

ZONING ORDINANCE
CITY OF BOAZ, ALABAMA

Bruce Sanford
Mayor

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Prepared by:

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Adopted
June 17, 1991

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ARTICLE I

AUTHORITY AND PURPOSE

Section 1-1. Authority

An ordinance establishing comprehensive zoning regulations for the City of Boaz, Alabama, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Title 11, Chapter 52, Article IV, Sections 11-52-70 to 11-52-84 inclusive of the Code of Alabama (recompiled 1975) and providing for the repeal for all ordinances in conflict herewith.

Section 1-2. Purpose

It is the purpose of this Zoning Ordinance:

- a. To protect and provide for the public health, safety, and general welfare of the city.
- b. To guide the future growth and development of the city in accordance with the Land Use Plan
- c. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.
- d. To protect the character and the social and economic stability of all parts of the City of Boaz and to encourage the orderly and beneficial development of all parts of the city.
- e. To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- f. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, and other public facilities and services.
- g. To provide the most beneficial relationship between the uses of land, buildings and the circulation for traffic throughout the city.
- h. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- i. To preserve the natural beauty and topography of the city and to insure appropriate development with regard to these natural features.

ARTICLE II

TITLE

This Ordinance shall hereafter be known, cited, and referred to as the "Zoning Ordinance of the City of Boaz, Alabama".

ORDINANCE NO. 2002-770

AN ORDINANCE TO AMEND THE ZONING
ORDINANCE OF THE CITY OF BOAZ, ALABAMA

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

SECTION 1. That after the adoption and posting of this ordinance that the City of Boaz Zoning Ordinance shall be amended to read as follows:

Section 3-4 Zoning of Annexed Property.

- (a) Any area of real property annexed into the city limits of the City of Boaz, Alabama after the adoption of this ordinance shall, without further action by the City Council of the City of Boaz or the Planning Commission for the City of Boaz, be classified and zoned as an R-1 Low Density Detached Residential District unless and until rezoned by action of the City Council for the City of Boaz, Alabama.
- (b) The Planning Commission of the City of Boaz shall, within 90 days after any annexation of real property, conduct a public hearing thereon and submit to the City Council of the City of Boaz, a recommendation that the area annexed, or any portion thereof, remain zoned as R-1 Low Density Detached Residential District or be changed to a different zoning use district.

SECTION 2. This amendment shall not change any other terms and/or conditions of the zoning ordinance of the City of Boaz, Alabama.

Approved and adopted by the City Council of the City of Boaz, Alabama, this the _____ day of _____, 2002.

Tim Walker
Mayor

ATTEST:

Jill Bright
Acting City Clerk/Treasurer

ORDINANCE NO 97-678

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF BOAZ, ALABAMA**

WHEREAS, the Mayor and City Council of the City of Boaz, Alabama, hereby desires to decrease the waiting period from the date the property owner submits an application for a zoning change until the public hearing is scheduled and placed on the agenda for the Council meeting,

WHEREAS, under the current applicable Ordinance, the fifteen day requirement for posting a proposed ordinance actually delays action on the proposed ordinance for a month, and

WHEREAS, it is in the best interest of all parties involved to come to solution to the zoning change requested as quickly, economically and effectively as feasible.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOAZ, ALABAMA, as follows:

SECTION 1. That Section 10-5-1 of the City of Boaz Zoning Ordinance shall be amended to read as follows:

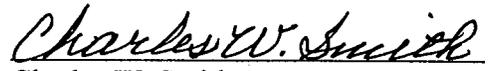
Notice of Public Hearing. No zoning ordinance shall be passed by the City Council until: (a) Owners of property adjacent to the property which is the subject of the zoning amendment, as their names appear upon the plats of the tax assessor, shall be notified by mail of the date, time, place and nature of the public hearing at least ten (10) days prior to said hearing. (b) The proposed ordinance has been posted in four (4) conspicuous places in the City of Boaz, thirteen (13) days prior to the hearing for the proposed ordinance, together with a notice stating the time and place that the ordinance is to be considered by the City Council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition or in favor of such ordinance.

SECTION 2. This amendment shall not change any terms and conditions of the zoning ordinance of the City of Boaz, Alabama, other than the ones listed in Section 1 above.

