels or otherwise, which is designed to be transported from one place to another; "A" frame signs; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles that are parked and visible from the public right-of-way (unless said vehicle is used in the normal day to day operations of the business). Not permitted in Jefferson County. Amended 7/16/2015

**Sign, Projecting:** A sign that is attached to the exterior wall of a building, extends outward, and is readable from the sides of the building or wall to which it is attached (as distinguished from building wall signs that are read from in front of the buildings/wall).

**Sign, Real Estate:** A sign indicating that the property on which the sign is located is for sale, lease or development; to announce an open-house event in connection with the sale or lease of a building; or to identify a model home.

**Sign, Roof:** A sign which is attached to and supported by a building, and extends above the exterior wall of the building to which it is attached.

**Sign, Routine Maintenance:** Any painting, changing of displays without any change of materials or size, and/or replacement in-kind of lights and/or light fixtures where the total cost of the work does not exceed fifty percent (50%) of the replacement cost of the sign. Adopted 2-9-2017

**Sign, Temporary:** A sign or advertising display not permanently and rigidly affixed to the ground or a building; such signs are often constructed of cloth, canvas, fabric, paper, plywood or other light materials, and are typically intended to be displayed for a short period of time. Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or special offer, and banner signs, beacons, balloons and mascot signs.

**Single-Tenant Development:** See Development, Single-Tenant.

**Site:** Area of premises to be covered by a structure.



**Specialty Shop:** A small-scale retail commercial business concentrated on a particular activity or product.

**Story:** That portion of a building other than a cellar, including between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and ceiling next above it.

**Street:** A public thoroughfare which affords the principal means of access to abutting property.

**Street Centerline:** See **Centerline (of a Street or Road)**.

**Street Line:** A dividing line between a lot, tract or parcel of land on a contiguous street.

**Structure:** Anything constructed or erected, the use of which required a location on the ground, or attached to something having a location on the ground, including but not limited to buildings.

ADOPTED 5/10/1983

**Structural Alterations:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders: provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

**Subdivision:** a division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, leasing, building development or other use.

**Support Structure:** A structure designed for the specific purpose of accommodating telecommunications facilities or other structures modified to accommodate telecommunications facilities as a secondary use. Amended 7/16/2015

**Telecommunications Antenna:** A device used to transmit and/or receive wireless communication services as authorized by the Federal Communications Commission, including all mounts and supporting structures other than supporting communications towers as defined herein. Communications antennas shall include:

- a. **Microwave dish:** Parabolic antennas that emit microwave signals.
- b. **Panel antenna:** Vertical and horizontal plane antennas that aim radio signals in specific directions. (Also referred to as sector antennas.)
- c. **Whip antenna:** Cylindrical antennas which emit radio signals in a 360-degree horizontal plane and a compressed vertical plane. (Also referred to as stick, omni-directional or pipe antennas.) Adopted 7/16/2015

**Telecommunications Facility(ies):** Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more antennas and all buildings, structures, fixtures or other accessories (such as electrical boxes, equipment sheds, guy wires, etc.) associated with such use. Adopted 7/16/2015

**Telecommunications Service Provider:** Any private company, corporation or similar such entity providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. Adopted 7/16/2015

**Telecommunications Tower:** Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more communications antennas. Communications towers shall include:

- a. **Monopole towers:** Cylindrical self-supporting towers constructed as a single spire.
- b. **Self-Supporting or Lattice towers:** Self-supporting towers with multiple sides of open-framed supports.
- c. **Guyed towers:** Towers anchored with guy wires. Adopted 7/16/2015

**Temporary Building:** See **Building, Temporary**.

**Tower Compound:** The security fence and area enclosed therein associated with a telecommunications facility. Adopted 7/16/2015

**Townhouse or Townhome Dwelling:** See **Dwelling, Townhouse or Townhome**.

**Transitional Home:** Any dwelling or similar facility operated for the provision of room and board in the rehabilitation, re-socialization and/or adjustment of individuals, patients, and clients; excluding jails, prisons, and other correctional institutions.

**Unincorporated Area:** Any land in Jefferson County not lying within the boundaries of a duly incorporated municipality.

**Variance:** A variance is a relaxation of the terms of the Zoning Resolution where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and the size of structure or size of yards and open spaces; establishment or expansion of a permanent use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or in adjoining zoning districts.

**Wine:** All beverages made from the fermentation of fruits, berries or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than 24 percent (24%) alcohol by volume, and shall include all sparkling wines, carbonated wine, special natural wines, rectified wines, vermouth, vinous beverages, vinous liquors, and like products.

**Yard:** An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum distance between the lot line and finished exterior wall shall be used; provided however, that the cornice overhang does not exceed twenty-four (24) inches.

ADOPTED 2/4/1986

**Yard, Front:** A yard extending across the front of a lot between the side lot lines.

**Yard, Rear:** A yard extending across the rear of a lot between the side lot lines. On all lots, the rear yard shall be in the rear of the front yard.

**Yard, Side:** A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

AMENDED 5/10/83, 11/5/97, 11/21/00, 06/05/01

END ARTICLE 19

## **ARTICLE 20 LEGAL STATUS PROVISIONS**

### **SECTION 2001 CONFLICT WITH OTHER REGULATIONS**

Whenever the regulations of this Resolution impose higher standards or more restrictive regulations, or other otherwise establishes requirements exceeding those of, in or under any other statute, the requirement of this Resolution shall govern. Conversely, whenever the provisions of any other statute impose higher standards or more restrictive regulations, or other otherwise establishes requirements exceeding those of this Resolution, the provisions of such other statute shall govern.

END SECTION 2001

### **SECTION 2002 VALIDITY**

Should any section or provision of this Resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Resolution as a whole, or any part thereof which is not specifically declared to be invalid or unconstitutional.

END SECTION 2002

### **SECTION 2003 REENACTMENT AND REPEAL OF EXISTING ZONING RESOLUTION**

This Resolution amends, and in part carries forward by reenactment, some of the provisions of the Zoning Resolution of the County of Jefferson adopted on December 6, 1949, as amended. It is not the intention to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the Zoning Resolution of the County of Jefferson enacted on December 6, 1949, as amended, which are not reenacted herein are hereby repealed. All suits at law or in equity, and/or all prosecutions resulting from the violation of any zoning resolution heretofore in effect, and which are not pending in any of the Courts of the State or of the United States, shall not be abated or abandoned by reason of the adoption of this Resolution; but instead shall be prosecuted to their finality the same as if this Resolution had not been adopted. Any and all violations of existing zoning resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

END SECTION 2003

**SECTION 2004**  
**EFFECT UPON OUTSTANDING BUILDING PERMITS**

Nothing herein contained shall require any change in the plans, construction, size or designed use of any building or structure, or part thereof, for which there is a valid outstanding building permit on the date of passage of this Resolution and/or amendment. However, any further construction or use shall be in conformance with the Resolution.

END SECTION 2004

**SECTION 2005**  
**EFFECTIVE DATE**

This Resolution, and any and all amendments thereto, shall take effect and be in force immediately upon adoption by the Jefferson County Commission.

END ARTICLE 20

**APPENDIX  
SECTION 1403  
SMARTCODE**