ZONING ORDINANCE

of the

City of Demopolis
Alabama

Ordinance No. 1998-1, as amended

Adopted January 8, 1998, and as
Amended Through Ordinance 2005-5, July 7, 2005

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As Amended Through Ordinance No. 2005-5, dated July 7, 2005

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ZONING ORDINANCE
CITY OF DEMOPOLIS, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE II, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF DEMOPOLIS, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND: TO REPEAL ALL EXISTING ZONING ORDINANCES AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the public welfare requiring it, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare to enact such an ordinance and,

WHEREAS, all requirements of the laws of the State of Alabama with the preparation of the ordinance by the Planning Commission and the subsequent action of the City Council has been made:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA, does hereby ordain and enact into law the following articles and sections:

ARTICLE I. PURPOSES

Section 101 AUTHORITY

The City Council of the City of Demopolis, Alabama, under authority granted by Title II, Chapter 52, Article 4, Code of Alabama, 1975, as amended, hereby ordains that the "Zoning Ordinance of the City of Demopolis, Alabama", adopted on September 2, 1971, as subsequently amended from time to time, is hereby amended and repealed.

Section 102 TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Demopolis, Alabama".

Section 103 JURISDICTION

This Ordinance, and the map herein referred to and identified by the title "Zoning Map of Demopolis, Alabama", shall be further identified by the signature of the Mayor of Demopolis and attested by the City Clerk. The Zoning Map of Demopolis is hereby adopted and made a part of this Ordinance. Said Zoning Ordinance and Zoning Map shall govern and regulate all land within the corporate limits of the City of Demopolis, Alabama.

Section 104 ZONING OF NEWLY ANNEXED LAND

If additional land is annexed to the City of Demopolis at a subsequent date, that land shall be zoned R-1 Single-Family Residential; however, immediately upon officially acting on the annexation the City Council shall request the Planning Commission to make a study of the annexed land and recommend the appropriate zoning of the land. The Planning Commission shall within forty-five (45) days of the date of annexation make a study of the annexed land, hold a public hearing and recommend the appropriate zoning of the land to the City Council. The City Council shall then act on the proposed zoning by following the requirements for zoning amendments set forth in Article XIV of this Ordinance.

The above requirement does not preclude the City Council from requesting the Planning Commission to make a zoning recommendation prior to the Council's official action on the land to be annexed. Such request shall be provided to the Planning Commission at least fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall make a study and review of the land to be annexed, hold a public hearing at its first regularly scheduled meeting after receiving a timely request from the City Council and submit a recommendation to the City Council for the zoning of the proposed annexed area. The City Council shall schedule a public hearing on the recommended zoning of the proposed land to be annexed for the same meeting date that the Council is scheduled to act on the proposed annexation. The City Council shall hold the zoning public hearing immediately after approval of the proposed annexation and in no case shall the City Council hold the zoning public hearing prior to the annexation of the property.

Section 105 PURPOSES

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

Section 106 SCOPE

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

Section 107 METHOD

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

ARTICLE II. ESTABLISHMENT OF DISTRICTS

Section 201 DIVISION INTO USE DISTRICTS

To achieve the purposes of this Ordinance, the City of Demopolis is hereby divided into the following districts:

Symbol	District
A-1	Agriculture District
R-1	Low Density Residential District
R-2	Low Density Residential District
R-3	Medium Density Residential District
R-4	High Density Residential District
R-5	Townhouse District
R-6	Garden Home District
MHP	Manufactured Home Park District
M	Medical District
O-I	Office-Institutional District
B-1	Neighborhood Business District
B-2	Central Business District
B-3	Community Business District
B-4	General Business District
B-LI	Business-Limited Industrial District
I-1	Light Industrial District
I-2	Heavy Industrial District
PUD	Planned Unit Development District

Section 202 ZONING MAP

The boundaries of the zoning districts are as shown on the map entitled "Zoning Map of Demopolis, Alabama", adopted herewith, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance. The original Zoning Map, properly attested, is and shall remain on file in the office of the City Clerk of the City of Demopolis, Alabama, the official Zoning Map in the office of the City Clerk shall be the final authority for zoning districts in the City of Demopolis. The official zoning map in the office of the City Clerk shall be to scale.

Section 203 INTERPRETATION OF DISTRICT BOUNDARIES

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

203.1 Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets and alleys, lot lines, stream center lines, property lines, or corporate limit lines, such lines shall be considered to be such boundaries.

203.2 In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the boundaries are indicated by dimensions shown on the Zoning Map, shall be determined by the use, of the scale appearing on the official Zoning Map.

203.3 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main track(s) of said railroad line.

203.4 In case any uncertainty exists after the Building Official's interpretation of district boundaries; where physical or cultural features existing on the ground are at variance with those shown on the

Zoning Map: or in other circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

Section 204 DISTRICT PURPOSES

The purpose and intent of the use districts provided for in this Ordinance are as follows.

204.1 A-1 Agriculture District. This district is intended to provide for low-density residential development while allowing the continuation of agricultural or farm uses. It also serves to correlate growth with utility, service and transportation needs until more intensive urban development is warranted.

204.2 R-1 Low Density Residential District. The purpose and intent of this district is to provide for and protect areas of traditional single-family detached dwellings at low densities and free from incompatible land uses.

204.3 R-2 Low Density Residential District. The purpose and intent of this district is to provide for and protect areas of traditional single-family detached dwellings at medium densities and free from incompatible land uses.

204.3 R-3 Medium Density Residential District. The purpose and intent of this district is to provide areas for both duplex and single-family detached dwelling units, free from incompatible land uses.

204.4 R-4 High Density Residential District. The purpose and intent of this district is to provide areas for attached multi-family dwelling units, free from incompatible land uses.

204.5 R-5 Townhouse District. The purpose and intent of this district is to provide special areas for Townhouse dwelling units, free from incompatible land uses.

204.6 R-6 Garden Home District. The purpose and intent of this district is to provide special areas for garden home developments, free from incompatible land uses.

204.7 MHP Manufactured Home Park District. The purpose and intent of the MHP Manufactured Home Park District is to provide appropriate locations for the establishment of manufactured home parks within which space may be rented or leased.

204.8 M Medical District. The purpose and intent of this district is to reserve land in the proximity of hospitals for medical related uses and for commercial and institutional uses that are supportive to the hospital function and for certain other uses that are compatible to that function.

204.9 O-I Office and Institutional District. This district is intended for locations suitable for non-residential uses but in which development should be in harmony with residential or institutional environments. It is intended that buildings be surrounded by landscaped grounds and that signs be limited in size and location to minimize commercial impact. This district is suitable for transitional areas between neighborhoods and more intensive uses, along thoroughfares where more intensive types of development would be undesirable or in areas where development permitted under this district exists or is planned.

204.10 B-1 Neighborhood Business District. This district is intended to provide locations for limited retail convenience goods and personal service establishments convenient to and serving the needs of adjacent neighborhoods. The trade area of uses in this district is generally less than citywide in extent. Business establishments should be compatible with the character of adjacent residential neighborhoods.

204.11 B-2 Central Business District. This district is designed to meet the particular needs of the original downtown commercial center of Demopolis. Development is characterized by abutting buildings with little or no setbacks from the street right-of-way lines and little or no off-street parking to

serve individual establishments. Regulations for the District recognize the historic pattern of development through less restrictive area and dimensional requirements and off-street parking requirements for lots developed in the characteristic manner of the old downtown area.

204.12 B-3 Community Business District. The purpose and intent of this district is to provide areas for community-wide and regional retail shopping establishments and services, which by their nature, are usually located with convenient access to major traffic arteries. Regulations are designed to establish an appropriate environment for the successful conduct of business for shoppers and to protect concentrations of retail trades and services from incompatible uses. It provides locations for a restricted range of retail businesses and services, offices and other compatible uses, where an attractive appearance of buildings and premises is important.

204.13 B-4 General Business District. The intent of this district is to provide locations for a broad range of commercial activities. Generally this district is less restrictive than the Community Business District regarding the kinds of business uses permitted and the regulations imposed on the permitted uses. Uses permitted serve a regional as well as a local market. This district provides suitable locations for business or commercial activities with storage requirements, which may not require the maintenance of attractive premises, and require heavy truck traffic.

204.14 B-LI Business-Limited Industrial District. The purpose and intent of this district is to provide transitional areas for a mix of general commercial and limited industrial uses. It is designed for the conduct of commercial trades and services, wholesale trade, warehousing, light fabrication, repair, storage and some light industrial uses in a manner which minimizes the negative impact of such uses.

204.15 I-1 Light Industrial District. The purpose of this district is to provide suitable locations for industrial activities which are clean, quiet, free from hazardous or objectionable emissions, and do not generate heavy truck traffic. Industrial parks and industries desiring attractive surroundings are encouraged in this District.

204.16 I-2 Heavy Industrial District. This district is intended for industrial activities which require special locations due to the employment of heavy equipment or machinery; appearance of premises and structures; generation of heavy truck traffic; and large site requirements.

ARTICLE III. DISTRICT REGULATIONS

The purpose of this Article is to provide for the determination of uses compatible with the various zoning districts established in Article II, Section 201 of this Ordinance.

Section 301 GENERAL

The Table of Uses contained in Section 302 of this Ordinance provides a list of land uses permitted by right and permitted upon approval in the zoning districts into which the City of Demopolis has been divided.

301.1 Uses in the Table, identified by the letter "R", are permitted by right, subject to any conditions and requirements specified in the Table of Uses or elsewhere in this Ordinance.

301.2 Uses in the Table, identified by the letter "S", may be permitted upon approval of the Board of Adjustment, subject to the conditions and requirements specified in the Table of Uses or elsewhere in this Ordinance.

301.3 In any case where a requested use is not specifically listed in Section 302, Table of Uses, the status of the requested use shall be determined by the Planning Commission by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Uses. When the status of a use has been so determined by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Uses.

301.4 Where any use or analogous use has blank spaces under any zoning districts listed in the headings of the Table of Uses, such use is specifically prohibited in such zoning districts either by right, by special exception or by appeal.

Section 302 TABLE OF USES

302.1 Permitted Uses and Special Exception Uses. Section 302.4, Table of Uses, which is hereby made a part of this Ordinance, contains a list of land uses permitted or permitted upon approval in the zoning districts created under Article II of this Ordinance. Opposite each land use, in the appropriate district column or columns, the letter "R" identifies those districts in which a particular land use is permitted by right and the letter "S" identifies those districts in which a particular land use is permitted only as a special exception upon approval of the Board of Adjustment. Certain uses permitted by right may be subject to the site plan requirements of Article VII of this Ordinance and certain uses permitted by special exception may be subject to the site plan requirements of Article VII of this Ordinance. All uses whether permitted by right or permitted upon approval are subject to all of the requirements of this Ordinance.

The Table of Uses does not list uses permitted or uses permitted upon approval in the PUD Planned Unit Development District because a variety of uses are permitted under different acreage and other conditions. Reference is made to Section 304 regarding uses permitted in the PUD District under various circumstances.

302.2 Outside Storage. The following requirements shall apply to the outside storage of materials, equipment, supplies and other major storage, unless otherwise addressed in this Ordinance, in the various business and industrial zoning districts:

A. All operations shall be conducted entirely within an enclosed building or structure and there shall be no outside storage in the following districts: M, O-I, B-1 and B-2.

B. In the B-3 district, outside storage of materials used as an integral part of the business operation of a permitted use are permitted in a rear yard provided such storage is entirely within an enclosed building, structure or trailer that is in standard physical condition and is maintained in standard physical condition.

C. Outside storage shall be permitted provided it is screened from view by a solid fence or chain link or other open fence with slats and/or planting adequate to obstruct the view in the following districts: B-4 and B-LI.

D. There are no outside storage requirements in the following districts unless otherwise noted in the Table of Uses: I-1 and I-2.

302.3 Buffer Requirements. The following buffer provisions shall apply to lots on which the development of a new use or construction of a new building is proposed. The buffer requirements shall be enforced as part of the site plan, building permit and certificate of occupancy approval process. Buffers are required under the following situations or conditions:

A. Attached dwelling units in the R-4 and R-5 districts, when adjacent to an existing detached single-family dwelling unit or R-1, R-2, R-3 and R-6 district; and not separated there from by a street or alley, shall provide and maintain in healthy growing condition, a buffer strip (see definition of Buffer Strip in Article XV) along said property line or district boundary.

B. All uses permitted in the M, O-I, B-1, B-2, B-3, B-4, B-LI, I-1 and I-2 districts, when adjacent to an existing residence or residential district, and not separated there from by a street or alley, shall provide and maintain in healthy growing condition, a buffer strip (see definition of Buffer Strip in Article XV), along said property line or district boundary.

C. The City Horticulturist may approve a substitute buffer where the view from the adjoining district or property is blocked by a change in grade or other natural feature or where because of intense shade or soil conditions, the planting of a buffer cannot be expected to thrive.

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Accessory uses and structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Ordinance.	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Accounting, auditing and bookkeeping offices.									R		R	R	R			
Agricultural produce stands; provided: a. Such use shall comply with the front yard setback established for the district in which it is located. b. There shall be a minimum of four off-street parking spaces.													S	S		
Agricultural produce stands; provided: a. Such use shall comply with the front yard setback established for the district in which it is located. b. There shall be a minimum of four off-street parking spaces. c. Such stands shall sell only products grown or produced on the premises on which it is located.	R															
Agricultural production – crops, horticulture, plant nurseries, greenhouse, hydroponic garden, bee-keeping, orchards.	R															
Agricultural production – livestock but excluding hogs and poultry, provided that structures for livestock raising, boarding or housing, such as barns, feed lots and stables, shall not be located within one hundred (100) feet of any plot line.	R															
Agricultural production – hogs, provided: a. Structures for raising hogs, such as pens, sties, shelters, feeders and the like shall not be located within one hundred (100) feet of any plot line. b. Hogs shall not be placed, kept or permitted within one hundred (100) feet of any plot line, within three hundred (300) feet of a dwelling under different and separate ownership nor within five hundred (500) feet of any residentially zoned property.	R															
Agricultural production – poultry, provided that structures for commercially raised poultry, or eggs shall not be located within one hundred (100) feet of any plot line, or within five hundred (500) feet of any residentially zoned property, except where such structures exist at the effective date of this Ordinance additions to said structures may be erected at the same distance.	R															
Agriculture production – raising of fish.	R															
Air conditioning contractor.													R	R	R	R
Air conditioning sales and service.											R	R	R	R		
Air or ground courier drop-off station.								R	R	R	R	R	R	R	R	R
Airport.	S														R	R
Ambulance service.								R	S	S	S	R	R	R	R	R
Amusement arcade within an enclosed building.											R	R	R			
Amusement park.													S	S		
Animal clinic or veterinary service provided no enclosure for animals is located closer than one hundred (100) feet from any property line.	R												R	R		
Animal clinic or veterinary service, wholly within an enclosed building.	R										R	R	R	R		
Animal shelter	S															S
Antique store, including repairing and refinishing.													R			

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Antique store, not including repairing and refinishing.											R	R	R			
Apothecary, limited to the sale of pharmaceuticals and medical supplies.								R		R	R	R	R			
Apparel and accessory store.											R	R	R			
Appliance store.											R	R	R			
Archery range.	S															S
Archery range located completely within a permanently enclosed building.													R	R		
Armory.	S													R	R	R
Art gallery.									R		R	R	R			
Art supplies.											R	R	R			
Asphalt products manufacture.																R
Assembly halls. Including union halls, conference halls, civic halls, fraternal clubs, lodges, and activities of a similar nature.									R		R	R	R			
Assisted living facilities.					S			S				R	R			
Auditoriums.	S										R	R	R			
Automobile oil change (express or quick service)												R	R	R	R	R
Automobile manufacture and assembly.																R
Automobile parking lot or parking garage.								R	R		R	R	R	R	R	R
Automobile parts store and sales provided that major automobile repair shall not be permitted in connection with this use unless such repair is permitted elsewhere within the district.											R	R	R	R		
Automobile and truck repair and maintenance.														R	R	R
Automobile repair and maintenance shop of a minor nature, provided: a. Major auto repair shall not be permitted in connection with such uses. Minor auto repair and maintenance shall include the installation of tires, carburetors, ignition parts and other minor accessory parts as shall be incidental to normal upkeep, but shall not include engine or body repair, painting or dismantling.												R	R	R	R	R
Automobile sales, including trucks.												S	R	R	R	R
Automobile service station, provided: a. That work and services performed are only to the extent permitted in the District in which the service station is located.												R	R	R	R	R
Automobile and truck laundry, including steam cleaning, provided: a. That a paved area shall be located on the same lot for the storage of vehicles awaiting service. b. That all runoff shall be discharged into a sand trap and then directly into a storm sewer.														R	R	R
Automobile, truck, and trailer lease and rentals as an accessory use to an automobile service station, provided: a. The use shall not be established on a lot of less than twenty thousand (20,000) square feet. b. The use shall not occupy more than ten (10%) percent of the lot area.												R	R	R	R	R
Automobile, truck, and trailer lease and rentals as a principal use, provided: a. All parking areas shall be clearly marked and no unit shall be parked outdoors other than within such boundaries except when being serviced.													S	R	R	R
Automobile upholstery shop.													R	R	R	R

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Automobile wash service (car wash), provided: a. That a paved area shall be located on the same lot for the storage of vehicles awaiting service. b. That all runoff shall be discharged into a sand trap and then directly into a storm sewer.												S	R	R	R	R
Automobile wrecking facilities including the incidental sale of vehicle parts removed from vehicles on the site, junkyards, scrap metal facilities, provided: a. Such use shall be enclosed by a fence or wall not less than eight (8) feet in height, which provides visual screening. b. No such activity may be conducted within one hundred (100) feet of any property line or two hundred (200) feet of any property zoned or used for residential purposes. Said setbacks may be increased by the Board of Adjustment, if deemed appropriate because of existing or potential use of adjacent land. c. Such uses may be subject to such conditions as the Board of Adjustment may require to insure the public safety and to preserve and protect the character of the district where such uses are proposed.																S
Automobile wrecking transfer facilities, provided: a. Such use shall be enclosed by a fence or wall not less than eight (8) feet in height, which provides visual screening. b. No such activity may be conducted within one hundred (100) feet of any property line or two hundred (200) feet of any property zoned or used for residential purposes. c. When special exception approval is required such uses may be subject to such conditions as the Board of Adjustment may impose to insure the public safety and to preserve and protect the character of the existing or potential use of adjacent land.														S	S	R
Bait store or sales (live bait).														R	R	
Bakery, retail.										R	R	R	R			
Bakery, wholesale.														R	R	R
Bank, including drive-in bank.									R		R	R	R	R	R	R
Barber or beauty shop.										R	R	R	R	S		
Barber and beauty supplies and equipment sales.													R	R		
Baseball batting range.	S													S	S	S
Bed and breakfast operated within a dwelling by the owner-occupant, offering one (1) to ten (10) units for temporary lodging and one or more meals to the traveling public while away from their normal places of residence.	S			S	S				R	R	R	R	R			
Beverage distribution.														R	R	R
Bicycle sales, service and repair.											R	R	R	R		
Billiard or pool hall.										S	R	R	R			
Blueprinting and photo copying shop.											R	R	R	R	R	R
Boarding or rooming house.				S	R						S					
Boat construction, storage, service, and repair, wet and dry.														R	R	R
Boat sales, accessories and service.													R	R	R	R
Book store.										R	R	R	R	R		
Bottling plants.														R	R	R
Bowling alley.												R	R	S		
Building contractor.														R	R	R

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Building materials supply, provided: a. That any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within one hundred (100) feet of a residential district.														R	R	R
Building Materials Supply														S	R	R
Bus station.											R	R	R			
Business machines sales and service.											R	R	R	R		
Business school or college.											R	R	R			
Butane and liquefied petroleum gas products sales.														R	R	R
Butane and liquefied petroleum gas products sales that are incidental to a permitted use.													S	R	R	R
Cabinet or carpenter shop.														R	R	R
Cafeteria.								R	R		R	R	R	R	R	R
Camera and photographic supply store.											R	R	R			
Candy, nut and confectionery store.										R	R	R	R			
Candy products manufacture.														R	R	R
Canvas products manufacture.															R	R
Card shop.										R	R	R	R			
Catering shop or service.											R	R	R	R		
Cemetery.	S				S							S	S	S	S	
Ceramic manufacture with dust, odor and fume control.																R
Chemical manufacture or processing (heavy, industrial).																S
Churches and related accessory buildings, provided: b. That no parking shall be located within twenty (20) feet of an R-1, R-2 or R-3 district and shall be screened from view when located next to such districts; and c. that when abutting an R-1, R-2 or R-3 district, any building or structure shall be setback not less than fifty (50) feet from any side or rear property line;	S	S	S	S	R				R	S	R	R	R	R		
Civic organization.	S							S	R	R	R	R	R	R	R	R
Clay and clay products manufacture.																R
Clothing manufacture.															R	R
Coffee shop.									R	R	R	R	R	R	R	R
Coin store.											R	R	R			
Cold storage plant.														R	R	R
College or university.									R							
College sorority or fraternity house..									R							
Communication towers, antennas and tower support structures including but not limited to commercial radio and television transmission antennas, television receiving antennas for cable television systems, telecommunications antennas, and other antennas which are not an accessory use of the premises; subject to the provisions of Article V, Section 510 of this Ordinance.	S													S	R	R
Concrete and concrete products manufacture.																R
Contractor with no outside storage area.													R	R	R	R
Contractor with outside storage area.														R	R	R
Convenience food store, including gasoline sales.											R	R	R	R	R	R
Convenience food store, excluding gasoline sales.										R						
Country club or swim and tennis club	S	S	S	S	S											
Dairy equipment sales.														R	R	R
Dairy products processing, bottling and distribution, ice cream manufacture, all on a wholesale basis.															R	R
Dairy products sales, retail.										R	R	R	R			
Dance studio.										S	R	R	R			

