

ORDINANCE NUMBER 2010-963

AN ORDINANCE TO PROVIDE FOR THE PRESERVATION OF PROPERTY VALUES, ENHANCE THE EFFECTIVENESS OF ZONING ORDINANCES, AND TO PROTECT THE PUBLIC WELFARE BY REGULATING EXTERIOR ARCHITECTURAL DESIGN AND APPEARANCE IN THE B-4, CENTRAL BUSINESS DISTRICT, ZONE IN THE CITY OF BOAZ

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

Section 1. Definitions. (a) "Architectural feature" shall mean the exterior architectural treatment and general arrangement of the portions of an improvement and site as shall be open to external view, including, but not by way of limitation, the kind, color and texture of building materials, types of windows and doors, attached or detached signs, landscaping, screens, parking lots, exterior lighting, walkways, and other fixtures appurtenant to such portions.

(b) "Capital improvement" shall mean any improvement by the city upon property owned by or under the control of the city.

© "Improvement" shall mean any building, structure, or other improvement to real property. It shall include, but not by way of limitation, street improvements, street furniture, park developments, private and public schools, commercial and business developments, public utility and governmental buildings and structures, religious institutions, hotels, motels, apartment houses, and other multiple-family dwellings, hospitals, rest homes and other similar developments, and commercial and noncommercial recreational areas. It shall not include underground wires, pipes or other similar underground utility installations.

(d) "Regulated improvements" shall mean any improvement upon any property within the B-4, Central Business District, zone of the city.

(e) "Street furniture" shall mean improvements located in streets or rights-of-way and parking lots or other similar open spaces on a site, including, but not limited to, light standards, utility poles, newspaper stands, bus shelters, planters, traffic signs, traffic signals, benches, guardrails, rockeries, retaining walls, mailboxes, litter containers, and fire hydrants.

Section 2. Creation of Downtown Design Committee. There is hereby created a Downtown Design Committee (herein called design committee) for the city, which shall have the powers, duties and functions as hereinafter provided.

Section 3. Members, qualifications and terms. The design committee shall consist of five members. Although not mandatory at least one member should be selected from the profession of architecture, landscape architecture, urban planning or civil engineering, and at least four lay members. All members shall be appointed by the mayor, subject to the confirmation of the city council. In making appointments to the design committee, the mayor shall seek to appoint persons who are knowledgeable in matters of design and aesthetic judgment by virtue of training, education, and/or experience and who possess qualities of impartiality and broad

judgment. Members shall serve without compensation. The initial appointment of members of the design committee shall be for the following respective terms: one for one year; one for two years; one for three years; one for four years; and one for five years. Thereafter, all appointments shall be for a term of five years. No member shall serve more than two consecutive terms. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term. No member of the design committee shall participate in discussions or vote on any matter involving any client he is serving or from any business of which he is owner, corporate officer or employee. The mayor, with concurrence of a majority of the council, shall have the authority to remove any members without cause. The Building Inspector shall serve as an ex-officio member of the committee.

Section 4. Rules and records. The design committee shall adopt rules and regulations for the conduct of its business, subject to the approval of the city council. A majority of the membership shall constitute a quorum for the purpose of transacting business. Action by the design committee shall be by majority vote. A tie vote on a motion to approve shall constitute a failure of the motion and a denial of the application. The building inspector or his duly authorized representative shall serve as executive secretary of the design committee and shall be responsible for records. All meetings of the design committee shall be open to the public. The design committee shall keep minutes of its proceedings and such minutes and a copy of its rules shall be kept on file in the office of the city clerk and open to inspection by the public.

Section 5. Powers of the design committee. (a) The design committee shall have authority only in the area of the City of Boaz, zoned B-4 - Central Business District.

(b) No building permit or other required permit shall be issued by the city for any regulated improvement except upon prior approval of the design committee and no significant changes shall be made in or to an architectural feature of any regulated improvement without the prior approval of the design committee. Deviations from a plan approved by the design committee shall be permitted only upon the filing and approval of an amended plan.

© The design committee may require a bond to the city in a reasonable amount to secure the installation and maintenance of landscaping, screens, parking lots, exterior lighting, walkways and other similar site improvements.

(d) When the city council deems it necessary to retain consultants for a proposed capital improvement, the council shall seek recommendations from the design committee as to the selection of consultants to provide design services.

(e) Consultants or city officials charged with the design responsibility for a capital improvement shall hold preliminary discussions on the proposed project with the design committee to obtain preliminary recommendations from the design committee as to esthetic, environmental and design principles and objectives, which should be sought in the development of the improvement. In addition, the design committee shall review substantial capital improvements at the completion of the design development phase and construction document phase, or at any time they deem necessary. A capital improvement approved by the city council after review and recommendations by the design committee may be implemented on a phasing basis without

further review so long as the improvement is developed in substantial conformity with the reviewed plan. Significant deviations from an approved plan shall be submitted to the design committee for its further review and recommendations.

(f) the design committee shall complete its review and make its decision and recommendations within sixty days after a matter is submitted to it, unless an extension is authorized by the city council. Decisions of the design committee shall be based upon the criteria set forth in Section 10 below.

Section 6. Additional functions. (a) The design committee may assist any person, group, or agency who requests design advice on matters not requiring formal committee action.

(b) The design committee shall consult and cooperate with the Planning Commission for the City of Boaz and other governmental bodies on matters affecting the appearance of the city. The design committee may offer recommendations to the appropriate city agencies and officials on legislation to promote aesthetic and environmental values.

Section 7. Procedure. An applicant seeking design committee approval shall submit to the building inspector a site plan and exterior elevations and such other data as will assist the design committee in evaluating the proposed improvement. Preliminary drawing may be submitted for review and for a preliminary advisory opinion by the design committee. No formal design committee action shall be taken except upon final plans and elevations. Final plans and elevations shall be drawn to scale and shall indicate the nature and extent of the work proposed and shall show in detail how they form with the provisions of this ordinance and other applicable laws and regulations. The building inspector shall refer all applications to the design committee at its next regular meeting. The design committee may approve, approve with conditions, or disapprove an application. In no instance shall the design committee's action conflict with the zoning, subdivision, building or other applicable city ordinances or with state or federal requirements. All formal decisions of the design committee shall be reduced to writing and shall include findings of fact and a statement of the reasons deemed controlling to the decision.

Section 8. Pamphlets. The design committee may prepare pamphlets for distribution at cost, describing the policies and procedures to be used by architects and builders under this ordinance. Authority to spend city funds must be sought in the usual way.

