

# *ENTERPRISE*

## *ZONING ORDINANCE*

**06-05-12**

*City of Enterprise, Alabama*

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# *ENTERPRISE ZONING ORDINANCE*

## ARTICLE I: AUTHORITY, PURPOSE, AND SCOPE

### Section 1. Statutory Authority

This Ordinance has been drafted, subjected to public review, recommended by the Enterprise Planning Commission, published as required by law and adopted by the Enterprise City Council under the authority of Alabama law.

### Section 2. Short Title

This Ordinance shall be known as the *Enterprise Zoning Ordinance*, and the *Zoning Map* which is a part of this Ordinance shall be known as the *Enterprise Zoning Map*.

### Section 3. Purpose

The specific purpose of this Ordinance is to influence the use of property within the City of Enterprise in accordance with Title 11, Chapter 52, of the Code of Alabama, 1975 Compilation, as amended and applicable law; and generally to implement and support the Comprehensive Plan and the Developmental Policies of the City Council of the City of Enterprise.

### Section 4. Applicability and Compliance

The provisions of this Ordinance shall apply to all property located within the Corporate boundary of the City of Enterprise. All uses, structures, sites, lots and parcels must be in compliance with the provisions of this Ordinance.

### Section 5. Minimum Requirements

The provisions of this Ordinance shall be considered minimum requirements to promote the public health, safety, and welfare. The provision of this Ordinance shall not lower the restrictions of plats, deeds or private contracts, if such are greater than the provisions of this Ordinance, i.e., that which is more restrictive shall apply.

### Section 6. Incorporation of Amendments; Ratification

The provisions of this Ordinance include and incorporate zoning amendments and changes which have not been previously and duly repealed by the Enterprise City Council including, but necessarily limited to, those which have been previously proposed, acted upon and approved by the Enterprise City Council since June 1, 2007, and said previous amendments and changes which are included and incorporated herein are hereby confirmed, approved and ratified.

### Section 7. Conflict with Other Regulations

In any situation in which there is a conflict between the provisions of this Ordinance, and those of any statute, or any local law or regulation, the most restrictive of such provisions shall apply and be enforced.

### Section 8. Severability

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

### Section 9. Repeal of Conflicting Ordinances

On the effective date of this Ordinance, all other local Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA that the body and the text of the ENTERPRISE ZONING ORDINANCE which is included herein and attached hereto be adopted by reference and be included in the entirety in the City of Enterprise, Alabama Code of Ordinances.

## ARTICLE II: DEFINITIONS

### Section 1. Interpretation

Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot*, *parcel* and *tract*. The word "*shall*" is mandatory and not directory. The word "*may*" is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine. Except as defined herein or in the *Subdivision Regulations of Enterprise, Alabama*, all other words used in this Ordinance shall have their customary dictionary definition.

### Section 2. General Definitions

*Accessory Structure and Use.* Any detached minor building or structure. Accessory use is one that is reasonable, customary and incidental to a permitted use of the premises. A sign shall be considered only as accessory to a permitted use.

*Alteration, Altered.* Any addition to the height, width or depth of a building or structure; any change in the location of any of the exterior walls of a building, structure or sign; or any increase in the interior accommodations of a building or structure.

*Awning.* A shelter attached to and hanging from a vertical surface or a building without any other support from the ground.

*Block.* That portion on either side of the street considered, upon which the building, structure or development is situated or proposed, bounded by the nearest intersecting streets.

*Building.* Any structure having a roof supported by columns or walls and designed for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

*Building Area.* The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

*Building, Height of.* The vertical distance from the lowest ground elevation to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.

*Dwelling Unit.* Any portion of a building used, intended or designed as a separate abode for a family.

*Excavation.* Any man-made cavity or depression in the earth's surface including all sides, walls, or faces formed by earth removal and producing unsupported earth conditions by reasons of the excavation.

*Facade.* The front of the principal building.

*Facility.* A place, structure or item that is built, installed, or established to serve a particular purpose.

*Family.* One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, or hotel, as herein defined.

*Grade.* The slope of a street, or other public way, specified in percentage (%) terms.

*Grade, Finished.* The final elevation of the ground surface after development. Or, the average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.



*Grade, Natural.* The elevation of the ground surface in its natural state, before man-made alterations.

*Grading.* The preparation of a site for development, usually by leveling off to a smooth horizontal or sloping surface.

*Gross Floor Area.* The sum of the areas of all floors within the outside edge of the outside walls of a building, excluding basements.

*Loading, Off-Street.* Land occupied, necessary and maintained for loading or unloading of goods, materials or things, for delivery and shipping, in a manner that vehicles may provide for such services without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

*Lot.* Land occupied or intended for occupancy by a use including the yards and parking spaces required herein, and having its principal frontage upon a street.

*Lot of Record.* A lot that is part of a subdivision, the plat of which has been recorded in the office of the Probate Judge, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

*Lot Width.* The width of the lot at the front building setback line.

*Nonconforming Use.* The use of any building or land which was lawful at the time of passage of this Ordinance, or amendment thereto, but which use does not conform, after the passage of this Ordinance or amendment thereto, with the use, height, yard, off-street parking, or off-street loading and unloading regulations of the district in which it is situated.

*Parcel.* A part or portion of land. Parcel in relationship to land is a contiguous quantity of land in possession of an owner.

*Parking Space, Off-Street.* An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than one hundred sixty-two square feet, a minimum width of nine feet, and a minimum length of eighteen feet, exclusive of driveways and maneuvering area.

*Plot.* A measured piece of land.

*Plot Plan.* A scale drawing indicating the location of all existing and/or proposed structures in relation to the site.

*Setback Line.* A line parallel to the property line between which line and the property line no structure may be erected.

*Site.* The spatial location of an actual or planned structure or set of structures; or, a space of ground occupied or to be occupied by a building.

*Site Plan.* A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use.

*Story.* That portion of a building included between the surface of the floor next above, or if there be no floor surface above it, then the space between such floor and the ceiling next above it.

*Street.* A dedicated and accepted public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

*Structure.* Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, gasoline pumps and signs, but not including utility poles, overhead wires and fences.

*Subdivision.* The division of a lot, tract or parcel of land, into two or more lots, tracts, parcels or other divisions of land by means of platting of boundaries.

*Tract.* A lot, piece, or parcel of land of greater or less size; the term not meaning in itself any precise dimension, but generally referring to a larger piece of land.

*Use.* The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

*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. For the purpose of determining the width or depth of a yard, the minimum distance between the lot line and the main building shall be used.

*Yard, Required.* A yard the depth of which is specified in the district regulations. In the case of a corner lot, the rear and side yards shall be determined by defining the front yard as the narrower of the street frontages regardless of the location of the main entrance to the structure.

*Yard, Front.* A yard extending across the full width of the lot between the side lot lines, and extending from the street right-of-way line to the front building line. On corner lots, the narrow side shall be considered the front regardless of the main entrance of the dwelling. Where both frontages are equal, the front yard shall be considered the side which the majority of the lots front in the block.

*Yard, Rear.* A yard extending across the rear of a lot between the side lot lines, and extending from the rear property line to the rear building line. On all lots the rear yard shall be in the rear of the front yard.

*Yard, Side.* The yard extending along the side lot line from the front yard to the rear yard, and extending from the side lot line to the side building line. In the case of corner lots, the yard extending along all established or future street rights-of-way shall be considered a front yard and shall meet all requirements as defined herein for such.

### Section 3. Use Definitions

*Animal Hospital.* A place where small household pets are given medical or surgical treatment and short term boarding of pets.

*Animal Shelter.* Non-profit (e.g., SPCA) or public organization providing shelter for small domestic animals.

*Assisted Living Facility, Domiciliary.* A permanent building, portion of a building, or a group of buildings in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than 24 hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator and licensed by the State of Alabama.

*Bank or Financial Service.* A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

*Bed and Breakfast Inn.* A dwelling unit where lodging for persons not of the immediate family is provided for by compensation for definite periods of time up to thirty (30) days.

*Boarding House.* See *Rooming House*.



*Broadcast Studio.* Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, such as a radio or television studio.

*Business or Professional Office.* A place where the administrative affairs of a business or profession are conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative staff of business or industry, and the like.

*Business Support Service.* A place of business that supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.

*Car Wash.* A commercial establishment engaged in washing, cleaning, and/or detailing of automobiles and other light vehicles.

*Community Center.* Building(s) arranged for community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

*Community Service Club.* Building(s) arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

*Construction Service.* A place of business engaged in construction activities, incidental storage, and wholesaling of building material (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

*Convenience Store.* A one story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including automotive fuel service islands.

*Country Club.* Land and buildings containing recreational facilities and club house for private club members and their guests.

*Day Care Center.* A licensed facility, other than a residence, providing day care on a regular basis to more than six persons.

*Day Care Home.* A licensed service operated from a dwelling by the resident as a home occupation, providing day care on a regular basis to six or less persons.

*Dwelling.* Any building or portion thereof in which people live.

*Dwelling, Apartment.* Four or more attached, multi-family dwellings within a building.

*Dwelling, Combination.* A dwelling (other than a manufactured home, mobile home or trailer) used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of an institutional, commercial, or industrial establishment. Such unit shall not be available for general rental purposes.

*Dwelling, Duplex.* A detached or single building designed for or occupied exclusively by two families living independently of each other.

*Dwelling, Multiplex.* Three or four attached dwellings within a building of three or less stories.

*Dwelling, Single Family.* A detached or single building designed for or occupied exclusively by one family.

*Dwelling, Townhouse.* A single-family dwelling constructed in a series or group of attached units with property lines separating each unit as defined by the code adopted by the City.



*Dwelling, Upper-Story.* A dwelling located in the upper story of a building wherein the ground floor is devoted to commercial uses.

*Emergency Care Home.* A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.

*Entertainment, Indoor.* A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters and playhouses; and art centers and similar indoor cultural facilities.

*Entertainment, Outdoor.* A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including amphitheaters, sports arenas, racing facilities, and amusement parks.

*Family Care Home.* A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 *Regulations as to housing of mentally retarded or mentally ill persons in multi-family zones*, Code of Alabama, 1975 as amended.

*Farm Support Business.* A commercial establishment engaged in the sale of farm support goods and services, including the following activities: the sale of feed, grains, fertilizers, pesticides, and similar farm support goods, the provision of warehousing and storage facilities for raw farm products, and the provision of veterinary services to large animals.

*Farm.* A tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to humans, including the following farming activities: forages and sod crops; grains and seed crops; dairy animals and products; poultry, including egg production but excluding poultry processing; livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing; and nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation; bees and apiary products; fisheries, excluding fish and seafood processing; fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.

*Farming, Forestry.* Operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities

*Funeral Home.* A commercial establishment engaged in funeral and undertaking services for human burial.

*Garden Center or Nursery.* Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools and equipment, and seeds.

*Home Improvement Center.* A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

*Home Instruction.* Instruction in the arts, music, or academic subjects given from a dwelling by the resident to a maximum of four students at a time, except in the case of musical instruction, which shall be limited to a maximum of two students at a time.

*Home Occupation.* A business, profession, occupation, or trade, specifically excluding beauty parlors, barbershops, and medical offices for the treatment of patients, conducted for gain or support and located entirely or operated from the living area of a dwelling.



*Hospital.* An establishment that provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, outpatient clinics and surgery centers, training facilities, gift and florist shops, coffee shops, cafeterias and staff offices.

*Hotel.* A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public as opposed to a rooming house or boarding house, which are separately defined.

*Junk Yard.* See *Salvage Yard*.

*Kennel.* Any facility in or at which cats, dogs, or similar household pets are brought or kept for care, boarding, or breeding; and for which such services are charged a fee.

*Landfill, Inert.* A State-approved site for the controlled disposal of brush, yard waste, construction debris, etc.

*Landfill, Sanitary.* A State-approved site for the controlled disposal of solid waste and garbage.

*Laundry Service.* A commercial establishment providing laundering, dry cleaning, or dyeing service (other than a laundry or dry cleaning pick-up station defined under personal service), such as a laundry and dry cleaning plant, diaper or linen service, or laundromat.

*Liquor Lounge.* A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges, motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises for the establishment. Not included within this definition are establishments that sell or serve only beer or wine as an incidental activity on the premises or establishments that sell liquor, beer, or wine in packages for off-premise consumption.

*Livestock Sales.* The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.

*Maintenance Service.* An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services to include incidental covered storage only.

*Manufactured Home.* A structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; a structure that meets all the requirements of the definition hereinabove except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

*Manufactured Home Park.* A parcel of land under single management that has been planned and improved for the provision of space and services for manufactured homes for transient and/or non-transient use, not platted or otherwise divided by fee simple ownership; but permitting the sale of interests or memberships on a condominium basis, and wherein facilities and amenities, including roads, clubhouse or recreation facilities shall be privately owned or owned in common by residents of the park.

*Manufacturing, General.* The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

*Manufacturing, Heavy.* Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.



**Manufacturing, Light.** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.

**Medical Clinic.** A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis.

**Medical Support Service.** A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescription and the sale of drugs and medical supplies), medical and surgical supply store, and optician, and the like.

**Mini-Warehouse.** One or more buildings containing separate storage spaces that are leased on an individual basis for the exclusive purpose of storing non-hazardous goods.

**Modular Structures.** A dwelling constructed on-site, in accordance with adopted City code, of components substantially assembled in a manufacturing plant and transported to the building site for final assembly upon a permanent foundation.

**Motel.** A building or group of buildings used for the temporary occupancy of transients.

**Nursing Care Facility.** A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.

**Open Air Market.** Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.

**Parking, Commercial.** Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

**Personal Service.** A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses.

**Place of Worship.** Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating, living such as a parsonage or rectory, and other integrally related activities.

**Public Assembly Center.** Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers, and similar uses.

**Public Facility.** Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations, and similar uses.

**Public Utility Facility.** Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

**Recreation, Indoor.** A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.



*Recreation, Outdoor.* A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities.

*Recreational Vehicle Park.* A lot on which campsites are established for occupancy by travel trailers and other recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

*Rehabilitation Facility.* An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.

*Research Laboratory.* An establishment engaged in research of an industrial or scientific nature within an enclosed facility, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

*Resource Extraction.* The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, and mining.

*Restaurant, Fast Food.* An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-through, or drive-in and may also include standard sit-down consumption.

*Restaurant, Standard.* An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.

*Restaurant, Take-Out Only.* An establishment where food and drink are prepared, but not served or consumed on the premises.

*Retail Business, General, Enclosed.* Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores, variety stores, and similar retail businesses.

*Retail Business, General, Unenclosed.* Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, outdoor tire sales, and outdoor display or sales.

