

# City of Semmes, Alabama

## ZONING ORDINANCE



Prepared by

The Semmes Planning Commission

ORDINANCE NUMBER \_\_2025-18\_\_ ADOPTED \_\_4/15/2025\_\_

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# Article 1

# TITLE, PURPOSE, AND LEGAL STATUS

## 1.1 Title

This Ordinance, establishing rules and regulations for zoning land; establishing zoning districts and district requirements, shall be known as, and may be referred to as the "Semmes Zoning Ordinance," and includes maps of the City that depict the boundaries of zoning districts.

## 1.2 Purpose

The City of Semmes, Alabama, pursuant to the authority granted by Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama 1975, as amended and supplemented by all applicable laws, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, and parks; to facilitate initiation of the comprehensive plan, and other public requirements, hereby ordains and enacts into law an official Zoning Ordinance in accordance with the laws of Alabama. In their interpretation and application, the provisions of this ordinance shall be:

- A. Liberally construed in favor of the governing body; and
- B. Deemed neither to limit nor repeal any other powers granted under state statutes.

## 1.3 Legal Status

### A. Authority

The rules and regulations herein set forth are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama 1975, as amended and supplemented by all applicable laws.

### B. Jurisdiction

This Ordinance shall be in force and effect for zoning purposes for all land located within the corporate limits of the City of Semmes, as presently or hereinafter established.

**C. Applicability to Governmental Units**

Except as otherwise stated herein, the provisions of this Ordinance shall apply to:

1. All development by the City or its agencies or departments, or on land owned or otherwise controlled by the City.
2. To the full extent permitted by law, development by a county, state, or federal government, or its agencies, departments, or corporate services, or on land owned or held in tenancy by a county, state, or federal government.

**D. Relationship to Other Laws and Agreements**

Where other ordinances or regulations impose greater restrictions than those specified in this Ordinance, compliance with such other ordinances and regulations shall be mandatory.

Application of the provisions of this Ordinance shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this Ordinance.

The provisions of this Ordinance are not intended to abrogate, annul, or otherwise interfere with any lawfully established easement, covenant, or private agreement; provided, however, that where the provisions of this Ordinance are more restrictive or impose higher standards, the provisions of this Ordinance shall apply.

**E. Validity and Severability**

Each phrase, sentence, paragraph, section, or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section, or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.

**F. Disclaimer of Liability**

These regulations shall not create liability on the part of the City of Semmes, the Semmes Planning Commission, the Semmes Board of Adjustment or any officer or employee thereof for any damages that may result from reliance on this ordinance, or any administrative decision lawfully made hereafter.

**G. Effective Date**

This Ordinance shall take effect and be in force from and after the date of its adoption by the Semmes City Council, and upon such date, all previous zoning ordinances, with all subsequent amendments thereto, are hereby repealed as of the effective date of this ordinance.

### 2.1 General Rules for Interpretation

The following rules shall apply for interpreting the terms and provisions of this ordinance.

#### A. Meanings and Intent

1. Except as otherwise provided herein, all words shall have the customary dictionary meaning.
2. The present tense includes the future tense, and the future tense includes the present tense.
3. The singular word "person" includes a firm, corporation, association, organization, trust, or partnership.
4. The word "Lot" includes "plot" or "parcel."
5. The word "building" includes "structure."
6. The words "shall," "must," and "will," are all mandatory in nature. The words "may" and "should" are permissive in nature.
7. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

#### B. Public Officials and Agencies

Unless otherwise indicated, all public officials, bodies, and agencies to which references are made are those of the City of Semmes.

#### C. Terms Not Defined

Any term used in this Ordinance, but not defined in this article, the Planning Commission shall have the authority to provide a definition based upon the definitions used in accepted sources including, but not limited to, the most recent editions of *A Planner's Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions*, published by the American Planning Association (APA).

## 2.2 Words and Terms Defined

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

### ABUTTING

Having a common border with or being separated from such common border by an alley or easement.

### ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot and which includes independent cooking, sanitary, and sleeping facilities.

### ACCESSORY BUILDING AND/OR STRUCTURE

A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

### ACCESSORY USE

A use that is customarily incidental and subordinate to the principal use of land or structure on the same lot.

### ADDITION

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "new construction."

### ADJACENT PROPERTY

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

### ADMINISTRATIVE APPEAL

An appeal of an administrative decision-maker's interpretation or decision on certain applications and other matters, and that is reviewed by the Planning Commission and ruled upon by the Board of Adjustment, in accordance with this Ordinance.

### ADMINISTRATIVE OFFICIAL

A designated government official identified as a specific official, such as the municipal clerk, building official, fire chief, etc.

### ADULT DAY CARE

A program operated in a structure other than a single-family dwelling that provides group care and supervision on less than a 24-hour basis, and in a place other than their usual place of abode, to adults 18 years of age or older who may be physically or mentally disabled.