Section 9. Appeals. Any person or persons aggrieved by any action of the design committee may file a notice of appeal with the city council setting forth the reasons for such appeal. Appeals must be filed with the city clerk within ten days from the date of formal action by the design committee. The filing of an appeal shall suspend the issuance of any building or other required permit until the council has taken final action on the appeal. The city council shall take final action within forty-five days of the filing of a notice of appeal. Review by the city council shall be confined to the decision and record of proceedings before the design committee, except that the city council may elect to take additional testimony bearing on the issue of alleged procedural irregularities in the proceedings before the design committee, not shown in the record. The city council shall, upon request, consider oral and written arguments. The city council may affirm the decision of the design committee, remand to the design committee for further proceedings, or

reverse the decision of the design committee if it finds that the substantial rights of the appellant have been prejudiced because the findings, conclusions or decision of the design committee were in violation or in excess of its authority or jurisdiction, made upon unlawful procedure, clearly erroneous in view of the entire record as submitted and the public policy contained in this ordinance, or arbitrary or capricious.

Section 10. Facade and Streetscape Regulations

A. General

1. The Mayor and Council, have determined that facade and streetscape regulations for the Central Business District are necessary to protect the health and welfare of the citizens of Boaz and for the protection and preservation of property values.
2. This Ordinance shall apply to all structures in B-4 zoning, Central Business District.
3. The purpose of this Ordinance is to provide a cohesive approach to exteriors and signage, and to alterations, renovations, and new construction, in the Central Business District, with the following goals:
 - (a) Promote harmony and appearance of the Central Business District streetscape;
 - (b) Avoid disruption and destruction of historic architecture;
 - © Encourage restoration of the classic buildings;
 - (d) Harmonize new construction and alterations to the architectural character and style of the existing building;
 - (e) Harmonize the size, scale, color, material and character of the existing or proposed building with its surroundings.
4. In general, building rehabilitation or renovation shall:
 - (a) Restore deteriorated or hidden architectural features;
 - (b) Replace missing architectural features based on an accurate duplication;
 - © Preserve original architectural features and the character of the building.
5. No construction permit shall be issued for signage, exterior construction, and/or exterior alteration or renovation, for any building structure in the Central Business District, without the review and approval of plans by the design committee. All construction projects for this district shall require a permit but if such project is under \$2,000.00, a fee for such permit will not be charged.

6. Nothing contained here shall exempt any property owner, tenant, business improvement district member, or applicant from compliance with any requirement of the City of Boaz Zoning Ordinance, the International Building Code, and other applicable laws and codes.

B. Application procedures.

Any improvement or change to a structure's facade or appearance of the streetscape within the Central Business District shall be subject to review and approval of the Downtown Design Committee. All applications requesting review of such improvements or changes shall be filed with City of Boaz Building Inspection Department in accordance with the requirements stated herein.

C. Required submissions.

1. Before commencement of any improvements, an applicant who proposes signage or construction, alteration, and/or renovation to any building facade within the Central Business District shall submit plans as follows:

(a) As necessary, professional certified drawings, sketch plats and/or narratives to scale, depicting all elements of signage; building elevation; any element to be demolished, removed or changed; all proposed materials, colors and finishes; and all proposed facade construction, alteration, and/or renovation.

(b) When available, documentation (historic photos or drawings and the like) of any original conditions or buildings that support the historical validity of the proposed construction, renovation or alteration;

© Such additional documentation as the design committee may determine necessary for its review.

D. Design requirements - rehabilitation or renovation and alteration.

The following design recommendations shall be considered and applied by the design committee in reviewing applications.

1. Building mass and style

(a) The project design shall maintain the original mass (size and shape) of the building.

(b) The project design shall consider the relationship between the building facade and its original window and door spacing and heights, bays and cornices, and remaining original upper stories.

© The project design shall reinforce the rhythm of the streetscapes as a whole by respecting the styles of other nearby buildings and shall not visually disrupt the streetscape. No

renovation shall visually disrupt that streetscape nor ignore the original style of the rest of the building.

2. Facade treatments and materials

- (a) When facade changes are made, hidden architectural elements and original materials shall be restored or replaced to match the original architecture of the building if possible.
- (b) In any masonry or frame structure, materials that were not available in the era of the building's original construction shall not be used, except where reproduction materials make classic details replaceable that otherwise might not be replaceable. New high quality plastics and lightweight cement materials may be an acceptable choice.
- © Unless original to the structure, artificial foam-stone, brick-face systems, cement parging, stucco, shingles or shakes, vinyl or aluminum siding and Exterior Insulation and Finishing System Limited (E.I.F.S.), or new specialty vinyl is discouraged and may only be used with the written approval of the Downtown Design Committee. The intent is to foster creative ideas that give a nostalgic presentation to the downtown district.
- (d) All painting and paint colors shall require approval of the design committee. Painting of masonry may be considered when stained or missing masonry cannot be restored to a neat and clean appearance by reasonable means.

3. Storefronts

- (a) The design shall be compatible with the proportions of the rest of the building.
- (b) The entry door shall be recessed where possible, with the display windows set next to the sidewalk, if possible.
- © The storefront shall be a well-defined area, bounded by the sidewalk on the bottom, the lower edge of the upper facade on top, and a wall on either side.
- (d) The storefront shall form a definable base for the building and be designed to fit within its original opening. It shall not extend beyond the original opening and shall not be reduced from its original height.
- (e) The storefront may have recessed portions but shall not be recessed as a whole.
- (f) Glass should be a minimum of 70% of the base of the facade to accommodate large display windows. A visually transparent storefront is required.

4. Windows and doors

- (a) Original door and window openings (including transoms, lintels, sills) and accenting features shall be maintained and shall be restored to original size and style, if possible.

- (b) If a door is replaced, or is not original, the new door must be selected as part of the entire facade and be compatible with the rest of the storefront and conform with the style and period of the building.
- © Window and door repairs shall replace damaged parts with visually similar materials.
- (d) New windows should replicate the originals in size, style, spacing and division. They shall replicate the original height including transoms up to the original header height where determinable. True or architectural divided lights are required when divided light windows or doors are installed.
- (e) Storm windows and storm doors are prohibited. Insulated glass is recommended. Exterior screened windows and exterior screened doors are prohibited. Glass shall be clear and tinted only to 30%. Low-E coatings shall be clear.
- (f) Removal of over-door air-conditioning units and restoration of transoms is required when new storefronts are being installed.
- (g) Secondary doors leading to upper floors, where traditional, shall be included in and coordinated with the rest of the renovation.
- (h) Where a new storefront of windows is being designed and the original windows have been previously removed or destroyed, new anodized aluminum or brass frames and modern glass are generally acceptable. The style of the design shall be in keeping with the original size and style or a historically compatible facsimile.
- (i) Window frames shall be of darker colors (bronze, dark-green, or copper patina, for example). White, sand or silver colored frames or unpainted aluminum frames are prohibited except on modern buildings where the style and design is original.
- (j) Residential-style replacement windows are prohibited, except for upper story windows with committee approval. Windows shall be made to fit the original opening.