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Day care center, nursery school, play school or kindergarten meeting all requirements of appropriate state regulations and standards, provided that all activities are carried on in an enclosed building or fenced yard, and further that no day care center shall be permitted in a residential dwelling or structure.	S				S			S	S	S	S	S	S	S	S	S
Day care home for four (4) or less children meeting all requirements of appropriate state regulations and standards, provided: 1. That all activities are carried on in an enclosed building or fenced yard. 2. There shall be no identification sign in connection with the day care home operation. 3. Employment is limited to family members. 4. No alterations shall be made that will alter the existing residential structure or be incompatible with surrounding residences. 5. When located in an R-3 District, no day care home shall be located within 500 feet of another day care home. 6. When located in an R-3 District, hours of operation shall be restricted to 6 am to 7 pm daily. 7. Play area is restricted to the rear yard only and shall occupy no more than 30% of the rear yard. 8. No day care home shall be located in a multiple-family dwelling. 9. Any special exceptions obtained shall not be transferable to another owner without prior approval of the Board of Adjustment. 10. Any day care operator whose Department of Human Resources license becomes inactive must apply as a new applicant and meet all current regulations.	S			S	S											
Delicatessen.										R	R	R	R	R	R	R
Dental office and clinic.								R	R		R	R	R			
Department store.											R	R	R			
Dressmaker or seamstress											R	R	R			
Drug store.										R	R	R	R			
Dry cleaning/laundry pick-up station.										R	R	R	R	R	R	R
Dry cleaning/laundry plant.														R	R	R
Dry cleaning/laundry plants of not more than twenty-five hundred (2,500) square feet, provided: a. Such dry cleaning plant shall comply with all of the requirements of the City Fire Prevention Code. b. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.											R	R	R			
Duplicating service.									R	R	R	R	R	R	R	R
Dwelling, attached single-family.						R	R									
Dwelling, detached single-family.	R	R	R	R	R	R	R									
Dwelling, duplex.				R	R											
Dwelling, garden home or cluster housing.							R									
Dwelling, multi-family.					R						S					

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Dwelling, townhouse, provided: a. The number of contiguous townhouse units in a single structure or group shall be not less than four (4) or more than eight (8) dwelling units. b. No two (2) contiguous townhouse units shall have identical front yard setbacks. Front yard setbacks shall vary by a minimum of three (3) feet. c. Each townhouse unit shall have a minimum livable floor area of one thousand (1,000) square feet with at least five hundred fifty (550) square feet on the first floor if a unit has more than one (1) floor. d. All structures shall be located so as to conform to the Southern Standard Building Code and the Standard Fire Prevention Code.						R					S					
Dwelling unit above the first floor of a business establishment.											S	S				
Dwelling unit within a structure used predominantly as a business and occupied by the owner, manager or a resident watchman, custodian or caretaker employed on the premises.														S	S	S
Dyeing plants.															R	R
Electrical contractor.													R	R	R	R
Electrical equipment assembly.															R	R
Electric power generating plant.																S
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen.													S	S	S	S
Electric repair shop.													R	R		
Electric supply store.											R	R	R	R		
Electroplating or battery making with acid, fume and odor controls.																S
Exterminator service office.													R	R	R	R
Extractive operation of rock, gravel, sand, dirt, soil and natural mineral deposits, provided: a. The removal area shall be sealed by fencing or grading or other device from general public access; all entrances shall be fenced and locked during non-business hours. b. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit. c. The operational and removal area of such uses shall not be established within two thousand (2,000) feet of a residential use or five hundred (500) feet of any other use. d. No extraction shall be allowed except after advertisement of a public hearing by the Board of Adjustment for the purpose of determining whether or not any adverse effect would result to surrounding property owners and whether or not a nuisance, as defined by City Ordinances, would be created. e. This section shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.																S
Fabric, cloth stores.											R	R	R			
Fairgrounds, circus or carnival.	S															S
Farm and garden equipment and supplies.													R	R	R	R
Farmer's market.	S										S		S	R	R	R

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Fertilizer manufacture and processing.																S
Finance office.											R	R	R			
Fire station.	S	S	S	S	S				S	S	R	R	R	R	R	R
Fire works stand										S	S	R	R	R	R	R
Fixture sales.													R	R		
Flea market.													S	S		
Floor covering sales and service.											R	R	R	R		
Florists.											R	R	R			
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.														R	R	R
Food processing in wholesale quantity but excluding meat, fish, poultry, vinegar and yeast.														R	R	R
Food processing in wholesale quantity of meat, fish and poultry, but excluding slaughtering of meat or poultry.																R
Forestry	R															
Foundry.																R
Freight depot.														R	R	R
Frozen food manufacture and packaging.																R
Fruit and produce store excluding roadside stands.										R	R	R	R			
Fruit and produce, wholesale.														R	R	R
Funeral home, mortuary or undertaking establishment.									S		S	S	R			
Furniture and home furnishing store, including office furniture and equipment.											R	R	R			
Furniture manufacture.																R
Furniture repair, including upholstering and refinishing.														R	R	R
Game room.										S	R	R	R			
Gardens incidental to an attached residence.					S		S									
Gardens incidental to a detached residence.	R	R	R	R												
Gift shop.											R	R	R			
Glass products manufacture.																R
Golf course.	S	S	S	S											R	R
Golf course, miniature, provided: a. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.												S	R	R		
Golf driving range, provided: a. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.													S	S	R	R
Grain milling, storage and elevators.																R
Greenhouse, provided that no sales are made on the premises.	R															
Greenhouse, commercial.	S												R	R	R	R
Grocery store, retail.										R	R	R	R			
Gymnasium, commercial.												R	R			
Hardware store, retail.											R	R	R	R		
Hardware store, wholesale, storage and sales.														R	R	
Hatchery, poultry or fish.																
Heating and plumbing contractor, equipment, supplies and service.														R	R	R
Health studio or club, reducing salon.										S	R	R	R			
Hobby shop and supply store.											R	R	R			
Home occupation, subject to the provisions of Article VI of this Ordinance.	S	R	R	R	S	S	S									

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Horse stable for personal use on lots of two (2) acres or larger provided all structures are one thousand (1,000) feet from any residential structures.	R	S														
Hospital.								R								
Hotel or Motel.											R	R	R	R	R	R
Ice cream shop.										R	R	R	R			
Ice plant.																R
Incidental accessory retail uses and services such as food service, gift or novelty shops, soda bars, barber and beauty shops, children's day care facilities and similar activities, conducted primarily for the convenience of employees, patients, patrons, or visitors, provided these activities are carried on entirely within a principal building and are not advertised to the general public by exterior signs or other advertising display.								R	R							
Industrial park, limited to the uses permitted in the district in which the industrial park is located.															R	R
Industrial research and educational facilities.															R	R
Interior decorating shop.											R	R	R			
Jewelry store and repair.											R	R	R			
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.																S
Laboratory, medical or dental.								S					S	R	R	
Laboratory, scientific or testing.														R	R	R
Landfills, subject to all applicable state and federal laws and any conditions that might be imposed by the Board of Adjustment.																S
Landscape garden sales.												S	R	R		
Landscape garden sales when incidental to a larger retail operation.												R	R	R		
Laundry/dry cleaning plant, self-service (laundromat)										R	R	R	R			
Laundry / dry cleaning pick-up station.										R	R	R	R	R	R	R
Laundry / dry cleaning plant.														R	R	R
Laundry / dry cleaning plant of not more than twenty-five hundred (2,500) square feet, provided: a. Such dry cleaning plant shall comply with all of the requirements of the City Fire Prevention Code. b. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or Objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.											R	R	R	R	R	R
Leather goods or luggage goods stores.											R	R	R			
Leather good, manufacture.																R
Library.	S								R	R	R	R	R			
Linen supply or diaper service.														R	R	R
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements.											R	R	R	R		
Livestock (cattle, horses, sheep and goats).																
Livestock (swine).																
Loan office.											R	R	R			
Locksmith.											R	R	R	R		
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations.									R	S	R	R	R			
Lounge, private club lounge, taverns, bar.											R	R	R	R		

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Luggage store.											R	R	R			
Lumber and other building material establishment.														R	R	R
Machine shop.														R	R	R
Machinery, tools, construction equipment, sales and service.														R	R	R
Mail order house.													R	R		
Manufactured home.	S			S	S											
Manufactured home on individual lot, provided: a. Such home shall be installed on a permanent foundation constructed of brick or block and shall meet current Building Code requirements of the City of Demopolis. b. The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations. c. A manufactured home shall not be temporarily or permanently parked, stored or occupied on any public street or alley, nor on any lot or parcel within the City of Demopolis, except when in complete conformity to zoning and other applicable ordinances and regulations.	R															
Manufactured home park, subject to the provisions of Article III, Section 303 of this Ordinance.																
Manufactured/mobile home or prefabricated home sales including sales office.													R	R		
Manufacturing, repair, assembly or processing establishments of a light industrial nature not listed in the Table of Uses, which do not use water in the manufacturing operation either for processing, cooling, or heating, and which shall emit no smoke noise, odor, dust, vibrations or fumes beyond walls of building in which housed, unless such use is otherwise noted as a conditional use in this Table.															R	R
Manufacturing or industrial operations of any type not listed in the Table of Uses, which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zone district boundaries in which such operations are located, unless such use is otherwise noted as a conditional use in this Table.																R
Manufacturing incidental to a retail business where articles are sold at retail on the premises.											R	R	R			
Marina including service and repair; wet and dry; boat sales, accessories and service.														R	R	R
Marine stores and supplies.													R	R		
Martial arts studio.											R	R	R			
Meat slaughtering and/or packing house.																S
Medical clinic, emergency/family.								R		S	R	R	R			
Medical offices and clinics, excluding veterinarians.								R	R		R	R	R			
Metal products fabrication.																R
Millwork and similar wood products manufacture.																R
Mini-warehouse storage facilities.														R	R	R

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Mini-warehouse storage facilities for the storage of personal property, provided: a. The storage building(s) shall be subdivided by permanent partitions into individual storage compartments with no single storage compartment having a floor area exceeding three hundred (300) square feet. b. Each storage compartment shall have an exterior independent entrance under the exclusive control of the tenant thereof. c. The use of the storage compartments shall be limited to the storage of personal property and no other use shall be permitted except a manager's office which is clearly incidental to the principal use. d. There shall be no outside storage of goods or materials of any type on the site of a mini storage facility. e. Building coverage may equal no more than 40 percent of total lot area. f. No part of any fence enclosure shall be located within any required front yard. g. The design of facades and landscaping of premises shall be compatible with the purposes of the zone district in which the mini storage facility is located.													R			
Monument sales establishment, with incidental processing to order, but excluding the shaping of stones and similar processing.													R	R		
Motel or hotel.											R	R	R	R	R	R
Motorcycle sales, service and repair.													R	R		
Museum.									R		R	R	R			
Music or dancing school, athletic instruction when contained within a building.											R	R	R			
Music and musical instruments store.											R	R	R			
Neighborhood recreation centers or swimming pool, provided: a. Site plans shall be approved by the Zoning Administrator to insure that all the provisions of this Ordinance and all other applicable laws are complied with. b. Buildings and structures established in connection with such use shall be set back not less than one hundred (100) feet from any property line (exterior property line in a planned development) except when such property line is a street line. In such case the front yard setback of the district shall apply. When a property line is on a natural waterway, a property line setback shall not be required. c. A swimming pool shall be enclosed by a fence having a height of not less than six (6) feet. d. Outdoor activity shall cease by 11:00 p.m. e. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways. f. Such use shall be permitted only upon written approval of the Health Department to indicate compliance with Health Department swimming pool regulations.	S	S	S	S	S	S	S									
Newsstand.											R	R	R			
Newspaper publishing.											R		R	R	R	R
Newspaper or magazine distribution.														R	R	R
Newspaper or magazine distribution rack.								R	R	R	R	R	R	R	R	R

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Night club, bar, tavern and cocktail lounge when separate from a restaurant.											R	R	R			
Novelty shop.											R	R	R			
Novelty and souvenir manufacture.															R	R
Nursing, convalescent, rest and retirement home.								R								
Nursing school.								R								
Office: professional, business, administrative, executive, and other offices having no storage of stock in trade (other than samples) or heavy equipment, and no sale of commodities on the premises.									R		R	R	R	R	R	R
Offices incidental to a permitted use.	R				R			R	R	R	R	R	R	R	R	R
Office equipment and supplies, manufacture.															R	R
Office equipment and supplies, retail.											R	R	R			
Oil and gas exploration and production activities.																S
Oil well equipment, supplies and machinery.																R
Optical and scientific instrument manufacture.															R	R
Optician.								R			R	R	R			
Orthopedic braces, artificial limbs, orthopedic equipment and supplies, retail.								R			R	R	R			
Outdoor advertising services, including the construction, repair and maintenance of outdoor advertising signs.														R	R	R
Paint and wallpaper store.											R	R	R	R		
Painting and decorating contractor.														R	R	R
Paint, oil, shellac and lacquer manufacture when hoods and fume destructors are used in the cooking process.																R
Paper supplies, wholesale.														R	R	R
Park, public.	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Pawn or loan shop.											R	R	R			
Pet shop, including grooming.											R	R	R			
Petroleum and petroleum products, manufacture, processing or storage provided that all structures or buildings shall be located not less than one hundred (100) feet from any property line and not less than two hundred (200) feet from any property used or intended to be used for residential purposes.																R
Pharmaceutical manufacturing.															R	R
Photoengraving, typesetting, electrotyping and stereotyping.													R	R	R	R
Photographic studio, supplies and/or processing.											R	R	R			
Picture framing and/or mirror silvering.											R	R	R			
Pipe storage.																R
Pistol or rifle range.	S															S
Pistol or rifle range located wholly within an enclosed building.													S			
Plant nursery provided that no retail sales are made on the premises.	R															
Plant shop.											R	R	R			
Plastic fabrication.															R	R
Plastic products manufacture with dust and fume control.																R
Plumbing shop or contractor.													R	R	R	R
Police station or substation, including Highway Patrol.	S								S		R	R	R	R	R	R
Post office.	S										R	R	R			
Pottery shop.											R	R	R			
Pottery manufacture with dust, odor and fume control.																R
Poultry (live) raising, storage and/or dressing.																
Pre-fabricated home sales.													R	R		

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Printing, blueprinting, bookbinding, photostatting, lithography and publishing establishment.														R	R	R
Print shop of not more than fifteen hundred (1,500) square feet.											R	R	R			
Radio and television broadcasting stations.	S										R	R	R	R	R	R
Radio and television sales, service and repair store.											R	R	R			
Railroad car classification yard.																R
Railroad station.											R		R	R	R	R
Recreational vehicle park subject to the provisions of Article V, Section 512.	S												S	S		
Reducing, exercise, karate, gymnastic or other body fitness type salon.										S	R	R	R			
Religious meeting, temporary for a period not to exceed fourteen (14) days and tents shall be allowed after approval by the Zoning Administrator and the Fire Chief.	S												S	S	S	S
Rental of heavy equipment.														R	R	R
Rental of small items.											R	R	R	R		
Repair shop for repairs or adjustments to bicycles, small appliances, watches, locks, musical instruments, guns, and similar items.										S	R	R	R	R	R	R
Restaurant; drive-in.												R	R	R	R	R
Restaurant, excluding drive-in restaurant.										R	R	R	R	R	R	R
Restaurant supply sales													R	R		
Riding stable or academy, provided: a. Such stable shall be established on a lot having an area of not less than ten (10) acres. b. Any structure shall be located at least two hundred (200) feet from any property line. c. All animals shall be maintained at least one hundred (100) feet from any property line.	R															S
Roofing and sheet metal shop or contractor.														R	R	R
Rug and/or drapery cleaning service.														R	R	R
Sand and gravel storage yard.	S															R
Sawmill or planning mill.																R
Sawmill, temporary or portable	S															
Schools, for grades one to twelve inclusive and no other, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama.	S	S	S	S	S				S							
Seafood store, retail.											R	R	R			
Sewage disposal / treatment plant the design and operation of which meets all City, County and State approvals.																S
Shoe repair shop.										R	R	R	R			
Shoe store, retail.											R	R	R			
Shopping center limited to the uses permitted in the district in which the shopping center is located.												R	R			
Sign manufacture.																R
Sign shop.														R	R	R
Skating rink.													R	R		
Sporting goods store.											R	R	R			
Stamp sales.											R	R	R			
Stationary store.											R	R	R			
Stockyard.																S
Stone monument sales, retail; may include cutting and processing merchandise sold at retail.														R	R	R

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Storage tanks for gasoline, oil, heating fuel or volatile liquid, provided: a. There is no extraction or processing on the premises. b. Tanks shall not contain more than one thousand (1,000) gallons unless the tank is completely below ground.													R	R	R	R
Storage tanks for gasoline, oil, heating fuel or volatile liquid, provided there is no extraction or processing on the premises.																R
Storage yards.																R
Summer camps.	S															
Surgical or dental supplies manufacture.															R	R
Surgical or dental supplies retail.											R	R	R			
Tailor shop.										R	R	R	R			
Tattoo parlor												S	R			
Taxi stands and dispatching station.											R	R	R	R	R	R
Taxi terminal; storage and repair of vehicles.														R	R	R
Taxidermy shop.													R	R		
Teen club or youth center.	S									S	R	R	R			
Telephone answering service.											R	R	R			
Telephone exchange.											R	R	R	R	R	R
Temporary uses, including the sale of Christmas trees, seasonal fruit and vegetables from roadside stands, ice cream and similar uses upon approval of the Board of Adjustment, for a period to be set by the Board of Adjustment but not to exceed sixty (60) days in any calendar year. When the temporary use is not in operation, the structure, stand or vehicle housing the temporary use shall not be left on the property. The Board of Adjustment may require additional conditions considered necessary to insure that a temporary use is not detrimental to the area of its location.	S									S	S	S	S	S		
Textile manufacture with dust and odor control.															R	R
Theater, indoor.											R	R	R			
Theater, outdoor / drive-in.														R	R	R
Tire recapping and re-treading.														R	R	R
Toy store.											R	R	R			
Trade or vocational school or college.													R	R	R	R
Transit vehicle storage and servicing.														R	R	R
Truck terminal.														R	R	R
Union hall.									R		R	R	R	R	R	R
Upholstery shop.													R	R	R	
Utility company storage or maintenance facility.														R	R	R
Utility substation essential for electrical service, provided: a. The structure(s) are located not less than fifty (50) feet from any property line; b. The structure(s) are enclosed by a fence or wall at least eight (8) feet high; c. The premises are not used for vehicle or equipment storage; and d. The lot is suitably landscaped, including a buffer strip at least ten (10) feet wide along side and rear property lines.	S	S	S	S	S	S	S	S	S	S	S	S	R	R	R	R
Utility substation essential for gas, water, sewage or telephone service, provided the premises are not used for vehicle or equipment storage.	S	S	S	S	S	S	S	S	S	S	S	S	R	R	R	R
Variety store.											R	R	R			
Veterinary service.													R	R		
Video rental										R	R	R	R			
Vocational or trade school.													R	R	R	R

	USE DISTRICTS															
SECTION 302.4 TABLE OF USES	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**M**	**O-I**	**B-1**	**B-2**	**B-3**	**B-4**	**BLI**	**I-1**	**I-2**
Warehousing and storage facilities.													R	R	R	R
Waste, solid or recycling company, office and truck storage.																R
Waste, solid or recycling transfer station.																R
Watershed reservation areas and reservoirs.	S															
Welding shop.															R	R
Well drilling company.																R
Wholesaling or distribution.													R	R	R	R
Wholesale sales offices.													R	R	R	R
Woodworking and planing mill with dust and noise control.																R
Wood preserving by creosote or other impregnation treatment.																R

Section 303 MHP MANUFACTURED HOME PARK DISTRICT

The purpose and intent of the MHP Manufactured Home Park District is to provide appropriate locations for the establishment of manufactured home parks within which space may be leased or rented. An application for Manufactured Home Park District zoning shall require a site plan as specified in Section 303.5. Any space or lots to be sold shall require a different zoning district classification that permits manufactured homes and shall meet all requirements of the Subdivision Regulations of the City of Demopolis.

303.1 DEFINITIONS

A. Manufactured Home. A structure built and/or fabricated in an off-site manufacturing facility for installation at the building site, that is transportable on wheels in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et. seq.), which first became effective on June 15, 1976.

B. Manufactured Home Space. Land within a manufactured home park that has been designated for the placement of one single or multi-sectional manufactured home for the exclusive use of its occupants.

C. Manufactured Home Park. A parcel of land that has been developed in accordance with the provisions of this Ordinance and divided into spaces for the placement of manufactured homes for residences.

D. Manufactured Home Stand. The part of an individual manufactured home space that has been reserved for the placement of the manufactured home, appurtenant structures or additions.

E. Recreational Vehicle. A vehicular unit mounted on wheels and designed to provide temporary living quarters for recreational, camping or travel use and of such size and weight as to not require special highway movement permits when drawn by a motorized vehicle.

F. Seal. A device, label or insignia issued by the U. S. Department of Housing and Urban Development, to be displayed on the exterior of the manufactured home to evidence compliance with applicable codes.

303.2 PERMITTED USES

Within a MHP Manufactured Home Park District no building, structure, land or premise shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses.

A. Manufactured Home Park.

B. Manufactured Home Park Office.

C. Recreation Buildings and Playground.

D. Service facilities for the exclusive use of manufactured home park residents including self-service laundry.

E. Structures and uses required for the operation of a public utility or the operation or maintenance of the manufactured home park.

F. One identification sign not exceeding twelve (12) square feet containing thereon only the name and address of the manufactured home park. Said sign may be lighted by indirect light only.

G. Traffic control signs.

H. One accessory storage building per manufactured home space is permitted. Said storage building shall meet all of the requirements of Section 303.4 U of the Article.

303.3 GENERAL

A. In manufactured home parks, recreational vehicles shall not be occupied as living quarters and manufactured home sales lots shall not be permitted, but manufactured homes may be sold on manufactured home parks spaces they occupy while in residential use.

B. Prior to the placement of a manufactured home in a manufactured home park, a permit shall be obtained from the Building Official, subject to compliance with all provisions of this Ordinance.

C. Manufactured home units that do not bear a seal as defined in Section 303.1, Paragraphs A and F shall not be permitted within a manufactured home park within the City of Demopolis.

303.4 SITE STANDARDS

The following site standards shall apply for all manufactured home parks hereinafter established or altered.

A. Land Area Requirements. The minimum area for any manufactured home park shall be five (5) acres.

B. Site Dimensions and Setbacks. The following standards for each manufactured home space shall apply for all manufactured home parks hereinafter established or altered.

(1) Each individual manufactured home space shall have a minimum area of four thousand (4,000) square feet with a width of not less than forty (40) feet. Manufactured home space to be occupied by a double-wide or multi-section manufactured home shall have a minimum area of five thousand (5,000) square feet with a width of not less than fifty (50) feet.

(2) Manufactured homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between manufactured homes or any attachments thereto or any building within the park.