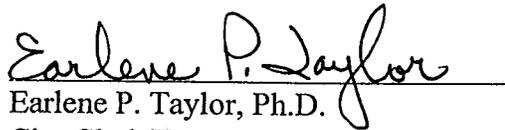
SECTION 3. If any portion of this ordinance shall be held unconstitutional, invalid or unenforceable, such holding shall not affect the remaining portions or render the remaining portions invalid, and to that end the provisions hereof are declared to be severable.

SECTION 4. Upon adoption and posting, this ordinance shall become effective on May 15, 1997.

ADOPTED AND APPROVED THIS 12th DAY OF MAY, 1997.


Charles W. Smith
Mayor

ATTEST:


Earlene P. Taylor, Ph.D.
City Clerk/Treasurer

ARTICLE III

ESTABLISHMENT OF DISTRICTS

Section 3-1. Use Districts Named

The City of Boaz is hereby divided into districts as shown on the Official Zoning Map filed with the City Clerk and adopted by the City Council (date of adoption). The map and all explanatory material thereon is hereby made a part of this Ordinance. Districts shall be designated as follows:

- R-1 Low Density Detached Residential District
 - R-2 Medium Density Detached Residential District
 - R-3 High Density Detached Residential District
 - R-4 Multi-Family Residential District
 - R-5 Townhouse Residential District
 - R-6 Mobile Home Park District
 - B-1 Neighborhood Commercial District
 - B-2 Community Commercial District
 - B-3 General Business District
 - B-4 Central Business District
 - M-1 Light Industrial District
 - M-2 Heavy Industrial District
 - AG Agricultural District
 - MC Medical Center District
 - R-7 *Patio Garden Homes*
- Section 3-2. Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk under the following words: "This is to certify that this is the Official Zoning Map of the City of Boaz, Alabama," together with the date of the adoption of this Ordinance.

3-2-1 Changes in District Boundaries. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

3-2-2 Unauthorized Changes Prohibited. No changes of any nature shall be made in the Official Zoning Map, or matter thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons, shall be considered a violation of this Ordinance and punishable as provided under Section 12-2.

3-2-3 Final Authority to Zoning. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Office of the City Clerk, shall be the final authority as to the current zoning status of land, buildings, and other structures in the City.

3-2-4 Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting, or other errors or omissions, in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Boaz, Alabama."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 3-3. Rules for Interpretation of Districts

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

- a. District regulations extend to all portions of districts surrounded by boundaries. Except as otherwise specifically provided, a district symbol or name shown within district boundaries of the Official Zoning Map indicates that district regulations pertaining to the district extend throughout the entire area surrounded by the boundary line.
- b. Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed as following such centerlines as they exist on the ground, except where variation of actual locations from mapped location would change the zoning status of a lot or parcel. In the case of a street closure, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.

- c. Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines; provided, however that where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated, the boundaries shall be construed as running to the middle of the street or alley. In the event of street or alley closures, interpretation shall be provided in Section 3-3-b above.
- d. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- e. Boundaries indicated as following centerlines of streams, creeks, or other bodies of water shall be construed as following such centerlines.
- f. Boundaries indicated as following physical features other than those mentioned above shall be construed as following such physical features, except where variation of actual location from mapped location would change the zoning status of a lot or parcel and in such case the boundary shall be interpreted in such manner as to avoid changing the zoning status of any lot or parcel.
- g. Boundaries indicated as parallel to or extensions of features indicated in subsections 3-3-b through 3-3-f above shall be construed as being parallel to or extensions of such feature.
- h. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- i. In cases not covered by Subsections 3-3-a through 3-3-h above, the Administrative Officer shall interpret the Official Zoning Map in accord with the intent and purpose of this Zoning Ordinance. Appeal from the interpretation of the Administrative Officer shall be only to the Board of Adjustment. (See Section 9-6 for application procedures).

ARTICLE IV
USE DISTRICTS

SECTION 4-1 R-1 LOW DENSITY DETACHED RESIDENTIAL DISTRICT

The purpose of the R-1 District is to provide for the protection of existing single-family residential areas and the development of additional areas at a low population density. The regulations for this district are designed to stabilize and protect the essential single-family amenities of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a non-residential nature that do not serve residents of this district.