*Rooming House, Boarding House.* Any building or portion thereof that contains not less than three (3) or more than nine (9) guest rooms, which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly, for a definite period of time longer than thirty (30) days.

*Salvage Yard.* A place of business engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.

*School, Commercial.* Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

*School, Not-for-Profit.* School operated by a non-profit organization.

*School, Public.* School or college or similar institution operated by a public school authority.

*Shopping Center, Major.* A group of commercial establishments (as permitted in the district) located on a lot of ten (10) or more acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.

*Shopping Center, Minor.* A group of commercial establishments (as permitted in the district) located on a lot of fewer than ten (10) acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.

**Sign.** Any name, identification, description, display, illustration, and/or structure that is recognizable from a street or adjacent parcel and that is affixed directly or indirectly upon a building, structure, or the ground that directs attention to an object, product, place, activity, service, person, institution, organization, or business. This definition excludes all public signs designed, constructed, and placed in accord with the latest edition of the *Alabama Manual on Uniform Traffic Control Devices*.

**Sign, Attached.** Any sign that is permanently fastened, attached, connected to or supported by a building or structure permanently attached to the ground.

**Sign, Building Wall.** A sign painted upon the front or side exterior wall of a building, or affixed to the front or side exterior wall of a building, but not extending more than twelve (12) inches from the face of the building wall or above the top of the building wall.

**Sign, Canopy.** A sign directly painted on or otherwise directly affixed to a building canopy or awning.

**Sign, Detached.** Any sign that is not permanently fastened, attached, connected to or supported by a building or structure permanently attached to the ground.

**Sign, Ground.** Any sign that is directly mounted on the ground or attached to or part of an upright support that stands on the ground, removed from any building.

**Sign, Off-Premise.** Any sign advertising a person, business, activity, goods, products, or services not located or offered for sale on the premises where the sign is located.

**Sign, On-Premise.** Any sign advertising a person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.

**Stable.** A commercial establishment engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

**Studio.** A place of work for an artist, photographer, or craftsman, including instruction, display, production, and indoor retail sales of materials produced on the premises.

**Telecommunication Facilities.** Any cables, wires, lines, wave guides, antennas, structures, and any other facilities or equipment associated with the transmission or reception of electronic communication located near or installed upon a tower or antenna support structure.

**Transmission Tower.** A tower used for the transmission of radio and television signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

**Vehicle and Equipment Repair, Major.** A place of business engaged in the repair and maintenance of heavy trucks (one ton or more), construction equipment, tractors and farm implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

**Vehicle and Equipment Sales, Major.** A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance, and servicing.

**Vehicle Repair Service.** A place of business engaged in the repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.



*Vehicle Sales or Rental.* A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing.

*Vehicle Sales and Service.* A commercial establishment engaged in the sale and service, repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

*Vehicle Service Station.* A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

*Warehousing, Wholesaling, and Distribution, Enclosed.* A place of business engaged in warehousing, wholesaling, or distribution services within a building.

*Warehousing, Wholesaling, and Distribution, Unenclosed.* A place of business engaged in open air warehousing, wholesaling, or distribution services.

## ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS

### Section 1. Official Zoning Map

The City is hereby subdivided into General Purpose, Special Purpose and Planned Development Districts as shown on the Official Zoning Map of the City of Enterprise. This Official Map, together with all explanatory materials it contains, is made a part of this Ordinance. This map shall be kept in the office of the Building Department.

The Official Zoning Map shall be signed by the Mayor and attested by the City Clerk, and shall show the number and date of adoption of this Ordinance.

Any changes made in district boundaries, or any other matter portrayed on the map, shall be entered on the map by Ordinance number and date of adoption within ten (10) days of such adoption.

If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and/or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. This new map may correct drafting or other errors or omissions, but no such correction shall result in amending the map.

### Section 2. Zoning Districts

For the purposes of this Ordinance, the area within the corporate boundary of the City is subdivided into the following zoning districts:

#### General Purpose Districts

R-100 Residential District

R-85 Residential District

R-65 Residential District

R-75-S Residential District

R-75-D Residential District

R-75-M Residential District

R-75-A Residential District

TH-1 Townhouse District

TH-2 Townhouse District

TH-3 Townhouse District

B-1 Business District

B-2 Central Business District

B-3 Highway Commercial District

INST Institutional District

MED Medical District

M-1 Light Industry District

M-2 Industrial Park District



M-3 General Industry District

AGR Agriculture District

Special Purpose Districts

HC Highway Corridor Overlay District

HP Historic Overlay District

MHP Manufactured Home Park District

Planned Development Districts

PBD Planned Business District

PRD Planned Residential District

**Section 3. District Boundaries**

The boundaries of the Zoning Districts as shown on the Official Zoning Map are intended, as far as possible, to follow lot lines, the centerlines of streets or alleys, the centerline of railroad tracks, the centerlines of streams and watercourses, and the corporate boundary. Where any boundary cannot be accurately determined from the Map, the Planning Commission first shall make recommendation to the City Council as to the location of such boundary and thereafter, the City Council shall determine where such boundary is officially located.

**Section 4. Annexed Property**

Following the adoption of this Ordinance, any property annexed into the City shall be zoned in accordance with the Comprehensive Plan. Any subsequent rezoning of such property shall follow the procedures for map amendments set forth in this Ordinance.

## **ARTICLE IV: GENERAL PURPOSE DISTRICT REGULATIONS**

### **Section 1. Districts and Purposes**

#### **R-100: Residential District**

The purpose of this District is provide and preserve land for use for single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

#### **R-85: Residential District**

The purpose of this District is provide and preserve land for use for single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

#### **R-65: Residential District**

The purpose of this District is provide and preserve land for use for single family dwelling units and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

#### **R-75-S: Residential District**

The purpose of this District is provide and preserve land for use for single family dwelling and other compatible uses in areas that are geographically defined and protected from the encroachment of incompatible uses.

#### **R-75-D: Residential District**

The purpose of this District is to provide and preserve land for both single family and duplex dwelling units and other compatible uses in areas that have good accessibility to central community facilities, or where a transition from different density residential or nonresidential development is desirable.

#### **R-75-M: Residential District**

The purpose of this District is to provide and preserve land that is and can be used for the construction of multiplex dwelling units and other compatible uses in areas having access to services and facilities appropriate for higher density residential development.

#### **R-75-A: Residential District**

The purpose of this District is to provide and preserve land that is and can be used for the construction of apartment dwelling units and other compatible uses in areas having access to services and facilities appropriate for higher density residential development.

#### **B-1: General Business District**

This District is intended for a variety of both small and large-scale retail and service facilities, generally clustered into groups of similar and related activities; and are often designed to accommodate an integrated complex of retail and service facilities on a single site and sharing common parking.

#### **B-2: Downtown Business District**

This District consists more or less of the traditional downtown area of Enterprise. As such it contains retail, office, financial, government, food service and personal service facilities. The use of upper floors for residential use is encouraged. Pedestrian access is also desirable; and development is in part characterized by lot line to lot line construction, and combined uses within buildings and on property.



### **B-3: Highway Commercial District**

The purpose of this District is to provide land to accommodate uses that tend to require a high degree of visibility and vehicular access, and/or serve the traveling public. The location and design of developments in these Districts shall minimize traffic hazards and adverse impacts on adjoining areas.

### **INST: Institutional District**

The purpose of this district is to provide for and protect uses that are institutional in nature, while encouraging their reasonable use and enjoyment in ways that are compatible with surrounding districts. Such uses historically have been an integral part of the neighborhoods they provided for and supported. However, many such uses now typically serve a larger area than the adjacent neighborhoods and often consist of substantial structures and parking areas designed to accommodate large numbers of people. If a building permit is sought for any use included within this zoning district, the applicant must comply with Article XIII, Section 2 ("Permit Required") and seek rezoning for the property before any permit may be approved and issued.

### **MED: Medical District**

The purpose of this District is to encourage the concentration of medical facilities and services in accessible locations.

### **M-1: Light Manufacturing District**

This District is intended to accommodate manufacturing, processing, and assembly operations that are relatively small in terms of employment and space requirements and which do not adversely affect surrounding property by generating noise, dust, odor or glare.

### **M-2: General Manufacturing District**

This District includes land that is considered appropriate for manufacturing and assembly operations that tend to require substantial inputs of raw materials and components and subsequent shipment of processed goods.

### **M-3: Heavy Manufacturing District**

This District is intended to accommodate manufacturing, processing, and assembly operations that are relatively large in terms of employment and space requirements and which may adversely affect surrounding property by generating noise, dust, odor or glare.

### **AGR: General Agricultural and Forestry District**

This District is intended in part to provide space within the city to continue agricultural and forestry operations and in part to preserve land for future urban use when the demand for land for development and availability of services warrant such development and property may be rezoned for a more intensive use.

## **Section 2. General Regulations**

Use and dimensional regulations applying to the several Districts shall be as specified in Table 4-1 and Table 4-2, respectively, of Article IV. In each district, each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot no less than the area and width specified.

No yard, open space or lot required for a building or structure shall, during its life be occupied by or counted as open space for another building or structure. No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.

Height restrictions shall not apply to steeples on places of worship, hospitals, farm structures, chimneys, flag poles, utility poles, communications towers, cooling towers, water towers, and industrial structures when required by the manufacturing process.

General and special requirements and/or regulations that may apply to some or all Districts and/or uses shall be as specified in Articles VII and VIII.

Off-street parking and loading requirements shall be as specified in Article IX.

Permits and plan submittals and statutory review as may be required in various Districts and/or for certain uses shall be as specified in Article XIII.

Accessory uses that are reasonable and customary to the District and the permitted use may also be permitted by the Building Official.



## ARTICLE IV TABLE 4-1

USES	R-100	R-85	R-65	R-75-S	R-75-D	R-75-M	R-75-A	PRD	TH-1	TH-2	TH-3	MHP	B-1	B-2	B-3	PBD	INST	M-D	M-1	M-2	M-3	AGR
Airport																			C	C		C
Animal Hospital													C			Y			Y			C
Animal Shelter																			C			C
Assisted Living Facility							C	Y					Y	Y	Y	Y	Y					
Bank or Financial Service													Y	Y	Y	Y		Y				
Bed and Breakfast Inn								Y						C		Y						Y
Broadcast Studio													Y	Y	Y	Y	C		Y	Y	Y	Y
Business or Professional Office								C					Y	Y	Y	Y	C	Y	Y	Y	Y	
Business Support Service													Y	C	Y	Y		C	Y	Y	Y	
Car Wash													Y			Y						
Cemetery													C				C					Y
Community Center								Y					R	R	R	Y	Y					
Community Service Club													E	C	E	Y	Y					
Construction Service													C	C	Y	Y			C	Y	Y	Y
Convenience Store								Y					Y		Y	Y			Y			
Country Club	C	C	C		C	C	C	Y					Y		C							Y
Day Care Center								Y					Y		Y	C		Y	Y			
Day Care Home	C	C	C				C	Y				C					C	Y				
Dwelling, Apartment						Y	Y	Y														
Dwelling, Combination													C			Y			E	E		
Dwelling, Duplex					Y	Y	Y	Y									C					
Dwelling, Single Family	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y						C					Y
Dwelling, Townhouse								Y	Y	Y	Y											
Dwelling, Upper Story Apartment														Y		Y						
Emergency Care Home							C	C									C	Y				
Entertainment, Indoor													Y	Y	Y	Y						
Entertainment, Outdoor																Y						
Family Care Home							C										C					
Farm																			Y			Y
Farm Support Business																			C			Y
Farming, Forestry																						Y
Funeral Home													Y	C	Y	Y						
Garden Center/ Nursery													Y	C	Y	Y			Y			
Group Day Care Home	C	C	C		C			C						C		C						

ARTICLE IV TABLE 4-1

USES	R-100	R-85	R-65	R-75-S	R-75-D	R-75-M	R-75-A	PRD	TH-1	TH-2	TH-3	MHP	B-1	B-2	B-3	PBD	INST	M-D	M-1	M-2	M-3	AGR
Heliport																			C	C	C	C
Home Improvement Center													C		Y	Y			C			
Home Instruction	Y	Y	Y	Y				C														Y
Home Occupation	A	A	A	A	A			A						A		A						A
Hospital																	Y	Y				
Hotel													Y	C	Y	Y	Y	Y				
Kennel													C	C	C	C			Y			Y
Landfill, Inert																				C	C	
Landfill, Sanitary																					C	
Laundry Service													C	C	Y	Y			Y			
Liquor Lounge													C	Y	Y	Y						
Livestock Sales																						Y
Maintenance Service													Y		Y	Y			Y	Y		
Manufactured Home												Y										Y
Manufactured Home Park												Y										
Manufacturing, General																				Y	Y	
Manufacturing, Heavy																					Y	
Manufacturing, Light																			Y	Y	Y	
Medical Clinic													Y	Y	Y	Y		Y				
Medical Support Service													Y	C	Y	C		Y				
Mini-Warehouse													C		C				C	Y	Y	
Mobile Home												Y								Y		Y
Modular Home	Y	Y	Y	Y	Y			C				C										Y
Motel													Y		Y	Y		Y				
Nursing Care Facility													Y		Y			Y				
Open Air Market													C	C	Y	Y						Y
Parking, Commercial													C	C	C	Y		C	C			
Personal Service								C					Y	Y	Y	Y		C				
Place of Worship *	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y	C	C	C	C	C
Public Assembly Center													Y	Y	Y	Y	Y					
Public Facility	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Public Utility Facility	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Recreation, Indoor													Y	C	Y	Y						
Recreation, Outdoor													C		Y	Y						
Recreational Vehicle Park															C							Y



ARTICLE IV TABLE 4-1

USES	R-100	R-85	R-65	R-75-S	R-75-D	R-75-M	R-75-A	PRD	TH-1	TH-2	TH-3	MHP	B-1	B-2	B-3	PBD	INST	M-D	M-1	M-2	M-3	AGR
Rehabilitation Facility													Y		Y	C	C	Y				
Research Laboratory													C		Y	Y		Y	Y	Y		
Resource Extraction																					C	
Restaurant, Fast Food													Y	C	Y	Y		C				
Restaurant, Standard								C					Y	Y	Y	Y		C				
Restaurant, Take Out Only													C	Y	Y	Y		C	Y			
Retail, General, Enclosed								Y					Y	Y	Y	Y		C				
Retail, General, Unenclosed													C	C	Y	Y			C			
Rooming/Boarding House														C								
Salvage Yard													C								Y	C
School, Commercial													Y	C	Y	Y	Y	C	E	E		
School, Not-for-Profit													Y	C	Y	Y	Y	Y	E	E		
School, Public	R	R	R	R	R	R	R	R	R	R	R	R					R	R	R	R		
Shopping Center, Major													C		Y	Y						
Shopping Center, Minor													Y		C	Y						
Stable																						Y
Studio								Y					Y	C	Y	Y						C
Telecommunications Facilities													C		C	C		C	C	C	C	C
Transmission Tower													R		R	R		R	R	R	R	R
Vehicle/ Equipment Repair, Major													C		Y				Y	Y	Y	C
Vehicle/Equipment Sales, Major													C		Y				Y	Y	Y	
Vehicle Repair Service													Y		Y	Y		C				
Vehicle Sales or Rental													C	C	Y	Y		C				
Vehicle Sales and Service													C	C	Y	Y		C				
Vehicle Service Station													Y	C	Y	Y		C				
Warehousing/ Wholesale/ Distribution, Enclosed													C	C	C	C			Y	Y	Y	Y
Warehousing/ Wholesale/ Distribution, Unenclosed													C	C	C	C			C	C	C	Y

Y – The use is permitted by right.