(3) The minimum front, side, and rear yard setback for each manufactured home space within the manufactured home park shall be as follows:

Front	Rear	Side
20 feet	15 feet	10 feet

C. Peripheral Buffer Area. A buffer area twenty-five (25) feet wide shall be located along all manufactured home park property lines not bordering a public street. Ten (10) feet of the buffer area shall be landscaped and planted with vegetation in accord with the definition of buffer strip contained in Article XV of this Ordinance. No building or structure of any kind shall be erected or maintained in the required buffer area.

D. Minimum Frontage. All manufactured home parks shall have a minimum frontage of fifty (50) feet on a dedicated public street. The yard setback for all parts of the manufactured home park that abuts a public street shall be thirty-five (35) feet.

E. Internal Roadways. All interior manufactured home spaces shall abut upon an internal roadway having a paved surface not less than twenty (20) feet in width. The internal roadway shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty (60) feet. No internal roadway ending in a cul-de-sac shall exceed four hundred (400) feet in length. Such roadways shall be hard surfaced and shall meet the design standards and construction specifications for residential streets required by the Demopolis Subdivision Regulations. A concrete lay-down curb or acceptable substitute shall be used as approved by the Building Official. Internal roadways and parking areas shall be maintained free of cracks, holes and other hazards at the expense of the operator/manager of the manufactured home park. All roadways shall be numbered or named.

F. Future Rights-of-Way. The applicant/developer of a manufactured home park should be aware that any future development or subdividing of the parcel on which the manufactured home park is located will require rights-of-way widths as provided for by the Demopolis Subdivision Regulations. Therefore, future access through the manufactured home park could require redevelopment that might eliminate spaces or otherwise decrease the functional use of the site.

G. Height. The height of any manufactured home, building or structure shall not be greater than thirty-five (35) feet. The height of the manufactured home frame above the ground elevation, measured at 90° to the frame, shall not be greater than three (3) feet.

H. Required Stand. Each manufactured home space shall contain a cement or asphalt stand upon which the manufactured home will be situated.

I. Common Recreation Area. Not less than ten percent (10%) of the gross land area of the manufactured home park shall be devoted to common recreational areas and facilities. Such open space shall be separate and aside from the open space required and provided on each manufactured home space or by public road setback requirements. Said open space shall be grassed and/or landscaped or otherwise designed and made available for recreational use and shall be maintained in a usable and sanitary condition. Such areas shall be consolidated into usable, central areas with minimum dimensions of not less than thirty (30) feet in any direction.

J. Deck or Patio Requirements. Each Manufactured home space shall be provided with a deck or paved patio of at least one hundred fifty (150) square feet. No horizontal dimension of the deck or paved patio shall be less than eight (8) feet. Patios shall be surfaced with concrete, asphalt or other approved hard surface. Required parking areas shall not be considered to meet the requirements for a deck or patio.

K. Off-Street Parking. There shall be two (2) paved, all weather off-street parking spaces for each manufactured home space; two (2) spaces for the park office; one (1) space for every two (2) washing machines in a self-service laundry facility. All off-street parking shall have direct access to an interior street within the manufactured home park and there shall be no driveway access to an exterior street.

L. Water and Sanitary Sewer Requirements. The entire area of the manufactured home park shall be adequately served by water and sanitary sewer facilities. Each manufactured home shall be connected to the municipal water system and to the municipal sewage disposal system, if available. The design and specifications of the utility systems shall meet all City specifications and shall be approved by the City of Demopolis. If a municipal system is not available, then a private central system shall be required until such time as the municipal system(s) become

M. Electrical Facilities. All electric lines leading to each manufactured home space shall be designed, constructed and maintained in compliance with the National Electrical Code (NFPA 70). When separate meters are installed, each meter shall be located on a standard post on the lot line of each manufactured home space. Wiring shall comply with applicable local and state electrical codes.

N. Lighting. All streets and public driveways within the manufactured home park shall be lighted at night with electric lamps in a manner approved by the City of Demopolis. All electric and telephone lines shall be placed underground unless waived during the zoning approval process.

O. Drainage. The ground surface in all parts of a manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of planned drainage facilities shall be verified by a licensed professional engineer.

P. Soil and Ground Cover. Exposed ground surfaces in all parts of every manufactured home park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.

Q. Skirting. The installation of skirting shall be required for all manufactured homes in the manufactured home park. Installation shall be in accordance with the manufacturer's installation instructions. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting.

R. Tie-Downs. Each manufactured home shall have tie-downs, anchoring or other devices securing the stability of the manufactured home. The installation of tie-downs or anchoring shall be in conformance with Title 24, Section 24-5-32 of the Code of Alabama.

S. Permanent Additions. No permanent additions of any kind shall be built onto, or become a part of any manufactured or mobile home; provided, however, that his provision shall not be construed to prohibit the addition of a patio cover or carport cover if same is not permanently attached to the ground. Such patio covers or carport covers shall be similar in appearance and design to the manufactured or mobile home.

T. Storage Underneath Manufactured Home. There shall be no storage of any kind underneath any manufactured home.

U. Design and Location of Storage Facilities. One (1) storage building per manufactured home may be located on the rear of the manufactured home space, provided the storage building shall be set back at least three (3) feet from the boundary lines of the space; shall not be located within six (6) feet of any manufactured home; shall not exceed eighty (80) square feet in size; and shall be used only for storage space by the occupants of the manufactured home park. Storage buildings shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry porcelain steel, baked enameled steel or other material equal in fire resistance, durability and appearance, or of an equal material approved by the Building Official.

V. Fire Protection. The manufactured home area and the manufactured home situated thereon and structures and improvements constructed thereon shall be subject to the ordinances, requirements and policies of the City of Demopolis pertaining to fire protection

W. Fencing. Fences, if provided, on individual manufactured home sites shall be uniform in height; shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to provide fire fighting personnel access to all sides of each manufactured home.

X. Trash Disposal. Trash disposal within the manufactured home park shall meet all standards and policies for such disposal of the City of Demopolis.

303.5 MANUFACTURED HOME PARK SITE PLAN APPROVAL

An application for MHP Manufactured Home Park zoning shall be accompanied by six (6) copies of a site plan which, if approved, shall become a requirement of the zoning district. No building permit shall be issued for construction of any part of the manufactured home park unless the proposed development is in accord with the approved site plan.

A. The site plan shall be drawn to a suitable scale not smaller than one-inch equals one hundred (100) feet and shall show the following information:

(1) Scale, north arrow, location, total site acreage and acres to be developed, proposed title of the park, vicinity map showing the location of the project in relation to the surrounding community, and legal description of the proposed Manufactured Home Park.

(2) The name of the owner and the designer (architect, engineer, or landscape architect) of the proposed manufactured park development.

(3) Existing zoning of the project site and the zoning of adjacent land.

(4) The boundaries of the property involved including the location of all existing easements, section lines, and property lines, existing streets, buildings, approximate location of all utilities on or near the project site and other physical features in or adjoining the project site.

(5) Names and addresses of all adjacent landowners.

(6) The proposed use of all building or structures and the proposed number, location, and dimensions of all manufactured home spaces along with a typical layout of a manufactured home space showing landscaping, location and type of stand, patio, walkways, parking area, curb and gutter location, storage building, if any, and other improvements.

(7) The location and dimensions of proposed points of entry and exit for vehicles, roadways, parking facilities and walkways, location and width of proposed right-of-ways and easements, the location of proposed buffer areas and landscaping, location and dimensions of proposed recreational areas.

(8) The location of all utilities and a description of their availability and capability to serve the proposed development.

(9) All other significant information required by Section 4.4 of this Ordinance, and any other information which would assist in the Planning Commission's review of the request for MHP District zoning.

Section 304 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

The purpose of planned unit development (PUD) regulations is to permit the flexible development of land development projects that are comprehensively planned as an entity with a functional site plan which permits flexibility in building placement on the site, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features. Such flexibility must be part of an approved plan for a planned unit development to which conditions may be attached to safeguard the public health, safety, morals and general welfare. These planned unit development regulations are designed to encourage the best possible site plans and building arrangements under a unified plan of development.

The intent is not to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning and to assure a more desirable environment.

304.1 DEFINITIONS

A. Applicant. The owner of land proposed for a planned development or a designated representative.

B. Common Area. An area within a development designated and intended for the use and enjoyment of all residents or occupants of a development and under common ownership and control.

C. Developer. The owner of land proposed to be subdivided or a designated representative.

D. Planned Unit Development. A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development stages according to an officially approved final plan which does not necessarily correspond to the use regulations and areas and dimensional requirements of other articles of this Ordinance.

304.2 USES PERMITTED

A. Uses. A PUD District may include any mixture of uses permitted by right or special exception by this Ordinance subject to any conditions that may be imposed by the Planning Commission and City Council during the required Development Plan review process.

B. Signs. Signs shall be permitted based on development criteria submitted with the PUD application. If the application does not contain sufficient information upon which to base sign approval, then the most stringent sign provisions of this Ordinance shall apply.

304.3 GENERAL REGULATIONS AND GUIDELINES

A. Contiguous Land Area. The minimum required land area for a PUD shall be two (2) contiguous acres.

B. Dimensional Requirements. The area and dimensional requirements of Section 303 of this Ordinance should serve as a guide in plan formulation; however, area and dimensional requirements may be waived or lessened to permit the clustering or concentration of uses in planned locations that take advantage of natural features or innovative development schemes. In reviewing the Development Plan required by Section 1104 of this Ordinance, the Planning Commission may recommend to waive the dimensional requirements of the various zoning districts or to impose more restrictive regulations and/or conditions for consideration and approval of the Demopolis City Council. Density may be regulated in terms of dwelling units per acre, maximum building coverage and maximum gross floor area, the projects relationship to surrounding development, planned patterns for future development, environmental conditions and capacities of existing streets, utilities and community facilities.

C. Property Development Standards. Property development standards shall be determined by the City Council after receiving recommendations from the Planning Commission as in other zoning amendments. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features. The development shall not adversely affect developed or undeveloped neighboring properties. Water, sewerage, highway and other facilities shall be adequate for the proposed development or there shall be a definite proposal for making them so. Depending upon the intensity of development proposed, and proposed uses, the Planning Commission and City Council may impose conditions regarding layout, circulation, access points, buffering, landscaping, signage and other physical improvements considered

necessary for the protection and promotion of the public health, safety, morals and welfare of the City of Demopolis.

D. Other Pertinent Regulations. All pertinent regulations specified elsewhere in this Ordinance that may be applicable, including minimum parking requirements, shall be in force except where specifically addressed in this Article.

304.4 DEVELOPMENT PLAN

The approval of PUD zoning requires the submission of a Development Plan which shall consist of the various information, plans and documents requested at each of the steps in the PUD approval process.

304.5 PROCEDURE AND APPROVAL

A. Pre-application Conference. Prior to the submission of a formal application for Planned Unit Development (PUD) zoning, the applicant is encouraged to schedule a pre-application conference with the Building Official to gain an understanding of the PUD approval process and the Development Plan submission requirements at each stage of the approval process.

B. Application. The applicant shall submit an application for a PUD zoning to the Planning Commission accompanied by a Sketch Development Plan and attendant documents and information as required by Section 1106.4 of this Ordinance. After the Pre-hearing Conference required by Section 1105.3 of this Ordinance has been held to review the Sketch Development Plan, the applicant shall submit a Development Plan as required by Section 1106.5 of this Ordinance.

C. Prehearing Conference. The Planning Commission shall within forty-five (45) days after official acceptance of an application for PUD zoning schedule a Pre-hearing Conference to review the Proposed Sketch Development Plan.

The purpose of such Pre-hearing Conference is to assist the applicant in bringing the planned unit development application and Proposed Development Plan as nearly as possible into conformity with the intent of these and other applicant regulations and to define those areas where justifiable deviations from the application of these regulations is suggested by the Proposed Development Plan. Prior to the pre-hearing conference, all affected City staff, consultants, agencies and utilities will have been given opportunities to review the Proposed Sketch Development Plan and to be represented at the Pre-hearing Conference.

All recommendations and requests for change from the Proposed Sketch Development Plan by either government, utilities or the applicant shall be committed to writing and made a part of the official file for the required PUD zoning.

D. Preparation of Development Plan. After the Pre-hearing Conference with the Planning Commission the applicant shall within ninety (90) days submit a Development Plan which shall contain all of the information and documentation required by Section 1106.5 of this Ordinance. The Development Plan shall from its date of submission be scheduled for a public hearing as a requested rezoning as required under Article XIV of this Ordinance for a zoning amendment. In the preparation of the Development Plan, the applicant shall comply with amendments, revisions, recommendations and conditions requested during the Pre-hearing Conference and with the requirements of this Ordinance and the City's Subdivision Regulations.

E. Platting. The property proposed for a planned unit development shall be platted in accordance with the City's Subdivision Regulations or provisions of this Article if there be irreconcilable conflict. The PUD zoning must be approved by the City Council prior to or simultaneously with the preliminary approval of a subdivision plat. In the event that the property has been platted

prior to preparation of a plan of development, re-platting may be required to ensure the compatibility of the plat with the approved PUD zoning.

F. Approval. For PUD, the approval process shall comply with procedures set forth in Article XIV of this Ordinance for a zoning amendment. Such approval process shall be initiated promptly after submission of a Development Plan by the applicant by taking appropriate steps to place the request for PUD zoning on the Planning Commission's agenda.

After holding a public hearing on the planned unit development, the Planning Commission shall prepare a report on the planned unit development and forward it to the City Council along with copies of the Development Plan and related documents.

Upon receipt of the Planning Commission's Report, the Development Plan and related documents, the City Council will proceed with its public hearing as required under Article XIV of this Ordinance and take appropriate actions to approve, amend or disapprove the PUD zoning request.

G. Certification. Following approval by the City Council of the Development Plan, it shall be stamped as a PUD and be signed and dated by the Chairman of the Planning Commission, and the City Council approval shall be certified by the City Clerk. One copy of the approved plan shall be submitted to the Building Official for use in issuing building permits. In addition, other copies of the approved plan shall be supplied as directed by the City Council to other departments and agencies.

H. Final Development Plan. Prior to the removal of natural vegetation, the restructuring of the land, the construction of any improvements or the issuance of a building permit, a Final Development Plan shall be submitted to and approved by the Demopolis Planning Commission. The Final Development Plan may be for all or phase of the development proposed under the approved PUD. Any deviation in the Final Development Plan from the approved Development Plan submitted for the PUD zoning shall require re-submittal of the Development Plan as an application for zoning amendment.

(1) The Final Development Plan shall contain all of the information and documentation required by Section 1106.3 of this Ordinance.

(2) The Planning Commission shall transmit a copy of the Final Development Plan to such officials and agencies it may deem appropriate for review, report and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the Final Development Plan, furnish to the Planning Commission a report pertinent to their respective jurisdiction and concerns.

(3) The Planning Commission shall review and vote on the Final Development Plan within forty-five (45) days following the applicant’s submission of the Final Development Plan to the Planning Commission. If disapproved, the Planning Commission shall prepare a written report stating clearly the reasons and justification for disapproval and identify what changes are required for approval.

(4) When the Final Development Plan has been approved by the Planning Commission, the Planning Commission shall so certify on the record copy of the approved Final Development Plan and maintain said certified copy in the records of the Planning Commission.

(5) The approved Final Development Plan is not a subdivision plat. The Demopolis Subdivision Regulations shall be enforced with regard to the subdivision of land and the dedication of public improvements.

304.6 DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

In reviewing the required Development Plan at each stage (sketch, preliminary and final) of the approval process, the applicant for PUD zoning should be aware that the Planning Commission and City Council will be concerned about the following planning objectives, among others:

- compatibility of the proposed project with the existing and potential development of surrounding land;
- adequacy of existing and proposed utilities and other public facilities to serve the proposed development;
- nature, design and appropriateness of the proposed land use arrangement for the property involved;
- capability of the proposed project to accommodate vehicular and pedestrian traffic and provide safe and efficient access to the site from streets capable of supporting existing and projected traffic; and
- extent to which scenic assets and natural features such as trees, streams and topographic features are protected and preserved and to which open space is provided.

A. Sketch Development Plan Submission Requirements. The Sketch Development Plan shall include a site plan and other documentation which provides the following:

(1) The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow and date.

(2) Vicinity map showing the location of the project in relation to the surrounding community.

(3) The use of the property adjacent to the site.

(4) The delineation of proposed land use by specific category of use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; the proposed height of structures; and anticipated building coverage and gross floor space for multi-family, commercial and industrial uses.

(5) The proposed access to the project site and traffic circulation within the project area.

(6) A proposed development schedule for the project.

(7) The location of proposed buffers, open space and commonly owned facilities.

(8) The development shall be located in an area for which public utilities and facilities are available and adequate for the proposed land uses. However, the applicant may provide such facilities which are not presently available, and written assurance of how such utilities and facilities will be provided shall be included as part of the sketch development plan.

(9) A written statement containing the following information:

a. An explanation of the character of the planned unit development including characteristics and/or features that would justify modifications of the district regulations set forth in this Ordinance.

b. A statement of the present ownership of all land included within the proposed planned unit development.

c. The substance of proposed covenants and restrictions to be imposed on the use of land.

d. A statement of how common open spaces or facilities will be owned and the method of financing their development and maintenance.

(10) Other information that would assist in clarifying the nature of the proposed planned unit development.

B. Development Plan. The Development Plan shall include a site plan and documentation which provides the following:

(1) A site plan at a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the site plan. The site plan shall include more than one drawing where required for clarity. The site plan shall include at a minimum the following:

a. The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow and date.

b. Vicinity map showing the location of the project in relation to the surrounding community.

c. The boundaries of the property involved, the general location of all existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project.

d. Names and addresses of all adjacent land owners.

e. The location and use of structures adjacent to the project site.

f. The delineation of proposed land use by specific category of land use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; and building coverage and gross floor space for multi-family, institutional, commercial and industrial uses.

g. The location and dimensions of streets, driveways and walkways on and adjacent to the project site.

h. The proposed location, gross floor area and height of all structures.

i. The location, area and number of parking spaces and maneuvering areas.

j. The location and dimensions of all loading spaces.

k. The location, size and character of all exterior signs and lighting.

l. The location and dimensions of proposed lots.

m. The location, character and extent of existing vegetation, proposed landscaping, retaining and screen walls and other treatment for the protection of adjoining property.

n. The location, layout, dimensions and use of all open space, common space and common facilities.

o. Location and character of all public improvements including utilities.

p. Location of all entrances to the site.

(2) A legal description of the subject property.

(3) The plan for treating environmentally sensitive land located in the project site (areas of flooding, severe slope, woodlands, wetlands, streams, lakes and ponds.

(4) A proposed development schedule indicating the approximate date when construction of the development, or stages thereof, can be expected to begin and be completed.

(5) If required by the Planning Commission or City Council, a comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer.

(6) A copy of any deed restrictions or covenants to be recorded.

(7) The method of ownership for any common open spaces or facilities including the plan for financing their development and maintenance.

C. The type of organization for any proposed property owners association including its duties and responsibilities.

D. A fire protection plan, approved by the Demopolis Fire Department, indicating the location of all proposed fire hydrants, fire access lanes and a description of all fire protection measures and devices for structures.

E. The public improvements proposed in the Development Plan shall be conform with the design standards and construction specifications of the Demopolis Subdivision Regulations, except where variances are approved by the Planning Commission, and with all other applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required improvements including, but not limited to street, drainage, water supply and sanitary sewer.

(1) Final Development Plan. The Final Development Plan shall provide the following:

a. The plans, information and documentation required by Section 1106.2 for the Development Plan.

b. The construction drawings and specifications required under the Demopolis Subdivision Regulations. Said drawings and specifications are required for all public improvements regardless of whether the proposed development involves the platting of land.

c. Instruments to be used in conveying title (including beneficial ownership) of common areas to a corporation, association or other legal entity including terms for guaranteeing: (1) the continued use of such land for the intended purposes; (2) continuity of property maintenance for those portions of the common area requiring maintenance; (3) when appropriate, the availability of funds required for such maintenance; (4) adequate insurance protection; (5) recovery for loss sustained by casualty or by condemnation; and (6) proof of the financial responsibility of the established entity to maintain the common area.

304.7 DEVIATIONS OR CHANGES IN THE PLAN

To facilitate minor adjustments to the approved Plan as may be required by engineering or other circumstances unforeseen at the time of zoning approval, the Building Official is authorized to approve alterations to the Final Development Plan which are considered incidental in scope.

Changes to the approved Final Development Plan which are considered incidental in scope include:

A. Changes in density, open space, land use or lot size of no more than five (5) percent.

B. Changes in the size of any building or structure by no more than five (5) percent.

C. Changes in the location of any building or structure by no more than five (5) feet in any direction.

D. All other changes in the Final Development Plan must be made under the procedures applicable to the initial approval of the Planned Unit Development District zoning or the Final Development Plan. The Planning Commission reserves the right to require further review, public hearing or complete reapplication regarding any changes, including those listed above, that may substantially alter the concept of the Development as originally approved.

304.8 FAILURE TO START CONSTRUCTION

The construction of the PUD shall be started within three hundred sixty-five (365) consecutive days of the effective date of approval by the City Council. The Planning Commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the applicant (developer), extend the time six (6) additional months if, in the judgment of the Planning Commission, additional time is warranted. In any event, construction must be started within one and one-half (1½) years of the effective date of approval and shall be completed within three (3) years, unless a different period of time is permitted by the City Council. Failure to begin the development within the one (1) year period, or the period as extended, or to complete the development within three (3) years after date of plan approval by the City Council, unless a different period of time is permitted by the City Council, shall automatically void the plan of development, and zoning shall automatically revert to the established zoning districts prior to the establishment of a PUD district. No building permit shall then be issued until the plan or an amended plan has been resubmitted and properly approved following procedures set forth in this Article.

304.9 PUD APPLICATION FEE

The application for PUD zoning shall be accompanied by a filing fee upon the submission of an application for rezoning, upon submission of the Development Plan required by Section 1106.2, and upon submission of each application for Final Development Plan approval as set forth in the City of Demopolis' current fee schedule, a copy of which is available at the office of the City Clerk. No application for PUD zoning, for Development Plan review or for Final Development Plan approvals shall be reviewed unless and until all applicable fees have been paid in full.

304.10 REQUIRED COPIES OF PLANS

The applicant shall provide the City with the following copies at each stage of the PUD approval process.