5. Detailing and articulation

- (a) Details shall remain and be restored wherever possible. Replacement materials shall match existing where possible. The applicant shall identify signs of a cornice or other details which may have been removed from a building, and more subtle details, such as the trim around windows, which may be important to the design of the overall facade.
- (b) New facade details and articulation shall be compatible with the design of similar nearby structures. Horizontal lines, such as cornices, belt courses (horizontal banding) and opening heights often continue from one building to the next and shall not be disrupted.

6. Awnings

- (a) The installation of awnings is encouraged where architecturally appropriate. Awnings may be operable or fixed. Only classic style awnings that are traditionally correct for the building size, shape and color shall be approved. The vertical flap of any awning shall not exceed eight inches in height. Awnings must be approved by the design committee.
- (b) Lettering is restricted to the vertical flap of the awning, which lettering shall not exceed six inches in height.
- © One emblem logo may be used per awning. Location of the awning's emblem logo is restricted to the center of the main body of the awning or to the center of the vertical flap. The maximum allowable size of an emblem logo shall be computed as follows: The awning's linear width multiplied by fifteen percent shall be the maximum area (square footage) of the emblem logo, or four square feet, whichever is less.
- (d) The size of awnings (clearances above the sidewalk and projection from the building) are to be approved by the design committee. The exact location and sizing of the storefront awning shall be coordinated with the building's original windows and cornices and other architectural details as well as existing awnings on adjacent buildings where they have been installed according to these regulations and alignment is appropriate.
- (e) Other awning materials such as translucent or transparent materials, plastic, or corrugated plastic, etc. are prohibited. Waterfall, mansard, and other non-classic shapes as well as oversized awnings are prohibited. Back-lit, internally lighted, soffited (closed bottom), and sign-type awnings are prohibited.

7. Roof, chimney, and other elements

- (a) The original roof shape shall be maintained at the front of the facade.
- (b) If the roof is visible from street level, roofing materials that match the original in form, shape, size, color, and texture shall be used.
- © Parapets, bays, towers, turrets, gables and dormers, and the like must be preserved and maintained. The original treatment shall be restored or replicated and hidden architectural or other elements shall be restored.
- (d) Satellite dishes, antennae, or mechanical equipment shall not be visible to pedestrian or vehicular traffic from the street, except where allowable by the design committee.
- (e) Chimneys shall remain the original material. Metal flue and cinderblock chimneys are prohibited unless same can be reasonable camouflaged.
- (f) Vending machines shall not be located on the sidewalk or outer walls of any building. All vending machines must be located inside of any building and shall not block any portion of a store or building entrance.

8. Signage

- (a) The primary store identification signage must remain within the defined boundaries of the storefront. For a two-story building, the signage shall be placed above the storefront windows and below the second floor windows. For a one-story building, the signage shall be placed above the storefront windows and below the top of the pediment. Secondary locations may include the awning flap, inside store windows, or a small projecting sign attached to the building. Compliance with the City's zoning ordinance requirements for signage shall be required. Provided, however, the maximum allowable primary sign size is one square foot per linear foot of storefront at the building facade (or fifty square feet, whichever is smaller).
- (b) The overall design of the sign shall complement the building facade and be harmonized with the overall design intent of the downtown districts and its streetscape.
- © Back-lit sign-boxes are prohibited. Existing back-lit signs must be removed when the existing sign is damaged or when a business ceases to operate at that location.
- (d) Signs operated by sodium or metal halide lighting are prohibited.
- (e) Internally illuminated signs may have only separate individual letters of a single color with alphanumeric lettering containing the name of the business only. No logos, pictures, phone numbers or other illuminated items are allowed. Color shall be limited to white, light green or light blue for translucent characters. "Halo" lit signs with opaque lettering may be any single color.
- (f) Unused sign-boxes shall be removed. An old box may only be re-used by an existing business. If new cover panels are inserted, the new panel must be entirely opaque except for alpha-numeric lettering which shall consist of a single line with the name of the business only. No illuminated logos, pictures, phone numbers or other characters will be approved. Color for the translucent characters shall be limited to white, light green or light blue.
- (g) New non-illuminated or externally illuminated signs are to be made of wood, or other solid dimensional traditional materials with carved, raised or hand-painted lettering and detail. They may be of more than one color and may include logos and other design features. Sheet metal, sheet plastic and thin plywood (less than 3/4 inches thick) and other thin flat materials including stick on vinyl lettering, etc. are prohibited.
- (h) Any sign not specifically allowed in this section is prohibited.

9. Lighting

- (a) Visible electrical conduit is prohibited.
- (b) New lighting fixtures shall be in keeping with the period of the architecture of the building.

- © Vestibule lighting of the wall lantern type or recessed hi-hat down right fixtures are allowable. Gooseneck fixtures mounted directly above a wall-mounted sign or a simple shielded fluorescent light-bar mounted above or below the sign are acceptable. Sign lighting shall be unobtrusive and shall light the sign area only.
- (d) Neon lighting is prohibited on the exterior of any building or as a border or framing of any storefront window or door.
- (e) Flashing signs are prohibited.

10. Fences

Chain link fence shall be prohibited except temporarily during construction.

11. Building colors

- (a) The colors of buildings in the street wall shall complement one another, shall be historically correct and shall be approved by the design committee.
- (b) Colors must be selected to match the architectural style and period of the original building. Vibrant colors shall only be used for trim and should be used to accentuate trim and other architectural elements such as windows, doors and cornices. Only satin, or flat finish, or eggshell finish shall be used on the outside of any building. All color selections shall be approved by the design committee.

E. Design requirements - new construction

As nearly as possible and when structurally sound, the following design requirements shall be considered and applied by the design committee in reviewing applications for new construction:

- (a) All new construction shall be designed to be harmonious with the neighboring buildings in terms of material, height, scale, facade proportions, window design and proportions, and decorative features and architectural style. New buildings will be evaluated for their overall proportions, composition, details and quality. A new building's facade is not required to emulate a certain time period so long as it is sympathetic, complementary and coordinating with its neighboring buildings and complies with this ordinance.
- (b) All exterior walls of new construction shall be real brick, brick veneer, stone, or cedar siding or other materials may be used upon design committee approval.
- © Colors must follow classic colorations that preserve the historical look of downtown.
- (d) Windows are to be similar in proportion, scale and color to those found on nearby classic structures.
- (e) Window frame colors are to follow the applicable section above.

- (f) Reflective glazing is prohibited. Glass must be clear, not tinted.
- (g) Roofs may be flat or pitched. If a pitched roof is provided, it must be of a minimum slope of 9:12. Consideration should be given to adjacent structures.
- (h) Flat-roofed structures are required to have a roof parapet and cornice at all facades that front on a public street.
- (i) Blank walls are prohibited at all facades. Storefronts must follow the applicable sections above.
- (j) Storefront design, including awnings and signage, must conform to the applicable sections above.