A – The use requires administrative action per Article VIII, Section 13 of this ordinance.

E – The use requires action by the Board of Adjustment as a special exception.

C – The use is conditional and requires review and approval of the Board of Adjustment.

R – The use is subject to the review and approval of the Planning Commission in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended.

A blank cell in the Table indicates that the use is not permitted.

ARTICLE IV TABLE 4-2

DISTRICTS:	R-100	R-85	R-65	R-75-S	R-75-D	R-75-M	R-75-A	PRD	TH-3	TH-2	TH-1	MHP	B-1	B-2	B-3	PRD	INST	M-D	M-1	M-2	M-3	AGR
Minimum lot area																	50,000					
Minimum lot area, one family, square feet,	14,000	12,000	8,000	10,000	1,000	8,400	7,200		2,600	2,000	1,400				30,000							15,000
Minimum lot area, per additional family, square feet					2,500	2,000	2,000															
Minimum lot width at building line, feet	100	85	65	75	75	75	75		24	20	14				100		150					100
Minimum lot width at building line, corner lot, feet	125	105	80	90	90	85	80		35	30	25						150					
Minimum depth of front yard, feet	35	35	30	30	30	25	25		25	25	20		30	*	70		50	30	30	30	50	
Minimum depth of rear yard, feet/abutting business/residential district	40	40	30	30	30	30	30		25	25	25		20		30/40		50	25	30	30		
Minimum width of side yard, feet	10	10 - 8	7	10 - 8	10 - 8	10	10-15										20	10				15
Minimum width of side yard abutting a street, feet	35	35	30	30	30	25	25								30		50					
Minimum distance between buildings					20	25	25		30	20	20											
Maximum building area, percent of gross lot area	25%	25%	40%	40%	40%	40%	60%						50%	60%	40%	40%	25%	60%	50%	25%	25%	
Maximum building height: feet / stories	35/2	35 / 2	35/2	35 / 2	35 / 2	35/2	45/3		35 / 2	35 / 2- 1/2	40 / 2- 1/2		45/3	75 / 6	35/2		45/3	75 / 6	35 / 2	35 / 2	35 / 2	35 / 2
Minimum interior living area per dwelling unit, square feet									1,400	1,200	800											
Maximum number of townhouse units per building									8	8	10											
Maximum density, unit acre									8	12	20											
Width of sidewalks, feet													7	7								
Off-street parking requirements	2/du	2/du	2/du	1/du	1/du	1/du	1/du	P	2/du	2/du	2/du	2/du	P	P	P	P	P	P	1/2 per worker	1/2 per worker		1/du
Off-street parking per garaged company vehicle requirements																	1		L	L	L	
Off-street parking loading requirements																	L	L	L	L	L	
Accessory structure requirements	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A					

A- See Accessory Structure Requirements-Article VIII

P- See Parking Requirements-Article IX

\* Required build-to line at front property line or back of public sidewalk

L- See Off-Street Loading Requirements-Article IX



## ARTICLE V: SPECIAL PURPOSE DISTRICT REGULATIONS

### Section 1. (C-O) Highway Corridor Overlay District

Recognizing the special nature of certain thoroughfares and the direct and indirect impacts of the appearance of these roadways and their importance to the local economy, this section sets forth regulations that will help ensure that development in these critical areas is visually pleasing and economically viable. This section applies to all land in the corridor, regardless of the underlying zoning district designation, and supersedes base district zoning district regulations in the corridor unless the zoning district requirements are more stringent. In those cases, the base district regulations apply. Henceforth, as parcels are developed or redeveloped along designated corridors, the following buffer yard, landscape and sign requirements shall apply. The Planning Commission and the City Council shall treat all developments in this District as subject to review using the procedures outlined for Conditional Uses in Article XIII, Section 5.

These regulations shall apply to all B-3 (Highway Business Districts) and to all lots, parcels and tracts that have frontage upon the following Highways: 27, 84, 134, 167, 192 and 248.

- a. *Building Materials.* All building cladding materials on facades visible to pedestrian and vehicular traffic shall incorporate natural materials such as wood or stone and/or manufactured materials such as brick and stucco.
- b. *Buffer yards and Setbacks.* A fifteen (15) foot buffer yard shall be installed along the front property line. This buffer yard shall contain ten (10) understory trees and fifteen (15) shrubs per every one hundred (100) feet of frontage. In addition, five (5) canopy trees shall be planted throughout the balance of the site for every one hundred (100) feet of frontage.

Buffer yards of a minimum width of five (5) feet shall be installed along all side and rear property lines. Each such buffer yard shall contain four (4) understory trees and six (6) shrubs per every one hundred (100) feet of property line.

All structures shall be set back at least twenty (20) feet from the right-of-way line. All garages, car washes or other service bays shall be located at least forty (40) feet from the front property line; and all garage, car wash, or service bay openings shall be oriented at not less than ninety (90) degrees to the primary street frontage.

Dumpsters and all other refuse collection devices shall be located behind the front plane of the principal structure and shall be fully screened from public view.

- c. *Landscaping.* All developments in this District shall provide general landscaping on the site in addition to that required in the buffer yards. A minimum of three (3) canopy, three (3) understory, and fifteen (15) shrubs shall be provided for every three hundred (300) total linear feet of perimeter of buildings on the site.

No more than twenty (20) contiguous (side-by-side) parking spaces shall be constructed without a landscaped island. At least half of such islands shall be at least nine (9) feet wide; the remainder shall be at least four and one half (4.5) feet wide. All such islands shall contain at least one (1) understory or canopy tree. The Planning Commission may count such trees against the general landscaping requirement.

All sites shall be developed in such a way that significant existing vegetation is preserved and incorporated into the landscaping of the site.

- d. *Signs.* All signs shall be coordinated as to design and materials with the design and materials of the structures on the site.

All freestanding signs shall have any metallic structural elements (i.e., poles) covered entirely in masonry, stone, wood, decorative metal or similar non-structural cladding material. For the purposes of this section, paint alone shall not qualify as a cladding material.

Freestanding business signs on any individual development site shall not exceed one hundred (100) square feet in area, unless specifically allowed by this section. Freestanding signs are limited to one (1) per parcel, unless otherwise allowed by this section. Such signs shall have a minimum setback of ten (10) feet from any side lot line. Freestanding signs may be mounted on a base not exceeding four (4) feet in height. This base shall contain no lettering or advertising of any kind and may be solid or consist of a planter. The combined height of the base and sign shall not exceed sixteen (16) feet in height. Those electing to erect signs no more than twelve (12) feet in height, may increase their allowable sign area to one hundred twenty (120) square feet.

Corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed one hundred fifty (150) square feet.

The height measurement of signs on property lying below the finished grade of the street shall be taken from the adjacent curb elevation.

For the purposes of this Section, a development site consisting of at least two (2) individual businesses and a minimum of 10,000 square feet of gross building area may be considered a shopping center.

Shopping Centers consisting of between 10,000 and 20,000 square feet of gross building area shall be allowed one (1) sign not to exceed one hundred twenty (120) square feet in area. Such Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed one hundred fifty (150) square feet.

Shopping Centers consisting of at least 20,000 square feet and less than 65,000 square feet shall be allowed two (2) signs. The aggregate total area of such signs shall not exceed two hundred (200) square feet.

All freestanding shopping center signs may be mounted on a base not exceeding four (4) feet in height. Said base shall contain no lettering or advertising of any kind and may be solid or consist of a planter. The combined height of the base and sign shall not exceed twenty-five (25) feet in height and shall be set back a minimum of ten (10) feet from any side lot line.

Shopping Centers with at least 65,000 square feet in gross building area shall be afforded the following increases in allowable freestanding sign area:

Shopping Center Gross Building Area (Square feet)	Permitted Freestanding Sign Area	Permitted Sign Height
65,000 - 200,000	400 sq. ft.	40'
200,000 and over	500 sq. ft.	40'

The height measurement of signs on property lying below the finished grade of the street shall be taken from the adjacent curb elevation.

Wall signs on any single development site shall not exceed a total of two (2) square feet per front foot of the main or entry facade. Wall signs projecting above the building roof or parapet line are prohibited. Signs applied directly to roofs, including painted signs, are prohibited.

When determining the allowable sign area for Shopping Centers where it cannot be determined which facade is the main or entry facade, the longest exterior elevation of the structure shall be used. When determining the allowable sign area of individual mall shops or other businesses without exterior facades, the interior facade width or the allowable minimum shall be used.

All businesses, regardless of the measurement of the main or entry facade, shall be allowed a minimum of thirty-two (32) square feet of wall sign area.



Freestanding and elevated signs that are nonconforming as to size and height at the time of adoption of this section shall be removed within a period not to exceed seven (7) years from such date.

- e. *Lighting.* Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner such that direct or indirect illumination from the source of light shall not exceed one (1) foot candle when measured from any property line adjoining a residential district. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that, acting together, the resulting light is controlled and not directed across an adjacent property.
- f. *Fences and Screening.* Lot area as within which repair of vehicles of any type occurs, shall be screened from public view. Storage areas of vehicles that are visibly damaged or under repair shall be similarly screened.

Utility meters, air conditioners and other mechanical units shall not be located on any plane of the primary structure that faces a designated corridor and shall be screened from public view.

No type of wire fabric fencing material shall be used forward of the front plane of the primary structure. Fences in the front yards shall not exceed four (4) feet in height.

Rigid or fixed awnings and canopies must be maintained and kept free from dirt, mildew and tears. Worn, faded or torn awnings and canopies shall be replaced.

## Section 2. (MHP) Manufactured Home Park District

To receive the designation of Manufactured Home Park, a project must meet the following minimum standards:

The project site must contain a minimum area of three (3) acres, and have at least 100 feet frontage upon a public street. Obtaining designation as a Manufactured Home Park is dependent upon submission and approval of a Development Plan in accordance with Article XIII of this Ordinance.

- a. Each manufactured home shall be placed upon an individual designated space that contains at least 5,000 square feet of area, and having a width of at least fifty (50) feet. The front, rear and side yards for each such designated space shall measure at least ten (10) feet in depth. No manufactured home and/or accessory building shall cover more than forty percent (40%) of the total area of the designated space. The maximum density permitted for a manufactured home park shall be seven (7) homes per gross acre.
- b. Each designated space shall provide at least two (2) parking spaces, maintained with an all-weather wearing surface such as asphalt and concrete. All off-street parking spaces shall have access to an interior roadway within the park. No direct access shall be allowed between the designated spaces for manufactured home and any exterior street.
- c. Manufactured homes shall front upon an interior roadway having a minimum right-of-way of fifty (50) feet, and a paved surface of at least twenty-two (22) feet in width. This interior roadway shall be an all-weather surface of concrete or asphalt and built to the standards of the City. Cul-de-sacs shall have a paved surface with a minimum radius of forty (40) feet.
- d. Street lighting shall be provided throughout the manufactured home park with lighting units so spaced and equipped with luminaires placed at such heights as will provide an average luminance of four (4) lumens per square meter reaching the ground surface, and the luminance ratio shall be set at a maximum of six (6) to one (1). Light shall be directed downward.
- e. A manufactured home park shall be located on a well-drained piece of property, and shall be graded to ensure adequate treatment of surface water runoff.

- f. A sanitary sewer collection system shall be extended to every designated space in the manufactured home park. The connection from the individual manufactured homes shall be made under and/or within five (5) feet of the manufactured home, and shall be equipped with a seal.
- g. Every designated space shall be provided with an individual branch service line with a minimum diameter of 3/4 inches, and delivering potable water. A cut-off shall be installed on each branch, as well as a back flow prevention device approved by a nationally recognized testing agency. All connections to the water distribution system shall be under, and/or within five (5) feet of the manufactured home. Each lot shall have a water meter; and the service line from the meter to the manufactured home shall be buried a minimum depth of twelve (12) inches in the ground.
- h. Every manufactured home lot within the park shall be provided with individual electrical service. Each such service shall be mounted on a treated wooden pole or a metal pedestal; and shall be equipped with a circuit breaker, or a switch and fuses, housed in a panel approved for exterior use. The power supply wiring from the service to the manufactured home shall be of a direct burial type, properly sized, and buried in the earth from the service to a connection point underneath the individual manufactured home. The supply cable shall be encased in metal or plastic pipe and buried to the depth required by City regulations. A primary service line shall not be located across the top of any manufactured home.
- i. In cases where gas service is provided, the installation shall conform to the adopted City codes.
- j. The following accessory uses are allowed:
  - 1. Clubhouse, laundry, swimming pool, and other similar facilities for the common use of the residents of the park.
  - 2. No more than one (1) dwelling unit of conventional construction, containing at least 600 square feet of floor space and intended for the use of a resident manager.
  - 3. Storage areas for boats, recreational vehicles, and other types of vehicle that exceed thirty (30) feet in length shall be fenced and landscaped. Storage of such vehicle shall not be allowed upon individual home lots or on the internal roads in the park.
- k. Manufactured home parks shall not be platted or otherwise divided for fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned, or owned in common by the residents of the park, and shall not occupy parcels of land which are deeded separately from the common facilities within the park.
- l. Manufactured housing spaces shall be clearly staked or otherwise identified; and shall have a permanent marker giving a number and/or letter of a minimum height of three (3) inches so that they may easily be read from the interior roadway. All individual utility meters shall also be numbered for easy identification by service personnel.
- m. All manufactured homes shall be blocked and tied down in conformance with the standards set forth in Section 11-49-219, Code of Alabama, 1975 Compilation, as amended.
- n. All manufactured homes shall have a skirting installed between the base of the structure and the ground. This skirting shall be made of concrete block, wood, vinyl, or other approved materials. Any opening in the skirting shall not be greater than two (2) inches square.