4-1-1 Permitted Uses

Detached single-family homes (excluding mobile homes)
Accessory uses and buildings
Signs subject to the provisions of Article VI

4-1-2 Special Exceptions

Cemeteries
Churches and similar places of worship
Fire Stations
Home Occupations as defined in Section 11-2-30
Libraries
Parks, playgrounds, golf courses and country clubs

Public and private schools having curricula substantially the same as that ordinarily given in public schools

Public utility structures, including electrical substations, gas metering stations, water tanks, sewage pumping stations and similar structures

4-1-3 Dimensional Requirements

1. Front yard setback: forty (40) feet
2. Side yard setback: ten (10) feet except on corner lots where the side adjoining the right-of-way shall be thirty (30) feet
3. Rear yard setback: forty (40) feet. Detached rear yard accessory buildings shall be set back one (1) foot from the utility easement line and five feet from property lines.

4. Minimum lot size: fifteen thousand (15,000) square feet
5. Width in feet at building line: one hundred (100) feet
6. Lot coverage: main and accessory buildings shall not cover more that twenty-five (25) percent of the lot area
7. Height: no building shall exceed thirty-five (35) feet in height

SECTION 4-2 R-2 MEDIUM DENSITY DETACHED RESIDENTIAL DISTRICT

The purpose of the R-2 District is to provide for the protection of existing single-family residential areas and the development of new areas at densities that ensure the continued stability of such areas. This district is established as a district in which the principal use of land is for medium density detached residential use. These areas are intended to be protected from encroachment by all activities of a non-residential nature that do not serve the residents of this district.

4-2-1 Permitted Uses

Any use allowed as a Permitted Use in the R-1 District

4-2-2 Special Exceptions

Day Care Homes, Day Nurseries and Day Care Centers
Nursing Homes

Any use allowed as a Special Exception in the R-1 District subject to the same provisions

4-2-3 Dimensional Requirements

1. Front yard setback: thirty-five (35) feet
2. Side yard setback: ten (10) feet except on corner lots where the side adjoining the right-of-way shall be twenty-five (25) feet
3. Rear yard setback: thirty-five (35) feet. Detached rear yard accessory buildings shall be set back one (1) foot from the utility easement line and five feet from property lines.
4. Width in feet at building line: eighty-five (85) feet
5. Minimum lot size: ten thousand (10,000) square feet
6. Lot coverage: main and accessory buildings shall not cover more than thirty (30) percent of the lot area
7. Height: no building shall exceed thirty-five (35) feet in height

SECTION 4-3 R-3 HIGH DENSITY DETACHED RESIDENTIAL DISTRICT

The purpose of the R-3 District is to provide areas for the development of high density single-family residences and duplex dwellings where appropriate. These areas are intended to be protected from encroachment by all activities of a non-residential nature that do not serve the residents of this district.

4-3-1 Permitted Uses

Any use allowed as a Permitted Use in the R-2 District

4-3-2 Special Exceptions

Duplexes
Rooming and Boarding Houses

Any use allowed as a Special Exception in the R-2 District subject to the same provisions

4-3-3 Dimensional Requirements

1. Front yard setback: thirty (30) feet
2. Side yard setback: eight (8) feet except on corner lots where the side adjoining the right-of-way shall be twenty-five (25) feet
3. Rear yard setback: thirty (30) feet. Detached rear yard accessory buildings shall be setback one (1) foot from the utility easement line and five feet from property lines.
4. Minimum lot size: seven thousand five hundred (7,500) square feet for single-family, ten thousand (10,000) square feet for duplexes
5. Width in feet at building line: seventy-five (75) feet for single-family; eighty (80) feet for duplexes
6. Lot coverage: main and accessory buildings shall not cover more than thirty (30) percent of the lot area
7. Height: no building shall exceed thirty-five (35) feet in height

SECTION 4-4 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

The purpose of the R-4 District is to provide areas for high density multiple-family dwellings.

4-4-1 Permitted Uses

1. Multiple-family dwellings including condominiums
2. Rooming and Boarding houses
3. Accessory uses such as swimming pools, recreational and athletic facilities, community buildings and other similar and related facilities for the common use of occupants of the development and their guests

4-4-2 Special Exceptions

Any use allowed as a Special Exception in the R-2 District, subject to the same provisions.