Section 11. Severability. Should a section, subsection, or provision of this Ordinance be declared invalid or unconstitutional by Judgment or Decree of any Court of competent jurisdiction, such Judgment or Decree shall not affect any other section, subsection or provision.

Section 12. Construction. This Ordinance shall be construed as an exercise by the City of the police powers of the State of Alabama, delegated to the City to provide for the protection of the health, welfare and morals of its citizens and for the protection and preservation of property values within the City of Boaz, Alabama.

Section 13. Effective Date. This Ordinance shall become effective on September 1, 2010, following its passage, approval, publication and posting as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BOAZ,
ALABAMA ON THE _____ DAY OF August, 2010.**

ATTEST:

Tim Walker, Mayor

Jill Bright, City Clerk/Treasurer

Ordinance No. 2006- 902

AN ORDINANCE TO AMEND ARTICLE IV OF THE ZONING ORDINANCE OF THE CITY OF BOAZ, ALABAMA BY REPEALING SECTION 4-11 AND 4-12 AND REPLACING THE SAME WITH THE FOLLOWING PARAGRAPHS.

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 repealing Section 4-11 and 4-12 and replacing the same with the following:

Sec. 4-11. M-1 LIGHT INDUSTRIAL DISTRICT

The M-1 District is intended to provide areas for manufacturing, warehousing, wholesale distribution and equipment and vehicle repair facilities, which are not associated with retail trade and are generally not appropriate in community business and residential areas.

4-11-1 Permitted Uses

All uses permitted in the B-3 District, plus: light industrial and fabricating, assembling and manufacturing uses, except those listed as permitted uses in the M-2 District, which are not obnoxious, offensive or detrimental to property or to the health and safety beyond the District by reason of odor, dust, gas, fumes, smoke, noise, vibration or waste material. These permitted uses include but are not limited to:

- Agricultural Supplies
- Auto repair and maintenance
- Automobile parts assembly
- Bottling plant
- Building material sales and storage
- Contractor yards
- Dairies
- Electrical appliance manufacture or repair
- Farm machinery assembly, sales and repair
- Freight handling and storage
- Furniture industries
- Heavy equipment sales and service
- Industrial supplies
- Janitorial and maintenance services
- Laundry or dry cleaning plant
- Manufactured housing assembly
- Machine shops
- Pharmaceutical manufacturing
- Printing and publishing
- Radio and television transmitters
- State or Federally operated diagnostic laboratories

Textile manufacturing
Tire recapping and retreading
Utility structures not identified as an essential service in Section 5-12
Warehouse Woodworking

4-11-2 Special Exceptions

Any manufacturing or business use not specifically named herein which, in the opinion of the Planning Commission, comes within the spirit or intent of the zoning district.

4-11-3 Required Conditions

1. Any lot in an M-1 District which adjoins a lot in a residential or agricultural district shall provide a twelve (12) foot landscaped buffer as specified in Section 5-16.
2. No outside storage shall be permitted which is visible from any residential lot.
3. Any lighting including any permitted illuminated sign; shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.
4. No use shall emit glare, dust, noise, smoke, vibration or noxious odor or fumes that is greater than the average level occurring on the adjacent lot.

4-11-4 Dimensional Requirements

1. All buildings shall be set back from the front lot line forty (40) feet and the side and rear lot lines a distance of not less than twenty-five (25) feet.
2. Each individual use shall be located on a lot having not less than forty thousand (40,000) square feet in area.
3. Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.
4. No building shall exceed forty-five (45) feet in height.

Sec. 4-12. M-2 HEAVY INDUSTRIAL DISTRICT

The M-2 District is intended to provide areas for heavy industry and other uses which may be detrimental to property or to the health and safety beyond the District by reason of the emission of odor, dust, fumes, gas, smoke, noise vibration or waste material.

4-12-1 Permitted Uses

Any use allowed as a Permitted Use in the M-1 District, plus:

Asphalt manufacture or refining

Concrete or cement products manufacture

Crematorium

Feed or grain mills

Fertilizer plants

Fixed plants for processing chert, gravel, clay, coal and sand

Helipad

Incinerator

Junk or salvage yard of any kind provided that any article or material stored permanently or temporarily outside of an enclosed building shall be so screened by ornamental walls, fences and/or evergreen plantings that it cannot be seen from public streets or adjoining lots when viewed by a person standing at ground level

Meat and poultry processing and storage

Metal fabricating

Recycling facilities as approved by the Planning Commission

Quarry or sand and gravel operation provided the use does not adjoin any residential district

Railroad shops and facilities

Rubber processing plants

Sawmills

Sewage Disposal Plant

Slaughter house and rendering plant

Truck or bus terminal

Volatile uses and volatile industries provided that such use or industry shall not be located closer than one thousand (1,000) feet to any residential district as approved by the Planning Commission.

4-12-2 Special Exceptions

Any manufacturing or business use not specifically named herein which, in the opinion of the Planning Commission, comes within the spirit or intent of the zoning district.

4-12-3 Dimensional Requirements

1. Any lot in an M-2 District which adjoins a residential or agricultural district shall provide a thirty (30) foot landscaped buffer as specified in Section 5-16.
2. Front yard setback: fifty (50) feet
3. Side yard setback: thirty (30) feet

4. Rear yard setback: fifty (50) feet except where it is necessary to setback for the purpose of rail service, in which case the rear yard setback shall be no less than five (5) feet.
5. Lot Coverage: main and accessory buildings shall not cover more than fifty (50) percent of the lot area
6. Building height: no building shall exceed sixty (60) feet in height

SECTION 2. This Ordinance shall become effective on the _____ day of _____, 2006, or upon its publication as required by law.

PASSED AND ADOPTED THE _____ DAY OF _____, 2006.

Tim Walker, Mayor

Attest:

Jill Bright, Assistant City Clerk/Treasurer

city/zoning.ord
sp

SECTION 4-11 M-1 LIGHT INDUSTRIAL DISTRICT

The M-1 District is intended to provide areas for manufacturing, warehousing, wholesale distribution and equipment and vehicle repair facilities, which are not associated with retail trade and are generally not appropriate in community business and residential areas.