## **ARTICLE VI: PLANNED DEVELOPMENT DISTRICT REGULATIONS**

### **Section 1. General Provisions**

Planned Development districts are hereby authorized for the purpose of providing optional methods of land development to encourage imaginative solutions to environmental design issues. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment.

The procedure to be followed in the creation of a Planned Development District shall conform to the regulations for any other zone change with the following exceptions:

- a. Any petition for the establishment of a Planned Development District in the form of a proposed Development Plan as prescribed in Article XIII shall be submitted to the Enterprise Planning Commission for its review and recommendation. The recommendation, which shall be in writing, shall state the Commission's consideration of the following:
  1. That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.
  2. That the proposed development is consistent with the intent and purpose of the Comprehensive Plan and of this Ordinance to promote public health, safety and the general welfare.
  3. That the final plan for the proposed development meets the requirements of all other regulating bodies.
  4. That an approved method of sewage disposal is available to the tract under consideration.
- b. The establishment of a Planned Development District will be for the express purpose of improving the tract of land for uses and in accordance with an approved Development Plan for the particular tract of land.
- c. The owner or owners of a tract of land may petition the Enterprise City Council for an amendment to the official zoning map creating a Planned Development District only at or following such time as the Development Plan has been approved and favorable recommendation on the zone change has been rendered by the Enterprise Planning Commission.
- d. If, within three hundred sixty-five (365) days from the effective date of the amendment, the Building Inspector has not received an application for a building permit, the City Council may, by appropriate action, repeal the amendment establishing the Planned Development District. Once a building permit is issued, the improvements set forth in the plan of development must be completed within twelve (12) years from date of issuance; otherwise, the City Council may repeal the amendment establishing the Planned Development District.

The Building Official may not issue a building permit unless the proposed improvements are substantially as shown in the Development Plan approved as a prerequisite to the amendment establishing the Planned Development District.

- e. Unless specific variations are noted on the development plan and approved by the Enterprise Planning Commission, the most restrictive requirements for parking, loading, yards and dimensional regulations for the proposed use as provided in this Ordinance shall be applicable to the Planned Development District.

### **Section 2. (PRD) Planned Residential District**

In addition to the requirements outlined in Section 1 of this Article, the following shall apply to all Planned Residential Districts:

- a. The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities, which are integrated with the total project by unified architectural and open space treatment.
- b. The uses permitted are those prescribed in Table 4-1 of Article IV. For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of an adjacent property is afforded by the plan.
- c. The following requirements are minimums and are intended to serve as a guide in plan formulation.

All buildings shall be set back from the street right-of-way lines and from the periphery of the project to comply with the following requirements:

- 1. There shall be a front yard for all detached single-family dwellings of not less than fifteen feet (15'). The front yard setback for all other structures shall be as determined by the Enterprise Planning Commission.
  - 2. Unless indicated elsewhere, all buildings shall have a setback of not less than fifteen feet (15').
  - 3. In no case shall a lot, for a single-family detached structure, be created with an area of less than 6,500 square feet or a frontage of less than sixty feet (65') at the building line unless approved by the Enterprise Planning Commission.
- d. In addition to the applicable regulations the following rules shall be observed.
    - 1. The Enterprise Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The minimum yard and maximum height requirements of other zoning districts shall not apply except as set forth herein. The Enterprise Planning Commission may impose conditions regarding layout, circulation and other physical improvements.
    - 2. Where the planned residential developments provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.
    - 3. The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. It shall include provisions for recreation areas to meet the needs of the anticipated population.
    - 4. Subsequent applications for plat approval and building permits shall include a site plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, other open spaces, residential buildings, commercial buildings and such other pertinent information as may be necessary to adequately determine that the proposed development is compatible with the approved the Development Plan.

### Section 3. (PBD) Planned Business District

- a. A planned development district created for the purpose of establishing planned commercial may be allowed adjacent to any district, provided, that adjoining property is protected.
- b. The Planned Commercial District shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this Article in order to provide for modern retail commercial facilities in appropriate locations to serve residential neighborhoods or regional areas. Any owner or owners of a tract of land may request that such tract of land be zoned as a Planned Commercial District by proceeding under the provisions of this Article, but the failure of such owner or owners to apply under this Article shall not prevent them from constructing or causing to be constructed a retail sales complex, customarily called a Shopping



Center, upon such tract of land provided the same is zoned so as to permit its use for this purpose.

- c. The uses permitted are those prescribed in Table 4-1 of Article IV. The use of each building or premises shall be in accordance with the Development Plan. No building shall be designed, constructed, structurally altered or used for residential purposes, except to provide within the buildings allowed, facilities for a custodian, caretaker, or watchman employed on the premises.
- d. The Development Plan shall comply with all requirements of this Article and shall be accompanied by evidence concerning the feasibility of the project and the effect of this proposed development on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:
- e. Application for plat approval and building permits shall include a site plan defining the areas wherein buildings may be constructed, the areas that will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walkways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the locations, size and character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.

#### Section 4. Retention of Authority

The Enterprise Planning Commission and /or Enterprise City Council retain the authority to waive any provisions in this Article or to impose requirements greater than herein stated in any Planned Development District.

## ARTICLE VII: DISTRICT REGULATIONS

### Section 1. Parking Lots in R-75-M and R-75-A Districts.

Off-street parking space shall be maintained in accordance with the following specifications for all structures in R-75-M and R-75-A districts containing three or more dwelling units:

- a. Shall be used only by: (1) passenger vehicles, or (2) vehicles up to one ton manufacturer's (3) not to be used for the parking or storage of trailers or similar equipment;
- b. Shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies;
- c. Shall be graded for proper drainage and provided with a paved surface maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris;
- d. Shall be provided with entrances and exits so located as to minimize traffic congestion;
- e. Shall be provided with wheel guards or bumper guards so located that no parking or parked vehicles will extend beyond the parking space;
- f. Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential property nor interfere with traffic;
- g. May have not more than one attendant shelter building conforming to all setback requirements for structures in the district and which shelter building shall contain not more than 50 square feet of gross floor area;
- h. Yards: Along any street the lot shall provide a front yard not less than 20 feet in depth nor less than the front yard of any existing residential structure immediately adjacent and on either side of the lot. The front yard space shall not be used or occupied for any purpose except as permitted or required in this section.
- i. Sign for identification of the use, provided:
  - (1) Such sign shall not exceed 20 square feet in area or five feet in height.
  - (2) Such sign may, be illuminated by a non-oscillating concealed light source.

### Section 2. Townhouses

Townhouse developments shall be considered residential subdivisions and shall be subject to and comply with the provisions of the City of Enterprise subdivision regulations as applicable. Development plans for any proposed townhouse development must be approved by the Enterprise Planning Commission prior to submission of construction plans for issuance of a building permit.

It is the intent of this section that townhouses in areas where they are or may be permitted:

- a. Should be located near major thoroughfares and collector streets where good access can be provided.
- b. May be located primarily in areas near or adjacent to single-family residential areas.
- c. May be used as a "buffer" use between single-family residences and other high density or incompatible land uses.



- d. Shall constitute groupings making efficient, economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by providing alternative means to conventional arrangements of yards and building areas.
- e. Shall be high quality living units offering the maximum residential environmental amenities, including preservation of natural landform and foliage and the grouping of usable open space.

The following general requirements will apply to all townhouse dwelling units:

- a. Townhouses constructed in a TH-1, TH-2 and TH-3 districts may be offered for sale.
- b. Each townhouse shall be located on a separate platted lot.
- c. No townhouse complex shall contain more than ten townhouses.
- d. Minimum dimensional requirements shall be as shown in Table 4-2 of Article IV.
- e. No side yard shall be required except at the unattached ends of a townhouse complex, in which case the minimum width shall be ten feet or as specified, except where abutting a street, it shall be greater.
- f. Each townhouse shall have its own yard containing not less than 400 square feet, exclusive of paved parking space, reasonably secluded from view from streets and from neighboring property.
- g. Off-street parking shall be provided as shown in Table 4-2 of Article IV. Insofar as practicable, off-street facilities shall be either provided on the individual townhouse lots, or grouped in bays in the interior of blocks. In any case, parking arrangements will be made so as to discourage on-street parking on public streets. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
- h. All lots shall abut their full frontage on a publicly dedicated street on at least one end of the platted lot. An exception can be made to this requirement for condominium type development where commonly owned land lies between the dedicated street and where the intent of the requirement is upheld.
- i. Attached townhouse dwellings shall be separated from each other by a fire and noise reduction partition wall which complies with building, fire and other applicable codes adopted by the City of Enterprise.
- j. If a townhouse development contains any common area, common building, common off-street parking area, or common recreational facility, provisions satisfactory to the Enterprise City Council and approved by the city attorney shall be made to assure that common areas, common buildings, common off-street parking areas and common recreational facilities for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the city or the general public. In addition, the developer of a townhouse development or homeowners association created by the developer, by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such common area, common buildings, common off-street parking areas, and common recreational facilities established for the developer.

The following specific requirements apply to detached townhouses only.

- a. Each detached townhouse shall have: one side yard of at least ten feet, the other side yard may be as little as zero feet, with each lot containing at least 2,400 square feet with a minimum of 24 feet at the building line. Additionally each lot shall have one yard containing at least 600 square feet, reasonably secluded from view of streets or neighboring property.
- b. When a detached townhouse with a zero lot line is included in a townhouse complex, the lot adjacent to the zero setback side must be under the same ownership at the time of initial construction (ensuring that there will be no infringement on the property rights of owners of adjacent property). Additionally a five-foot easement for water

drainage and wall maintenance must be established on the yard adjacent to the zero setback. This easement shall be shown on the plat and included in the restrictions and covenants for the development. Fences and walls may be located on or along this easement provided gates and other openings are provided so as not to block local lot drainage or wall access.

- c. Each detached townhouse constructed on a zero lot line shall not:
  - (1) On the zero side, project over the lot line, except that roof overhang may penetrate the drainage and maintenance easement on the adjacent property a maximum of 30 inches, provided the roof shall be so designed so that water runoff shall be restricted to the drainage easement area.
  - (2) Have windows, doors or other openings on the zero side.

### Section 3. B-3 Highway Business District

- a. Joint access easements and stub outs shall be provided at adjoining property boundaries.
- b. Access or frontage roads shall be required along the entire property frontage. All frontage roads shall be for two-way traffic, parking shall not be allowed. Such frontage roads may be constructed on Alabama Department of Transportation right-of-way, subject to ALDOT approval.
- c. All frontage roads shall be constructed to Alabama Department of Transportation specifications and, in addition, shall meet the following minimum standards and requirements:
  - 1. The right-of-way shall be a minimum of 40 feet and shall lie parallel and adjacent to the thoroughfare right-of-way unless the Planning Commission determines another alignment to be more appropriate. Alternate layouts may be required at corners and intersections.
  - 2. Minimum paved roadway width shall be 24 feet from face to face or curb, and shall be constructed with a standard curb and gutter and the face of the curb to be not less than six inches in height.
  - 3. The paved roadway shall lie in the center of the frontage right-of-way unless otherwise specified. In no case shall the separation between the thoroughfare and the frontage road be less than eight feet.
  - 4. Temporary access may be allowed from the access road to the main thoroughfare until permanent access points can be constructed or connections can be made to existing access points.
  - 5. Driveway curb cuts from the frontage road to the adjoining thoroughfares shall begin or end no closer than 800 feet from the beginning or ending of another. Likewise, no such curb shall begin at a point closer than 800 feet from the point of curvature of the curb return at an intersection with another street.
  - 6. Driveway curb cuts for frontage roads shall not begin at a point closer than 150 feet from the right-of-way of the main thoroughfare along any secondary road intersecting with the main thoroughfare.
  - 7. At the option of the Planning Commission, developers may be relieved from providing frontage roads across drainage ditches, creeks and other natural features where due to the topography or terrain completion would not be feasible.
- d. Visibility at an entrance or exit shall not be impaired in any way by display, landscaping or parked vehicles.



## ARTICLE VIII: SPECIAL REGULATIONS

### Section 1. Accessory Structures

It is the intent of this Ordinance that accessory structures be permitted for uses that are reasonable and customary to the District and permitted use and shall not include or be used for human habitation. No accessory structure other than a permitted sign shall be erected in any required front yard. No accessory structure shall be allowed in a side yard.

Accessory structures shall not exceed twenty five (25) feet in height except as provided in Section 5 below; and shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from the rear and side lot lines and ten (10) feet from any other structure on the same lot.

On any corner lot which adjoins another residential lot at the rear, no part of any structure within twenty-five (25) feet of the common lot line shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along the side yard.

Private swimming pools constructed in a residence district as an accessory structure to a residence shall be located in the rear yard only, shall be constructed not closer than ten feet to the property line, and shall be enclosed by a protective wall, fence or similar type barrier of a minimum height of four feet with suitable locks on all gates and exits as required by other Codes adopted by the City.

Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such structures may contain or be added to other structures, or may be constructed separately, and in addition to shelter use may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

### Section 2. Visibility at Intersections

To provide a clear view at intersections, there shall be an unobstructed triangular area at the junction of any two streets. No fence, marquee, vegetation or other obstruction to vision between the heights of two and one half (2.5) feet and fifteen feet shall be permitted within twenty (20) feet of the intersection.

For streets that intersect at an oblique angle; or, in cases where in the opinion of the Planning Commission there are unusual circumstances that require special consideration, the intersection shall be referred to the Building Official who shall recommend a triangular unobstructed area using the standards contained in the latest edition of the *Alabama Manual of Uniform Traffic Control Devices*.

Where a driveway intersects with a public street, an unobstructed triangular area measuring ten (10) feet from the intersection along the right-of-way and ten (10) feet from the intersection along the edge of the driveway.

Within the triangular areas defined above, nothing shall be planted, placed, erected, or allowed to grow that will interfere with visibility between a height of two and one half (2.5) feet and fifteen (15) feet above finished grade at the intersection of the two street rights-of-way and/or driveway edge.

### Section 3. Fences, Walls, and Hedges

Fences, walls, and hedges may be erected, placed, grown, or maintained along a lot line of residentially zoned property, or adjacent thereto, to a height not exceeding eight (8) feet above the ground; except that no such fence, wall, or hedge located in a front yard or side yard on street shall exceed a height of four (4) feet. Where such lot line is adjacent to a non-residentially zoned property, fences, walls, or hedges may be erected, placed, grown, or maintained to a height not exceeding eight (8) feet, except as may be required for salvage, wrecking and junk yards.

Fences, walls, and hedges may be erected, placed, grown, or maintained along a lot line on any non-residentially zoned property to a height not to exceed eight (8) feet.