A. Six (6) copies of the Proposed Sketch Development Plan and attendant documents and information.

B. Six (6) copies of the Development Plan and attendant documents and information.

C. Six (6) copies of the Final Development Plan and attendant documents and information.

Section 305 TABLE OF AREA AND DIMENSIONAL REQUIREMENTS

DISTRICT	MINIMUM LOT AREA (SQ. FT.)	MINIMUM LOT WIDTH FRONT BUILDING LINE (feet)	MINIMUM DISTANCE FROM PROPERTY LINE TO BUILDING LINE (feet)			MAXIMUM STRUCTURE HEIGHT (feet)	MINIMUM LIVING AREA OF DWELLING UNIT (SQ. FT)	MAXIMUM AREA OF GROUND BUILDING COVERAGE
			FRONT	REAR	EACH SIDE			
A-1	43,560(8)	150	35	40	15	35	-	20%
R-1	10,000	70	30	30	10	35	-	25%
R-2	8,000	60	25	30	10(1)	35	-	30%
R-3	6,500 1ST UNIT PLUS 3,000 EACH ADDITIONAL UNIT	50	25	30	5	35	-	40%
R-4	5,000 1ST UNIT PLUS 2,000 EACH ADDITIONAL UNIT	40	20	20	5	35	-	40%
R-5	1,250(3)	18	0	0	0	35	1ST FLOOR 800; TOTAL FLOORS, 1200	-
R-6	4,000	40	20	25	0(7)	35	-	-
MHP	See Section 303 for Area and Dimensional Requirements							
PUD	See Section 304 for Area and Dimensional Requirements							
M	-	-	20	20	0(2)	-	-	-
O-I	-	-	20	20	0(2)	-	-	-
B-1	-	-	20	20	0(2)	35	-	-
B-2	-	-	-	0(3)	0(2)	-	-	-
B-3	-	-	20	20	0(4)	-	-	-
B-4	-	-	20	20	0(4)	-	-	-
B-LI	-	-	AVG. OF EXISTING WITHIN 100	0(3)	0(4)	-	-	-
I-1	-	-	AVG. OF EXISTING WITHIN 100	0(3)	0(4)	-	-	-
I-2	-	-	AVG. OF EXISTING WITHIN 100'	0(3)	0(4)	-	-	-

1. If structure includes a carport, a five (5) foot side yard will be permitted on carport side.

2. If the side lot line adjoins a residential district, there shall be a side yard of not less than eight (8) feet.

3. If the rear lot line adjoins a residential district, there shall be a rear yard of not less than twenty (20) feet.

4. If the side lot line adjoins a residential district, there shall be a side yard of not less than ten (10) feet.

5. Except that there shall be not less than three thousand five hundred (3,500) square feet of land area, including common area, for each townhouse dwelling in the townhouse development.

6. No building shall be located:
   a. Less than twenty (20) feet from any boundary of the townhouse development.
   b. Nearer a dedicated exterior street than thirty (30) feet.
   c. Nearer the back edge of valley gutter, curb, or edge of pavement, whichever is greater, than twelve (12) feet.
   d. Nearer a private drive than ten (10) feet.
   e. Townhouse buildings shall be separated by not less than:
      - Forty (40) feet front to front.
      - Thirty (30) feet front to side.
      - Fifty (50) feet front to back.
      - Forty (40) feet back to back.
      - Thirty (30) feet side to back.
      - Twenty (20) feet side to side.
      - Sixteen (16) feet any other situation.

7. Except that there shall be a building separation of at least ten (10) feet side to side (Outside wall to outside wall); and no building shall be located less than twenty-five (25) feet from any boundary of the R-6 development abutting single-family residential zoning districts.

8. A plot having a minimum area of fifteen thousand (15,000) square feet and a minimum width of one hundred (100) feet, and platted as a single lot or acquired by the present owner prior to the effective date of this Ordinance, may be utilized for a single-family dwelling .

ARTICLE IV. GENERAL REGULATIONS

Section 401 GENERAL USE REQUIREMENTS

Except as otherwise provided in this Ordinance:

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

401.2 No land or structure shall be used except for a purpose permitted in the district in which it is located.

401.3 No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and height regulations of the district in which the building is located.

401.4 The minimum building lines, parking spaces, open spaces, and lot areas, required by this Ordinance for each existing building or for any building hereafter erected, shall not be encroached upon nor reduced.

401.5 No lot, even though it may consist of one (1) or more adjacent lots of record shall be reduced below the minimum size required by this Ordinance. This section shall not apply when a portion of a lot is acquired for public purposes.

401.6 No sham conveyances or agreements shall be made between property owners for the purpose of evading any provision of this Ordinance and such conveyances or agreements shall be unlawful and shall not make lawful what would otherwise be a violation of this Ordinance.

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

Section 402 ONE PRINCIPAL BUILDING ON LOT

Every principal building or structure hereafter erected shall be located on one lot, tract or parcel as defined herein. However, lots or parcels occupied by apartments, commercial, office, industrial, and institutional uses may have more than one (1) principal building on one (1) lot, where multiple buildings and the land are owned by one entity, except as specified otherwise by the regulations of the district in which the use is located.

Section 403 LOT OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on a single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area, or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 404 CORNER LOTS

For any lot platted or re-platted after the effective date of this Ordinance that is adjacent to the intersection of two (2) public streets, each yard abutting a public street shall be considered a front yard and shall meet the front yard setback requirements for that particular district. Furthermore, corner lots shall also have one (1) side yard and one (1) rear yard that will meet those setbacks for the particular district. The rear yard shall be defined at the time a building permit is issued.

Section 405 CORNER VISIBILITY

On lots at intersections and at railroad crossings, no structure or planting which materially obstructs traffic visibility shall be permitted or maintained between the height of two (2) feet and ten (10) feet above the finished street grade, within a triangular space bounded by the two intersecting right-of-way lines of streets or of streets and railroads and a straight line connecting the right-of-way lines twenty (20) feet from their intersection.

Section 406 THROUGH LOTS

On lots having frontage on two streets, the required front yard shall be provided on each frontage street.

Section 407 STREET FRONTAGE

No residential building shall hereafter be erected on a lot which does not abut or have immediate frontage on a publicly dedicated, publicly approved, or publicly maintained street for a distance of twenty-five (25) feet.

Section 408 ABANDONED RIGHT-OF-WAY

Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Demopolis, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

ARTICLE V. SUPPLEMENTAL REGULATIONS

Section 501 ACCESSORY USES OF STRUCTURES

Accessory uses or structures shall be permitted only in rear yards, except as otherwise provided in this Ordinance and no separate accessory building shall be erected within seven (7) feet of any other building except in industrial or commercial zones.

501.1 *Yards:* Detached accessory buildings shall maintain a side or rear yard of not less than five (5) feet. For corner lots, an accessory building or structure shall set back from the side street a distance not less than the front yard set back requirement for the district in which it is located.

501.2 *Maximum building height:* Detached accessory buildings shall not exceed twelve (12) feet in height except on appeal.

501.3 *Maximum building coverage:* None specified, only that the principal building together with accessory buildings must comply with the requirements applicable to maximum area of ground building coverage specified in Section 303 of this Ordinance.

501.4 No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.

Section 502 FENCES, WALLS AND HEDGES

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard in a residential district shall be over four and one-half (4½) feet in height and along the side or rear yards shall be over eight (8) feet in height except as required for a retaining wall or where authorized by the Board of Adjustment. In the case of corner lots, the provisions of Section 405 shall restrict the location of fences, walls and hedges.

Section 503 TEMPORARY CONSTRUCTION STRUCTURES

Temporary structures and building material storage for uses incidental to construction work may be permitted in any district during the period that construction work is in progress but shall not be placed or stored on any lot or parcel of land or public right-of-way before appropriate building permits have been approved and issued by the City of Demopolis. Such temporary structures or building materials shall be removed upon completion or abandonment of the construction work.

Section 504 STORAGE

The storage of gasoline or other similar combustible material is specifically prohibited in any residential or commercial district.

Section 505 EXCAVATION AND EXPLORATION

No excavation shall be made of earth, sand, gravel, shells, topsoil or of any land for any purpose, building or otherwise without application first being made for the issuance of a certificate of occupancy and compliance, nor shall the grade of any property be raised higher than that of adjoining property or of any street without provision being made by the applicant to provide proper drainage and in accordance with the requirements of the Department of Public Works of the City of Demopolis. The excavating of land or any change in the grade of land shall be a change in use within the meaning of this Ordinance.

Exploration and/or extraction of oil and gas are specifically prohibited in all zoning districts except the I-2 Heavy Industrial District where such use may be permitted as a special exception upon approval of the Board of Adjustment.

Section 506 INUNDATED AREAS

All areas within the corporate limits of the City of Demopolis, which are under water and not shown as included within any district shall be subject to all regulations of the district adjacent to the water area.

Section 507 AREAS SUBJECT TO INUNDATION

Certain areas within the corporate limits of the City of Demopolis are subject to periodic inundation due to a potential fifty-year flood. The flood elevation is predicted by the U.S. Corps of Engineers' Special Flood Hazard Report. The fifty-year flood elevation is ninety-four (94) feet above mean sea level; the areas below this flood elevation should be designated as a floodway district and the nature of urban uses permitted shall be limited to open space development, recreational development, off-street parking facilities and fairground facilities. The disposal of waste and refuse by either dumping or sanitary landfill methods are prohibited in these areas.

Section 508 MINIMUM LANDSCAPE REQUIREMENTS

Purpose of this section is to protect and enhance the ecological and aesthetic environments of the City of Demopolis; provide shade and natural cooling; control the erosion of soil and storm water runoff; provide enhanced buffers; protect adjacent land and uses from noise and glare; encourage the most appropriate use of land and responsible land ethic; and contribute to property values.

508.1 Application of Section.

A. Landscaping requirements as set forth in Article V, Section 508 of this Ordinance shall become applicable to each building site at the time an application for each building permit is made in the R-4, R-5, M, O-I, B-1, B-2, B-3, B-4, B-LI, I-1, I-2 and PUD zoning districts; and to each commercial site where the owner/developer undertakes a project that increases the square footage of the building by a cumulative total of twenty-five (25) percent or more. In some cases, if the City's Horticulturist determines that the planting space is too small to accommodate the required plantings, the owner can propose to purchase the trees and the City may plant and maintain them on public right-of-way, adjacent to the owner's property.

B. The City of Demopolis Horticulturist will be available to assist in the design phases of the project and to review initial and final plans.

C. All landscape installation must be completed before the development is opened to the public. The City Horticulturist must be notified to give compliance or noncompliance to landscaped areas before opening. The City Horticulturist shall give a decision of compliance or noncompliance within seven (7) working days.

508.2 Definitions

A. Native Tree – a tree that has a DBH of at least twelve (12) inches and is an oak, hickory, sycamore, pine, poplar, elm, maple, magnolia, cypress, cedar, pecan, ash, or a newly planted tree on a development site.

B. Small Shade Tree – a medium size tree of thirty (30) to forty (40) feet at maturity.

C. Large Shade Tree – large trees that grow over small shade trees and have a height of fifty (50) feet or more at maturity.

D. DBH – Diameter at Breast Height – this is the measurement of the width of the trunk four and one half (4 ½) feet above existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.

E. Drip Line – the circumference of the tree's natural unaltered canopy extended vertically to the ground.

F. Barrier – a physical structure limiting access to a protected area.

G. Public Tree – a tree located on city property or any tree owned by the City of Demopolis, Alabama. This includes city right-of-ways.

H. Caliper – this is the measurement of the width of the trunk six (6) inches above existing grade.

I. Tree Credits – means of giving credit for existing trees that would have to be planted, if existing trees could not be saved and protected as stated in this Ordinance.

J. Removing a Tree – to relocate, cut down, poison, or in any other manner destroy or cause to be destroyed, a tree as defined in this Ordinance.

K. Prompt Replacement – to replace within a thirty (30) day time period.

L. Landscape Materials – growing vegetation, such as, grass, flowering beds, shrubbery, trees, ground cover, etc.

M. Construction Area – includes the building site and all areas used by construction vehicles, to store materials, or other items pertaining to construction.

508.3 Landscape Plan Approval. A landscape plan shall be submitted for approval by the City Horticulturist at the time that an application for a Building Permit is made on any land where the landscaping requirements of this Section are applicable. The landscape plan shall include:

A. Date, scale, north arrow, title, and name of owner.

B. Approximate location of existing boundary lines and dimensions of the building site.

C. Location, species, and size of existing trees and other vegetation applicant proposes to remain on site and have made part of the landscape development. This does not apply to masses of trees outside of the construction area.

D. The approximate center line of all existing water-courses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed utility easements on or adjacent to the building site, and existing and proposed sidewalks adjacent to streets.

E. The location and size of proposed landscape areas, in square feet.

F. The location, number, size, and name of proposed landscape material.

G. Statistics verifying that the minimum percentage of landscape required under this Section will be met.

H. The locations, species, and DBH of existing native trees indicating those to be retained, and those native trees to be removed, and whether they are to be counted as part of the landscaping requirements. The location and dimensions of the proposed landscape areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscape area.

I. An indication, using written or graphic information, of how the applicant plans to protect from damage existing trees and other vegetation which are proposed to be retained during construction.

J. The proposed irrigation type and design, if required.

K. Installation process for all landscaped material.

L. Certification that the landscape plan has been prepared or reviewed by one of the following: a registered landscape architect, profession engineer, architect, landscape designer, full time builder designer, a qualified nurseryman, the County Agent, or any Governmental Agency with horticulture experience, and that it satisfies all purposes, objectives, and requirements of this Section.

M. Flagging and barrier system as covered in Section 508.4 H.

N. Permanent utility facility locations.

508.4 Landscaping Requirements

A. Landscaping Percentage Requirements

With the exception of industrial sites, any building site meeting the requirements of this section shall be landscaped. Landscaping materials shall cover twelve (12) percent of the total building site as determined first by calculating the square footage of the unimproved site, then subtracting the total square footage of the building area, which is defined as the total square footage of all structures under roof. At least sixty (60) percent of the landscape requirements shall be located in the front setback defined as the area between the property line and the building wall(s) facing the public right-or-way. If the application of the percentage creates a fraction, the result as expressed in numbers shall be rounded off to the next highest whole number.

To determine the number of shade trees required on any building lot, first add the length of all sides of the lot then divide the total by forty (40). If the result ends in a fraction, the result as expressed in numbers shall be rounded off to the next highest whole number to arrive at the total number of shade trees required. No less than one half (½), rounded to the next highest whole number, of the required trees shall be large shade trees.

With the exception of building sites where the developer increases the square footage of the building by twenty-five (25) percent or more, the developer/owner must reserve the first twenty (20) feet of the front yard setback requirement of the zoning district for a green space where at least one native tree shall be planted for every thirty (30) feet of road frontage.

Planted trees must have at least a one and one-half (1 ½) inch caliper and a warranty for at least one (1) year. All planted trees immediately become native trees. After the application of credits the City Horticulturist may waive the number of trees required if inappropriate for the site. If waived, these trees shall then be donated to the Demopolis Beautification Commission to be planted as public trees. It is recommended that owner's purchase plant material from suppliers who will provide a one-year warranty.

Industrial sites in the I-1 and I-2 zoning districts shall be required to be landscaped along the front perimeter only. If the site fronts along two streets, then landscaping shall be required along both intersecting streets. All other requirements of Section 508 of this Ordinance shall apply to industrial sites.

B. Parking Lot Requirements

Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Parking lot landscaping shall apply to new parking areas or when existing parking areas are enlarged by ten (10) percent or more. Such landscaping shall be provided in such a manner as to break up the expanse of paving, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. A ratio of one large shade tree for every fifteen (15) parking spaces shall be required. These trees must be planted adjacent to the parking lot or in islands within the parking lot. Parking lot islands must be of adequate size to accommodate the species planted.

C. Site Visibility

At corner lots, landscape material shall meet the requirements of Section 405 of this Ordinance. Further, landscape material shall not obstruct traffic visibility at parking lot interiors and driveway entrances between heights of three (3) and eight (8) feet above grade. Existing trees must be pruned so that they do not obstruct traffic visibility at intersections and driveway entrances.

D. Spacing

Trees shall not be planted closer than four and one half (4 ½) feet to curbs or barriers protecting trees. Large shade trees shall not be planted closer than thirty (30) feet of each other, and small shade trees a minimum of ten (10) to a maximum of twenty (20) feet of each other where possible.

E. Installation

All plant material shall be installed in a sound manner and in accordance with the landscape plan. This installation process shall be included on the landscape plan to be approved by the City Horticulturist.

F. Maintenance

Landscaped areas including irrigation systems shall be maintained by the owner or lessee of the property at all times. This includes prompt replacement of all dead or damaged landscape material to insure continued compliance with landscaping requirements and keeping landscaped areas free of weeds, refuse and debris. This also applies to rights-of-way or medians for developers who elect to take credits for landscaping requirements here.

G. Water Supply

All landscaped areas shall be provided with an adequate and appropriate water supply. This may include one or more of the following: hose bibs, automatic or manual irrigation, and/or any other appropriate method of supplying water to the landscaped areas.

H. Protection of Landscaped Areas

Landscaped areas are to be protected by tree-grates concrete curbs, wheel stops, continuous border plants of hedgerows, railroad ties or other suitable barriers. This speculation should be clearly marked in the landscape plan.

508.5 Credits Towards Trees

Credit can be taken for a tree if the tree meets the native tree specifications and if the tree is in good, vigorous, and healthy condition, as determined by the City Horticulturist or an arborist certified by the International Society of Arboriculture. These tree credits can go toward landscape requirements; however, the front setback must contain one native tree for every thirty (30) feet of frontage. Credit will not be allowed if the proper protection for the credited tree has not been maintained. If the credited tree dies or fails to thrive, the owner must replace the amount of credited trees lost. The equivalents shall be as follows:

Size of Existing Tree	Tree Equivalence or Trees Not Required to Plant
6” caliper	1 tree
12” caliper	2 trees
18” caliper	3 trees
24” caliper	4 trees
30” caliper	5 trees
36” caliper	6 trees
42” caliper	7 trees

508.6 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 site considerations.

Section 509 TREE PROTECTION REQUIREMENTS

509.1 Application of Section. The requirements of this section shall apply to all land, other than public rights-of-way, located within the corporate city limits of the City of Demopolis, except R-1, R-2, R-3 and R-6 zoning districts and lots where a bona fide agricultural or forestry operation exists.

509.2 Definitions. All definitions set forth in Section 508.3 of this Ordinance shall apply to the provisions of this section.

509.3 Permit. Any person wishing to remove or relocate a native tree shall, under the provisions of this Section, make written application with the City of Demopolis Horticulturist, which applications shall include a Landscape Plan as provided in Section 508 of this Ordinance, unless waived by the City Horticulturist. Upon paying an administrative application fee of ten (10) dollars to cover the costs of researching and processing the application, the application and Plan shall be stamped with the date and time. All proceeds from the application fee shall be earmarked for the use of the administration of this Section.

1. Time of Permit

   Any and all permits issued by the City as per the requirements of Section 509 of this Ordinance, shall be declared null and void if commencement of the work so permitted is not started within a reasonable time, not to exceed six (6) months. But in no case will the permit be valid for more than twelve (12) months. Permits not used within this period will become null and void and future work will require a new application.

2. Permit Procedure

An application may be field checked prior to issuance of a permit. The City Horticulturist shall approve or deny the permit within seven (7) working days after the date of receipt of the application. Failure to deny the application, as provided herein, within this seven (7) day period shall result in the automatic issuance of the permit as requested in the application. The City Horticulturist may request a recommendation concerning the application from any or all appropriate City departments and /or the Beautification Commission.

3. Criteria for Issuance of Tree Removal Permit

1. The tree is located in an area where a structure or improvement will be placed according to an approved plan.

2. The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances and regulations.

3. The tree is, or will be after construction, in violation of federal, state, or local laws or regulations, or cause the construction to violate federal, state, or local laws or regulations including, but not limited to, laws and regulations pertaining to government-programs for financing the construction.

4. Basis for Denial of Permit

The City Horticulturist, upon a determination that an application for tree removal does not meet the criteria of Section 509.3 C above, may, within his/her discretion, deny the same and shall notify the applicant of the reason(s) for said denial within five (5) working days of decision.

509.4 Removal of Public Trees. This shall not apply to trees with a DBH of four and one half (4 ½) inches or less. Any other trees must be made known to the City Horticulturist for his/her permission to remove. No tree of any size shall be removed from public right-of-way, unless written permission has been granted by the City Horticulturist.

509.5 Penalties. Any person, firm, or corporation violating or failing to comply with this ordinance shall be subject to a fine up to one hundred (100) dollars per day per violation for each day said violation remains uncorrected. Proceeds of fines shall be earmarked for buying and planting of plants in the City of Demopolis. Enforcement of this ordinance shall be by Issuance of Complaint.

509.6 Interference With The City Horticulturist. No person shall hinder, prevent, delay, or interfere with the City Horticulturist or any other duly authorized individual, while engaged in carrying out the execution or enforcement of this Ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court or competent jurisdiction for the protection of property rights by the owner or any property within the municipality.

509.7 Non-applicability of Ordinance to Land and Rights Used for Facilities of Public Utilities. Nothing herein shall affect or deteriorate in any way the rights of, or exercise by, any public utility of its present and future acquired rights, to clear (and keep clear) trees and other growth from lands utilized, or to be utilized, for electric or communication facilities of any type, or dangerous trees adjacent thereto whether such rights were acquired by permits, easements, agreements, deeds, documents, or otherwise from landowners, or were acquired by condemnation, franchise or the operation of State law. The utility company shall cooperate with the City Horticulturist when clearing or pruning of the rights-of-way is exercised.

509.8 Appeal of Grant or Denial of Permit. Appeals of either a grant or denial of permits pursuant to this Section 509 shall be made to the Board of Adjustment and may be taken by the applicant or by any officer, department or board of the City affected by any decision of the City Horticulturist with respect to the administration or enforcement of this Section 509. All such appeals shall automatically be placed on the agenda of the next regularly scheduled meeting of the Board of Adjustment. The Board of Adjustment shall have the power to grant permits upon a showing by the applicant by clear and convincing evidence that the applicant will suffer extreme and extraordinary hardship. All appeals from the Board of Adjustment shall be to the Circuit Court of Marengo County and may be brought by any of the persons listed above.

Section 510 TELECOMMUNICATIONS TOWER REGULATIONS AND STANDARDS

In order to accommodate the communication needs of residents and businesses while protecting the public, health, safety and general welfare, these regulations and requirements are intended to and are necessary to:

(1) Accommodate the need and demand for wireless communication services and facilitate the provision of wireless communication services to residents and businesses;

(2) Provide for the appropriate location and development of wireless communication facilities within the City of Demopolis;

(3) Protect the aesthetic integrity of the city and minimize adverse visual effects of wireless communication facilities through standards that require careful design, placement on site, landscape screening and innovative ways to minimize adverse visual impact;

(4) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

(5) Encourage and maximize the location and co-location of antennas on existing and approved towers, buildings and other structures to accommodate new wireless communication antennas thereby minimizing new visual impacts and reducing the number of antenna support structures needed to serve the city.