4-11-1 Permitted Uses

All uses permitted in the B-3 District, plus: light industrial, fabricating, processing, assembling and manufacturing uses, except those listed as permitted uses in the M-2 District, which are not detrimental to property or to the health and safety beyond the District by reason of odor, dust, gas, fumes, smoke, noise, vibration or waste material. Including, but not limited to:

Auto repair, major
Bottling plant
Building material sales and storage
Contractor yards
Farm machinery sales and repair
Helipad
Heavy equipment sales and service
Janitorial and maintenance services
Laundry or dry cleaning plant
Printing and publishing
Radio and television transmitters
Truck or bus terminal

Utility structures not identified as an essential service in Section 5-12

Warehouse
Wholesale business
Woodworking

4-11-2 Special Exceptions

Sewage Disposal Plant

4-11-3 Required Conditions

1. Any lot in an M-1 District which adjoins a lot in a residential or agricultural district shall provide a twelve (12) foot landscaped buffer as specified in Section 5-16.
2. No outside storage shall be permitted which is visible from any residential lot.
3. Any lighting including any permitted illuminated sign; shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

4. No use shall emit glare, dust, noise, smoke, vibration or noxious odor or fumes that is greater than the average level occurring on the adjacent lot.

4-11-4' Dimensional Requirements

1. All buildings shall be set back from the front lot line forty (40) feet and the side and rear lot lines a distance of not less than twenty-five (25) feet.
2. Each individual use shall be located on a lot having not less than forty thousand (40,000) square feet in area.
3. Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.
4. No building shall exceed forty-five (45) feet in height.

SECTION 4-12 M-2 HEAVY INDUSTRIAL DISTRICT

The M-2 District is intended to provide areas for heavy industry and other uses which may be detrimental to property or to the health and safety beyond the District by reason of the emission of odor, dust, fumes, gas, smoke, noise vibration or waste material.

4-12-1 Permitted Uses

Any use allowed as a Permitted Use in the M-1 District, plus:

Asphalt manufacture or refining
Concrete or cement products manufacture
Crematorium
Fixed plants for processing chert, gravel, clay, coal and sand
Incinerator

Junk or salvage yard of any kind provided that any article or material stored permanently or temporarily outside of an enclosed building shall be so screened by ornamental walls, fences and/or evergreen plantings that it cannot be seen from public streets or adjoining lots when viewed by a person standing at ground level

Landfill and garbage disposal plant
Railroad shops and facilities
Sawmills
Sewage Disposal Plant
Slaughter house and rendering plant

Quarry or sand and gravel operation provided the use does not adjoin any residential district

Volatile uses and volatile industries provided that such use or industry shall not be located closer than one thousand (1,000) feet to any residential district

4-12-2 Dimensional Requirements

1. Any lot in an M-2 District which adjoins a residential or agricultural district shall provide a thirty (30) foot landscaped buffer as specified in Section 5-16.
2. Front yard setback: fifty (50) feet
3. Side yard setback: Thirty (30) feet
4. Rear yard setback: fifty (50) feet except where it is necessary to setback for the purpose of rail service, in which case the rear yard setback shall be no less than five (5) feet.
5. Lot Coverage: main and accessory buildings shall not cover more than fifty (50) percent of the lot area
6. Building height: no building shall exceed sixty (60) feet in height

SECTION 4-13 AG AGRICULTURAL DISTRICT

The purpose of the AG District is to provide a zoning classification for land which is not expected to experience urbanization in the immediate future. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted.

4-13-1 Permitted Uses

Any use allowed as a Permitted Use in the R-1 District, plus individual mobile homes on lots of two acres or more

Agricultural uses including the raising of crops, livestock and poultry

Churches and cemeteries

Parks, playgrounds, golf courses and country clubs

Plant nursery

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

4-13-2 Special Exceptions

Animal hospitals and kennels

Fire stations and other public utility structures

Group Care Facility

Home Occupations

Pet Cemetery

Sanatoriums, convalescent and nursing homes

4-13-3 Dimensional Requirements

1. Front yard setback: forty (40) feet
2. Side yard setback: fifteen (15) feet except on corner lots where the side adjoining the right-of-way shall be thirty (30) feet
3. Rear yard setback: forty-five (45) feet. Detached rear yard accessory buildings shall be set back one (1) foot from the utility easement line.
4. Minimum lot size: two (2) acres
5. Width in feet at building line: one hundred and fifty (150) feet
6. Lot coverage: main and accessory buildings shall not cover more than twenty-five (25) percent of the lot area
7. Height: no building shall exceed thirty-five (35) feet in height except farm related structures not intended for human occupancy

SECTION 4-14 MC MEDICAL CENTER DISTRICT

The purpose of the MC District is to provide for the orderly and efficient development of this District for medical and related uses.

4-14-1 Permitted Uses

Businesses concerned primarily with the sale of hospital and medical equipment and supplies including, but not limited to, artificial limbs, hospital beds, wheelchairs, and other similar and related businesses

Florists, gift and card shops
Hospitals
Nursing and convalescent homes
Medical and dental clinics
Pharmacies

Professional buildings primarily used by physicians, surgeons, optometrists, dentists and other members of the medical profession

Research laboratories related to medical research only
X-ray laboratories

4-14-2 Special Exceptions

Places of residence for nurses and interns

4-14-3 Dimensional Requirements

1. Front yard setback: twenty (20) feet
2. Side yard setback: none, except on corner lots and lots adjoining along its side lot line a lot which is in a residential district, in which instance, the side yard shall be thirty (30) feet
3. Rear yard setback: twenty (20) feet
4. Minimum lot size: none
5. Width in feet at building line: none
6. Lot coverage: main and accessory buildings shall not cover more than twenty five (25) percent of the lot area
7. Height: forty-five (45) feet

4-14-4 Required Conditions

All Permitted Uses and Special Exceptions shall provide a twelve (12) foot landscaped buffer when adjoining single-family residential districts.

ORDINANCE NO. 2007- 913

**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 Section 4-15, being R-7 Patio/Garden Home District, of the City of Boaz Zoning Ordinance is hereby amended to have paragraph 4-15-3, Dimensional Requirements, read as follows:

4-15-3 Dimensional Requirements

1. Front yard setback: 20 feet
2. Rear yard setback: 15 feet
3. Side yard setback: 10 feet on one side of the lot and 0 (zero) on the other side, except that the 0 (zero) side setback shall comply with current Building and Fire Codes provided there shall be a 10 ft. separation between all dwellings, and except that on corner lots the setback on the side adjoining the right of way shall be 15 feet.
4. Minimum lot size: 5,000 square feet
5. Width in feet at the building line: 50 feet
6. Height: No building shall be more than 30 feet in height.

SECTION 2. That Section 4-5, being R-5 Townhouse District, of the City of Boaz Zoning Ordinance is hereby amended to have paragraph 4-5-3, Dimensional Requirements, read as follows:

4-5-3 Dimensional Requirements

1. No dwelling located in the R-5 District shall be located closer than 30 feet to the right of way of 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 setback of 8 feet except at corner lots the setback on the side adjoining the right of way shall be 25 feet.
3. Each building shall have a rear yard setback of 20 feet.
4. 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.
5. Maximum height: No building shall be more than 35 feet in height.