All fences shall require a building permit; except that no permit shall be required for a fence on land used for farming or forestry and located in the AGR Agriculture District.

#### Section 4. Principal Structure on a Lot

It is the intent of this Ordinance that there be but one main structure on any lot used for residential purposes plus any permitted accessory structures; also, that permitted accessory structures shall not include living quarters. The Building Official shall insure that any accessory structure is not used as living quarters or for any other improper purpose as would be prohibited by any applicable law, rule, regulation, code or Ordinance. If the Building Official finds or has cause to suspect an accessory structure is or will be used as living quarters or for some other improper purpose in violation of any law, rule, regulation, code or Ordinance, then approval shall not be given.

#### Section 5. Exceptions to Height Regulations

The height regulations set forth in Article IV do not apply to spires, belfries, cupolas, antennas, telecommunications towers, and water tanks; or to any ventilation structures, chimneys, or any other such facilities are not intended for human occupancy and that are normally required to be placed on the roof.

#### Section 6. Access to Structures

Every building erected or relocated shall be located on a lot abutting a public street, or having an access to a public street by way of an approved access easement or private street. All buildings shall be sited and arranged in such a way that they have safe and convenient access for servicing, fire protection, and required off-street parking.

#### Section 7. Major Recreational Equipment

Campers, travel trailers, or recreational vehicles may be stored in any district provided that they are parked in either the side or rear yards, or in a garage or accessory structure conforming to the requirements of this Ordinance; except that such vehicles shall not be stored in a side yard that is adjacent to a street. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

#### Section 8. Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates, or which are inoperable or otherwise disabled for a period of five (5) consecutive days, shall not be stored or parked on any residentially zoned property, whether occupied as a residence or not, or on property used for residential purposes in a non-residentially zoned district other than in a completely enclosed building. For the purposes of this section, a vehicle shall be deemed inoperable or otherwise disabled if it is unable to operate on the streets and roadways of the State of Alabama in full compliance with the various provisions of the Code of Alabama, 1975.

#### Section 9. Manufactured Homes

- a. All manufactured homes, except as provided for in Article XI, shall be located in approved manufactured home parks regardless of whether or not such manufactured homes are occupied. Manufactured home parks shall be permitted only in a Manufactured Home Park (MHP) District in accordance with all provisions of this Ordinance.



- b. It shall be unlawful for any manufactured home to be parked within the corporate limits of the city for any purpose at a site other than a mobile home park complying with the provisions of this ordinance, unless the board of adjustment grants a special exception.
- c. A manufactured home may be temporarily parked and used as a bona fide construction office and the quarters of a lone night watchman at a construction site provided a permit is secured from the Building Official. The permit shall expire upon completion of the construction for which the permit is issued.
- d. Special exceptions may be granted by the Building Official for business use of trailers or manufactured buildings in a business zone upon showing catastrophic circumstances created by acts of God or casualty damages. Such special exceptions will be valid for a period not exceeding one year and are not transferable.

## Section 10. Existing Single Family Dwellings in Commercial Areas

Any existing single family dwelling in an area zoned for commercial uses may be expanded up to a maximum of twenty-five (25) percent of the existing gross floor area of such dwelling, provided that the structure as expanded complies with the setback and site coverage requirements of the zoning district within which it is located. Only one such expansion shall be permitted.

## Section 11. Corner Lots in Residential Districts

On any corner lot adjoining the rear of another lot which is in a residential district, no part of any structure shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot on such side street.

## Section 12. Projections into Required Yards

The following projections into required yards may be allowed:

- a. Architectural features such as, but not limited to, chimneys, roof overhangs, or eaves may project up to two and one-half (2.5) feet, but shall not be closer than three (3) feet to any property line.
- b. Terraces, steps, uncovered porches and similar features that extend no more than three (3) feet above the ground may project into a required yard but shall be no closer than five (5) feet to any property line.
- c. Within residential districts, satellite dish antennas may be located only within a rear yard and shall be no closer to any property line than ten (10) feet, measured from the closest edge of the structure.

Such projections shall not be included in the calculation of required setbacks.

Driveways and sidewalks are exempt from the provisions of this Section.

## Section 13. Home Occupations

All home occupations shall meet the following standards:

- a. A Home Occupation shall be permitted by right in districts indicated in Table 4-1 of Article IV.
- b. No persons other than members of the family residing on the premises shall be employed by the home occupation.

- c. The home occupation must clearly be secondary and incidental to the use of the dwelling unit as a residence. No more than twenty-five percent (25%) of total heated and ventilated floor area, up to a maximum of 500 square feet, shall be devoted to the home occupation.
- d. The appearance of the dwelling unit shall not be altered, nor shall the home occupation be conducted in any way that would cause the premises to differ from its residential character and that of the immediate neighborhood.
- e. The home occupation shall be operated in or from the existing dwelling unit. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.
- f. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation; nor shall there be any sign advertising the home occupation.
- g. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and other than in the required front yard.
- h. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odor, fumes, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or be present or noticeable beyond the property boundaries of the home occupation premises.

Any person desiring to operate a home occupation shall submit an application to the Building Official. The applicant shall present evidence of ownership of the property in question, or a signed and notarized letter from the owner authorizing the application. The Building Official shall have ten (10) days in which to act on an application.

No more than one home occupation shall be approved in any residential dwelling unit.

Action taken pursuant to this ordinance does not necessarily mean that other regulations, rules, covenants, deed restrictions or other matter would prohibit such action.

Final approval of a home occupation shall be contingent upon the applicant obtaining a valid business license from the City.

## Section 14. Structures in Public Rights-of-Way

No private permanent building, fence, wall or other structure shall be placed or constructed within a public right-of-way or easement without prior approval by the City Council.

## Section 15. Farm Animals

Horses, cattle, sheep, pigs, chickens or other farm animals are allowed only in the AGR District.

## Section 16. Wrecking and Junk Yards

- a. No automobile wrecking yard, salvage yard or junkyard shall be established closer than three hundred (300) feet to an established residential district.
- b. All outdoor storage of salvage and wrecking operations shall be completely contained within a fence or wall of not less than six (6) nor more than ten (10) feet in height. Such fence shall be a privacy fence of panel weave, brick, wood, or plant material designed and erected to completely screen on-site material and activity from view from the adjoining public streets.
- c. The storage of wrecked automobile, junk, or salvaged materials shall not exceed six (6) feet in height.



## Section 17. Cemeteries

All cemeteries shall have direct access to a public street with ingress and egress designed to minimize traffic congestion; and shall be established on a site not less than ten (10) acres in area.

## Section 18. Front Yard for In-fill Lots

The front yard requirements of this Ordinance shall not apply on vacant lots where the average depth of existing front yards on developed lots within one hundred (100) feet on either side and within the same block and zoning district is less than the minimum front yard required by this Ordinance. In such cases the required front yard depth shall not be less than the average front yard on the existing developed lots.

## Section 19. Signs and Outdoor Advertising

The purpose of these provisions, as may be modified by Article V, Section 1, is to regulate signs and outdoor advertising displays, to promote the use of signs to assist the public in its orientation within the City, to express the history and character of the City, to prevent the degradation of the aesthetic qualities of the City, and to promote the public safety by limiting the clutter of signage and its tendency to distract drivers of vehicles.

- a. **Permit Requirements.** All signs shall be considered only as accessory uses to a permitted use. All signs must be permitted and are subject to permit requirements, inspection, enforcement, penalties, and appeals procedures as set forth in the City's building codes. Such codes shall also apply to the maintenance of signs, and to the determination of whether or not a sign is safe. Permitted signs include attached signs, building wall signs, canopy signs, ground signs, and on-premise signs.
- b. **Location Limitations.** Signs shall not be located in, encroach upon; or be located, constructed, or lighted in such manner as to constitute a hazard to the health or safety of persons on any public right-of-way. At intersections, signs shall not obstruct the view of traffic entering the intersection as defined in Article VIII, Section 2.
  1. **Subdivision Signs.** Each single family and duplex residential subdivision may be permitted one (1) sign at each of the public street entrances to the subdivision; each such sign shall not to exceed twelve (12) square feet of sign copy area, nor to exceed six (6) feet in height.
  2. **Apartments, group dwellings, and manufactured home parks** may be permitted one (1) indirectly illuminated sign per abutting street; each such sign shall not exceed eighteen (18) square feet of sign copy area; not to exceed six (6) feet in height.
  3. **Other signs in residential areas** shall be restricted to one (1) sign of a temporary nature advertising the sale or rent of the property on which it is placed, not to exceed six (6) square feet in area.
  4. **Commercial Building Signs.** On-premises signs are allowed as follows in all commercial, business and manufacturing zones.
    - a. Only one (1) free standing sign per premises and street front is allowed. This sign may not exceed two (2) square feet in sign area for each foot of main street frontage. If the property is a shopping center only one (1) free standing sign is allowed per street front. Where the premises is located on a corner or has more than one (1) main street frontage, one (1) additional sign of equal size will be allowed on the additional frontage.
    - b. All free standing signs shall be located no less than ten (10) feet from the public right-of-way line. Signs located near intersections of public streets or public streets and driveways shall comply with Article VIII Section 2.

- c. Wall and canopy signs shall not exceed two (2) square feet in sign area for each linear foot of the tenant's space frontage.
  - d. The maximum permitted height for any on-premises sign shall not exceed forty five (45) feet above grade or the grade of the frontage street whichever is less.
5. Off-Premises Signs. (Billboard) In addition to any regulation applying to signs in general, the following regulations shall apply to off-premises signs.
- a. No billboard shall be located closer than five hundred (500) feet to any other billboard on the same side of the street. The distance shall be measured along the nearest edge of the pavement at points from the center of the billboard supports.
  - b. A minimum of fifteen (15) feet from the lowest point of the sign to grade. A maximum height of fifty (50) feet above grade.
  - c. Only single faces (no side by side or stack units) allowed.
  - d. Maximum square footage of four hundred (400) square feet.
  - e. Billboards shall be permitted in all Business, Commercial and Manufacturing zones.

6. Additional Regulations-Off-Premises Signs. (Billboards). Notwithstanding the foregoing, in addition to any regulation applying to signs in general, the following regulations shall apply to off-premises signs and to the extent the following conflict with provisions in paragraph 5 above, the following shall govern.

(a) A moratorium is hereby imposed upon the processing or issuance of any permit applications as to any newly located off-premise signs (billboards). This moratorium will remain until December 31, 2016, unless extended, reduced or terminated by subsequent act, Ordinance, and/or Resolution by the City Council. If no such action is taken by the City Council by December 31, 2016, the moratorium shall automatically extend and remain in place until further action of the City Council.

(b) For purposes of this Ordinance, a "conforming" billboard sign shall mean an existing outdoor, off-premises advertising structure that meets all requirements of Article VIII Section 19 and Article V Section 1 of the Zoning Ordinance referenced in (a) above. No new outdoor off-premises advertising permits shall be given after the date of enactment of this Ordinance.

(c) All billboard signs shall be maintained with no "open faces" meaning that said billboards shall have panels installed and attached with smooth surfaces and no torn or tattered edges hanging loosely. No structural members other than the pole shall be exposed unless approved in advance and in writing by the Building Official.

(d) Conforming billboard signs within five hundred (500) feet of intersecting state highways, may be converted to accommodate electronic, digital, or tri-vision technology (referred to collectively sometimes as "digital displays"), provided that any such conversion must be approved in advance, in writing, by the Building Official and provided the requirements and regulations of the Zoning Ordinance referenced in paragraph (a) above are met, as such other requirements and regulations shall remain in full force and effect. Spacing between structures with digital displays, whether single face or back to back, must be a minimum of a one thousand (1,000) foot radius. However, no conversion of any conforming billboard signs to digital or tri-vision technology shall be allowed on Highway 248 (Rucker Boulevard/Glover Avenue).

(e) Billboards located on Highway 84 Bypass shall be a maximum of 450 square feet per face, not including structural elements and skirts. If a back to back sign, only one (1) face will be used to determine square footage. Billboards located on Rucker Boulevard/Glover Avenue (Highway 248) shall be a maximum of 300 square



feet not including structural elements and skirts. If a back to back sign, only one (1) face will be used to determine square footage.

(f) Only single face or back to back billboards are allowed. No side by side or stacked units are allowed.

(g) All billboards must be a minimum of fifteen (15) feet from the lowest point of the sign to grade. They must be of all metal, single pole construction, with the exception of faces and skirts; subject, however, to the following: If any all embellishments or pole coverings are requested, the applicant must obtain prior approval, in writing, by the Building Official. Billboards shall have a maximum fifty (50) foot overall height.

(h) In the event a conforming or nonconforming billboard (meaning any billboard not conforming to the City's Zoning Ordinance) sign is destroyed by some natural disaster or other casualty, or must be removed for any reason, the remnants shall be promptly cleared and removed within thirty (30) days. In any of the above cases the billboards may be rebuilt at the same location or another location as long as it then meets all of the conditions of this Ordinance, other City Ordinances as referenced above or as may apply, and any rule, regulation of law of any other governmental entity having jurisdiction over such; provided, however, the rebuild/relocate permit shall only be issued to the same permit holder or its assignee.

(i) Any off-premises billboard signs or non-premises signs that are in the public view from public streets, roads and highways, shall not include material thereon which depicts sexually suggestive matter which the average person, applying contemporary community standards, would find, taken as a whole, to appeal to the prurient interest of minors and offensive to the prevailing standards in the adult community with respect to what is suitable for minors and lacking serious literary, artistic, political, or scientific value for minors.

(j) As to all on-premises signs as referenced herein, which were non-conforming as to said Ordinance on the date of enactment, such shall be grand-fathered in and will not require removal on the basis of size or height. However, all such non-conforming signs shall be properly maintained as referenced in said Ordinance and shall otherwise be required to comply with the codes of the City except as noted as to location, height and square footage. This shall include, but is not limited to, the obligation that the owners of said signs shall not keep open faces on said signs and must keep such on-premises signs properly secured, painted where applicable and in good structural and aesthetic appearance. Moreover, it is specifically mandated that all on-premises signs as referenced herein, which are in the public view from public streets, roads and highways, shall not include material thereon which depicts sexually suggestive matter which the average person, applying contemporary community standards, would find, taken as a whole, to appeal to the prurient interest of minors and offensive to the prevailing standards in the adult community with respect to what is suitable for minors and lacking serious literary, artistic, political, or scientific value for minors.

(k) Violations of this section may result in the following: Suspension or revocation of sign permit by City Council which shall result in the owner or lessee of the sign removing the same; actions at law or equity to prevent or remedy said violation; and/or offender being prosecuted in the Enterprise municipal court for a misdemeanor offense subject to up to a \$500.00 fine and up to six (6) months in jail.