The regulations, standards and provisions set forth in this section shall apply to all commercial radio and television antennas and towers, television receiving antennas for cable television systems, telecommunications antennas and other antennas that are not an accessory use of the premises. The requirements and standards set forth in this Section shall be used by the Board of Adjustment in the review of applications for a special exception for location in the BLI Business-Limited Industrial District and by the Building Official prior to the issuance of a building permit.

510.1 Applicability. This following antennas are exempted from the regulations and standards of this Article:

A. Installation of antennas on existing towers, which are not a nonconforming use, where the tower height is not increased and all accessory structures and uses are located within the existing tower compound.

B. Installation of antennas on buildings which comply with all of the following conditions:

l. The property is not subject to a conditional use, variance or other zoning restriction which exceeds the requirements of the Zoning Ordinance.

2. The antenna does not extend more than twelve (12) feet above the roof line of the building.

3. The accessory cabinet does not exceed forty (40) cubic feet in volume or is located where it is not visible from off the premises.

510.2 Use of Suitable Existing Towers or Other Structures. Co-location shall be encouraged and preferred to new installation alternatives; therefore, no new tower structure shall be permitted unless the applicant provides certified documentation that demonstrates to the reasonable satisfaction of the Board of Adjustment when a special exception for location in the B-LI District is being requested and of the Building Official prior to the issuance of a building permit for location in the I-1 Light Industrial District or I-2 Heavy Industrial District that no existing tower or structure can accommodate the applicant's needs or that a co-location agreement could not be obtained. Communication antennas shall not be located on any residential structures.

510.3 Co-location. New tower structures shall be designed to provide and maximize shared use to the extent possible, given the structural and technical limitations of the type of tower proposed. New communication support structures over one hundred (100) feet shall be designed to accommodate the co-location of at least three (3) antennas.

510.4 Setbacks. Tower structures shall be placed no closer than a distance equal to the height of the tower from any residential dwelling or historic structure, even if located on the same property as the tower structure, and from any property line. No portion of any antenna array may extend beyond the property line.

Because of the unique nature of communications facilities, the Board of Adjustment may in the approval process require additional setbacks from property lines. If so, the following factors shall be considered when establishing additional setbacks:

A. The type of communications facility;

B. Relationship to other properties and buildings;

C. Relationship to the public right-of-way;

D. Size of the subject lot or parcel;

E. Accessibility for public safety and other purposes; and

F. Other factors which affect the communications facility, surrounding property and community at large.

510.5 Maximum Height. Freestanding tower structures shall not exceed two hundred (200) feet in height including antenna. Towers or antennas mounted on a structure other than a freestanding tower structure shall not extend more than fifteen (15) feet above the height of the existing structure. Accessory telecommunications facilities shall be no taller than fifteen (15) feet in height, and shall be compatible with the surrounding area.

510.6 Federal Requirements. All towers and antennas shall meet or exceed the current standards and regulations of the Federal Aviation Agency and the Federal Communication Commission and any other agency of the federal government with the authority to regulate towers and antennas. If such standards or regulations are revised, then the owners of the towers and antennas shall bring such towers and antennas into compliance with such revised standards and regulations within six

(6) months of the effective date of such standards and regulations, unless a more stringent compliance is mandated by the controlled federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

510.7 Illumination / Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, a review may be made of available lighting alternatives and approval given to the design that would cause the least disturbance to the surrounding views. If required by federal authorities, lights shall be shielded to the greatest extent possible to minimize visibility from the ground and the amount of light that falls onto nearby properties. Strobe lighting shall not be allowed unless required by a regulatory agency. Security lighting around the base of a communication tower or other antenna mount may be provided if the lighting is shielded so that no light is directed toward adjacent properties or rights-of-way.

510.8 Color. Communication tower structures shall either maintain a galvanized steel finish, or subject to any applicable Federal Aviation Agency standards, be painted a neutral color to reduce visual obtrusiveness. At a tower site, the design of the building and related communication facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the communication facilities to the natural setting and built environment to reduce visual obtrusiveness. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunication facilities must be of a color that is identical to, or closely compatible with, the color of supporting structure so as to make the antenna and related facilities as visually unobtrusive as possible.

510.9 Fencing. A communications tower and any associated structures or facilities shall be surrounded by a security fence at least eight (8) feet in height that is installed around the perimeter of the tower compound. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass, injury and security.

510.10 Driveways and Parking. Driveways and parking, consisting of an all-weather paved surface, shall be provided to assure access to the telecommunication facility for maintenance or emergency services. Provisions shall be made to provide access clearances for emergency vehicles. A copy of a recorded access easement or a copy of a lease granting access may be required in the absence of a dedicated right-of-way.

510.11 Signage (No Advertising). One (1) sign no larger than four (4) square feet in area shall be placed in a visible location identifying the owner, the identification code of the tower, and an all-hours emergency telephone number. Such sign may also identify other users of the tower and warning or safety instructions. In addition, any signs specifically required by federal or state government are permitted. Neither communication antenna support structures, antennas support structure sites, nor communication antennas shall contain any signs for the purpose of advertising or be used in any manner for advertising purposes.

510.12 Landscaping (Screening). Communication tower facilities shall be landscaped with a buffer of evergreen plant materials that effectively screens the view of the communication tower base and accessory structures from adjacent property that is zoned residential or in residential use. Evergreen plantings at the base of the tower shall be at least three feet high and no less than ten feet on center at the time of planting, with a height at maturity that exceeds seven (7) feet. This requirement may be waived during the approval process for property where natural growth and land forms provide an equivalent buffer.

510.13 On-site Equipment Storage. Mobile or immobile equipment not used in direct support of a communication facility shall not be stored or parked on the site of the facility, unless repairs are being made to the facility.

510.14 Application Requirements (Site Plan Review). Each applicant requesting a special exception from the Board of Adjustment or the issuance of a building permit from the Building Official shall, in addition to submitting all information required in Article VII, Section 703 of this Ordinance, submit the following information:

A. Scaled elevation, view and other supporting drawings, calculations and documentation signed and sealed by appropriate registered professionals.

B. Radio frequency coverage and tower height requirements.

C. A copy of the applicant's one- and five-year plans for development of its wireless communication facilities in the Demopolis area.

D. An inventory of its existing communication tower facilities in Demopolis or within one-half (½) mile of the corporate limits, including specific information about the location, height and design of each tower. The City may share such information with others seeking to locate antennas with Demopolis, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

E. Other information deemed by the Board of Adjustment or Building Official as necessary to determine compliance with this Article and approval of the application.

510.15 Factors To Be Considered in Granting Approval for Communication Towers and Antennas. In determining whether to approve a special exception, permit issuance or rezoning for location and construction of a communications facility the following factors shall be considered:

A. Height and setbacks of the proposed tower structure.

B. Proximity of the tower structure and facilities to residential structures and residential zoning district boundaries.

C. Nature of uses on adjacent and nearby properties.

D. Surrounding topography.

E. Surrounding tree coverage.

F. Design of the tower structure with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

G. Proposed ingress and egress.

H. An evaluation of the applicant's one- and five-year plans for development of its telecommunications facilities within the Demopolis Area, as well as those plans on file from other telecommunications providers.

I. Availability of suitable existing towers and other structures..

J. Any other information that is consider reasonably necessary in connection with the review of the application.

510.16 Temporary Communication Antenna. A temporary communication antenna may be allowed, upon approval of the Board of Adjustment, for the purpose of providing temporary wireless service for special short-term events such as political events, sporting events or entertainment events, or as necessary to aid in post disaster relief efforts.

510.17 Abandonment (Removal of Abandoned Antennas and Towers). Prior to issuance of a building permit, the owner shall enter into an agreement with the City, to be approved by the City Attorney, which requires the owner of the communications tower support structure to remove the structure upon its abandonment.

If a communications tower structure or antenna is not used for a continuous period of twelve (12) months, it shall be deemed to be abandoned and the owner of such structure or antenna shall reactivate it or remove it within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. If removal is not made within the ninety (90) day period, the City may remove such tower structure and antenna and the owner shall be liable for any cost incurred by the City in the removal of the abandoned communication support structure and antenna. If there is more than one user of a single tower or antenna, then this provision shall not become effective until all users cease using the antennas on the tower.

510.18 Camouflaged Structures. Camouflaged structures that resemble a natural object such as a tree or a man-made object such as bell and clock towers or church steeple are encouraged.

Section 511 BUSINESS USES TO BE LOCATED IN PERMANENT BUILDING

The principal and accessory buildings of a permanent or temporary business shall be a permanent building which has a roof supported by columns or walls constructed on-site of wood, metal, glass, brick or masonry materials, which completely enclose the principal building area. The permanent building and premises shall conform in all respects to the applicable land and building development code and ordinances of the City. The principal and accessory buildings of any permanent or temporary business shall not be a tent, shelter, mobile building, manufactured home, modular or other structure which does not comply with the intent of this section. This section shall only apply to entities which are required to have a business license under the provisions of the Demopolis Municipal Code.

Section 512 RECREATION VEHICLE PARK REGULATIONS AND STANDARDS

The following regulations and standards shall apply to recreation vehicle parks:

512.1 Minimum Park Area: One (1) acre.

512.2 RV Spaces: Each space shall be a minimum of 1,500 square feet in area and 30 feet in width.

512.3 RV Space Setbacks: Each RV space shall be setback from side and rear boundary lines a minimum of 10 feet and the minimum front setback shall be 25 feet. RV's shall be separated from each other and from other structures at least 15 feet.

512.4 Interior Private Streets: Interior private streets shall be a minimum of 12 feet wide for each travel lane and 20 feet wide for a one-way system of streets. Streets shall be improved in accordance with the construction specifications of the City of Demopolis. In addition, all streets shall be well-drained, well-lighted and continuously maintained in operable condition.

512.5 Off-Street Parking: A minimum of 1 off-street parking space for each RV space plus an addition off-street parking space for each three RV spaces.

512.6 Service Buildings: Every RV Park shall provide at least one service building equipped with one toilet, lavatory and shower for each sex for each 100 RV spaces or fractional part thereof. If the RV Park provides sites for dependent vehicles and tents the following sanitary facilities shall be provided within 300 feet of the dependent sites:

# of Dependent Vehicles	Toilets			Lavatories		Showers	
And Tent Sites	Men	Women	Urinals	Men	Women	Men	Women
1-15	1	1	1	1	1	1	1
16-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	3	4	2	4	4	3	3

512.7 Water Supply: Each RV, Dependent Vehicle and Tent site shall be provided with an individual water service connection.

512.8 Sewage Disposal: A sanitary station shall be provided for every 100 spaces.

512.9 Electrical Service: Each space shall be provided with an electrical outlet supplying at least 115 volts.

512.10 Refuse Disposal: The storage, collection and disposal of refuse in the RV Park shall be so conducted as to create no health hazard, rodent harborage, insect breeding area, and accident or fire hazard.

512.11 Limit of Stay: No recreational vehicle shall remain within a RV Park for more than one hundred (120) days in any one-year period.

ARTICLE VI. HOME OCCUPATIONS

The following regulations shall apply to the conduct of a home occupation in any permitted zoning district:

Section 601 LIMITATION ON TYPE OF HOME OCCUPATION

Customary home occupations shall have a business license and shall be limited to the following:

601.1 Beauty or barber shop.

601.2 Computer programming.

601.3 Dressmaking, sewing and tailoring.

601.4 Dog grooming.

601.5 Food catering.

601.6 Home crafts, such as model making, rug weaving, lapidary work, and cabinet making.

601.7 Home office: professional, business.

601.8 Painting of art, sculpturing, or writing.

601.9 Telephone answering service.

601.10 Tutoring, limited to one student at a time.

601.11 Secretarial service.

601.12 Home occupations shall not include the following:

A. Uses which do not meet the provisions listed above.

B. Repair of automobiles, trucks, other vehicles, heavy equipment or machinery, or body and fender work.

C. Food processing or packing.

D. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.

E. Restaurants.

F. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds, or other animals.

601.13 Any home occupation not listed above may be permitted as a conditional use upon application to and approval by the Board of Adjustment. If approved, the home occupation shall have a business license.

Section 602 GENERAL RESTRICTIONS

The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use of residentially zoned property. The following limitations and restrictions shall apply to all home occupations:

602.1 Home occupations shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling.

602.2 No interior or exterior business sign shall be permitted unless authorized by the sign regulations for residential districts.

602.3 There shall be no exterior garage storage of business equipment, materials, merchandise, inventory, or heavy equipment.

602.4 The area set aside and used in the conduct of the home occupation shall not exceed twenty percent (20%) of the total floor area of such residence.

602.5 Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.

602.6 The use of mechanical equipment other than what is usual for purely domestic or hobby purposes is prohibited.

602.7 Off-street loading and off-street parking requirements as required in Article VIII of this Ordinance must be provided.

602.8 Merchandise shall not be displayed or offered for sale either within or outside of the residence.

602.9 The operation of any wholesale or retail business, unless it is conducted entirely by mail, and does not involve the sale, shipment, or delivery of merchandise on the premises, is prohibited.

602.10 Any business or activity which produces noxious matter or perceptible noise beyond the lot line is prohibited.

602.11 The owner of a home occupation must reside at the location of the home occupation.

602.12 Vehicles having passenger vehicle characteristics only shall be permitted in connection with the conduct of the customary home occupation.

602.13 The activity conducted as a home occupation shall be limited to the hours between 7 a.m. and 10 p.m.

602.14 No portion of any dwelling shall be used for a home occupation which has direct access thereto other than through the main entrance to the dwelling unit.

602.15 There shall be not more than one home occupation in any dwelling unit.

602.16 No external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.

602.17 In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a

nonresidential use (either by color, materials, or construction, lighting, signs, sounds, or noises, or vibrations).

602.18 The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.

602.19 No outside storage shall be permitted in connection with a home occupation.

602.20 The Building Official of the City of Demopolis or an authorized representative of the Building Official shall be shall be permitted to make an inspection, upon receipt of the initial application for a home occupation; and, in addition, make annual inspections at license renewal time or at any time, upon reasonable request, to enter and inspect the premises of the home occupation for safety and compliance purposes. A written report of the inspection shall be filed with the Board of Adjustment.

602.21 In the event of the death or relocation of a home occupation licensee, the right to conduct a home occupation shall automatically terminate unless a surviving spouse or adult child residing at the same residence desires to continue the home occupation.

Section 603 YARD AND/OR GARAGE SALES

Yard and/or garage sales are permitted without special permit provided they meet the following standards:

603.1 Sales last no longer than three (3) days.

603.2 Sales are held no more than twice yearly.

603.3 Sales are conducted on the owner's property and not on public property without the written permission of the City of Demopolis. Multiple family sales are permitted if they are held on the property of one of the participants.

603.4 No goods purchased for resale may be offered for sale.

603.5 No consignment goods may be offered for sale.

603.6 All signs must comply with the Demopolis Sign Ordinance and be removed within one (1) day after the end of the sale.

603.7 The enforcement and penalties for yard and/or garage sales shall be the same as those specified in Sections 1206 and 1207 of this Ordinance.

ARTICLE VII. SITE DEVELOPMENT PLAN REVIEW

Section 701 SITE DEVELOPMENT PLAN REVIEW REQUIRED

In order to prevent adverse impacts and to achieve a compatible relationship among land uses and with the land use suitability of surrounding properties and nearby zone districts, as well as the surrounding transportation network, any owner(s) of lands which propose the developments and/or requests for rezoning specified in this Section of the Ordinance shall prepare and submit a site development plan. Said plan shall be submitted as part of the rezoning process. The Planning Commission shall review the site development plan and recommend approval, approval with changes and/or conditions or disapproval to the City Council except in the case of a site development plan required under Section 701.1 in which case the Board of Adjustment shall review the site development plan. In the case of requests for rezoning, the plan shall then be reviewed and considered for approval by the City Council.

701.1 Any request for approval of a special exception which involves the following:

A. Each application for approval of a commercial or industrial use permitted by special exception under Article III of this Ordinance that borders a residential district shall be accompanied by a site plan.

B. Any request for approval of a communications tower and facilities permitted by special exception in a B-LI Business-Industrial District.

C. Further, the Board of Adjustment may require a site plan as set forth in this Article for any conditional use request if after inspection of the site of a proposed conditional use a site plan is considered necessary to arrive at a proper decision regarding the proposed conditional use.

701.2 Any request for rezoning which involves the following:

A. An R-5 Townhouse District.

B. An R-6 Garden Home District.

C. Any non-residential zoning district that will be located adjacent to any residential zoning district.

D. R-4 Multi-Family district that will be located adjacent to a R-1, R-2, R-3 or R-6 residential zoning district.

E. A communications tower and facilities.

701.3 An application for MHP Manufactured Home Park District zoning shall require site plan review and approval as set forth in Section 4.1 of this Ordinance.

701.4 An application for PUD Planned Unit Development District zoning shall require site plan review and approval as set forth in Article XI of this Ordinance.

701.5 An application for a building permit to construction communication tower and accessory facilities shall require site plan review as set forth in this Article and in Section 510.14 of this Ordinance.

701.6 Any new commercial, industrial or institutional development or additions to such developments resulting in a building size increase that meets or exceeds ten thousand (10,000) square feet and any new multi-family development that exceeds three (3) dwelling units or addition of three (3) or more dwelling units to a multi-family building.

Section 702 SITE PLAN APPROVAL PROCEDURE

702.1 The procedure for approval or disapproval of a site development plan shall be the same procedure followed for an amendment to this Ordinance as required by Section XIV or the same procedure for approval of a conditional use as required in Section 301.2.

The site development plan review shall be submitted to the Building Official at the time of the submission of the application for rezoning.

Section 703 SITE PLAN SUBMISSION REQUIREMENTS

The application for site plan approval shall consist of the following information provided on maps and/or written statements, as appropriate.

703.1 Maps shall be drawn to a suitable scale not smaller than one-inch equals one hundred (100) feet and should include the following:

A. The location and size of the site.

B. A vicinity map showing the site in relation to surrounding property.

C. The approximate topography, if available or if requested.

D. The relationship of the site to existing development in the area including streets, utilities, other development, and physical features of the land.

E. The approximate location of all streets, right-of-ways, railroad tracks, walkways, open space and buffers.

F. Proposed parking facilities.

G. The location, size and character of any common open space and commonly owned facilities.

H. Amount of impervious surface.

I. Landscape plan showing the proposed landscape treatment of the site. Existing significant trees, tree stands and natural vegetation shall be integrated into the landscape plan to the maximum extent possible.

703.2 Written statements shall address the following:

A. The recorded ownership interests and the nature of the developer's interest if the developer is not the owner.

B. Proposed covenants, grants of easements or other restriction which will be imposed upon the use of the land, structures and facilities, and the form of organization which will own and maintain any private common areas, buildings or other facilities.

Section 704 CONDITIONS

Any special conditions imposed by the Planning Commission, Board of Adjustment or City Council as a condition(s) of approval shall be included in the resolution approving the site development plan.

Section 705 REVISIONS AFTER APPROVAL

Minor changes to an approved site plan may be authorized by the Planning Commission to overcome unanticipated hardships or conditions provided that such minor changes are not inconsistent with the design concept of the approved site development plan or with provisions of this Ordinance. Further, such minor changes shall not add additional lots or streets. Other changes or amendments to an approved site plan shall be made under the procedures that are applicable to the initial approval of the site plan.

Section 706 CONFORMITY WITH CODES AND ORDINANCES

The site plan must conform to the requirements of this Ordinance, the Demopolis Subdivision Regulations, the building code and other applicable ordinances.

ARTICLE VIII. OFF-STREET PARKING AND LOADING

There shall be provided at the time of creation or enlargement of any use or of any main building or accessory structure, off-street parking and loading spaces, as required in this Article, for motor vehicles with adequate access to all spaces. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements shown upon the plans are made part of the building permit, shall be in place and ready for use. The use of any required parking space for the storage of any motor vehicle for sale, or for any purpose other than the temporary parking of motor vehicles, is prohibited.

Section 801 LOCATION OF PARKING SPACES

Parking spaces for all uses or structures shall be located on the same lot with the principal use unless offsite parking facilities are approved after site development plan review as required in Article VII of this Ordinance. Offsite parking facilities shall not be located more than two hundred (200) feet from the lot on which the principal use to be served is located. Offsite parking must be located in a zoning district where off-street parking facilities for employees and customers are permitted. Where required parking spaces are not located on the same lot as the principal use, a written agreement assuring the continued availability of such offsite facilities to serve the principal use shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney. Said written agreement shall be filed with the application for a building permit.

Section 802 COMBINED PARKING SPACES

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

Section 803 DESIGN STANDARDS

An off-street parking space shall be an asphalt or concrete surfaced area not located in a street or alley. The parking space shall have an area of not less than one hundred seventy one (171) square feet and minimum dimensions of nine (9) feet in width and nineteen (19) feet in length, exclusive of driveways. It shall be permanently reserved for the temporary storage of an automobile and connected with a street or alley by an all-weather surfaced driveway, which affords unobstructed ingress and egress to each space. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one or two dwelling units. For single-family residences, the driveway may be used for off-street parking. The required off-street parking space shall meet all design and construction specifications of the City of Demopolis.

Parking aisle widths shall conform to the following minimum standards which varies the width requirement according to the angle of parking:

Traffic Direction	Angle of Parking (degrees)				
	0o	30o	45o	60o	90o
One-way	13'	11'	13'	18'	24'
Two-way	19'	20'	21'	23'	24'

If the applicant for a building permit does not provide the Building Official with a parking plan showing the arrangement of spaces and driveways or aisles including the angle of parking in degrees, then the space requirements specified above shall not apply and a gross area of three hundred eighty-seven (387) square feet shall be provided for each required parking space.