Approved and adopted by the City Council of the City of Boaz, Alabama, this _____ day of October, 2007.

Tim Walker
Mayor

Attest:

Barbara C. Walden
Barbara C. Walden
City Clerk/Treasurer

BOAZ PLANNING COMMISSION

MINUTES

September 11, 2007

MEETING PLACE: Mastin Conference Room-Boaz Public Library
MEETING TIME: 6:00 P.M.
MEMBERS PRESENT: Frank Packard, Jerry Don Sims, John Lowery,
Randall White, Kathy Creech, City Attorney
Danny Smith, City Inspector Don Bouldin
MEMBERS ABSENT: Alan Perry, Susan Spruiell, John Beck

John Lowery, Chairman declared quorum present and called meeting to order at 6:00 p.m.

ZONING OF PROPERTY OWNED BY BOAZ CITY BOARD OF EDUCATION

The purpose of the meeting to hear request to zone property located on Collier St.(Boaz Elementary School). The Board is requesting the property be zoned R-2 (Medium density detached residential district) to be contingent with the property Boaz Elementary is located on. All surrounding property is zoned R-2. Mr. Lowery asked for any discussion. With no discussion, Mr. Lowery asked for motion. Randall White made the motion to recommend to City Council to zone property R-2. Second was made by Kathy Creech. All members were in favor.

FINAL PLAT FOR CLEAR CREEK SUBDIVISION

Request by Stanley Morris and Eric Wilborn for approval for the final plat for subdivision located on Coosa Road to be zoned R-1 (low density detached residential district). The subdivision will consist of 3 lots. Mr. Lowery ask for discussion. Mr. & Mrs. Stover adjoining property owners requested that buyers of property be required to maintain upkeep of property and creek area. Mr. Lowery explained to adjoining property owners that the Planning Commission Members has no authority to demand homeowners to clean up creek area. City Inspector, Don Bouldin assured Mr. & Mrs. Stover the city would do all possible to help with this situation. With no further discussion Mr. Lowery asked for motion. Frank Packard made motion to recommend to City Council to approve final plat for Clear Creek Subdivision. Second was made by Jerry Don Sims. All members were in favor.

FINAL PLAT FOR SNEAD STREET TOWNHOMES

The next order of business was request by Hulsey-Nezlo Construction for approval of the final plat for subdivision located on Snead Street and to be zoned R-5 (Townhouse District). The subdivision will consist of 4 lots and will be named Snead Street Townhomes. Mr. Lowery asked for any discussion. Ms Helen Perigo spoke to board her request of a visual divider or sound buffer between her property which adjoins townhouse

properties and expressed concerns of damage to large pecan tree on her property. City Inspector, Don Bouldin explained with R-5 Townhouse District construction owner is required to provide a six foot landscaped buffer along all property lines. Also with tree being located on her property, no construction should affect tree. With no further discussion Randall White made motion to recommend to City Council to approve final plat for Snead Street Townhomes. Frank Packard made second. All members were in favor.

FINAL PLAT FOR SUBDIVISION NAMED THE GARDENS PHASE III

Request made by Randall Pankey for approval of the final plat for subdivision located at the corner Walnut Street and Bartlett Street and is to be zoned R-7 (Garden Homes District). The subdivision will consist of 4 lots and will be named The Gardens Phase III. Mr. Pankey requested setback variance of 1.5 ft. on lot #1. Mr. Lowery asked for discussion. With none, Mr. Lowery asked for motion. Frank Packard made motion to approve final plat and approve 1.5ft. setback variance on lot #1. Kathy Creech second, with all members in favor.

City Inspector, Don Bouldin and City Attorney, Danny Smith requested to members to review the setbacks on R-5 and R-7. After commission reviewing and discussion the zoning ordinance, City Attorney, Danny Smith recommended to the commission to change Side yard setback to a minimum of 15 ft on R-7 Patio/ Garden Home District. Mr. Lowery asked for motion. City Inspector, Don Bouldin made motion to change side yard setback to a minimum of 15ft. Frank Packard second motion. All members were in favor.

City Attorney, Danny Smith recommended to members to change Back setback to 20 ft. and Front setback to 30 ft. on R-5 Townhouse District. With no further discussion, Mr. Lowery asked for motion. Frank Packard made motion to change Back setback to 20ft. and Front setback to 30 ft. on R-5 (Townhouse District). City Inspector, Don Bouldin seconded motion. All members were in favor.

With no further business Frank Packard made a motion to adjourn and second was made by Jerry Don Sims and meeting was adjourned.

John Lowery, Chairman

ORDINANCE NO. 2000-742

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 The City of Boaz Zoning Ordinance will have a new zoning district to be described as follows:

SECTION 4-15 R-7 PATIO/GARDEN HOME DISTRICT

The purpose of the R-7 District is to provide requirements for the development of Patio or Garden Homes, individually owned and on separate lots, provided however that this is applied to new subdivision development.

4-15-1 Permitted Uses

1. Patio/Garden Homes
2. Accessory uses and buildings

4-15-2 Required Conditions

1. Because a patio home is a single family detached dwelling located on an individual lot, each lot and all public improvements shall comply with the Boaz Subdivision Regulations.
2. 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 subdivision 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 lots in the subdivision. In the event of such conveyance by the developer—owner, deed restrictions and covenants, approved by the City Attorney shall be recorded.

4-15-3 Dimensional Requirements

1. Front yard setback: 20 feet
2. Rear yard setback: 15 feet
3. Side yard setback: 8 feet on one side of the lot and 0 (zero) on the other side, except that the 0 (zero) side setback shall comply with the current Building and Fire Codes provided there shall be a 10 ft. separation between all dwellings.
4. Minimum lot size: 5,000 square feet
5. Width in feet at the building line: 50 feet
6. Lot Coverage: Main and accessory buildings shall not cover more than 50% of the lot area.
7. Height: No building shall be more than 30 feet in height.

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

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF BOAZ, ALABAMA, THIS THE _____
DAY OF _____, 2000.

Charles W. Smith
Mayor

ATTESTED:

Earlene P. Taylor
City Clerk/Treasurer

ARTICLE V

GENERAL PROVISIONS

Section 5-1. Interpretation of District Regulations

The district regulations shall be enforced and interpreted according to the following rules:

5-1-1 Permitted Uses. Uses not designated as Permitted Uses or subject to additional conditions shall be prohibited.

5-1-2 Special Exceptions. Special Exceptions are permitted according to additional regulations imposed. These Special Exceptions can be approved only by the Board of Zoning Adjustment in accordance with Section 9-7 of this Ordinance.

5-1-3 Minimum Regulations. Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted laws, regulations or ordinances, the more restrictive or higher standard shall govern.