4-4-3 Dimensional Requirements

1. Front yard setback: thirty-five (35) feet from a public street and fifteen (15) feet from private drives and parking areas
2. Side yard setback: eight (8) feet on the ends of buildings and twenty-five (25) feet for buildings at corners
3. Rear yard setback: thirty-five (35) feet
4. Density: Multi-family developments shall not exceed eighteen (18) units per acre
5. Width in feet at building line: One hundred (100) feet
6. All multiple-family developments shall provide a six (6) foot landscaped buffer when adjoining single-family residential districts.
7. Maximum building height: four (4) stories

SECTION 4-5 R-5 TOWNHOUSE DISTRICT

The purpose of the R-5 District is to provide requirements for the development of townhouses, which are individually owned dwellings on separate lots.

4-5-1 Permitted Uses

1. Townhouses
2. Accessory uses and buildings

4-5-2 Required Conditions

1. Because a townhouse is a single family attached dwelling located on an individual lot, each lot and all public improvements shall comply with the Boaz Subdivision Regulations.
2. Townhouses which are not situated on individual lots must be located in the R-4 District.
3. Each townhouse shall be designed and constructed so as to enable the sale of each dwelling as an individual dwelling.
4. A party wall which complies with the Building and Fire Codes shall separate each townhouse dwelling.
5. A six (6) foot landscaped buffer shall be provided along all property lines which abut an R-1, R-2 or R-3 District.
6. In the event common areas are provided which are not contained in lots or streets, said common areas shall be maintained by and be the sole responsibility of the developer--owner of the townhouse development until such time as the developer--owner conveys such common area to a non-profit corporate owner whose members shall be all of the individual owners of townhouses in the townhouse subdivision. In the event of such conveyance by the developer--owner, deed restrictions and covenants, approved by the City Attorney shall be recorded.

4-5-3 Dimensional Requirements

1. No dwelling located in the R-5 District shall be located closer than 35 feet to a public street or an R-5 District boundary which abuts an R-1, R-2 or R-3 District.
2. Each building shall have a side yard of eight (8) feet except at corners where the side yard shall be 25 feet. Each building shall have a rear yard of thirty five (35) feet.

3. Townhouse development shall not exceed ten (10) dwellings per acre. The minimum lot width shall be twenty (20) feet. All townhouse dwellings, except end units and those on corner lots, shall occupy the full width of the lot on which they are constructed.
4. Maximum building height: thirty-five (35) feet

SECTION 4-6 R-6 MOBILE HOME PARK RESIDENTIAL DISTRICT

The purpose of the R-6 District is to provide requirements for the development of mobile home parks while deriving for the city the advantage of improved appearance, compatibility of uses, optimum service by community facilities and adequate vehicular access and circulation.

4-6-1 Permitted Uses

1. Mobile homes
2. Accessory uses and buildings

4-6-2. Procedure

In addition to information required in Article X for zoning amendments, a site plan containing the following information shall be required as part of a zoning application for the R-6 Mobile Home Park District:

1. Location of mobile home stands and dimensions of each stand;
2. A typical stand detail showing the patio, if any, and mobile home with the location of utility connections including gas, water and sewer, and electrical;
3. Any area within or adjacent to the proposed mobile home park subject to periodic inundation by storm drainage or flooding;
4. All physical improvements as specified in Section 4-6-3 .

4-6-3. Requirements

Any development, redevelopment, alteration, or expansion of a mobile home park within the City Of Boaz shall be done in compliance with these requirements:

1. **Area Requirements:** The minimum size of a mobile home park shall be ten (10) acres.
2. **Stand Requirements:** Each stand shall provide a minimum area of 6,000 square feet.
3. Any property line which adjoins an Agriculture, R-1, R-2 or R-3 district shall provide a twenty (20) foot landscaped buffer as specified in Section 5-16.