Section 804 MINIMUM REQUIRED OFF-STREET PARKING SPACES FOR INDIVIDUAL USES

The following are the minimum off-street parking spaces required by this Ordinance. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

Residential Uses	
Single-Family Dwelling	2 spaces
Two-Family Dwelling	2 spaces per dwelling unit
Multi-Family and Townhouse Dwelling	2 spaces per dwelling unit
Dormitory, Boarding or Rooming House	1 space per bedroom
Mobile Home	2 spaces per mobile home
Public, Semi-Public Uses	
Auditorium, Arena Stadium, Theater, Concert Hall, and other spectator facilities	1 space for each 3 seats
Churches	1 space for each 4 seats
Golf and Country Clubs	7 spaces per hole, or 1 space per 3 members
Government Offices	1 space per 250 square feet
Hospitals, Nursing Home	1 space for each 2 beds
Libraries, Museums	1 space per 800 square feet
Post Office	1 per 250 square feet
Private Clubs and Lodges	1 per 200 square feet
School, Elementary and Jr. High	1 space per 8 auditorium seats or 2 spaces per classroom, whichever is greater
School, High	1 space per 6 students plus one space per 2 employees
School, Vocational	1 space per 50 square feet
Commercial and Industrial Uses	
Automotive Dealership	1 space per 1,000 square feet of floor space
Automotive Repair and Service	1 space per employee
Automotive Parts and Accessory Sales (retail)	1 space per 150 square feet of floor area

Bank	1 space per 200 square feet of floor area plus 1 space for each 2 employees
Barber Shop and Beauty Shop	1 space per 150 square feet
Bowling Alley	2 spaces per alley
Car Wash	1 space per 2 employees
Convenience Store	1 space per 180 square feet of floor area
Dance or Music Studio	1 space per 100 square feet of floor area
Day Care or Nursery	1.5 spaces per employee
Doctor-Dentist Office	1 space per 250 square feet of floor area
Funeral Home	1 space per 50 square feet of floor area
Gasoline Service Station	1 space per pump and 2 spaces per service bay
Golf, Carpet	1 space per golf hole
Industrial or Manufacturing	1 space per 4 employees on the maximum working shift
Laundromat	1 space for each 2 machines
Lumber Yard - Building Material Sales	1 space per 200 square feet of floor area and 1 space per 1,000 square feet of outdoor storage area
Mini-Warehouses	1 space for every 10 mini-warehouse units
Motel or Hotel	1 space per unit plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc., as required in this Article
Office	1 space per 200 square feet
Restaurant, Food Service Restaurant Tavern, Bar and Night Club	1 space per 100 square feet
Restaurant, Drive-Up	1 space per 100 square feet of floor area

Retail establishments such as: art supply and frame, book store, florist, card shop, pet shop, sporting goods, gift shop, shoe store, paint store, jewelry store, apparel sales, hardware store, drug store, auto parts sales, convenience store, liquor store, grocery and semi-retail uses.	1 space per 200 square feet
Major appliances sales, office or medical equipment sales, garden shops, home improvement centers, furniture stores, department or discount stores, piano and organ sales, carpet showrooms, building material sales, and large showroom establishments. Broadcast or recording studio, photographic studio, research or testing lab, quick copy service, optician, and other similar services.	1 space per 400 square feet
Wholesale Establishments	1 space per 2 employees
Veterinary Establishments and other Kennel Facilities	1 space per 1,000 square feet of floor and kennel area

Section 805 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases of boxes used for transporting recreational equipment whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises for a period of time not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Section 806 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in completely enclosed buildings unless the property has been approved for use as a junk yard under the conditional use requirements of the I-2 Heavy Industrial District. Upon determination of a violation of this provision, the Building Official shall prepare a notice of such violation and mail said notice to the property owner by certified mail, return receipt requested. If the violation or violations are not corrected within ten (10) working days after receipt of the Building Official's notice, the automotive vehicles or trailers shall be removed and the cost of said removal billed to the property owner. All notices shall be mailed to the owner of property on which the violation is located as shown on the latest available tax records. Individual mobile homes, on individual lots, may be permitted on appeal to the Board of Adjustment in districts in which they are permitted. (Ordinance No. 1972-136, 1-6-72).

No vehicle over eight thousand (8,000) pounds gross vehicle weight and no truck with over six (6) wheels shall be admitted on residential off-street or on-street parking facilities.

Section 807 OFF-STREET LOADING AND UNLOADING SPACE

Off-street loading or unloading berths shall be provided in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by commercial or industrial uses requiring the receipt or distribution of goods by trucks. The requirements for such off-street loading or unloading berths shall be as follows:

Gross Floor Area	Number of Berths
4,000 - 25,000 square feet	1
25,001 - 40,000 square feet	2
40,001 - 60,000 square feet	3
For each additional 50,000 square feet	1

The loading berth(s) required in each instance shall not be less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height. The loading berth(s) may occupy all or any part of any required yard except for a required front yard or water front yard; provided, however, that the loading berth(s) shall be screened from the street or public way.

ARTICLE IX. SIGN REGULATIONS

It is the purpose of this Ordinance to establish regulations for the type, location, erection and maintenance of, signs. It is determined that, while signs are a proper commercial use of private property and are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the City of Demopolis by establishing standards for the number, size, height, spacing and illumination of such signs.

Section 901 SIGN DEFINITIONS

The following definitions are applicable to the sign regulations contained in this Article.

901.1 Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

901.2 Sign Area. The area within a continuous line that encloses the outer extremities of all letters, figures, characters, symbols and delineation, or within a continuous line enclosing the outer extremities of the framework or background of the sign, whichever line includes the larger area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of cylindrical sign shall be computed by multiplying its diameter by its height. The area of a detached sign shall include the area of any supporting structure having any horizontal dimension exceeding sixteen (16) inches at any point between an elevation of two (2) feet above the ground level and the highest point of the sign.

901.3 Sign, Detached. A sign not attached to or painted on a building but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not part of the building, shall be considered a detached sign.

901.4 Sign, Detached Ground. A detached sign not exceeding six (6) feet in height above the ground and generally supported by a pole, uprights, or braces.

901.5 Sign, Double-Faced. A sign with two parallel, or nearly parallel faces, back to back and located not more than twelve (12) inches apart.

901.6 Signs, Establishment Identification. A sign which pertains only to the use of a premises and which, depending upon the zoning district in which it is located, contains any of the following information:

A. The name of the owner, occupant, and/or management of use.

B. The address of the use.

C. The kind of business and/or the brand name of the principal commodity sold on the premises.

D. Other information relative to a service or activity involved in the conduct of the business, but not including the names of subsidiary products except where specifically permitted by provisions of the Ordinance.

901.7 Sign, Flashing. An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered to be a flashing sign.

901.8 Sign, Flat. Any sign attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than twelve (12) inches from the building wall.

901.9 Sign, General Advertising. Any sign which directs the attention of the general public to a business, service, product or activity not conducted, offered, or sold as a major portion of business upon the premises where the sign is located.

901.10 Sign, Illuminated Directly. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and reflective, such sign shall be deemed to be a directly illuminated sign.

901.11 Sign, Marquee. Any sign attached to or hung from a marquee. For purposes of this Ordinance, a marquee is defined as a roof-like structure projecting over the entrance of a building.

901.12 Portable or Movable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs shall only be used as temporary signs.

901.13 Sign Projecting. A sign which is attached to and projects more than twelve (12) inches from the face of the wall of a building. A projecting sign which extends more than thirty-six (36) inches over or above the roof line or parapet wall shall be designated as a roof sign.

901.14 Sign, Roof. A sign, which is constructed to extend above the highest point of a roof's surface.

901.15 Sign, Temporary. Any sign that is used only temporary during construction, the advertising of land or buildings for sale or lease, in connection with a public holiday or for a specified period of time and is not permanently mounted.

901.16 Sign, Wall. Any sign painted directly on the outside wall of a building.

Section 902 EXEMPT SIGNS

The following signs are exempt from the provisions of these regulations and may be erected or constructed without a permit:

902.1 Official Signs. Official traffic signs, county or municipal information signs and provisional warning signs and temporary signs indicating danger when erected or required to be erected by a governmental agency.

902.2 Temporary Construction Signs. Temporary non-illuminated signs not more than fifty (50) square feet in area, erected in connection with new construction work and displayed on the premises only during such time as the actual construction is in progress, one such sign for each street frontage. Such signs shall be removed within seven (7) days after completion of the construction project.

902.3 Public Events and Holidays. National flags, political signs, temporary decorative bunting, banners, and symbols displayed for not more than thirty (30) days and directly related to special events of a public nature or public holidays.

902.4 Temporary Signs. Temporary signs authorized by the City Council for a specified period of time not to exceed thirty (30) days. No temporary sign authorized by the City Council shall be larger

than any sign permitted in the zone district in which the temporary sign is located. Further, not more than one (1) temporary shall be authorized on a parcel of land.

902.5 Real Estate Signs. Temporary signs, which are not internally illuminated, advertising the private sale or lease of land or buildings, one such sign for each street frontage. Such signs shall be removed within ten (10) days of the sale or lease of the property.

A. Such sign does not exceed four (4) square feet in copy area in residential districts or thirty-two (32) square feet in copy area in non-residential districts; and is removed within five (5) days after the sale of the property. Such signs may be two sided.

B. Off-premise real estate "for sale" or rental signs: Two (2) off-premise signs advertising the selling or rental of residential property or one (1) off-premise sign advertising the selling or rental of commercial property provided such signs do not exceed two (2) square feet of copy area. Such signs shall be removed within five (5) days of the closing of the sale or rental of the property or ninety (90) days from their erection, whichever comes first.

C. Subdivisions with five (5) or more lots may have a temporary identification sign while the subdivision is being developed, which shall not exceed thirty-two (32) square feet nor ten (10) feet in height. The sign shall not be illuminated and shall be removed when seventy-five (75) percent of the lots in the subdivision have been sold or a permanent subdivision identification sign is erected, whichever comes first.]

902.6 Political Campaign Signs. Temporary non-illuminated political signs and campaign posters provided they conform to the provisions of Sections 904.1, 904.2, 904.6, 904.8 and 904.9. Such signs and posters shall not exceed eight (8) square feet in area, and must be removed within three (3) days following the election to which they pertain by the person or persons posting or erecting them. If such signs are not removed within the required time period, the City will remove them at the candidate's expense.

902.7 Stadium or Ball Field Signs. Scoreboards and incidental advertising signs intended to be viewed from within a public stadium, sports complex or ball field shall be exempt for required sign permits.

Section 903 SIGN PERMIT REQUIRED

No sign, unless herein exempted, shall be erected, constructed, painted, altered, or relocated, until a permit has been issued by the Building Official. Before any permit is issued, an application shall be filed with the Building Official together with such drawings and specifications as may be necessary to fully set forth information on the location, type of construction, materials, manner of illuminating, securing and fastening, and the number of signs applied for. All signs which are electrically illuminated shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.

Section 904 REGULATIONS WHICH PERTAIN TO ALL SIGNS

The following regulations pertain to all signs:

904.1 Signs shall not be located in or extend or project over any public right-of-way.

904.2 Signs shall not be located, lighted, or constructed so as to constitute a hazard to the health or safety of individuals on the public right-of-way.

904.3 The construction or relocation of a permanent sign shall require issue of a building permit.

904.4 Portable signs are permitted in non-residential districts for a period not to exceed thirty (30) days upon approval of a permit by the Building Official. However, an extension of thirty (30) days may be granted with the approval of an additional permit by the Building Official; thereby, allowing a total of sixty (60) days in a three hundred sixty-five (365) day period of time. Said period of time shall commence starting at the date of expiration of the last approved portable sign permit for the business making application for a portable sign permit. There shall be no more than one (1) portable sign permitted per business operation.

904.5 Signs shall be constructed and maintained to conform to all building codes of the City of Demopolis.

904.6 Flashing signs or signs illuminated with intermittent light, except time and temperature indicators, are prohibited.

904.7 Any sign displayed, painted or attached to or on any vehicle or trailer parked, on a public right-of-way or on private property, for the primary purpose of advertising a business product or service or activity is prohibited.

904.8 At all street intersections, no sign shall be placed, erected, or maintained at any location if such sign obstructs vision within a triangular area formed by the intersecting street right-of-way lines and a line drawn between points along such right-of-way lines thirty (30) feet distant from their point of intersection and between elevations of two and one-half (2 1/2) and twelve (12) feet above the established grade within this triangular area.

904.9 Signs shall not be attached to trees, utility poles, or placed on any public right-of-way or public property.

904.10 The area around all signs shall be kept clean and clear of trash and litter and shall present a neat and clean appearance. It shall be the responsibility of the sign owner/lessor or property owner to maintain all signs in a safe and proper operating manner at all times.

904.11 Signs with illegal, obscene, or prurient words, scenes, or graphics are prohibited.

904.12 Windblown devices, including but not limited to any banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag that is designed to inform or attract attention are prohibited (except for exempt flags and banners as set forth in Section 902.3).

904.13 Any other type of sign located on private property outside of a public right-of-way not expressly permitted by Sections 905, 909 and 910.

Section 905 ZONING DISTRICT SIGN REGULATIONS

905.1 Signs Permitted in A-1, R-1, R-2, R-3 and R-6 Districts.

A. All signs exempted from these regulations by Section 902 of this Article.

B. Non-illuminated signs for home occupation indicating only the profession, craft or occupation of the occupant and the occupant's name, not to exceed two (2) square feet in sign area.

C. A permanent detached ground sign identifying the name of a residential development, may be erected at principal entrances to the development, in accordance with the following limitations.

1. One sign shall be permitted on each side of the principal entrance to the development.

2. Such signs shall not exceed forty-eight (48) square feet in sign area and six (6) feet in height.

3. Such signs may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for identification of the residential development.

4. No entrance sign shall be internally illuminated. Other illumination may be used but shall be constructed so that the light is not directed away from the sign area.

5. The approval of such signs shall be subject to a means of long-term maintenance, i.e., homeowners association, etc.

D. A customary church bulletin board, not to exceed twenty-four (24) square feet in sign area.

E. A detached ground sign to identify any public or semi-public use, not to exceed thirty-two (32) square feet in sign area. The detached sign shall not be located within fifteen (15) feet of any public street right-of-way.

F. A flat sign identifying a public or semi-public use, not to exceed twelve (12) feet in sign area except that the area of such sign may be increased by one-fourth (1/4) square foot for each foot of setback, from the street it fronts, in excess of fifty (50) feet.

905.2 Signs Permitted in R-4 and R-5 Districts:

D. Any sign permitted in Subsection 905.1 of this Ordinance.

E. One detached ground sign identifying a multi-family structure, and placed not more than thirty (30) feet therefrom, not to exceed four (4) square feet in sign area.

F. One flat sign for each major building in a multi-family housing project, not to exceed eight (8) square feet in sign area.

905.3 Signs Permitted in M, O-1 and B-1 Districts:

A. All signs exempted from these regulations by Section 902 of this Article.

B. One (1) on-premises business sign per building, not to exceed thirty-two (32) square feet of sign area. Said sign may be attached to the building wall, or be a detached sign. The maximum height of a detached sign shall be not more than six (6) feet measured from the base elevation of the first floor of the building or from the base of sign, whichever distance is less. No detached sign shall be located within fifteen (15) feet of any public street right-of-way.

905.4 Signs Permitted in B-2, District:

A. All signs exempted from these regulations by Section 902 of this Article.

B. Wall or Flat signs, illuminated or non-illuminated, with a total aggregate sign area not to exceed twenty-five (25%) percent of the area of walls on which they are attached and no one sign with an area of more than two hundred (200) square feet in sign area. Illuminated signs inside of show windows and within five (5) feet thereof, shall be included in the computation of aggregate sign area.

C. Projecting sign, illuminated or non-illuminated, one for each business on the premises. Such sign shall: not project more than four (4) feet from the face of the building; not be taller than

two (2) feet; not exceed eight (8) square feet for any individual sign; have a minimum clearance of ten (10) feet above the ground or sidewalk; and not project the roof line on a flat roof or above the eave line on a gable or other style roof line.

D. One detached sign, illuminated or non-illuminated, not to exceed thirty-two (32) square feet in sign area except that if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign may be increased in sign area five-tenths (0.5) square foot for each foot of frontage in excess of fifty (50) feet up to a maximum sign area of sixty-four (64) square feet. A detached sign shall not exceed a height of twenty-five (25) feet.

E. Marquee signs, illuminated or non-illuminated, limited in sign area to fifty (50) percent of the facia of the marquee to which they are attached.

F. Temporary, non-illuminated paper or painted signs in windows, limited in sign area to twenty (20%) percent of the total glass area of the window in which they are placed.

G. Detached signs providing directions to parking areas, facilities, buildings, places, or points of ingress and egress, not to exceed a height of four (4) feet or a sign area of four (4) square feet.

H. Signs for permitted residential uses shall comply with Subsection 905.2 of this Ordinance.

905.5 Signs Permitted in B-3, B-4 and B-LI Districts.

A. Any sign permitted in Subsections 905.3 and 905.4 of this Article.

B. One projecting sign for each business on the premises with maximum sign area not to exceed forty (40) square feet.

C. One detached sign, not exceeding twenty-five (25) feet in height, for each premises regardless of whether such premises contains one or more establishments. A detached sign shall be permanently affixed to the ground, shall comply with the building and electrical codes, and no part of such sign shall be located within fifteen (15) feet of any street right-of-way line. The bottom of a detached sign shall be elevated not less than six (6) feet above the general ground level of the premises on which it is located. The detached sign shall not exceed a sign area of thirty-two (32) square feet except that, if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign area may be increased by one (1) square foot for each additional foot of frontage up to a maximum sign area of one hundred twenty (120) square feet.

D. Gasoline or other pricing signs are permitted provided that:

1. Only one such sign shall be permitted for each frontage on a street having a maximum right-of-way width of fifty (50) feet.

2. The sign must be attached to a principal structure or to the structure of a permitted detached sign.

3. The sign area of such sign shall not exceed thirty (30) square feet per sign face or an aggregate sign area of sixty (60) square feet.

E. One sign, attached to each gasoline pump, to provide information regarding price, type of fuel and octane rating, is permitted provided such sign does not exceed a sign area of two (2) square feet for any single sign face or a total sign area of four (4) square feet if the sign is double-faced.

F. Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas, places, facilities and access drives.

905.6 Signs Permitted in I-1 and I-2 Districts.

A. Any sign permitted in Subsection 905.5 of this Article.

B. Wall or Flat signs, illuminated or non-illuminated, with a total aggregate sign area not to exceed twenty-five (25) percent of the area of a wall to which they are attached and no one sign having a sign area exceeding four hundred (400) square feet.

C. Projecting signs, illuminated or non-illuminated, not to exceed one for each building entrance and no individual projecting sign to exceed sixty-four (64) square feet in sign area.

D. Detached sign, illuminated or non-illuminated, one for each street frontage with the area of any individual sign limited to a total sign area of ninety-six (96) square feet. A detached sign shall not exceed a height of twenty-five (25) feet and shall not be located within fifteen (15) feet of any public street right-of-way.

E. Roof sign with a sign area not to exceed three (3) square feet for each lineal foot of the longest building wall, provided that the maximum size of a roof sign shall not exceed four hundred (400) square feet.

Section 906 COMMERCIAL AND INDUSTRIAL SIGNS GENERALLY

If property zoned for commercial or industrial use abuts a street where fifty (50) percent or more of the frontage on the same side of the street, between two (2) intersecting streets, is zoned for detached dwellings or if property zoned for commercial or industrial use abuts property zoned for detached dwellings; then signs permitted in the building setback area along said property line, or on a building wall facing said property line, shall be limited to the type and size permitted in Subsection 905.3 of this Article.

Section 907 NONCONFORMING SIGNS

It is the intent of this Ordinance to eventually eliminate all non-conforming signs within the City of Demopolis either through measures designed to eventually bring such signs into compliance with the sign provisions of this Ordinance or by their removal. The following provisions shall apply to all nonconforming signs and/or advertising structures.

907.1 All permanent type nonconforming signs that existed at the time of the adoption of this Ordinance shall be allowed to remain as they were at the time of the adoption of this Ordinance subject to the provisions of Section 907.2 through 907.7.

907.2 No sign and/or advertising structure that has been erected in violation of any previous zoning provisions shall by virtue of the adoption of this Ordinance become conforming.

907.3 A nonconforming sign which is damaged by fire, wind or other causes, to the extent that repair of the sign requires structural alteration, shall upon completion of the alteration, conform in all respects to the provisions of this Ordinance.

907.4 No nonconforming sign shall be changed to another nonconforming sign.

907.5 No nonconforming sign shall be replaced with another nonconforming sign when such sign deteriorates because of age and use to the point where replacement of the sign is required.

907.6 A nonconforming sign may be maintained to the extent necessary to present a neat and orderly appearance; however, if a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this Ordinance. The message of a nonconforming off-premise sign may change with jeopardizing the legal nonconforming status of the sign.

907.7 No nonconforming sign shall be repainted, refaced or modified to serve another business, advertisement, person or event.

Section 908 ABANDONED SIGNS

A sign is considered abandoned if one or more of the following conditions exist and shall be removed or altered to conform in all respects to the provisions of this Ordinance.

908.1 All signs, as set out in Sections 908.2, 908.3 and 908.4, that are abandoned for a period of ninety (90) days shall be removed as specified in Section 908.9.

908.2 The property on which the sign is located is vacant.

908.3 The sign face is blank, in ill repair, or no longer applicable.

908.4 The business to which the sign applies is no longer operating.

908.5 The purpose or event to which a temporary sign authorized by the City Council applies shall be removed within ten (days) after the purpose or event is held.

908.6 Permanent signs applicable to a business temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant for a period of ninety (90) days. In the event the business to which the sign applies is destroyed by fire, accident or natural disaster, but the sign itself is not harmed, such sign may remain in place after the expiration of the ninety (90) day period, if the building is undergoing repairs or renovations that are properly permitted.

908.7 Off-premise or general advertising signs that contain no advertising message for a period of ninety (90) days shall be considered abandoned and shall be removed as specified in Section 908.9.

908.8 An abandoned sign under the provisions of this Ordinance is prohibited and shall be removed by the owner of the sign or owner of the premises on which the sign is located as specified in Section 908.9.

908.9 The Building Official shall make an inspection and determination that a sign is abandoned as set out in Section 908. Upon such determination, the Building Official shall prepare a notice which shall describe the sign and its location and which shall state, if the violation or violations are not corrected within ten (10) working days after receipt, the sign, including the sign face, supports and all structural members pertaining to said sign, shall be removed and the cost of said removal billed to the property owner and/or sign owner. All notices mailed by the Building Official shall be sent by certified mail, return receipt requested. Any time periods provided for in this Ordinance relative to compliance shall be deemed to commence on the date of receipt noted on the certified mail return receipt. All notices shall be mailed to the owner of property on which said sign is located as shown on the latest available tax records and/or owner of the sign.