#### ADULT ENTERTAINMENT USES

A use category that includes use types that sell, distribute, or present material or feature performances or other activities emphasizing the depiction or display of specified sexual activities or specified anatomical areas. Example use types include adult arcades, adult bookstores, and adult motion picture theaters (all distinguished by being largely devoted to selling, renting or presenting media emphasizing sexually explicit content), adult motels (which are largely devoted to providing room occupants films or other visual representations emphasizing sexually explicit content), and adult cabarets (which feature live performances or services emphasizing the display of specified sexual activities or specified anatomical areas).

#### ADVERSE IMPACT

A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities. Adverse impacts usually relate to circulation, drainage, erosion, potable water, sewage collection and treatment. They may also relate to lighting and glare, aesthetics, quality of life, public services, and impact on the environment.

#### AGRICULTURE

The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants and animals useful to humans.

#### ALLEY

An access way designed and intended primarily to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys may also provide primary vehicular access for dwellings designed to have no driveway access from the fronting street.

#### AMENDMENT, ZONING MAP (REZONING)

A change in the zoning district classification applied to land, reviewed and recommended by the Planning Commission and decided by the City Council in accordance with this Ordinance.

#### AMENDMENT, ZONING TEXT

An amendment to the language of this Ordinance that is reviewed and recommended by the Planning Commission and decided by the City Council in accordance with this Ordinance.

#### ANIMAL SHELTER

A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

#### APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.



#### APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate city department, board, or commission as part of the review for a development permit or approval reviewed under this Ordinance.

#### ARENA, STADIUM, AMPHITHEATER

A building or structure area designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

#### ASSISTED LIVING FACILITY

A building or group of buildings providing individualized personal care in a residential setting to persons who need assistance in performing one or more of the activities of daily living, such as bathing, dressing, and personal hygiene, feeding, and the taking of medication. Assisted living facilities are distinguished from nursing care facilities, which provide residents skilled nursing services and are categorized as a health care use.

#### ATHLETIC FIELD

Outdoor areas designed for athletic competitions and training for field sports such as soccer, baseball, football, and similar sports requiring outdoor fields. Associated accessory uses may include clubhouses, shelters, bleachers, restrooms, concessions, parking, equipment storage, irrigation system, and athletic equipment.

#### AUDITORIUM OR THEATER

A building or structure designed or intended for lectures, speeches, dramas, musical performances, or other live presentations or performances, all occurring inside a structure typically limited to a capacity of 500 or fewer seats.

#### AUTO PAINTING OR BODY SHOP

A facility providing collision repair and painting services for automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting and undercoating work.

#### AUTO PARTS SALES & INSTALLATION

The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to tires, mufflers, brakes, batteries, audio systems, and lubricants such as engine oil. Such uses do not include the sale of gasoline or other fuels.

#### AUTO REPAIR AND SERVICING (WITHOUT PAINTING OR BODY WORK)

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service. May or may not include gasoline pumps.

#### AUTO SALES OR RENTAL

Premises on which new or used passenger automobiles, trailers, or light trucks in operating condition are displayed for sale, lease, or rental.

#### AUTO WRECKER SERVICE

An establishment providing towing and temporary storage on-site of wrecked or inoperable vehicles. If an establishment has more than 15 inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.

#### AWNING

A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

#### BANK OR FINANCIAL INSTITUTION, WITH DRIVE-THROUGH SERVICE

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities but shall not include bail bond brokers. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up or drive-through customers. These uses include drive-through facilities.

#### BAR OR LOUNGE

An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food.

#### BASE FLOOD ELEVATION

The highest point, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood. The base flood elevation represents the estimated height that waters will reach given a storm of certain magnitude; that is, 1-year, 2-year, 100-year, or 500-year. Regulatory agencies permit construction in certain flood-prone areas provided that the new construction is elevated a given distance from the base flood elevation.

#### BED AND BREAKFAST INN

A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and businesspeople, where provision of meals is limited to breakfast for guests only.

#### BERM

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

#### BEST MANAGEMENT PRACTICES (BMPs)

Methods that have been determined to be the most effective and practical means of preventing or reducing non-point source pollution to help achieve water quality goals.

## BLOCK

An area of land entirely surrounded by any combination of streets, parks, railroads, water bodies, or other similar physical features that form a barrier to the continuity of development, see diagram.

## BOARD OF ADJUSTMENT

An officially constituted body that has legal authority to waive and/or modify the strict parameters of the zoning ordinance; whose principal duties are to hear and rule on situations where a literal interpretation and enforcement of the zoning regulations would render property useless.

## BOAT AND MARINE PARTS SALES AND INSTALLATION

The on-site sale and subsequent installation of various boat and marine equipment parts and accessories, including but not limited to deck gear, sails, batteries, navigation and audio systems, and lubricants such as engine oil. Such uses do not include the sale of fuels.