4. Open Space Requirements: The minimum front yard setback shall be twenty (20) feet from the nearest corner of the mobile home to the front line of the stand. The minimum distance between mobile homes shall be twenty-five (25) feet on the sides and twenty (20) feet on the ends.
5. Height Regulations: The maximum height for a mobile home shall be eighteen (18) feet. The height of the mobile home frame above the ground elevation, measured at 90 degrees to the frame, shall not exceed three (3) feet.
6. Soil and Ground Cover: Exposed ground surfaces in all parts of the 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.
7. Drainage: The ground surface in all parts of a park shall be graded to drain all surface water in a safe, efficient manner. The drainage facilities shall be designed by a licensed professional engineer.
8. Design and Location of Storage Facilities: Storage facilities with a minimum capacity of 200 cubic feet per stand shall be provided on the stand, or in compounds located within two hundred (200) feet on each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry, porcelained steel, baked enameled steel or other material equal in fire resistance, durability and appearance, approved by the Building Official.
9. Mobile Home Stands: The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.
10. Parking: Every mobile home stand shall have two (2) off-street parking spaces.
11. Underpinning. Each mobile home shall be underpinned with material which complies with the Building Code.
12. Access and Traffic Circulation. Internal streets shall be privately owned and maintained and shall be constructed to meet the minimum standards for streets as required in the Subdivision Regulations.
 - a. An internal street shall be provided to each stand.
 - b. Internal streets shall be maintained free of cracks, holes, and other hazards at the expense of the owner.
 - c. All streets within each park shall be numbered or named in an approved manner.

13. Outdoor Lighting. Adequate outdoor lighting shall be provided in a manner approved by the appropriate electric utility.
14. Recreation Area. All mobile home parks shall have an improved recreation area which is free of traffic hazards, easily accessible to all park residents, and improved for recreation purposes. Not less than ten (10) percent of the gross park area shall be devoted to recreational facilities. Such space shall be maintained in a usable and sanitary condition by the park owner.
15. Utilities. Each mobile 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 city specifications and shall be approved by the City Water and Sewer Board. If the municipal utility system is not available, then a private central system shall be required until such time as the municipal systems become available. The design and specifications of such systems shall meet Health Department specifications and shall be installed under inspection of the appropriate City Department.

SECTION 4-7 B-1 NEIGHBORHOOD COMMERCIAL DISTRICT

The purpose of the B-1 District is to provide for the most frequent daily needs of residents of an immediate neighborhood. The B-1 District is not intended for use by major or large scale commercial or service establishments. Orientation to and compatibility with adjacent residential neighborhoods to be served is critical.

4-7-1 Permitted Uses

Retail outlets for the sale of: food, general merchandise, wearing apparel, hardware, drugs and sundries, and similar neighborhood retail uses

Service establishments including: dry cleaning and laundry pick-up station, self service laundries, barber or beauty shop, shoe repair, video tape rental and similar neighborhood service establishments

Professional services including: medical clinics (out patient only) and offices of doctors, dentists, osteopaths, and similar or allied professions

Business establishments which perform services on the premises including: banks, loan companies, insurance offices, real estate offices and travel agencies

Post office, library, fire station and similar governmental office buildings serving persons living in the adjacent residential area

Mini-warehouse self storage facility

Signs subject to the provisions of Article VI

4-7-2 Special Exceptions

Service Station
Restaurants
Funeral homes

4-7-3 Required Conditions

1. All uses shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business shall be conducted within an enclosed building.
3. Wherever a lot line in a B-1 District adjoins a lot line in a residential or agricultural district a ten (10) foot landscaped buffer, shall be provided as specified in Section 5-16.

4-7-4 Dimensional Requirements

1. Front yard setback: Thirty-five (35) feet
2. Side yard setback: none required, except on the side of a lot adjoining a residential or agricultural district, in which case there shall be provided a side yard of not less than ten (10) feet.
3. Rear yard setback: none required except where a rear lot line adjoins a residential or agricultural district and/or the commercial building is designed to be serviced from the rear; there shall be provided a rear yard of not less than twenty (20) feet for lots without alleys and thirty (30) feet for lots with alley.
4. Minimum lot size: none
5. Lot Coverage: main and accessory buildings shall not cover more than fifty (50) percent of the lot area
6. Height: no building shall exceed thirty-five (35) feet in height

SECTION 4-8 B-2 COMMUNITY COMMERCIAL DISTRICT

The purpose of the B-2 District is to provide for the needs of a larger consumer population than is served by the B-1 Neighborhood Commercial District. The B-2 District is characterized by large volumes of vehicular and/or pedestrian traffic and as such, should be properly located with respect to surrounding development and thoroughfares.