7. Portable Signs. In addition to regulations applying to signs, including the requirement for a permit, the following shall apply:

- a. Portable signs, including banner shall comply with the same minimum setback and site distance requirements as applied to freestanding signs.
- b. No portable sign may be illuminated by or contain flashing lights that imitate those of traffic signals or emergency vehicles.
- c. Portable signs shall not be used for on-premise advertising and shall not be used as billboards (off-premise signs).
- d. Portable signs shall be limited to one (1) per business.

- e. Portable signs shall be permitted in all Business, Commercial and Manufacturing zones.

## Section 20. Landscape Requirements

*Site Landscape Requirements.* All development sites within the B-3 & PBD zones shall meet the requirements of this section:

- a. A fifteen feet buffer yard shall be installed along the front property line and any property line abutting a public street. Each such buffer yard shall contain two (2) understory trees and three (3) shrubs per every one hundred (100) feet of property line abutting a public street; however this shall not be construed as requiring the planting of trees and shrubs on 100 foot centers.
- b. All building sites abutting a residential zone or property used as residential on the rear or side yards shall be screened by a buffer planting strip not less than twenty (20) feet in width. Any required yard shall be counted as part of such buffer planting strip. Buffer planting strips shall comply with the following:
  - 1. *Landscaping:* Screen planting shall be provided in sufficient density and of sufficient height (but in no case less than eight feet high) to afford protection to the residential area from the glare of lights, from blowing paper, dust and debris, and from visual encroachment, and to reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition. An eight (8) foot blind fence may be used at the discretion of the Planning Commission in exception to the dense vegetation.
  - 2. *Use of Land:* No part of the buffer planting strip shall be used for any purpose other than screen planting.
  - 3. *Screen Walls:* In the case of a lot of record on the effective date of the ordinance from which this chapter is derived, such lot being so unusually small that provisions of the 20-foot buffer planting strip precluded the reasonable use of the property for the uses permitted in the district in which the lot is located, upon approval of the planning commission, and subject to such conditions as it may prescribe as necessary to achieve the purpose of the screen planting, a screen wall of permanent material eight feet high may be substituted for the screen planting. In such case, the width of the buffer planting strip may be reduced to no less than 15 feet.
- c. Dumpsters and all other refuse collection devices shall be located behind the front plane of the principal structure and shall be fully screened from the public view.

*Tree Protection during Construction.* Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and/or improvements. Whenever possible, a tree or group of trees that are being preserved must have a barrier constructed to the drip line of the tree or group of trees, given to specific considerations.



## ARTICLE IX: OFF-STREET PARKING AND LOADING REGULATIONS

### Section 1. General Provisions

- a. The minimum size for all required off-street parking spaces shall be as defined in this Ordinance. Spaces shall be delineated by striping or other similar means, which clearly indicate their location.
- b. All required parking spaces, including driveways and maneuvering areas, shall be improved with a hard surface permanent type of pavement.
- c. Except as provided in this Article, all required parking spaces shall be provided on the same lot or development site for which they are required. Location of required parking on adjoining property or across a public right-of-way is prohibited.
- d. No off-street parking spaces are required for nonresidential uses in the B-2 Downtown Business District, except for Assembly and Educational occupancy type buildings.
- e. References to “employees on the largest work shift” means the maximum number of employees present at the facility regardless of the shift or time period, and regardless of whether such employees are full or part time. The largest work shift may be a day of the week, one of several daily shifts; or, in the case of a restaurant, the lunch hour or the evening dinner period.
- f. The term “capacity” as used here means the maximum number of persons that can be accommodated by the facility as determined by its design and purpose, or by the building and fire code regulations, whichever is greater.

### Section 2. General Parking Requirements

The following general requirements shall apply unless superseded by a specific requirement set forth in Section 3:

*Agricultural Uses:* One (1) space per employee on the largest shift.

*Agricultural Support Uses:* One (1) space per 750 square feet of gross floor area.

*Commercial Retail and Service Uses:* One (1) space per 250 square feet of gross floor area.

*Commercial Entertainment Uses:* One (1) space per 250 square feet of gross floor space; for uses exceeding 100,000 square feet, one (1) space for every 300 square feet of gross floor area.

*Commercial Recreation Use:* One (1) space per four patrons based on maximum capacity.

*Commercial Support Uses:* One (1) space per 750 square feet of gross floor area.

*Extraction Uses:* One (1) space per employee on the largest shift.

*Industrial Uses:* One (1) space per employee on the largest work shift, plus one (1) space for company vehicle normally stored on the premises.

*Institutional Uses:* One (1) space per four (4) patrons/residents based on maximum capacity.

*Office Uses:* One (1) space per 250 square feet of gross floor area.

*Outdoor Recreation Uses:* One (1) space per four (4) patrons at maximum capacity

*Public Service Uses:* One (1) space per employee on the largest work shift, plus one (1) space per company vehicle normally stored on the premises.

### Section 3. Parking Requirements for Specific Uses

*Airport:* One (1) space for every four (4) aircraft that can be parked or stored at the facility, whether indoors or outdoors; plus one (1) space for each seat in waiting area and restaurants; plus one (1) space for each 250 square feet of office and other administrative and support uses.

*Amusement Center:* One (1) space for every 100 square feet of gross floor area.

*Assisted Living Facility:* One (1) space per dwelling unit.

*Bank:* One (1) space per 300 square feet gross floor area, plus four (4) spaces off-street waiting spaces per drive-through lane.

*Beauty and Barber Shops:* two (2) spaces per chair, or one (1) space per 150 square feet gross floor area, whichever is larger.

*Bed and Breakfast Inn:* One (1) space per guest room, plus one (1) space.

*Boarding House:* One (1) space per resident, plus one (1) space.

*Bowling Alley:* Four (4) spaces per lane, plus any additional spaces as required for restaurant facilities, game rooms, and other accessory uses on site.

*Car Wash, Automated:* One (1) space per employee on the largest shift, but no less than two (2) spaces total; plus a linear area for each wash stall large enough to accommodate four (4) cars.

*Car Wash, Self Serve:* One (1) stacking space per stall.

*Carpet Store:* One (1) space for every 750 square feet of gross floor area.

*Community/Recreation Center:* One (1) space per 250 square feet of gross floor area.

*Contractor's Storage Yard:* One (1) space per 250 square feet of office space; plus one (1) space per 1,000 square feet of indoor storage area; and plus one (1) space per 2,000 square feet of outdoor storage area.

*Convenience Store and/or Self Service Gas Station (No vehicle Repair):* one (1) space per 150 square feet of gross floor area. In no case shall a required parking space conflict with vehicles being fueled or awaiting fueling.

*Day Care Center or Nursery School:* One (1) space per teacher and employee on the largest shift; plus one (1) off-street parking or loading space per twelve (12) children. Maximum enrollment and number of employees shall be noted on the site plan. Parking or loading spaces designated for loading and picking up children shall be located such that there is direct access into the facility without crossing streets or driveways.

*Drug and Alcohol Treatment Center:* One (1) space per every two (2) beds, and one (1) space per staff member, based on State licensing requirements and maximum design capacity.

*Funeral Home:* One (1) space per four (4) seats in chapel.

*Furniture Store:* One (1) space for each 750 square feet of gross floor area.

*Golf Courses:* 45 spaces per nine holes. Parking shall also be provided for accessory uses such as pro shops, restaurants, driving ranges at the rate of 50 percent of their normal requirements.



*Hospital:* Two (2) spaces per patient bed, plus two (2) spaces per emergency room examination table or bed, plus one (1) space per employee on the largest shift.

*Hotel, Motel:* One (1) space per guest room, plus one (1) space for 500 square feet of banquet or meeting room floor area. Parking shall be provided for other accessory uses such as restaurants or bars at the rate of 50 percent of normal requirements.

*Junkyards:* One (1) space per 8,000 square feet of gross floor area.

*Kennel:* A minimum of three (3) spaces, or one (1) space per 500 square feet, whichever is greater.

*Laundromat:* One (1) space per every two (2) washing and drying machines.

*Lumberyard:* One (1) space per 500 square feet of gross floor area, plus one (1) space per 1,500 square feet of outdoor storage/display area.

*Machinery/Equipment Sales:* One (1) space per 400 square feet of gross floor area, plus two (2) spaces per service bay, plus one (1) space per 2,500 square feet of outdoor display/storage area.

*Mini-warehouse:* Two (2) spaces for employees. Alleys separating rows of storage units shall be wide enough to allow two (2) cars to pass each other.

*Movie Theater:* One (1) space per four (4) seats of maximum design capacity. Where a theater is part of a shopping center or is on the same development site as a shopping center, the required parking may be reduced by 50 percent.

*Nursing Home:* One (1) space per three (3) rooms.

*Parcel Delivery Service:* One (1) space per 750 square feet of gross floor area.

*Place of Worship:* One (1) space per four seats based on maximum capacity of the sanctuary or principal place of worship. Up to 50 percent of the required spaces may be grassed rather than paved. All such unpaved spaces shall be shown on a site plan and designed for efficient traffic circulation using tire stops and other appropriate measures. Alternatively, the on-site parking requirement may be reduced by not more than fifty (50) percent if the place of worship can use available spaces in a public or private parking lot to meet the parking requirement: and provided that such off-street spaces are available without charge and with the permission of their owners.

*Plumbing and Heating Supply:* One (1) space per 750 square feet of gross floor area.

*Printing and Publishing Plant:* One (1) space per 750 square feet of gross floor area.

*Private Club:* One (1) space per four (4) persons based on maximum capacity of the facility.

*Public Assembly Hall:* One (1) space per four (4) seats at maximum design capacity.

*Radio/Television Station:* One (1) space per 1,000 square feet of gross floor area.

*Recreational Vehicle Park:* One (1) space per recreational vehicle, plus one (1) space per 250 square feet of gross floor area of permanent habitable space on the site.

*Restaurant, Fast Food:* One (1) space per 100 square feet of gross floor area. Sufficient space on-site shall be provided to accommodate queuing vehicles. Such space shall at a minimum provide capacity for five (5) vehicles from the start of the stacking lanes to the order board; two (2) vehicles from the order board to the service window; and two (2) spaces from the service window to the exist to a public right-of-way.

*Restaurant, Standard:* One (1) space per four (4) patron seats, or one (1) space per 150 square feet of gross floor area, whichever is greater.

*School, Elementary:* One (1) space per each twenty (20) students based on design capacity, plus one (1) space for every 400 square feet of office space.

*School, Junior High:* One (1) space for every fifteen (15) students based on design capacity, plus one (1) space for every 400 square feet of office floor space.

*School, Senior High:* One (1) space for every ten (10) students based on design capacity, plus one (1) space for every 400 square feet of office space.

*School, Commercial:* One (1) space per two (2) students based on the design capacity of the building.

*Shopping Center:* One (1) space per 250 square feet of gross leasable area. In an enclosed shopping mall, common pedestrian areas except for food courts may be excluded from the calculation of gross floor area. Shopping centers with over 400,000 square feet of gross leasable area shall have one (1) space per 300 square feet of gross floor area.

*Skating Rink, Roller Rink, etc.:* One (1) space for every four (4) patrons at maximum capacity.

*Taverns, Dance Halls, Nightclubs, and Lounges:* One (1) space per every 75 square feet of gross floor area.

*Telecommunications Tower:* One (1) space to accommodate a maintenance vehicle for an unoccupied structure. Occupied structures shall comply with the requirements for public service uses.

*Theaters and Auditoriums:* One (1) space per four (4) patrons based on maximum capacity.

*Truck Terminal:* One (1) space per truck normally parked on the premises, plus one (1) space per every 500 square feet of office space.

*Warehouse:* One (1) space per employee on the largest shift, plus one (1) space per company vehicle normally stored on the premises.

*Vehicle Rental:* One (1) space per every 400 square feet of gross floor area.

*Vehicle Repair and Maintenance Services:* One (1) space per every 400 square feet of office and indoor display area, plus one (1) space per service bay.

*Vehicle Sales and Service:* One (1) space for every 500 square feet of office and indoor display area, plus one (1) space per 2,000 square feet of outdoor display area, and one (1) space per service bay.

#### Section 4. Off-street Loading requirements

All nonresidential structures and uses shall provide and maintain adequate off-street space for the loading and unloading of materials or goods, and for delivery and shipping, so that such operations can be accomplished without encroaching upon or otherwise interfering with the use of public streets, alleys and sidewalks by pedestrians and vehicles.

Each retail store, storage warehouse, wholesale establishment, industrial plant or factory, freight terminal, market, restaurant, funeral home, laundry or dry cleaning plant, or similar use shall provide off-street loading space as follows:

- a. Less than 8,000 square feet of gross floor area: no off-street loading space required unless the Planning commission determines that the specific use requires such space.
- b. 8,000 but less than 20,000 square feet of gross floor area: one (1) off-street loading space is required.



- c. 20,000 but less than 60,000 square feet of gross floor area: two (2) off-street spaces are required.
- d. Over 60,000 square feet of gross floor area: two (2) off-street spaces are required, plus one (1) additional space for every 50,000 square feet of gross floor area or fraction thereof over 60,000 square feet.

For each auditorium, convention hall, exhibit hall, hotel, office building, stadium, sanitarium or similar use, shall provide off-street loading space as follows:

- a. Less than 10,000 square feet of floor space: no off-street loading space is required unless the Planning Commission determines that the specific use requires such space.
- b. 10,000 but less than 40,000 square feet of gross floor space: one (1) off-street loading space is required.
- c. Over 40,000 square feet of floor space: one (1) off-street loading space plus one (1) additional space for every 50,000 square feet or fraction thereof over 40,000 square feet.

No area provided to meet off-street parking requirements shall be used for off-street loading purposes.

Joint or combined off-street loading space for two (2) or more buildings on the same lot can be provided as long as the amount of such combined off-street space is equal in size and capacity to the combined requirements of the several buildings to be served.

Plans for buildings or uses requiring off-street loading facilities as stipulated above shall clearly indicate the location, dimensions, clearances and access of such required off-street loading facilities.

## ARTICLE X: NONCONFORMITIES

### Section 1. General Provisions

It is the purpose of this Section to provide for the regulation of legally nonconforming lots, structures, and uses; and to specify the circumstances and conditions under which such nonconformities can be continued, expanded, or modified; and under which they shall be terminated.

The zoning regulations established by this Ordinance are designed to promote and protect the public health, welfare, and safety by implementing the City's developmental policies. These policies encourage the grouping of compatible and related land uses. It is consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property be controlled. Such controls also take into account the vested interests of the owners of nonconforming properties, and the extent to which such properties have any actual or potential adverse impacts upon the surrounding area.