5-1-4 Land Covenants. Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this Ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 5-2. Visibility at Intersections in Residential Districts

On a corner lot in all residential zoning districts, no fence, wall hedge or other planting or structure that will obstruct vision between a height of two and one-half (2 1/2) and six (6) feet above the center line grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at such corner lots and a straight line joining said right-of-way lines at points which are thirty (30) feet distant from the intersection of the right-of-way lines and measured along said right-of-way lines.

Section 5-3. Lot Size

No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

Section 5-4. Yard Use Limitations

No part of a yard or other open space required about any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building or use.

Section 5-5. One Principal Building on a Lot

Every building hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district.

Section 5-6. Access to a Public Street

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. No dwelling shall be erected on a lot or portion of a lot which does not abut on at least one public street or approved private street for at least twenty (20) feet.

Section 5-7. Fences, Walls and Hedges

Notwithstanding other provisions of this Zoning Ordinance, fences, walls and hedges may be permitted in any yard, or along the edge of any yard; provided that no solid fence, solid wall, or hedge along the side edge of any required front yard or along the front edge of any required front yard shall constitute any obstruction to visibility between two and one half (2 1/2) and six (6) feet above ground level.

Section 5-8. Accessory Uses and Structures

In Residential Districts, accessory uses and structures with roof impervious to weather shall not be located in any front yard. Accessory structures, if not attached to a principal structure, shall be separated by at least eight (8) feet from said structure and shall not be located closer than five (5) feet from any property line. The area designed or used for such accessory use or structure shall not exceed twenty-five (25) percent of the floor area of the dwelling unit.

5-8-1 Temporary Structures. Temporary structures incidental to construction of buildings or structures are permitted provided such structures shall be removed following completion or abandonment of such construction.

5-8-2 Swimming Pools. Private swimming pools constructed in a residential district as an accessory use to a residence shall be located in the rear yard only and shall not be located closer than ten feet from any property line.

Section 5-9. Corner Lots

Corner lots in Residential Districts have two front yards. Houses whose fronts are oriented parallel to a street shall maintain required front yard on such street. The front yard on the remaining street may be ten (10) feet less than the normal front yard required provided it is not less than twenty-five (25) feet to the nearest point on the street line.

Section 5-10. Yards

5-10-1 Projecting Architectural Features. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, and other architectural features provided that such features shall not project more than two (2) feet into any required yard. Apparatus needed for the operation of solar energy systems shall be exempt from the restrictions of this Subsection.

5-10-2 Porches. Any porch or carport having a roof shall be considered a part of the building for the determination of the size of the yard or lot coverage.

5-10-3 Terraces. A paved terrace shall not be considered in the determination of yard sizes or lot coverage provided that such terrace is unroofed and without walls or parapets or other forms of enclosure.

5-10-4 Front Yards. Where the developed lots within one hundred (100) feet on the same side of the street of any undeveloped lot have a greater or less front yard than required herein, the front yard of such undeveloped lot shall be within five (5) feet of the average front yard.

Section 5-11. Parking and Storage of Certain Vehicles

Automotive vehicles, or trailers of any type without current license plates shall not be parked or stored other than in completely enclosed buildings on any residentially zoned property.

Section 5-12. Essential Services

Essential services are permissible by either Special Exception or Permitted Use in any zoning district. Essential services are hereby defined to include and be limited to water, sewer, gas, telephone, and electrical systems, including substations, lift stations, and similar sub-installations necessary for the performance of these services; provided, however, that this

Subsection shall not be deemed to permit the location in a district of such establishments as electric or gas generating plants, sewage treatment plants, or water treatment facilities from which they would otherwise be barred.

Where permanent structures are involved in providing such services, such structures shall conform insofar as possible to the character of the district in which the property is located, as to architecture and landscaping characteristics of adjoining properties.

Section 5-13. Exclusion from Height Limits

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shaft enclosures, solar energy collectors, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from the height limitations, these structures should not significantly impair solar access of buildings or solar collector locations.

Section 5-14. Off-Street Parking Provisions

It is the intent of this Zoning Ordinance that the public interest, welfare, and safety requires that every building and use erected or instituted after the effective date of this Ordinance shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers, or patrons. Off-street parking is not required in the B-4 Central Business District.

5-14-1 Minimum Space Requirement. Each and every separate individual store, office, residence, manufacturing establishment, or other business shall be provided with off-street parking facilities as specified below except uses located in the B-4 Central Business District.

<u>DWELLINGS & LODGINGS</u>	<u>SPACES REQUIRED</u>
Single and two family dwellings	2 per dwelling unit
Apartments	1.8 per dwelling unit
Boarding or rooming houses	2 plus .75 for each accommodation

Hotels and motels	1.2 for each room in addition to spaces required for restaurant
Mobile Homes	2 per mobile home
<u>RETAIL TRADE</u>	
Department and variety stores	1 per 200 sq. ft. of customer service area (CSA)*
Food and drug Stores	6 plus 1 per 200 sq. ft. of CSA over 1,000 sq. feet
Furniture store, motor vehicle sales	1 per 500 sq. ft. gross floor area of (GFA)
Beverage stores	3 plus 1 per sq. ft. GFA over 500 sq. ft.
Radio and Television sales and/or repair	1 per 200 sq. ft. CSA or 1 per 175 sq. ft. of GFA, whichever is greater
Restaurants, drive-in & fast-food to takeout	1 per 100 sq. ft. of GFA
Restaurants (except above)	1 per 50 sq. ft. of CSA
Shopping centers	5.5 per 1,000 sq. ft. of gross leasable area
Specialty shops (camera, gifts, jewelry, etc.)	3 plus 1 per 200 sq. ft. CSA over 500 sq. ft. or 1 per 275 sq. ft. GFA over 400 sq. ft., whichever is greater

SERVICES

Amusement establishments	1 per each 4 patrons (capacity)
Automobile service stations	3 per service bay and 1 each service vehicle and 1 each 2 employees
Banks or savings and loan companies	1 per 150 sq. ft. CSA
Barber and beauty shops	2 per chair and 1 per each 2 employees
Bowling alleys	5 for each lane, plus 1 additional space for each 2 employees
Churches	1 per 4 seats
Clubs or lodges (private, nonprofit)	1 per 50 sq. ft. of assembly area
Funeral parlors or mortuaries	5 and 1 per 5 seats in largest chapel
Hospitals and sanitariums	1 per 2 beds, 1 per hospital or staff doctor, and 1 per each 2 employees at maximum shift
Medical or dental clinics or offices	3 per treatment room and 1 per each doctor or dentist
Nursing, convalescent, or rest homes	1 per 4 beds and 1 per each 2 employees

Offices, business or professional	1 per 300 sq. ft. GFA
Private Schools: Nursery school, day care center, or elementary school	1 per employee and adequate off-street area for pick-up and delivery of children
Nonboarding junior and senior high schools	1 per employee and 1 per each 8 students
Self-service laundries, dry cleaning	1.5 per machine
Theaters, auditoriums and other places of public assembly	1 per 4 seats

MANUFACTURING & WHOLESALE

Manufacturing	2 plus 1 per 2 employees at maximum employment on a single shift and 1 per company vehicle*
Warehousing	10% GFA
Wholesale establishments	2 plus 1 per 3 employees and 1 per company vehicle

FOR USES NOT COVERED ABOVE, THE REQUIREMENTS LISTED BELOW ARE APPLICABLE:

Retail stores and service establishments	1 per 200 sq. ft CSA or 1 per 275 sq. ft. GFA, whichever is greater
Other commercial and industrial	.75 x maximum number of employees on premises at any one time

*NOTE: Spaces required for company vehicles shall vary as to size so as to adequately accommodate the vehicles usually occupying the spaces.