Section 909 OFF-PREMISE SIGNS FOR PUBLIC OR INSTITUTIONAL USES

A permanent or temporary off-premise sign not exceeding four (4) square feet with no dimension greater than two (2) feet or more than twenty-four (24) inches the purpose of which is to denote the route to any historic or religious place, shrine, public building or facility, school, or hospital may be permitted upon approval of the Building Official. Such signs shall not be approved if they are not compatible with the type of development or potential development on land in the vicinity of the site of the sign.

The signs permitted under this Section shall be limited to the name of the use, address of the use and directional arrows. Such signs shall not be illuminated if located in a residential district, shall be erected on supports provided specifically for support of the sign and shall not be placed on public rights-of-way. There shall be no more than two (2) signs providing directions to any one use.

The applicant for such sign shall provide the Building Official with a site plan showing the exact location of the proposed sign and provide information on the height, type of materials, coloring to be used and wording to be placed on the sign.

Section 910 OFF-PREMISE OR GENERAL ADVERTISING SIGNS

Off-premise or general advertising signs may be permitted as a conditional use in the I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts subject to the provisions of this Section.

910.1 CONDITIONAL USE APPROVAL

A request for approval of an off-premise or general advertising sign as a conditional use shall follow the following procedure.

A. An application shall be submitted to the Planning Commission for approval of an off-premise or general advertising sign within the areas specified above in this Section. The application shall be accompanied by a site plan as set forth in Section 910.2 and a filing fee as set forth in the City of Demopolis's current fee schedule, a copy of which is available at the office of the City Clerk.

B. The Planning Commission shall review the request and make a recommendation to the City Council following the same procedures said Commission follows for a rezoning request.

C. After receiving the review and recommendation of the Planning Commission, the City Council shall hold a public hearing and approve, disapprove or approve with modifications the recommendation of the Planning Commission.

910.2 SITE PLAN REVIEW

An application for off-premise or general advertising sign approval shall be accompanied by a site plan showing the following information.

A. The name, address, phone and fax number and tax parcel identification number of the owner of the land on which the sign is to be located.

B. Name, address, phone number and fax number of the contact person for the company or individual entitled to possession of the sign and of the sign contractor or erector.

C. The proposed location of the sign in relation to the boundaries of the lot or tract of land upon which the sign is to be situated with dimensions from the proposed sign to the property line, to the nearest road right-of-way line and to the pavement edge.

D. Size of the sign in terms of total sign area, height of the sign and length of the sign.

E. Height of the sign in relation to the applicable requirement of Section 910.4 B.

F. Drawings showing the supporting members, materials of the sign and method of attachment or mounting.

G. Certification from the owner of the land on which the sign will be located and the owner of the sign that the information and dimensions shown on the site plan will be strictly followed in constructing the sign, and that the requirements of Section 910.4 will be strictly followed. Said certification shall acknowledge that failure to construct the sign as shown on the site plan can result in the City requesting that the sign be removed and in penalties.

910.3 SITE PLAN ENFORCEABLE

If the request for conditional use is approved, the site plan shall become an enforceable condition of the approval and be noted on the Zoning Map. In addition the Planning Commission or the City Council may impose proffered conditions for approval as permitted under Section 1404 of this Ordinance.

910.4 REGULATIONS APPLICABLE TO ALL OFF-PREMISE SIGNS

Off-premise or general advertising signs shall conform to the following requirements; however, the Planning Commission may recommend and the City Council may impose stricter requirements as a condition of final approval. Off-premise public or institutional signs permitted in Section 909 of this Ordinance are exempt from the following requirements.

A. The off-premise sign shall not exceed six hundred seventy-two (672) square feet in sign area inclusive of any embellishments, border or trim, but excluding the supports and other structural members.

B. Off-premise signs shall be constructed so that the distance from the base of the sign face to the ground measures at least eight (8) feet, but no more than forty (40) feet. The total height of the sign, as measured from the top of the sign face to the ground shall not be greater than sixty (60) feet except that in all areas where the ground level is lower than the main-traveled way of the roadway to which the sign is directed, then the maximum height shall be extended to a point twenty-five (25) feet above the plane of the said main-traveled road.

C. The minimum space between two (2) off-premise signs, on the same side of the street, shall be seven hundred fifty (750) feet measured along the shortest line between the two signs.

D. No off-premise sign shall be located within five hundred (500) feet of the boundary of any residential zone district as measured from the nearest edge of the sign.

E. No off-premise sign shall be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically for use as an off-premise sign.

F. Off-premise signs shall not be erected or maintained which are illuminated by intermittent or flashing lights except those giving public service information such as time, date, temperature, or weather.

G. No leading edge of an off-premise sign shall be located within fifteen (15) feet of any public right-of-way and no leading edge of an off-premise sign with a sign area larger than two hundred (200) square feet shall be located within twenty-five (25) feet of any public right-of-way.

H. No portion of any off-premise sign shall project over or encroach upon any public property or public right-of-way.

I. An off-premise sign may contain two (2) signs oriented in the same direction; be placed back to back, or V-type with an angle not to exceed twenty-five (25) degrees, provided that the total area of the sign faces oriented in any one direction shall not exceed maximum size provisions.

J. No three (3) sided off-premise signs shall be permitted.

K. No advertising shall be placed on any sign structure nor may the sign structure be larger than is reasonably necessary to support the sign. Nothing contained herein shall be construed to prohibit advertising on the face of the sign, nor the placing of the sign company logo upon the sign structure.

910.5 PLANNING OBJECTIVES AND CRITERIA FOR APPROVAL

Regardless of whether a proposed off-premise sign meets the requirements of Section 910.4, the Planning Commission may not recommend approval or the City Council may not approve a request for an off-premise sign as a conditional use if it does not meet the following planning objectives.

A. Compatibility of the proposed off-premise sign's appearance, size and location with the existing and potential development of surrounding land.

B. Nature, design and appropriateness of the proposed sign for the property involved.

C. Extent to which scenic assets and natural features such as trees, streams and topographic characteristics are impacted.

910.6 OFF-PREMISE SIGN CONSTRUCTION PERMIT AND FEE

A. Prior to construction of an off-premise or general advertising sign that has been approved as a conditional use, an application for a construction permit shall be made to the City of Demopolis. Such application shall be made within six (6) months of the proposed signs approval by the City Council or the conditional use approval shall become null and void. The application shall be accompanied by drawings, plans, specifications and engineering designs as may be necessary to fully advise and acquaint the City's personnel with the proposed sign and sign location, said drawings, plans and specifications to be certified by the applicant. The application shall be accompanied by the deed, lease or other agreement by which the applicant has the right to erect, use or maintain the proposed off-premise sign at the location. Further, said application and supporting documents shall contain the information required in Section 910.2.

B. The construction permit shall become null and void unless construction of the off-premise sign has substantially commenced with three (3) months from the date on which the permit was issued. In the event a permit becomes null and void after the expiration of three (3) months as described above, the permittee shall be required to reapply for that permit for that site and pay another construction permit fee. If, however, the permittee provides evidence that good cause prevented substantial commencement within the three (3) month limitation and such evidence is accepted by the City, then said permit may be extended for another three (3) month period. If the permittee has not substantially commenced construction within this three-month extension, then said permit shall become null and void and the permittee shall be required to reapply for that permit for that site and pay another construction permit fee.

C. The construction permit fee for an off-premise sign structure shall be as set forth in the City of Demopolis's current fee schedule, a copy of which is available at the office of the Administrative Officer. Said fee is payable upon submission of an application for a construction permit. This fee is in additional to any fees required for conditional use approval as specified in Section 910.1 A.

D. When a construction permit is denied, the City shall give notice to the applicant of the denial with a written statement of the reason(s) for the denial. A single appeal per permit application may be taken to the Board of Zoning Adjustment upon denial of a construction permit by the City.

910.7 LIMITATIONS ON OFF-PREMISE SIGN CONDITIONAL USE REQUEST

Should the City Council reject a request for conditional use zoning for an off-premise sign, the request for an off-premise sign at the same location will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the City Council.

ARTICLE X. NONCONFORMING STRUCTURES AND USES

Section 1001 STATEMENT OF INTENT

Within the districts established by this Ordinance or amendments that may later be adopted, there may be existing lots, structures, manufactured homes, mobile homes, uses of land, buildings and structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue subject to the requirements and restrictions of this Ordinance until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that all non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of structure, a nonconforming use of land or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plan, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 1002 NONCONFORMING USE OF LAND

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1002.1 Enlargement. No such conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

1002.2 Movement on Lot. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that portion occupied by such use at the effective date of adoption or amendment of this Ordinance.

1002.3 Abandonment. If any such nonconforming use of land ceases or is discontinued, or abandoned for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. In a manufactured or mobile home park and a multi-family apartment development or complex, the following shall define abandonment:

A. All spaces for the location of manufactured or mobile homes for the entire manufactured/mobile home park operation or all apartment buildings and units for the entire apartment complex would have to be abandoned for a manufactured home park or apartment complex to be considered abandoned.

1002.4 Additional Structures. No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with a nonconforming use of land.

Section 1003 NONCONFORMING STRUCTURES

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

1003.1 Enlargement. No such nonconforming structure may be enlarged or altered in any way which increases its conformity, but any structure or portion thereof may be altered to decrease its nonconformity. However, a nonconforming detached single-family dwelling or manufactured home may, upon approval of the Board of Adjustment, increase the square footage of living space if such increase does not change the single-family use, cause undue density, and is considered an upgrade in living standards.

1003.2 Restoration After Damages. Should such nonconforming structure or nonconforming portion of structure, other than detached dwellings and except as provided in Section 1003.4, be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

1003.3 Movement of Nonconforming Building on Lot. Should such nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. In a manufactured home park or apartment complex type of development, the restrictions on movement in whole or in part shall apply to the space occupied by a manufactured home or apartment building.

1003.4 Nonconforming commercial or business establishments which are not located in a residential district and manufacturing establishments which are not located in a residential, or commercial district shall be allowed to reconstruct facilities which involve an actual continuance of the nonconforming use provided that any reconstruction shall not be an expansion of activities or operations, shall be in conformance with all requirements for the district within which it is located and shall be completed within one (1) year of the date of damage.

1003.5 Replacement of Nonconforming Manufactured or Mobile Home. A nonconforming manufactured or mobile home located on an individual lot and not in a manufactured or mobile home park may be replaced by another manufactured or mobile home unless it has been abandoned for the time period specified in Section 1002.3 of this Ordinance; provided, that application is made to the Planning Commission and the Planning Commission approves the replacement as an upgrade in the appearance and structural condition of the manufactured or mobile home and its location on the lot relative to yard setback requirements, if deficient, is improved. The Planning Commission may require conditions such as those required for a manufactured home on an individual lot in the R-3 Medium Density Residential District or any other requirements it considers in the best interest of the adjacent development as a condition of approval. The Planning Commission shall post notice and hold a public hearing prior to deciding on the application for replacement. If the Planning Commission approves an application for replacement, no other or further replacement shall be applied for or permitted on the same parcel of land for which the replacement approval was granted. A record of the one-time replacement shall be noted on the Zoning Map and in the records of the Planning Commission, the City Clerk and the Building Official.

Section 1004 CONVERSION OF STRUCTURES NOT PERMITTED

Where a commercial building has been constructed in a residential district in violation of this Ordinance or where a residence has been constructed and then converted into a place of commercial business in violation of said Ordinance, the City Clerk is hereby prohibited from issuing a privilege license for the operation of said business.

Section 1005 REPAIR AND MAINTENANCE OF NONCONFORMING STRUCTURES

On any nonconforming structure or building or portion of a structure or building containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically dilapidated due to lack of repairs and maintenance and is declared unsafe or unlawful by reason of physical condition by any duly authorized official, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any substandard building or part thereof declared to be substandard by any official charged with protecting the public safety upon order of such.

Section 1006 INTERMITTENT OR ILLEGAL USES

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 1007 BUILDING NONCONFORMING IN HEIGHT, AREA, OR BULK

A building nonconforming only as to height, area, yards, or bulk requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase the degree of nonconforming use on the entire lot or tract.

Section 1008 RELOCATION OR MOVING OF STRUCTURES

Any building or structure, which is relocated or moved to any location within the city limits of the City of Demopolis shall be considered for the purposes of this Ordinance to be a new building or structure under construction and as such shall conform to all applicable provisions of this Ordinance and all adopted codes of the City of Demopolis.

Section 1009 CHANGE IN OWNERSHIP OF NONCONFORMING USE

If any change in the ownership of a nonconforming use or structure occurs, the nonconformity may be continued by the new owner subject to the provisions and requirements of this Ordinance.

Section 1010 DATE OF NONCONFORMING STATUS

The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases be upon the owner of such nonconformity and not upon the City of Demopolis. A legal nonconformity is any land use or structure legally established prior to the adoption of this Ordinance, or amendment to it, which would not be permitted by or is not in full compliance with the regulations of this Ordinance.

ARTICLE XI. Reserved for Future Use

ARTICLE XII. ADMINISTRATION, REVIEW PROCEDURES AND ENFORCEMENT

Section 1201 ENFORCING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Building Official of the City of Demopolis, Alabama or his duly authorized agent. The Building Official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of building or premises necessary in carrying out said official's duties in the enforcement of this Ordinance.

Section 1202 BUILDING PERMIT REQUIRED

It shall be unlawful to: commence earthwork; commence construction of any building or other structure, including accessory structures or signs; store building materials or erect temporary field offices; or commence the moving, alteration or repair of any structure, until the Building Official of the City of Demopolis has issued for such work, a building permit. Building permits shall be required for any excavation, construction, or alteration the cost of which is one thousand dollars ($1,000.00) or more. If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of the building permit shall in no case be constructed as waiving any provisions of this Ordinance.

Section 1203 GENERAL PROCEDURE

All persons desiring to undertake any excavation, new construction, structural alteration, or changes in the use of a building or lot except for repairs not exceeding the City of Demopolis' current minimum cost policies or painting or wallpapering shall apply to the Building Official for a building permit and certificate of occupancy, or statement of zoning compliance, by filling out the appropriate application form and submitting the required fee. If the proposed project requires site development plan review under provisions of Article VII of this Ordinance, the Building Official shall not issue a building permit or certificate of occupancy until site development plan approval has been obtained. After the building permit has been received by the applicant, the applicant may proceed to undertake the action permitted in the building permit. If the Building Official finds that the action of the applicant has been taken in accordance with the building permit, a certificate of occupancy will then be issued allowing the premises to be occupied or a statement of zoning compliance will be issued.

Section 1204 REVIEW OF BUILDING PERMIT APPLICATIONS

It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until the plans for such projects have been inspected and found to be in conformity with this Ordinance. To this end, the Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat, in duplicate, drawn to scale and showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

A. Location, size, and dimensions of the site.

B. The proposed use, location, size, and height of all the land and all existing and proposed structures on the site.

C. The location and number of parking spaces, as well as points of ingress and egress.

D. All easements and rights-of-way.

E. The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of this Ordinance.

F. The location and dimensions of all exterior graphic displays.

G. Buffers.

H. Any other information required by the Building Official to determine compliance with this Ordinance.

Section 1205 CERTIFICATE OF OCCUPANCY

No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until and unless the Building Official shall have issued a certificate of occupancy.

Section 1206 ENFORCEMENT

Upon good cause and upon presentation of proper credentials, the Building Official or his authorized agent, may enter at any reasonable time, any building, structure, or premises, for the purpose of determining whether this Ordinance is being violated. When a violation of this Ordinance is found, the Building Official, or the City on the Building Official's behalf is authorized and directed to institute any appropriate action to put an end to such violation. In addition to the criminal penalties and enforcement procedures provided in Section 1207 of this Ordinance, the Building Official, or the City in the Building Official's behalf, may institute any lawful civil action or proceeding to prevent, restrain or abate:

1206.1 The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or

A. The occupancy of such building, structure, land or water; or

B. The illegal act, conduct, or use, in or about any building, structure, or premises.

Prior to any criminal prosecution, the Building Official, or the Building Official's authorized agent, shall give a written notice or citation to the person, firm, corporation, or organization violating any provision of this Ordinance stating the rule or regulation being violated and notifying the said person, firm, corporation, or organization to cease and desist such violation immediately. Otherwise, such person, firm, corporation, or organization will be prosecuted as provided herein.

Section 1207 PENALTIES

Any person, owner, agent, lessee, tenant, contractor, firm, corporation, or any other person violating any provision of this Ordinance shall be fined on conviction not less than fifty dollars ($50.00) and not more than one hundred dollars ($100.00) and cost of court for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 1208 REMEDIES

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

ARTICLE XIII. THE BOARD OF ADJUSTMENT

Section 1301 APPOINTMENT, DUTIES AND RESPONSIBILITIES

A Board of Adjustment is hereby established which shall consist of five (5) members to be appointed by the City Council. Each member shall be appointed for a term of three (3) years. Thereafter, each member appointed shall serve for a term of three (3) years or until his successor is duly appointed and qualified. In addition to the five regular members, two (2) supernumerary members shall be appointed to serve on the Board of Adjustment at the call of the Chairman only in the absence of regular members and while serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the un-expired term of any member whose term becomes vacant.

Section 1302 PROCEEDINGS OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall adopt rules necessary to conduct its affairs, and in keeping with all applicable state statutes or provisions of this Ordinance. Meetings shall be held at the call of the chairmen and at such other times as the board may determine; the chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record and be immediately filed in the office of the board.

Section 1303 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

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

1303.1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.

1303.2 Special Exceptions. To hear and decide any such special exceptions as the Board of Adjustment is specially authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

1303.3 Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owning to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating all of the following:

A. That the granting of the variance will not be contrary to the public interest.

B. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

C. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

D. That the special conditions and circumstances do not result from the actions of the applicant.

E. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, structures or buildings in the same district. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

F. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

G. That granting the variance shall not permit a use in a zoning district which prohibits that use; and

H. That the grant of the variance will be in harmony with the general intent and purpose of this Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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

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

Section 1304 DECISIONS OF THE BOARD OF ADJUSTMENT

In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this ordinance.

Section 1305 APPEALS TO THE BOARD OF ADJUSTMENT

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

1305.1 Procedure. Upon receipt of said appeal, the Building Official may forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other materials constituting the record to the City Attorney for his review and

opinion. The City Attorney shall represent his opinion to the Board of Adjustment as to whether or not the subject of the appeal falls within the jurisdiction of the Board of Adjustment.

1305.2 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the office from whom the appeal is taken and on due cause shown.

Section 1306 APPEALS TO CIRCUIT COURT

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

Section 1307 FEES

Applications, variances, special exceptions and appeals for review by the Board of Adjustment shall be accompanied by a filing fee as set forth in the City of Demopolis' current fee schedule, a copy of which is available at the office of the City Clerk. No application for a variance, special exception or appeal shall be reviewed by the Board of Adjustment unless and until all applicable fees have been paid in full.

ARTICLE XIV. AMENDMENTS

Section 1401 PROCEDURE

A proposed change of the zoning district boundaries or of the provisions of this Ordinance may be initiated by the City Council, the Planning Commission, or at the request of the owners of the property to be rezoned or their authorized agent. In addition the City Council may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance as provided by law.

1401.1 Petition by Property Owners. Whenever the owner of record of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this Ordinance, the following procedure shall be followed.

A. The applicant shall submit a complete zoning amendment application, on a form provided by the City, to the Office of the City Clerk at least twenty-one (21) days prior to the Planning and Zoning Commission meeting at which the amendment is to be considered including a site plan if required by the Ordinance, or if a site plan is not required, containing as a minimum, the following:

1. A filing fee as set forth in the City of Demopolis' current fee schedule, a copy of which is available at the office of the City Clerk.

2. A map, drawn to scale, indicating:

a. The dimensions and location of the site.

b. The shape, size, height and location of all existing structures on the site.

c. The number and location of parking spaces, and location of ingress and egress.

d. All rights-of-way and easements.

e. Other information, which may be required by the Planning Commission during the review process.

3. A written statement indicating:

a. Reason for the request.

b. Legal description of the subject property.

Section 1402 PLANNING AND ZONING COMMISSION REVIEW

Regardless of the source of the proposed zoning change, the City Council shall not hold its public hearing or take actions on any amendment to this Ordinance until it has received a final report on such amendment from the Planning Commission. The Planning Commission shall make a preliminary report and hold a public hearing thereon before submitting its final report to the City Council.

Section 1403 PUBLIC HEARINGS AND NOTICES

The following procedures for hearings and notices shall be followed.

1403.1 Mailed Notice. At least fifteen (15) days prior to the public hearing to be held by the Planning Commission, notice shall be sent to owners of record of property lying within three hundred (300) feet of the property on which the change in zoning is requested. Such notice shall be served by

posting the same postage paid, in the United States Post Office, to owner(s) of record as said name and address appears on the last approved tax roll of Marengo County.

1403.2 Posted Notice. Property proposed to be rezoned shall be posted with a notice at least fifteen (15) days before the public hearing by the Planning Commission. The posted notice shall set forth the property's present zoning, proposed zoning, and the date, time and place of public hearing. Such notice shall remain in place until a final determination is made by the City Council.

1403.3 Planning Commission Hearing. The Planning and Zoning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

1403.4 City Council Hearing. Upon receipt of a favorable recommendation from the Planning and Zoning Commission, the City Clerk shall, in accord with State law and Section 1403.1 of this Ordinance, schedule and advertise the proposed amendment for a public hearing before the City Council.

Upon receipt of a negative recommendation, a tie vote or no action by the Planning and Zoning Commission after holding a public hearing, the City Council review process will be initiated only at the request of the applicant. The applicant's request shall be made to the City Clerk, who upon receipt of the request shall, in accord with State law and Section 1403.1 of this Ordinance, schedule and advertise the proposed amendment for a public hearing before the City Council. When a request is received from an applicant, the provisions of Section 1403.2 shall apply until a final determination is made by the City Council.

Section 1404 CONDITIONAL REZONING

In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district.

1404.1 Proffered conditions must adhere to the following criteria:

A. The rezoning itself must give rise to the need for the conditions.

B. Such conditions shall have a reasonable relation to the rezoning.

C. Such conditions shall not include a cash contribution to the City.

D. Such conditions shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the Demopolis Subdivision Regulations.

E. Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Demopolis Subdivision Regulations.

F. No condition shall be proffered that is not related to the physical development or physical operation of the property.

G. No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.

H. All such conditions shall be in conformity with the purposes and considerations of this Ordinance.

1404.2 The Building Official shall be vested with all necessary authority on behalf of the City Council to administer and enforce conditions attached to a rezoning amendment.