4-8-1 Permitted Uses

Any use allowed as a Permitted Use in the B-1 District

Any retail business whose principal activity is the sale of merchandise in an enclosed building

Business college or business schools
Mini-warehouse self storage facility
Restaurants
Service Stations
Funeral Homes

Theaters, assembly halls or similar places of assembly when conducted within an enclosed building

Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair; and similar service establishments that require a retail adjunct

Private clubs, fraternal organizations and lodge halls

4-8-2 Special Exceptions

Open air businesses such as retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies

Bowling alleys and similar forms of indoor commercial recreation

4-8-3 Required Conditions

1. All uses shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where purchased.
2. All business shall be conducted within an enclosed building with the exception of open air business as specified under Subsection 4-8-2.
3. Wherever a lot line in a B-2 District adjoins a lot line in a residential or agricultural district a twelve (12) foot landscaped buffer shall be provided as specified in section 5-16.

4-8-4 Dimensional Requirements

1. Front yard setback: fifty (50) feet
2. Side yard setback: none required except on the side of a lot adjoining a residential or agricultural district, in which case there shall be provided a side yard of not less than twelve (12) feet.
3. Rear yard setback: none required except where a rear lot line adjoins a residential or agricultural district and where the commercial building is designed to be serviced from the rear; there shall be provided a rear yard of not less than twenty (20) feet for lots without alleys and thirty five (35) feet for lots with alleys.
4. Minimum lot size: none
5. Lot coverage: main and accessory buildings shall not cover more than fifty (50) percent of the lot area
6. Height: no building shall exceed thirty-five (35) feet in height

ORDINANCE NO. 97-695

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BOAZ, ALABAMA.

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

SECTION 1. That after the adoption & posting of this ordinance, property located on Elizabeth Street currently zoned B-2 Community Commercial District shall have a front yard set back of ten (10) feet.

SECTION 2. Any part of any ordinance in conflict herewith is expressly repealed.

SECTION 3. This amendment shall not change any other terms and/or conditions of the zoning ordinance of the City of Boaz, Alabama.

Approved and adopted by the City Council of the City of Boaz, Alabama, this the 8th day of December, 1997.

Charles W. Smith
Mayor

ATTEST:

Earlene P. Taylor, Ph.D.
City Clerk/Treasurer

SECTION 4-9 B-3 GENERAL BUSINESS DISTRICT

The purpose of the B-3 District is to provide sites for more diversified business types which are often located to serve through traffic and require outdoor sales and storage.

4-9-1 Permitted Uses

Any use allowed as a Permitted Use in the B-2 District

Car wash

New and used car salesroom, showroom, or offices including leasing

Mobile home sales lot

Recreational vehicle sales lot

Motels and hotels

Beverage stores

Open air businesses including retail sales of plant materials, lawn furniture, playground equipment and garden supplies

Retail outlets for building materials provided no manufacturing or fabricating is conducted on the premises

Bus passenger stations

Bowling alley and similar forms of indoor commercial recreation

Veterinary hospitals or clinics

Automobile repair service

4-9-2 Special Exceptions

Any retail or service uses which are not specifically mentioned as permitted uses, which conform to the intent of the B-3 District and are not listed as permitted uses in the M-1 or M-2 Districts.

4-9-3 Required Conditions

1. Permitted Uses and Special Exceptions shall be located on major thoroughfares or have access through areas not zoned for residential or agricultural purposes.
2. All lighting shall be shielded from adjacent residential districts.
3. Whenever a lot in a B-3 District adjoins a lot line in a residential or agricultural district a twelve (12) foot landscaped buffer shall be provided as specified in Section 5-16.

4-9-4 Dimensional Requirements

Dimensional requirements shall be the same as those in the B-2 District

SECTION 4-10 B-4 CENTRAL BUSINESS DISTRICT

The purpose of the B-4 District is to provide: (1) a concentrated core of retail businesses and services; and (2) areas accommodating central administrative, business, financial, general and professional offices and related services. The district regulations are designed to promote convenient pedestrian oriented shopping and the stability of retail development. It differs from other commercial districts in that off-street parking is not required.