5-14-2 Other Factors Determining Off-Street Parking Requirements

1. Fractional Spaces. When determination of the number of spaces required by this Ordinance results in a requirement of a fractional space, any fraction less than 1/2 shall be disregarded and any fraction of 1/2 or more shall require one space.
2. Enlarged/Changed Use. From the effective date of this Ordinance, if such land, structures, or uses are enlarged, expanded, or changed, there shall be provided for the increment only of such land, structures, and uses enlarged, expanded or changed and maintained as herein required, at least the amount of off-street parking space that would be required hereunder if the increment were a separate land, structure or use. However, where a lot with an existing structure is cleared and a new structure is erected thereon, there shall be provided and maintained off-street parking space as required herein.
3. Joint Use. When an off-street parking space is used jointly by two or more uses with different requirements, or two or more uses having the same requirements, an area shall be provided equal to the total requirements of all uses.

5-14-3 Location Of Off-Street Parking. The required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve, provided, however, that for other than residential uses the Board of Adjustment may allow the establishment of such off-street parking facilities within three hundred (300) feet of the premises they are intended to serve when (1) practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve; (2) the owner of the said parking area shall enter into a written agreement with the city with enforcement running to the city providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and (3) the owner agrees to bear the expense of recording the agreement and agrees that the agreement shall bind his heirs, successors and assigns. The written agreement shall be voided by the City if other off-street facilities are provided in accord with this Ordinance.

5-14-4 Vision Clearance at Intersections. Off-street parking shall observe the provisions of Section 5-2 of this Ordinance.

5-14-5 Development and Maintenance of Off-Street Parking Facilities

1. Plans. An applicant for a Building Permit must submit plans showing the off-street parking required by this Ordinance. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and

ingress and egress in a manner satisfactory for the safety and convenience of pedestrian, as well as vehicular, traffic.

2. Access. Adequate access drive shall be provided for all parking spaces not abutting a public street or alley. Ingress and egress driveways shall be no wider than twenty-five (25) feet, exclusive of curb returns.

3. Improvement.

a. Surfacing, Marking and Drainage. All off-street parking spaces and their access roads shall be paved with an all-weather surface of asphaltic concrete, portland cement concrete or any equivalent material acceptable to the City Engineer, and maintained such that no dust will result from continued use. Spaces shall be arranged and marked so as to provide for orderly and safe parking. Drainage shall be provided to dispose of all surface water without crossing sidewalks.

b. Barriers/Bumpers. Except for parking areas provided for single-family and two-family units, suitable barriers or curbs shall be provided to protect sidewalks. Wheel or bumper guards shall be located so that no part of any vehicle shall extend beyond the parking area, intrude on pedestrian ways, or come in contact with walls, fences, or plantings.

c. Lighting. Lighting for off-street parking shall be adequate and so arranged as to direct the light away from any adjoining property in a residential district.

Section 5-15. Off-street Loading

Off-street loading facilities are required by this Ordinance so that vehicles engaged in unloading will not encroach on or interfere with the public use of streets and alleys and so that adequate space is available for the unloading and loading of goods, materials, or things for delivery and shipping.

5-15-1 Minimum Space Requirement. Off-street loading spaces shall be provided and maintained as follows.

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

SQUARE FEET		SQUARE FEET		NO. OF SPACES
Over	5,000	But Not Over	25,000	1
	25,000		60,000	2
	60,000		120,000	3
	120,000		200,000	4
	200,000		290,000	5

Plus one additional off-street loading space for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof.

2. For each auditorium, convention hall, exhibition hall, museum, motel, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which has an aggregate floor area of:

Over 10,000 sq. ft. but not over 40,000 sq. ft.: one (1) space; plus for each additional 60,000 sq. ft., over 40,000 sq. ft. or major fraction thereof: one (1) space

5-15-2 Other Factors Determining Off-Street Loading Requirements

1. Fractional Spaces. When determination of the number of spaces required by this Ordinance results in a requirement of a fractional space, any fraction less than 1/2 shall be disregarded and any fraction of 1/2 or more shall require one space.
2. Enlarged/Changed Use. From the effective date of this Ordinance, if such land, structures, or uses are enlarged, expanded, or changed, there shall be provided for the increment only of such land, structures, and uses enlarged, expanded or changed and maintained as herein required, at least the amount of off-street loading space that would be required hereunder if the increment were a separate land, structure, or use. However, where a lot with an existing structure is cleared and a new structure thereon, there shall be provided and maintained off-street loading space as required herein.
3. Joint Use. When an off-street loading space is used jointly by two or more uses with different requirements, or two or more uses having the same requirement, an area shall be provided equal to the total of requirements of all the uses.

5-15-3 Development of Off-Street Loading Facilities

1. Plans. An applicant for a Building Permit must submit plans showing the off-street loading required by this Ordinance, for any use or structure required to provide off-street loading facilities. The plan shall accurately designate the required off-street loading facilities, access thereto, dimensions and clearance.

2. Size. Each space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

Section 5-16. Required Buffers

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

5-16-1 Requirements. Where this Ordinance requires a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area shall not be less than the width specified in the Ordinance measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted, and maintained as to be eighty (80) percent or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally.
3. Types and numbers of plantings for landscaped buffers shall be submitted with application for a Building Permit, along with plans and statements demonstrating how the buffer will be irrigated. No Building Permit shall be issued without such data, where this Ordinance requires a landscaped buffer area or areas.
4. Plantings shall be of a size and type which will insure the meeting of eighty (80) percent opacity requirement within no longer than twelve (12) months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Administrative Officer.
5. Failure to maintain the landscaped buffer area as set out above shall be a violation of this Ordinance.

5-16-2 Substitution for Landscaped Buffer Area. Except when otherwise specifically provided by this Ordinance, a six (6) foot high opaque structure set in a five (5) foot wide landscaped buffer area may be substituted for the six (6) foot high, planted buffer in Subsection 5-16-1.