To achieve these purposes, this Section distinguishes among nonconforming lots, nonconforming structures, nonconforming uses, and between major and minor nonconformities. Different regulations are applied to these categories on the basis of their actual or potential adverse impact due to incompatibility with the City's developmental policies and the regulations contained in this Ordinance.

### Section 2. Definition of Nonconformities.

For the purposes of this Article the following definitions shall apply:

*Nonconforming Lot of Record.* Any vacant lot legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which does not fully comply with the dimensional regulations of the zoning district in which it is located.

*Nonconforming Developed Lot.* Any lot containing a building, structure, and/or activity legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the lot width or area or other dimensional regulations of the zoning district in which it is located as specified in this Ordinance.

*Nonconforming Structure.* Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the yard, height or other dimensional regulations of the zoning district in which it is located as specified in this Ordinance.

*Nonconforming Use.* An activity using land, buildings, and/or structures for purposes, which were legal prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the use regulations for the zoning district in which it is located as specified in this Ordinance.

*Nonconformity, Minor.* Any property comprising a nonconforming developed lot and/or nonconforming structure, but which is used for an activity which is fully in compliance with the regulations for the zoning district in which it is located as specified in this Ordinance.

*Nonconformity, Major.* Any property comprising a nonconforming developed lot and/or a nonconforming structure, or a conforming developed lot and/or conforming structure which is used for an activity that is not fully in compliance with the regulations for the zoning district in which it is located as specified in this Ordinance.

### Section 3. Nonconforming Lots of Record.

Nonconforming lots of record may be developed for any use permitted in the zoning district in which they are located provided such development conforms to all other regulations in this Ordinance or a variance from such regulations is granted by the Board of Adjustment to permit such development.



#### Section 4. Minor Nonconformities.

Minor nonconformities may be modified, enlarged, and/or expanded provided that such modification, enlargement, or expansion conforms to all other regulations in this Ordinance, unless the Board of Adjustment grants a variance from such regulations.

#### Section 5. Major Nonconformities.

A major nonconforming use may be changed to another nonconforming use provided the new use is in the same or a lesser intensity of use classification as the original use.

A major nonconforming use shall not be enlarged within a structure, nor occupy a greater area of land, than it did at the effective date of this Ordinance or subsequent amendment thereto.

A structure containing a major nonconforming use shall not be moved to any portion of the lot other than that occupied at the effective date of this Ordinance or subsequent amendment thereto.

A major nonconforming use shall not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.

A major nonconforming use which changes to a permitted use within the district in which it is located, shall not thereafter revert to a nonconforming use.

If a major nonconforming use is damaged in any manner to the extent that the restoration costs would exceed sixty (60) percent of the value of that use immediately before such damage occurred, or is discontinued and remains vacant for one year or more, any subsequent use of that lot and/or structure shall be in full compliance with the regulations governing the district in which it is located as specified in this Ordinance.

#### Section 6. General Provisions.

The following provisions shall apply to all nonconformities:

Except as otherwise provided in this Article, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.

Nonconforming status runs with the land.

Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements, which do not increase in scope or scale the nonconformity of the structure.

Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration of such structure is not otherwise in violation of the provisions of this Ordinance.

No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Any other provision of this Article to the contrary notwithstanding, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all the regulations of this Ordinance.

The burden of establishing the nonconforming status of any structure or use under the terms of this Article in all cases shall be upon the owner of such nonconformity and not upon the City.



## ARTICLE XI: BOARD OF ADJUSTMENT

### Section 1. Establishment and Membership

The Board of Adjustment heretofore established is hereby continued, and its members shall be appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended. All members of the Board shall be citizens and residents of the City.

### Section 2. Meetings, Procedures and Records

Meetings of the Board shall be held at the call of the chairman at such times and places as the board may determine. The chairman, or in the absence of the chairman the co-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

### Section 3. Powers and Duties

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

**Interpretation of Boundaries.** To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Article III.

**Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a City official, other than the City Council, acting under the authority of this Ordinance.

**Variances.** To hear and decide appeals for a variance from the provisions of this Ordinance where owing to special conditions a literal enforcement of such provisions would result in unnecessary hardship as defined in Section 5 of this Article, but where the spirit of the Ordinance can be observed and substantial justice done.

**Special Exceptions.** To hear and decide special exceptions upon which the Board is required to act for uses as shown in Table 4-1 in Article IV and special exceptions regarding manufactured home as provided in Article VIII

### Section 4. Administrative Appeals

Appeals to the Board of Adjustment may be taken to the Board of Adjustment by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Building Official relating the provisions of this Ordinance. Any such appeal shall be filed with the Building Official within fifteen (15) days of the date of the action being appealed. The Building Official shall forthwith transmit to the Board papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board after the notice of the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Building Official's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.

All appeals shall be filed in writing on forms prescribed by the Board and made available by the Building Official.

The Board shall select a reasonable time and place for hearing the appeal. At least fifteen (15) days prior to the scheduled Board hearing the Building Official shall give written notice of the appeal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed



to such property owners at their addresses submitted with the appeal. The notice shall state the name of the appellant, the location of the property, the decision of the Building Official, which is being appealed, and the time, date, and location of the Board hearing.

The Board may affirm, reverse wholly or in part, or modify the Building Official's decision, order, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Building Official.

## Section 5. Variances

Any property owner may file an application for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with the provisions of this Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

An application for a variance shall be filed with the Building Official or Secretary of the Board at least thirty (30) days before the scheduled hearing date before the Board. The property owner or the authorized agent of the owner on a form made available by the Building Official shall file the application. At least five (5) days prior to the scheduled hearing of the Board, the Building Official shall give written notice of the application to all adjacent property owners. Such notice shall be deemed to be given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the nature of the variance requested and the applicable sections of this Ordinance, and the time, date, and location of the hearing.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance, if granted, will conform to all the requirements and standards listed below:

- a. The granting of the variance will not permit the establishment of a use that is not otherwise permitted in the district in which the property is located.
- b. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.
- c. There must be proof of unnecessary hardship. It must result from the application of this Ordinance. It must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered. It is not sufficient proof of hardship to show that greater value or profit would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
- d. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- e. The granting of the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same zoning district.



- f. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.
- g. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which the property is located, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the regulations or provisions of this Ordinance to which the variance applies.

## Section 6. Special Exceptions

All uses permitted by special exception as listed in Article IV shall require the submission of an application to the Board of Adjustment. Such application shall be filed with the Building Official at least thirty (30) days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Official.

At least five (5) days prior to the scheduled hearing of the Board of Adjustment, the Building Official shall give written notice of the proposed special exception to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the proposed use, and the time, date and location of the Board's hearing.

The Board of Adjustment shall review the application for compliance with this Ordinance and all other applicable codes and Ordinances of the City. In particular the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:

- a. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- b. The location and accessibility of off-street parking and loading areas.
- c. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.
- d. The screening and buffering of potentially adverse views and activities from surrounding properties.
- e. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
- f. The availability, location, and capacity of utilities.
- g. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
- h. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

The board of adjustment may also grant special exceptions to allow the location and usage of a manufactured home for human habitation in any zoning district of the city permitting residences. Applicants for such special exception shall apply in writing showing justification and shall provide a list of all adjacent property owners showing mailing addresses as well as a scale drawing of the proposed site with the desired manufactured home location shown.

Such special exception may be granted only if all of the following conditions are met:

- a. Such manufactured homes must be for the use of the property owner or the property owner's family, to include in-laws, and are not to be rented or leased to any other person or persons.
- b. The property owner must first demonstrate extenuating circumstances such as family hardship, practical difficulty, economic reasons deemed to be acceptable by the board of adjustment.
- c. Special exceptions may be granted for any period of one to five years. At the termination of the granted period, the property owner must either remove the manufactured home from this location, or apply for another special exception.
- d. Such special exceptions are not transferable. If there is a change of land ownership, the new property owner must apply for a new special exception if desired.
- e. Before granting or denying any such request the board of adjustment, after conducting a public hearing, shall consider the justifications or circumstances involved as well as the objections or lack of objections of adjacent property owners, and the possible negative effects on neighborhood property values or qualities of life.

The Board of Adjustment may also grant special exceptions for business use of a manufactured home in a business zone upon showing of catastrophic circumstances created by Act of God or casualty damage. Such special exceptions will be valid for a period not exceeding one year and are not transferable.

## Section 7. Abatement of Nuisance

The board of adjustment may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The board of adjustment may direct the Building Official to issue an abatement order, but such order may be directed only after a public hearing by the board, notice of which shall be sent by registered mail to the owners and/or operator of the property on which the use is conducted in addition to due notice or advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the board of adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the board. An abatement order shall be directed by the board of adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

## Section 8. Re-hearings

All decisions rendered by the Board shall be final and binding upon all parties. No appeal of an administrative decision or decision on an application for a variance or a special exception shall be reheard, and no further application shall be accepted once a decision has been rendered except under one or more of the following conditions:

- a. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
- b. The decision resulted from an error in procedures required by this Ordinance or State law and made by the Board, the Building Official, or any other City Officials.



- c. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section.

If the Board finds that one or more of the qualifying conditions exist, the applicant shall be permitted to submit a new application. This new application shall be heard at a subsequent Board meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

## Section 9. Appeals From Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board may, within fifteen (15) days thereafter appeal there from to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court shall be tried *de novo*.

## ARTICLE XII: AMENDING THE ORDINANCE

### Section 1. Petition for Change

A proposed change of district boundaries or regulations of this Ordinance may be initiated by the City Council, the Planning Commission or by petition of property owners or agent of such owners of property within the area proposed to be changed, subject to this Ordinance.

### Section 2. Action On Petition

Any proposed amendment, modification or repeal shall first be submitted to the Planning Commission for its recommendation and report. The Planning Commission shall have sixty (60) days within which to submit its recommendations to the City Council. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment and the City Council shall proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama, 1975, as amended. Any party or parties wishing to speak for or against an amendment shall appear and speak at the public hearing.

### Section 3. Fees

A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance shall be established by separate resolution or Ordinance. Such fees shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, including advertising fees; and shall be adopted and revised as necessary by the City Council.

### Section 4. Limit on Initiation of an Application for Ordinance Amendment

No action shall be initiated for an amendment to this Ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the City Council on the grounds that the circumstances and conditions relevant to the amendment request have changed significantly since the prior hearing.



REZONING APPLICATION and ACKNOWLEDGEMENT

Enterprise Planning Commission

P.O. Box 311000

Enterprise, AL 36331

Phone 334/ 348-2671

Fax 334/ 348-2672

(PLEASE PRINT OR TYPE ON THE APPLICATION)

APPLICANT NAME: \_\_\_\_\_

CONTACT PERSON (If other than Applicant) \_\_\_\_\_

PROPERTY OWNER (If other than Applicant) \_\_\_\_\_

ADDRESS OR LOCATION OF PROPERTY: \_\_\_\_\_  
(Address must be approved by the E-911 Coordinator)

ACREAGE OF PROPERTY \_\_\_\_\_

PRESENT ZONING \_\_\_\_\_ REQUESTED ZONING \_\_\_\_\_

CONTACT INFORMATION

Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone No(s) ( ) \_\_\_\_\_ ( ) \_\_\_\_\_  
Fax No. ( ) \_\_\_\_\_ E-Mail \_\_\_\_\_

I acknowledge that I have received a copy of the Rezoning Checklist, and I understand that the applicant is responsible for having at the applicant's expense, one or more Public Notice signs on the property for which the rezoning is requested.

I acknowledge that, unless otherwise determined by the Building official, at least one Public Notice sign must be placed along each street which the property fronts.

I acknowledge that the Public Notice sign(s) must be posted on the property at least fourteen (14) days prior to the scheduled Planning Commission meeting and that the content and format of the sign(s) must conform to the Planning Commission's requirements.

I acknowledge that it is the policy of the Planning Commission not to consider a rezoning request unless all of the requirements of the Rezoning Checklist have been met.

PRINTED NAME: \_\_\_\_\_

REPRESENTING: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DEADLINE FOR PUBLIC NOTICE SIGN: \_\_\_\_\_ (Consult Planning Department)

\_\_\_\_\_  
Receipt Number

\_\_\_\_\_  
Date of Receipt

## REZONING APPLICATION CHECK LIST

Enterprise Planning Commission

P.O. Box 311000

Enterprise, AL 36331

Phone 334/ 348-2671

Fax 334/ 348-2672

In accordance with Article XII, Section 1 of the Enterprise Alabama, Zoning Ordinance, the following shall be submitted 21 days prior to the Public Hearing Date, which will be the fourth Tuesday of each month at 4:30pm in the City Council Chambers of City Hall.

1. A complete Rezoning Application, which shall include the location and acreage of land to be rezoned.
2. \$50.00 filing fee (Checks made payable to the City of Enterprise).
3. Three (3) copies of a Rezoning Map on 22" x 34" paper completed, signed and sealed by an Alabama licensed surveyor of the proposed rezoning containing the following information:
  - A minimum scale of 1 inch = 100 ft. showing the distance, bearing, legal description, all surrounding zoning, property as presently zoned and proposed zoning.
  - A written legal description.
  - Vicinity map on smaller scale.
4. A PUBLIC NOTICE sign must be erected at the applicant's expense no less than 15 days prior to the Public Hearing Date. The applicant will be responsible for making sure the sign is erected. **The PUBLIC NOTICE sign must be placed on all street frontages for proper notification of the adjacent property owners.**
5. A list of all adjacent property owners and their mailing address as determined by the latest tax assessment roll.
6. Upon recommendation of the rezoning to the City Council by the Planning Commission, the proposed rezoning ordinance notice will be published in the newspaper for two consecutive weeks with the last publication date no sooner than two weeks prior to the City Council Public Hearing of the proposed rezoning ordinance. The applicant upon notification will pay the cost of publication, as determined by the City Clerk based on the size of the proposed rezoning ordinance by words and maps. Publication will be held until the cost of publication is paid.
7. Upon passage by the City Council, the approved ordinance will be legally advertised in the newspaper. The cost of the advertising will be responsibility of the applicant as determined by the City Clerk. Publication will be held until the cost of publication is paid.



**SIGN SPECIFICATIONS**  
Enterprise Planning Commission  
P.O. Box 311000  
Enterprise, AL 36331  
Phone 334/ 348-2671  
Fax 334/ 348-2672

**BOARD**

The sign shall be painted in black letters on a white background on a 4' x 8' sheet of plywood at least ½" thick with sufficient bracing to make the sign stable. The sign shall be of sufficient quality that it may be easily read from the street and shall be placed along each street frontage of the lot.