4-10-1 Permitted Uses

Retail, office and service uses, as follows:

Antique shops
Art and school supply stores
Art galleries and studios
Auditoriums
Bakeries
Banks, excluding drive-in facilities
Barber shops
Beauty shops
Bicycle stores, including rental and repair
Blueprinting and photostating establishments
Book or stationery stores

Business colleges or business schools, operated as a business enterprise

Camera and photographic supply stores
Carpet, rug and linoleum stores
Catering establishments
China and glassware stores
Clothing and costume rental shops
Coin and stamp stores
Custom dressmaking and millinery shops
Department stores
Drug Stores
Dry cleaning stores, except self service

Electrical and household appliance stores, including radio and television sales

Employment agencies
Florist shops

Food stores, grocery stores, meat markets, bakery goods sales, candy and ice cream shops and delicatessens

Furniture stores
Furrier shops
Gift and novelty shops

Haberdasheries
Hardware stores
Hobby shops including arts and crafts
Hotels and Motels
Interior decorating shops
Jewelry stores, including watch repair

Laundries, except self-service, employing not more than four persons in addition to one owner or manager

Leather goods and luggage stores
Loan offices
Locksmith shops
Medical or dental clinics and laboratories
Musical instrument shops

Municipal service buildings, such as administrative offices, fire and police facilities, and community recreation buildings

Newsstands
Office supply stores
Offices, business, professional

Optometrists
Paint and wallpaper stores
Pawn shops

Parking lots when part of a principal structure and intended for use by employees, customers or visitors of such structure

Private clubs or fraternal organizations

Photograph developing and processing shops
Photographer or artist's studios
Picture framing establishments
Plumbing showrooms

Printing, lithographing or publishing establishments for letter press, business cards, mimeographing and other similar custom services

Newspaper publishing, including engraving and photo engraving
Radio and television broadcasting studios
Restaurants (excluding drive-in and carry-out restaurants)
Schools for music or dance

Second hand stores, when conducted wholly within a completely enclosed building

Sewing machine stores
Shoe repair stores
Shoe stores

Sporting goods stores
Tailor shops
Taxidermist shops
Telephone and telegraph offices
Theaters
Tobacco shops
Toy shops
Travel bureau and ticket offices

Upholstering shops, when conducted wholly within a completely enclosed building

Variety stores
Wearing apparel shops

4-10-2 Special Exceptions

Bus station
Commercial parking lots
Drive-in banks
Service stations

Any business use not specifically named which, in the opinion of the Zoning Board of Adjustment, conforms to the intent of this zoning district and Subsection 4-10-3

4-10-3 Required Conditions

1. All business establishments shall be retail or service establishments dealing directly with consumers.
2. Any goods produced on the premise shall be sold at retail on the premise where produced.
3. All business, service and storage and display of goods other than off-street parking and loading shall be conducted within completely enclosed structures.
4. No off-street parking shall be required.
5. No business establishment, except a drive-in bank when permitted as a Special Exception, shall offer goods or services directly to customers waiting in parked motor vehicles.

4-10-4 Dimensional Requirements

1. Front yard setback: none
2. Side yard setback: none
3. Rear yard setback: none

4. Width in feet at building line: twenty (20) feet
5. Minimum lot size: none
6. Lot coverage: none specified
7. Height: no building shall exceed sixty-five (65) feet in height

Ordinance No. 2010-962

AN ORDINANCE TO AMEND ARTICLE IV OF THE ZONING ORDINANCE OF THE CITY OF BOAZ, ALABAMA BY AMENDING SECTION 4-10, B-4 CENTRAL BUSINESS DISTRICT, BY ADDING CERTAIN LANGUAGE.

SECTION 1. This ordinance amends Article IV of the Zoning Ordinance of the City of Boaz, Alabama, being prior Ordinance No. 623 adopted on June 17, 1991 by amending Section 4-10, **B-4 Central Business District**, by adding the following as a permitted use under paragraph 4-10-1, Permitted Uses:

Residential apartments or dwellings, provided such apartments or dwellings are not located on the ground or street level. Such apartments and dwellings must be above the business use of any building.

SECTION 2. This ordinance amends Article IV of the Zoning Ordinance of the City of Boaz, Alabama, being prior Ordinance No. 623 adopted on June 17, 1991 by amending Section 4-10, **B-4 Central Business District**, by adding the following as a requirement under paragraph 4-10-3, Required Conditions:

6. The lower or street level of all buildings shall be used for business purposes only.

SECTION 3. The provisions of this ordinance shall not change or amend any other provision of the Zoning Ordinance of the City of Boaz, Alabama.

SECTION 4. This Ordinance shall become effective on the 16th day of August, 2010, or upon its publication and posting as required by law.

PASSED AND ADOPTED ON THE _____ DAY OF AUGUST, 2010.

Tim Walker, Mayor

Attest:

Jill Bright, City Clerk/Treasurer