1404.3 The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning. The Building Official shall maintain on file and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, B-1-C), and the zoning map shall reference the conditional zoning index by ordinance number. Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

Section 1405 LIMITATIONS ON REZONING AMENDMENTS

Should the City Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract land will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the City Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the City Council shall also require a one (1) year time period before another application may be submitted. However, the Planning Commission may adjust this time period, if in the opinion of a majority of the commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required administrative fees must be paid. Under no condition shall fees be refunded for failure of such proposed amendment to be enacted into law.

ARTICLE XV. DEFINITIONS

The purpose of this Article is to clarify the meaning of certain words as they are used in this Ordinance.

Section 1501 INTERPRETATION OF CERTAIN TERMS AND WORDS

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain terms or words are to be interpreted as follows:

1501.1 Words used in the present tense include the future tense.

1501.2 Words used in the singular include the plural, and words used in the plural include the singular.

1501.3 The word shall is always mandatory.

1501.4 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

1501.5 The word "lot" includes the word "plot" or "parcel".

1501.6 The word "building" includes the word "structure".

1501.7 The word "used" or "occupied", as applied to any land or building, shall be constructed to include the words "intended, arranged or designed to be used or occupied".

1501.8 The words "zoning map" mean and refer to the Zoning Map of the City of Demopolis, Alabama.

Section 1502 LIST OF DEFINITIONS

For the purposes of this Ordinance, certain terms and words are defined as follows:

Accessory Structure or Building. A building or structure or portion of the main building the use of which is customarily incidental to, subordinate to and related exclusively to the principal or main structure or building located on the same lot occupied by the principal use or building.

Accesory Use. A use naturally and normally incidental to, subordinate to and related exclusively to the principal or main use of the premises.

Alcoholic Beverages. Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquors, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparation or mixtures intended for beverage purposes which contain one-half of one percent of alcohol by volume and shall include liquor, beer, wine, both fortified and table wine,

Alley. A permanent public way which only provides a secondary means of access to abutting properties and has a right-of-way of twenty-five (25) feet or less.

Alteration. Shall mean a change or rearrangement in the structural parts or in existing facilities, or an enlargement, whether by extending on a side or by increasing in height or by moving from one location or position to another.

Antenna. A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, wireless and microwave communications.

Area, Net Site. The net site is the total area within the property lines of a project excluding external streets or alleys.

Assisted Living Facility. A licensed facility in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four (24) hours in any week to a minimum of two (2) ambulatory adults not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for person, who, because of age or disability, is incapable of living independently in their own homes or in a commercial room and board situation, yet who do not require the medical and nursing services provided by a nursing home.

Awning. A detachable framework covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.

Basement. That portion of a building between floor and ceiling, which is partly above and partly below grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling, provided, however, that the distance from grade to ceiling shall be at least four (4) feet six (6) inches. A basement shall not be counted as a story.

Boarding House. An establishment other than a hotel, motel, or restaurant, where lodging, with or without meals is provided for compensation to not less than three (3) or more than ten (10) persons. Lodging is temporary and meals are not served on an individual basis.

Buffer Strip. A planting strip, six (6) feet wide, so planted that within one (1) full year of the installation said planting shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of six (6) feet tall. The entire surface of the buffer strip shall be vegetation. Within three (3) full growing seasons after installation, said planting shall have reached a minimum height of eight (8) feet. The planted buffer strip shall be maintained in a healthy, growing condition by the property owner.

Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals or chattel.

Building Area. The building area is computed as the total of areas taken on a horizontal plane at the main grade level of the principal building and all secondary and accessory buildings exclusive of the uncovered off-street parking area, porches, terraces, and steps.

Building, Coverage. The percent of total lot area covered by buildings and structures including porches, carports, accessory buildings and other structures but excluding roof overhangs.

Building, Front Line of. The line of the face of the building nearest the front or street line of the lot.

Building Line. A line defining the distance from the property line or lines beyond which a structure may be built in compliance with this Ordinance.

Building, Principal. A permanent building in which is conducted or is intended to be conducted the principal use of the lot on which said building is located. A principal building shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the principal building area. A principal building shall not be a mobile building.

Building, Mobile. A building transportable in one or more sections, which is built on a permanent chassis, and designed to be occupied and used with or without a permanent foundation.

Carport. An accessory structure attached to a principal building, having a roof with one or more open sides and intended for the sheltering of motor vehicles.

City. City shall mean the City of Demopolis, Alabama.

City Council. City Council shall mean the governing body of the City of Demopolis, Alabama.

Clinic. An establishment, public or private, where there are no overnight facilities and where people are given examination, diagnosis and treatment as out-patients by physicians, dentists, optometrists or other members of the medical profession.

Club, Night. The term "night club" shall pertain to and include restaurants, dining rooms, or other similar establishments where floor shows or other forms of lawful entertainment is (are) provided for guests after 11:00 p.m.

Club, Private. The term "private club" shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit. "Private club" shall not include casinos, night clubs, or other institutions operated as a business.

Community Building. Shall mean a building or public assembly, open for use by non-profit social, educational and recreational group activities of the immediate or adjoining area.

Communications Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television towers, microwave towers, common carrier towers, cellular telephone towers and similar towers.

Condominium. An ownership arrangement (not a land use) involving Individually owned attached dwelling units, situated on property, which is owned and maintained by an association of residents, for their common use and benefit.

Day Care Center, Nursery or Kindergarten. Any child care facility used for the care and/or teaching of four (4) or more children under seven (7) years of age.

Day Care Center. Any child care facility receiving more than four (4) children for care during all or part of the day. The term does not include: programs operated as part of public or private schools; program operated on governmental premises; and special activities programs such as athletics, crafts and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Day Care Home. A child care facility which is a family home and which receives no more than four (4) children under seven (7) years of age for care.

Density, Maximum. The maximum number of dwelling units allowable in a given zoning district and generally stated in number of dwelling units per acre.

Dormitory. A structure other than a dwelling, designed, used or offered for residential occupancy, which is part of an institution, and serves only the members, students or employees thereof.

Dwelling. A building or portion thereof, which is built on-site and designed or used exclusively for permanent residential occupancy.

Dwelling, Apartment. A building, which is built on-site and arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

Dwelling, Duplex (two-family). A single building, which is built on-site and contains two (2) contiguous and independent dwelling units separated by a common wall and sharing a common roof and foundation.

Dwelling, Multi-Family. A dwelling unit within a building containing three (3) or more dwelling units so arranged that their occupants live independently of each other.

Dwelling, Townhouse. One (1) of a series of more than two (2) attached single-family dwelling units constructed side by side with property lines and with a common fire wall between each two units. At points of attachment, such buildings are separated from one another by a continuous vertical wall without openings from the ground to the roof. The common fire wall shall meet the requirements of the Southern Building Code.

Dwelling Unit. A room or group of rooms including a kitchen and sanitary facilities designed and/or used exclusively or occupied as separate living quarters by not more than one (1) family as a single housekeeping unit, but not including units in hotels designed for transient residence.

Dwelling Unit, Single-Family Attached. A dwelling unit, which is built on-site and designed for occupancy by one (1) family which is joined to another dwelling unit at one or more sides by a party wall or abutting separate wall and such dwelling unit is erected on its own individual lot of record.

Dwelling Unit, Single-Family Detached. A dwelling unit, which is built on-site and designed and constructed for occupancy by one (1) family and located on a lot or separate building track and having no physical connection to a building located on any other lot or track.

Essential Services. Public utility facilities related to water, sanitary sewers, storm drainage, solid waste disposal, telephone, cable television, gas and electrical distribution systems, but not including buildings housing employees, or public safety facilities such as fire or police stations.

Family. An individual, or two (2) or more persons each related to the other by blood, marriage, adoption, or foster care together with not more than two (2) persons not so related living together as a single housekeeping unit. Or a group of not more than four (4) persons not so related and maintaining a common household and using common cooking and sanitary facilities. Every additional group of four (4) or fewer persons, living in such housekeeping unit shall be considered a separate family.

Fence. An artificially constructed barrier or enclosure of any material or combination of materials, which is retained as a means to enclose or screen areas of land or land uses.

First Floor. The term “first floor” shall mean the lowest floor surface of that portion of a structure defined as a story.

Floor Area, Gross. The sum of the gross enclosed horizontal area of all the floors of a building, excluding basements and parking areas within a building, measured from the exterior faces of exterior walls and/or supporting columns.

Frontage. All the property on one (1) side of a street between two (2) intersecting streets measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

Garage, Private. A building or space used as an accessory to or part of a principal building used for the purpose of storing motor vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Public. Any building or premises, other than a private garage, used exclusively for the temporary parking or storage of motor vehicles but not including the storage of wrecked or junked vehicles.

Grade. A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Hazardous Substances. Shall mean any substance or material which, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with such material or substance.

Hazardous Uses. All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops or property.

Height. The vertical distance of a building measured from the average elevation of the finished grade to: 1) the highest point of the roof for flat roofs; 2) to the deck line of mansard roofs; or 3) to the mean height level between eaves and ridges for gambrel, hip and gable roofs. The height of a structure that is not a building shall be measured from the average ground elevation at the bottom of the structure to the highest point of the structure.

Home Occupation. An accessory use of a dwelling subject to the criteria and provisions set forth in Article VI of this Ordinance.

Hotel or Motel. A building or structure under a single management which is designed, used or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. Such hotel or motel, with or without individual kitchen or cooking facilities, may have one or more dining rooms, restaurants, cafes or cocktail lounges where food and drink are served. To be classified as a hotel or motel, an establishment shall contain not less than ten (10) individual guest rooms, maintain an inner lobby, furnish services such as room cleaning, linen supply, telephone, and furnishings.

Junk Yard. Any area of land, including structures thereon that is used or designed to be used for the buying and selling at retail and/or wholesale and storage, remodeling or reconditioning of old, used, or secondhand materials of any kind, which among others include cloth, rubber, paper, rubbish, bottles, iron, brass, copper, steel, and other metals, furniture and used similar un-repairable motor vehicles or parts thereof, or other articles exclusive of or in conjunction with any other use.

Laundromat or Launderette. Shall mean any business using only coin-operated washers and dryers.

Living Area. The area on all floors of a building exclusive of porches, unfinished basements, unfinished attics, garages or breezeways.

Lot. Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or officially approved place. A lot is that land area designated by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control. Such lot may or may not coincide with a "lot of record" and may contain two (2) or more lots of record.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street line is the corner.

Lot, Depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street line.

Lot, Double Frontage. A lot, other than a corner lot, which has frontage on more than one street.

Lot Frontage. Lot width measured at the street lot line.

Lot, Interior. A lot other than a corner lot.

Lot Line. Any line dividing one (1) lot from another.

Lot Line – Front. The front lot line is the line separating the lot from a street. In the case of a corner lot, the front lot line shall be considered as parallel to the streets upon which the lot is located.

Lot Line, Rear. The dividing line between two (2) tiers of lots, or in the case of one (1) tier, the line abutting the narrowest or less important street, or in the case of a corner lot, that lot line parallel or approximately parallel to the interior lot line.

Lot Line, Side. A lot line which adjoins an interior lot line.

Lot, Width. The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this Ordinance to be measured at the front building line.

Lot of Record. A lot which is part of a recorded plat or plot the existence, location and dimensions of which has been recorded in the Office of the Probate Judge of Marengo County, Alabama prior to the adoption of this Ordinance.

Lounge. Any place or premises in which alcoholic beverages of all types may be offered for sale but does not meet the requirement for an accessory lounge or private club lounge as these establishments are defined in this Ordinance. A lounge shall have at least one thousand (1,000) square feet of floor area on one floor in one room and said floor area shall be equipped with tables and chairs capable of seating at least fifty (50) persons.

Lounge, Accessory. An accessory lounge is a lounge which is accessory to a motel or hotel of not less than forty (40) guest rooms or to a restaurant in which the lounge is incidental to the serving of food. Accessory lounges shall be located within or attached to the principal structure.

Marina. A place for docking pleasure boats and, where appropriate under provisions of this ordinance, servicing and repairing such boats and providing services to the occupants thereof. A boat dock or pier serving a residential property is not considered to be a marina if it does not conduct commercial activities or provide slips or spaces for more than four (4) pleasure boats.

Major Vehicle Repair. Rebuilding of engines and other components, painting, grinding, sanding, fabrication of parts, and other activities which require the storage of vehicle or are detrimental to property, health or safety beyond the district in which it is located, due to emission of odor, as, dust, fumes, smoke, noise, vibration or waste material.

Minimum Distance. Shall mean the minimum distance or the average distance from a building to a lot line or street line always measured at right angles to such line.

Mini-warehouse. A structure or group of structures, not to exceed two (2) stories in height, partitioned for leasing of individual storage spaces of five hundred (500) square feet or less, wherein no retail or wholesale trade is conducted.

Manufactured Home. A structure, built or fabricated in an off-site manufacturing facility for installation at a building site, that is designed for highway transport with wheels or other features related to transportability in one or more sections from its manufacturer, retailer or wholesaler, is built on a permanent chassis, is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401, et. seq.), which first became effective on June 15, 1976.

Mobile Home. A dwelling unit manufactured prior to June 15, 1976, whether on wheels or a foundation, which is designed for a long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or

shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

Modular Unit. A fabricated transportable building unit manufactured off-site in accord with local building codes and designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, industrial or institutional purposes. Modular units do not include structures defined as manufactured or mobile homes or constructed with an integral chassis and attached wheels.

Nonconforming Lot of Record. A lot which was lawful when platted but does not conform to the provisions of this Ordinance, or any subsequent amendments thereto.

Nonconforming Use, Building or Structure. A use of land, building or structure which was lawful when the use commenced but does not conform to the provisions and requirements of this Ordinance or any subsequent amendments thereto for the district in which it is located.

Nursing Home. A licensed facility providing care for compensation to convalescents, the aged, or infirm (except mental or alcoholic patients and drug addicts), in which two (2) or more persons are received, kept or provided with food, shelter and care for compensation but not including hospitals, clinics or other institutions devoted primarily to the diagnosis, treatment or care of the sick of injured.

Office Park. A lot or parcel on which more than one (1) office building is located.

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

Open or Outdoor Storage. The keeping within an unroofed area, whether fenced or not, any goods, material, merchandise or vehicles.

Open Spaces. Shall mean an unoccupied space open to the sky.

Package Store. Any place or premises for the principal purpose of selling, at retail, alcoholic beverages by the bottle, can, pack, or case, for off-premise consumption. Should gross receipts from the sale of alcoholic beverages exceed gross receipts from other sales and activities on the premises during any month, it shall be prima facie evidence that the principal purpose of the establishment is the sale of alcoholic beverages.

Parking Lot. An open area which is surfaced by either asphalt pavement or concrete used primarily for the purpose of the temporary parking of motor driven vehicles.

Parking, Off-Street. Shall mean the parking on the lot of cars connected with use to which the lot is put. The objective being the relief of traffic congestion by the removal of motor vehicles, when not in actual use, from public or private thoroughfares.

Parking Space, Off-Street. An all-weather surfaced area not in a street or alley and having an area of not less than 171 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved. An off-street parking space shall always be located outside the street right-of-way and shall meet all the requirements of Article IX of this Ordinance.

Parking Structure. A structure or portion thereof designed or used primarily for the parking of motor driven vehicles.

Plat. Shall mean a map, plan or layout of a city, parcel of land, or subdivision indicating the location and boundaries of individual properties.

Portable Building. A building which is not a dwelling unit and which has dimensions and weight permitting transport by motor vehicle. It is typically used as a temporary or accessory structure.

Poultry. Shall mean any chickens, turkeys, ducks, geese, or other fowl.

Poultry Market. Shall mean a commercial establishment or place where live poultry or fowl are kept and offered for sale.

Premises. Shall always be understood to mean "land, lot or parcel" together with all buildings and structures existing thereon.

Principal Building or Use. A non-accessory building in which the principal use of the lot is contained.

Private Club Lounge. A corporation or association organized or formed in good faith by authority of law for the purpose of promoting national, social, patriotic, political, or athletic purposes, or the like, but not operated for pecuniary gain. Such corporation or association may serve food and beverage to members and guests; however, the serving of alcoholic beverages to members and guests is permitted only when the following conditions are met:

(a) the corporation or association must have at least one hundred (100)paid up members;

(b) the corporation or association must hold regular meetings, continue its business through officers regularly elected; and

(c) the corporation or association admits members only by written application, investigation and ballot and charge and collect dues from elected members.

Recreational Vehicle: A motorized camper, converted bus, tent trailer, motor home, or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation or other recreational trip and provided with sleeping accommodations.

Restaurant. A building in which food is cooked or prepared, offered for sale, and where patrons are served to table by employees, including cafeterias.

Restaurant, Fast Food. An establishment whose principal business is the sale of quickly prepared food and non-alcoholic beverages, which may be served to the consumer at a counter for consumption on the premises or served to the consumer at a pick-up window for consumption in an automobile or at another location.

Recreation Space. Shall mean an open space for general recreational activities including small flower garden plots and for children's playgrounds.

Rooming House. Either a one (1) or two (2) family dwelling other than a hotel, motel or apartment building where lodging is provided for compensation and by pre-arrangement for definite time periods for from six (6) to ten (10) persons, who are not members of a family occupying that dwelling unit, who do not occupy the dwelling as a single housekeeping unit, and who do not take their meals on the premises.

Secondary Building or Dwelling. Shall mean a dwelling for one (1) family built in the rear portion of the lot and erected either simultaneously with or after the erection of another dwelling on the front of the lot.

Service Station. A building or lot where gasoline, oil and greases are supplied and dispensed at retail to the motor vehicle trade, or where cleaning, battery, tire and other minor repair services, except body work or painting, may be rendered.

Shopping Center. A group of two (2) or more retail sales or service establishments located within one (1) building or a group of architecturally unified building; and having an integrated parking area.

Sign. See Article IX, Section 901 for various sign definitions.

Solid Waste Facility. Any land, building, plant, system, facility, trucks and other motor vehicles, equipment or other property, whether real, personal or mixed, or any combination of either thereof, used or useful or capable of future use in connection with the treatment, utilization, recycling, processing, transporting or disposal of solid waste, including a transfer facility or station, incinerators, sanitary or other landfill facilities, facilities for separating and preparing solid waste for reuse, facilities for converting solid waste to energy or other facilities necessary or desirable in connection therewith.

Solid Waste Transfer Facility. A facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. The term includes land affected during the lifetime of the operations, including, but not limited to, areas where storage or transfer actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on site or contiguous collection and transportation facilities, closure and post closure care and maintenance activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operations.

Special Exception. A use which may be allowed within a zoning district subject to provisions of this Ordinance and in accordance with the procedures set forth in this Ordinance.

Stable, Private. An accessory building in which horses and cows are kept for private use and not for hire, remuneration, or sale. A private stable is construed as a stable with capacity for not more than an aggregate of two (2) animals (horses or cows) provided that the net site area of the lot is not less than six thousand (6,000) square feet, and for each twenty-five hundred (2,500) square feet of net site area in excess of six thousand (6,000) square feet, an additional animal (horse or cow) may be stabled, subject to other Ordinances governing such stables.

Stable, Public. A building in which any horses or animals are kept for remuneration, hire or sale. Dairy use is not included herein.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof, in which the floor area with eight (8) feet or more of head clearance is equivalent to fifty (50) percent or more of the floor area of the story next below. A top floor in which the floor area with eight (8) feet or more head clearance is less than fifty (50) percent of the floor area of the story next below is a "half-story". A basement shall be considered a story if its ceiling is more than four (4) feet six (6) inches above ground.

Street. A dedicated and accepted public right-of-way for vehicular traffic, which affords the principal means of access to abutting property.

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 signs, overhead wires, dish antennas, fences, retaining walls, decks, storage buildings, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Travel Trailer or Recreational Vehicle. A vehicle less than forty (40) feet in length and used for temporary or recreational living, or sleeping purposes, and standing on wheels, whether self-propelled or requiring a separated vehicle for power.

Telecommunications Facility. A facility or compound owned and operated by a public utility or a business that transmits and/or receives electromagnetic waves. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or alternative supporting structures and uses.

Use. Any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on or intended to be carried on in a building or other structure or on land.

Used Car Lot. Means any area of land, including structures thereon that is used or designed to be used for the buying and selling at retail and the open storage and display incidental thereto of used or secondhand vehicles.

Variance. A variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance may be authorized only for height area, size of structure, size of yards and open spaces, off-street parking and loading requirements, or height of fencing or buffering. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining a side yard, the depth of a front yard or the depth of a year yard, the minimum horizontal distance between the lot line and the main building shall be used. Roof overhangs of up to three (3) feet or fire escapes are excepted.

Yard, Front. An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, and bay windows, shall be considered as part of the main building and shall not project into a required front yard. Roof overhangs of up to three (3) feet or fire escapes are excepted.

Yard, Front Width. The width of the lot at the setback line. Corner lots have two (2) front setback lines.

Yard, Rear. An open, unoccupied space (except for open air off-street parking) on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. Whenever a rear property line of a lot abuts upon any alley, one-half of the alley width shall be considered as a portion of a rear yard for a dwelling.

Yard, Side. An open, unoccupied space (except for open air off-street parking) on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

ARTICLE XVI. LEGAL STATUS PROVISIONS

Section 1601 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall control. Where other ordinances or regulations require higher standards than the provisions of this Ordinance, such other applicable ordinances or regulations shall govern.

Section 1602 VALIDITY

If any section, clause or portion of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity of any clause, section or portion of this Ordinance which is not so declared to be invalid or unconstitutional.

Section 1603 CONFLICTING ZONING ORDINANCES

This Ordinance supersedes any existing zoning ordinances. Any existing zoning ordinance is hereby repealed.

Section 1604 EFFECT UPON OUTSTANDING BUILDING PERMITS

Nothing herein contained shall require any change in the plans, size, construction or designated use of any building structure or part thereof for which a building permit has been granted by the City before the time of passage of this Ordinance; provided, that where construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this Ordinance or where it has not been prosecuted to completion of this Ordinance or where it has been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance, any further construction or use shall be in conformance with the provisions of this Ordinance.

ARTICLE XVII. EFFECTIVE DATE

This Ordinance shall take effect and be in force immediately after its adoption by the City Council of the City of Demopolis, Alabama.

I, E. Carla Cowlings, City Clerk of the City of Demopolis, Alabama, do hereby certify that the foregoing is a true and correct copy of the Demopolis Zoning Ordinance with all amendments through Ordinance No. 2005-5, which ordinance was adopted by the City Council on July 7, 2005.

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E. Carla Cowlings, City Clerk