**LETTERS**

A three-inch space shall be between each line. The words PUBLIC NOTICE shall be in six-inch high letters with each remaining line in three-inch letters. Letters shall be one and one-half inch in width with the letter "I" at least one once in width with appropriate spacing between words. There is a maximum of 48 letters per line. This takes 72 inches leaving 24 inches for the margin and appropriate spacing.

**RULES**

The sign shall be erected on the lot no less than fifteen (15) days prior to the Planning Commission meeting day at which the request is to be considered. The sign shall remain erected until the day after the meeting in which the applicant will be responsible for the removal of the sign from the site. Any tabled items from the agenda until the next month will need to have the sign changed to note the new date.

**Any failure to adhere to the above specifications will result in the failure of the applicant's request to be considered by the Planning Commission.**

**EXAMPLE OF REZONING PUBLIC NOTICE SIGN**

**Enterprise Planning Commission**

**P.O. Box 311000**

**Enterprise, AL 36331**

**Phone 334/ 348-2671**

**Fax 334/ 348-2672**

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE CITY OF ENTERPRISE  
WILL ON TUESDAY, \_\_\_\_\_ AT 4:30PM, CONSIDER THE REZONING OF THIS SITE  
FROM \_\_\_\_\_ TO \_\_\_\_\_**

**PLANNING & ZONING OFFICE**

**334/ 348-2671**

**(Sign must be 4'x 8' as required)**



## ARTICLE XIII: ADMINISTRATION, ENFORCEMENT, AND PENALTIES

### Section 1. Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by the Building Official of the City. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his/her duties in the enforcement of this Ordinance.

### Section 2. Permit Required

It shall be unlawful to commence excavation for the construction of any building or other structure, including accessory structures, signs, fences or pools; or to commence the demolition of any structure; or to store building materials or erect temporary field offices; or to commence the moving, or alteration (except repairs, painting or wall papering and work not changing the character of the structure) of any structure, including accessory structures, signs and advertising structures; until the Building Official has issued for any and all such work a building permit stating that plans have been reviewed for compliance with this Ordinance. Application for any and all permits required under this Ordinance shall be made to the Building Official on forms provided for that purpose and supplemented with appropriate plans, diagrams and specifications to demonstrate proposed compliance with the Ordinance. The City Council may from time to time set fees it finds appropriate to various types of permits.

### Section 3. Plans Required for Building Permit

It shall be unlawful for the Building Official to approve any plans or issue any building permit for excavation or construction until the Building Official has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Official shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in detail sufficient to enable the Building Official to ascertain whether or not the proposed development is in conformance with the provisions of this Ordinance:

- a. The actual shape, proportion, and dimensions of the lot to be built upon.
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot, both above and below grade.
- c. The existing and intended use of all buildings or other structures.
- d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.
- e. Every applicant for the use of land and by virtue of the provisions of this Ordinance shall include therewith a plan showing the location of necessary fire hydrants with adequate water flow. The applicant shall provide the Building Official with copies of all deed restrictions and/or covenants, which pertain to the subject property.
  1. Cover Sheet with:
    - (a) Name and location of the development; name, address and signature of the owner; and, name, address, and seal of the engineer and/or architect;
    - (b) Vicinity map;
    - (c) Zoning and existing and proposed land use of the site; and
    - (d) Date, scale, north arrow, and number of streets.

2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
3. Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.
4. Public and private utilities, including sewage disposal system and water system.
5. Fire lanes and hydrants.

The Building Official shall review the site plans for general completeness and compliance with this Ordinance and shall forward copies of the plans to the Fire Chief, Street Superintendent, Water Board, and Police Chief for their review and comment.

The Building Official shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant.

A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Building Official. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan.

An approved site plan shall become null and void if significant development does not commence within twelve (12) months of approval.

#### Section 4. Site Plan Review

No building or structure, located on property one acre or greater in size, regardless of the zone in which it is located or located on property which is adjacent to a major thoroughfare, as defined by the most recent Enterprise comprehensive plan, as amended or part of a development consisting of three or more residential units (excluding residential developments subject to subdivision regulations), regardless of the size of the property shall be hereafter erected, moved, added to or structurally altered under circumstances which require the issuance of a building permit under this ordinance, nor shall any use be established, altered or enlarged under circumstances which require the issuance of certificate of occupancy permit under this ordinance, upon any such land, until a site plan for the land upon which such buildings, structures or use is to be erected, altered or established has been approved by the city Planning Commission.

Notwithstanding the foregoing, no site plan shall be required to be submitted or approved where the Building Official, upon reviewing an application for a building permit for changes in an existing building, is satisfied that the proposed changes in the building will not increase the exterior dimensions of the building nor substantially increase the usable space within the building.

Notwithstanding the foregoing, no site plan shall be required to be submitted or approved where the Building Official, upon reviewing an application for use and occupancy permit, is satisfied that the proposed use is a permitted use in the zone, and is substantially similar to the use to which the premises were put by the last prior occupant thereof, and the property on which the use is proposed to be located has been the subject of a site plan approved by the Planning Commission. A proposed use shall not be deemed substantially similar to a prior use where this ordinance imposes more stringent requirements for the proposed new use as to off-street parking, yards, height limits or minimum lot size.



The proposed site plan shall be submitted in triplicate to the Building Official.

- a. Applicants seeking site plan review shall submit to the Building Official a proposed site plan which shall include the following:
  1. One or more scaled drawings or maps (1"=20' unless size dictates a more appropriate scale), clearly showing the following:
    - (a) Vicinity map, north arrow, scale, accurate shape proportion and dimensions of the site, name of property owner, developer and person drawing map.
    - (b) Existing and proposed topography of the site and the surrounding area at least two-foot contour intervals showing the location of existing woodlands, streams, and other significant features of the land.
    - (c) Location and dimensions of existing and proposed buildings, structures, curb cuts, driveways, off-street parking and loading areas, signs, walls, fences, screen planting, landscaping, pedestrian walks, open space, and recreational areas for use by employees, residents, tenants or the general public.
    - (d) Proposed storm drainage plan.
    - (e) Proposed traffic circulation system where any part of the land is to be used by motor vehicles.
    - (f) Proposed dedication of land for public use, including streets, easements, park and school sites.
    - (g) The location of all existing and proposed power lines, gas lines, sewer and water lines, and the location of any easements to be granted for these utilities.
  2. Drawings showing the proposed appearance of the buildings, structures and grounds after the completion of all buildings and structures and the establishment of the uses proposed on the land.
  3. A statement of the amount of area of land involved in the site, the number of acres and percentage designated for each proposed land use including public facilities, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space, sidewalks, the total number of parking spaces for the use proposed, the number of employees excepted per shift, the total floor area of proposed commercial uses and the proposed manner of illumination of signs.
  4. Restrictions on the use of property including proposed restrictive covenants.
  5. Plans for the protection of abutting properties.
  6. Written request for exceptions to or variations from the requirements of these regulations, if any are being requested.
  7. A statement defining the manner in which the city is to be assured that all improvements and protection devices, such as buffers, fences, etc., are to be installed and maintained.
  8. Such other additional information as may be reasonably required by the Planning Commission to accomplish the purpose of the site plan review function
- b. General conditions: The city Planning Commission shall approve the site plan only upon finding by it that the building, structures, facilities and uses proposed will not:

1. Adversely affect the health or safety of persons residing in or working on the land in question or in the

neighborhood thereof.

2. Be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties.
  3. Constitute a violation of any provision of this ordinance or any other applicable law, regulation or ordinance.
- c. Specific conditions:
1. The Planning Commission, as a condition of approval of a site plan, may require screen planting when necessary to avoid adverse affect or impact upon the use or development of adjacent or neighboring properties.
  2. The Planning Commission may establish minimum design standards acceptable for site plan development to ensure good site planning and to protect the health, safety and welfare of local citizens.
  3. The Planning Commission may attach other conditions to the approval of the site plan where necessary to assure that the use of land in question will be consistent with the purpose and intent of this ordinance.
- d. The land that is the subject of an approved site plan shall be used and developed only in accordance with the plan approved or as modified by the Planning Commission. The Planning Commission in accordance with these regulations may modify a site plan. Use and development of land that is the subject of the site plan or the construction of a building or structure thereon in a manner not in compliance with that plan shall constitute a violation of this ordinance.
- e. One or more of the uses proposed for land which is the subject of the site plan shall be established on such land within 365 days after the date of approval of the plan or the plan shall become void; provided, that the Planning Commission may extend such time upon request filed within such 365 days and may grant further extension; provided, that the total length of such extensions shall not exceed one year. Where the site plan contemplates the construction of one or more new buildings or structures, the use shall be established within the meaning of this section when construction of one or more such buildings has been commenced.

## Section 5. Development Plans

Any application for designation as or development within a District noted in Table 4-2 as requiring approval a Development Plan shall submit to the Building Official a conceptual plan showing the entire development site and all component stages or phases, and shall graphically express the overall development concept for the site at completion.

The Development Plan shall include the following information:

- a. The outer boundary or perimeter of the total development site, including a valid legal description.
- b. A topographic map showing contours at two-foot intervals.
- c. An identification of the characteristics of existing land uses and development for land adjoining the project site.
- d. The rights-of-way and pavements of all streets within the development, and the access to the surrounding public street system.
- e. The type, number, and location of all structures.
- f. The location, extent, and approximate acreage of all resources protection, recreation, and open space lands and other common areas.
- g. The location and nature of all common amenities such as clubhouses, swimming pools, laundries, etc.



- h. Location of all utilities, and surface water drainage facilities.

The Plan shall be drawn to scale by an engineer or architect registered in the State of Alabama.

A written report, illustrated as appropriate, shall accompany the Development Plan, and shall address the following topics:

- a. A general description of the proposal.
- b. The proposed standards for the development of the project, including density standards, yard requirements, lot sizes, and restrictive covenants.
- c. A plan for the provision of utilities and storm drainage facilities.
- d. Plans for parking, loading, access, signage, and means of protecting adjacent areas from any potential adverse impacts.
- e. Presentation of the method for dedicating or reserving land or facilities for public use or for the use of the property owners in the project.

Once approved, a Development Plan shall become a binding condition upon the development of the site, and each phase or stage shall be substantially consistent with the Plan. If the Planning Commission finds that any stage or phase substantially deviates from the approved Plan, a new Development Plan shall be submitted for review and approval. Any of the following shall constitute a substantial deviation:

- a. An increase or reduction in the land area of the project site.
- b. A change in the total number, or in the type, of dwelling units approved.
- c. Provision of less than the approved percentage of resource protection, recreation or open space land.
- d. Any significant addition, removal, or rearrangement of land uses or streets.

Approval of a Development Plan shall expire twenty-four (24) months after approval unless significant progress has been made toward implementation of the development.

## Section 6. Conditional Use Procedures

Conditional uses are those that have some special effect, which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, conditional uses must be reviewed in terms of existing zoning and land use in the vicinity of the proposed use: whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intent of this Zoning Ordinance, and another development policies and/or regulations of the City of Enterprise; and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, welfare and safety in general.

All conditional uses where listed in Table 4-1 of Article IV shall require the submission of an application to the Board of Adjustment. Such application shall be filed with the Building Official by the property owner or the authorized agent of the property owner at least thirty (30) days prior to the date on which the application is scheduled to be heard by the Board of Adjustment, and shall include a site plan in accordance Section 4.. At least fifteen (15) days prior to the scheduled hearing before the Board of Adjustment, the Building Official shall give written notice to all adjoining property owners. Such notice shall be deemed given when deposited in the United

States mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. Such addresses shall be obtained by the applicant from the most recent records of the County Tax Assessor and submitted as part of the application.

The Board of Adjustment shall review the proposed conditional use for compliance with this Ordinance and other applicable codes and Ordinances, and for compatibility with the purposes of the zoning district within which it is proposed to be located. In particular the Board of Adjustment shall determine that satisfactory provisions have been made concerning the following:

- a. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- b. The location and accessibility of off-street parking and loading areas.
- c. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.
- d. The screening and buffering of potentially adverse views and activities from surrounding properties.
- e. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
- f. The availability, location, and capacity of utilities.
- g. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
- h. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

The Board of Adjustment may impose such conditions for approval as it deems necessary in the particular case to protect the public interest and further the purposes of this Ordinance, in relation both to the items listed above and to any other factor it deems relevant. Such approval and conditions shall be granted to the property, structure, and/or use for which conditional use is approved and not to a particular person. Violations of conditions attached to any conditional use shall be deemed to be violations of this Ordinance.

The decision of the Board of Adjustment shall be final subject to those appeal rights referenced in Article XI§9 of the Ordinance.

## Section 7. Statutory Review

The Planning Commission shall review the character, location and extent of any public street, square, park or other public way, ground, open space or building or structure, or any major utility project, whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended. The purpose of such review shall be to determine whether or not such projects are consistent with the goals and policies of the City's Comprehensive Plan. The Planning Commission's findings and recommendations shall be transmitted to the City Council. Failure of the Planning Commission to act on an official submission within sixty (60) days from the date of such submission shall be deemed to be approval of the project.

## Section 8. Certificate of Occupancy Required

The owner or owner's agent prior to use or occupancy of any building or structure, whose construction or substantial rehabilitation is undertaken following adoption of this Ordinance, shall secure a Certificate of Occupancy. Within three (3) days after the owner or owner's agent has notified the Building Official that a building or premises or part thereof is ready for occupancy or use, the Building Official shall make a final inspection thereof, and issue a



Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance, or, if such certificate is refused, state such refusal in writing with the cause. The Board of Adjustment shall hear appeals from the decision of the Building Official. One copy of the signed statement by the owner or his or her agent regarding the intended use of the premises, and a signed refusal (if any) shall be kept on file with the records of the Building Official.

## Section 9. Expiration of Building Permit

Any permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire by limitation, but shall upon reapplication, be renewable, subject, however, to the provisions of any Ordinances in force at the time of said application for renewal. In no event shall any permit be renewed more than one time.

## Section 10. Unlawful Structure

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance *per se*. The Building Official is hereby authorized to apply to a court of competent jurisdiction to abate the nuisance created by such unlawful use of a structure, land or building. Whenever the Building Official has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification from the Building Official to vacate such premises, accomplish such vacation of said structure or premises until such structure or premises has been adapted to conform to the provisions of this Ordinance. Such notification shall be:

- a. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- b. By depositing the notice in the United States as first class certified mail; or
- c. By posting and keeping posted for seventy-two (72) hours, a copy of the notice in a conspicuous place on the premises to be repaired.

## Section 11. Penalties and Remedies

Any person, firm, corporation, or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance. In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Ordinance, the Building Official of the City may seek an injunction or writ of *mandamus* or take other appropriate action or proceedings to stay or prevent occupancy of such building, structure or land.