## BOAT AND MARINE REPAIR AND SERVICING

A business that focuses on the repair or maintenance of boats, marine engines, or marine equipment.

## BOAT AND MARINE SALES OR RENTAL

Premises on which new or used boats, marine engines, or marine equipment are displayed for sale, lease, or rental.

## BOAT MANUFACTURING

A manufacturing facility devoted to the production of boats, marine engines, or marine equipment.

## BUFFER ZONE/ BUFFER STRIP

An area of land along the perimeter of a development site that contains any combination of vegetative materials, landscaping, open space, berms, fences, and walls, and provides the physical separation and screening of one use or dissimilar development from another so as to visually shield or minimize potential adverse impacts and nuisances between adjacent properties.

## BUILDING

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, goods, or materials of any kind or nature.

## BUILDING CODE

The International Building Code, as adopted by the City and as modified. Buildings and Building Regulations, of the Code of Ordinances.

## BUILDING FAÇADE

See FACADE.

#### BUILDING FOOTPRINT

The exterior outline of a building or structure where it meets the earth.

#### BUILDING FRONTAGE

The side of a building that faces and is substantially parallel to a street.

#### BUILDING HEIGHT

The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for a gable, hip, and gambrel roofs.

#### BUILDING INSPECTOR

The individual designated by the appointing authority to enforce the provisions of the building code. The building inspector may also be authorized to enforce other City regulations or ordinances such as the zoning ordinance.

#### BUILDING LINE

A line parallel to the street right-of-way line touching that part of the building closest to the street.

#### BUILDING PERMIT

An official document or certification that is issued by the Building Official pursuant to the current adopted Building Code and authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure as being in compliance with Building Code standards.

#### BUILDING, PRINCIPAL

A building in which is conducted the primary use of the lot on which the building is located.

#### CALIPER

The diameter of a tree trunk.

#### CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK

An outdoor facility designed for overnight or short-term (not to exceed 30 days) accommodation of persons in tents, rustic cabins, recreational vehicles, and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

#### CAMPING UNIT

Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established and operated in a campground as temporary living quarters for recreation, vacation, and transient purposes.

#### CAMPSITE

Any plot of ground within a campground or RV Park intended for exclusive occupancy by a camping unit or units under the control of a camper.

### CANOPY

A detachable, roof-like cover, supported from the ground and from the walls of a structure, for protection from sun or weather. A canopy is not a completely enclosed structure.

### CARPORT

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

### CELLULAR TOWER

See WIRELESS COMMUNICATION TOWER.

### CEMETERY OR MAUSOLEUM

Property used for the interment of the dead. This use may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns) but does not include a crematory. A cemetery is considered a primary use unless located on the same parcel as a church or other place of worship when it's considered an accessory use.

### CERTIFICATE OF OCCUPANCY (C.O.)

A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

### CHANGE OF USE

Any use that substantially differs from the previous use of a building or land.

### CHATTEL

Personal property as contrasted with real estate.

### CHILD DAY CARE FACILITY

A facility that provides shelter and personal care for any part of a 24-hour day to six or more children under 13 years of age who are not related to the operator(s) of the facility. This includes day nurseries, day care centers, and other facilities that fall within the scope of this definition. It does not include schools; family child care homes; child care facilities that operate for no more than two days a week and whose primary purpose is to provide respite for the primary caregiver of the child or to provide temporary care during other scheduled or related activities and organized programs that operate for three or fewer weeks per year (such as, but not limited to, vacation bible schools and scout day camps); or membership organizations affiliated with a national organization that charge an annual membership fee, do not receive monthly, weekly, or daily payments for services, and are certified and in compliance with the national association's minimum standards for operation (such as, but not limited to, the Boys and Girls Club of America and the YMCA). See also HOME DAY CARE

### CITY

The City of Semmes, Alabama.

#### CITY CLERK

The City Clerk of the City of Semmes.

#### CITY COUNCIL

The elected legislative governing body of the City of Semmes.

#### CLEAR-CUTTING

The indiscriminate removal of trees, shrubs, and underlying vegetation/undergrowth with the intention of preparing real property for nonagricultural development purposes.

#### CLUB OR LODGE

A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

#### CLUBHOUSE

A building or room used for social or recreational activities by members of a club (e.g., golf course clubhouse) or occupants of a residential or other development.

#### COLD STORAGE FACILITY

A building, structure, machinery, appurtenances, appliances, and apparatus occupied and used in the business of freezing food products or storing frozen food products.

#### COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different use type.

#### COMMUNITY CENTER

A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

#### COMMUNITY GARDEN

An area of land managed and maintained by an individual or group to grow and harvest food crops or non-food ornamental crops (e.g., flowers and ornamental plants) for personal or group use, consumption, donation, or sale. Community gardens may be divided into separate plots for cultivation by one or more individuals, be farmed collectively by members of a group, include common areas maintained and used by group members, or include composting areas. They may be located on private land (vacant or developed) or on public lands and right-of-ways as allowed by the city. Community gardens do not include gardens maintained by individual property owners

or occupants for the purpose of their personal consumption or use. Accessory structures may include storage and tool sheds, greenhouses, hoop houses, and cold frames.

#### COMPREHENSIVE OR MASTER PLAN

A comprehensive, long-range plan intended to guide the physical development of an entire municipality or region over a set period of time, which typically includes inventory and analytic sections leading to the recommendations for the community's land use, economic development, housing, transportation, community facilities, and the like. Also referred to as MASTER PLAN. As used in this Ordinance, the term refers to the most recently adopted Comprehensive Plan of the City of Semmes, as amended, and supplemented from time to time by the Planning Commission of the City of Semmes.

#### CONFORMING USE

Any lawful use of a building or a lot that complies with the provisions of this Ordinance.

#### CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

#### CONSTRUCTION

The erection of any structure or any preparations (including land disturbing activities) for the same.

#### CONTIGUOUS

Adjacent, adjoining, abutting, next to, or touching and having a boundary or portion thereof, that is coterminous.

#### CONTOUR LINE

A line on a topographic map that connects all points of the same ground elevation that represent ground formation by indicating the slope of the land.

#### CONTRACTOR'S STORAGE YARD

A use involving the outdoor storage of materials, supplies, and equipment by building, heating, plumbing, or electrical contractors. Accessory uses may include offices. Contractor's Offices.

#### CONTRACTOR'S OFFICES

A building or portion of a building used by a development contractor both as an office and for the storage of a limited quantity of materials inside the building.

#### CONVALESCENT CENTER

A facility that provides short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness or injury who do not require continued hospitalization.

#### CORNER LOT

See LOT, CORNER.

## COVENANT

See RESTRICTIVE COVENANT.

## CROSS ACCESS

Vehicular access provided between the vehicular use areas of two or more adjacent development sites or parcels that is intended to allow travel between the sites without the use of a street.

## CUL-DE-SAC

A short, local street having one end open to traffic and being permanently terminated at the other end by a circular bulb that allows vehicles to turn around without having to stop and back up.

## DAY CARE

A use category that is characterized by use types providing care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses may include offices, food preparation and dining areas, and recreation areas. Example use types include adult day care facilities, child day care facilities, and family childcare homes. This use category does not include drop-in or short-term day care provided in connection with an employment or shopping center, recreational facility, place of worship, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed or temporarily occupied on the premises or in the immediate vicinity. See also CHILD DAY CARE, and HOME DAY CARE

## DBH (DIAMETER AT BREAST HEIGHT)

The measurement of the diameter of a tree trunk over ten inches in diameter, taken at a height of four- and-one-half feet above the ground. Trees with multiple tree trunks should be treated as multiple trees and the DBH of each trunk added to the aggregate diameter measurement.

## DEED

A legal document conveying ownership of real property.

## DEMOLITION

The intentional dismantling or tearing down of all or a part of a structure and all operations incidental thereto.

## DENSITY

The number of families, individuals, dwelling units, households, or housing structures per unit of land.

## DETENTION POND

A facility for the temporary storage of stormwater runoff.



### DEVELOPER

The legal or beneficial owner(s) of land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

### DEVELOPMENT

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any bayou, river, lake, or other body of water or alteration of any wetland; and
- Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

### DRIVE-THRU USE

An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

### DRIVEWAY

A private vehicular access way designed and intended to provide direct vehicular access between a street and origin and destinations points within an abutting development or part of a large development. Driveways generally handle low vehicular travel speeds and traffic volumes but may handle moderate to high traffic volumes within large commercial and mixed-use developments such as shopping centers and office parks.

### DRUG OR ALCOHOL TREATMENT FACILITY

Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.

### DUPLEX

See DWELLING UNIT, TWO-FAMILY

### DWELLING UNIT

A room or group of connected rooms within a building or structure that constitutes a single independent habitable unit used or intended to be used for living, sleeping,

sanitation, cooking, and eating purposes by one family only, and containing independent kitchen, sanitary, and sleeping facilities.

#### DWELLING UNIT, ATTACHED

A one-family dwelling with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without openings. Also known as a town house. If the units are situated on one commonly owned lot, then they are considered to be multi-family dwelling units.

#### DWELLING UNIT, MANUFACTURED HOME

See MANUFACTURED HOME

#### DWELLING UNIT, MIXED-USE

A structure or portion of a structure combining a residential living space for one or more persons with an integrated workspace principally used by one or more of the residents.

#### DWELLING UNIT, MULTI-FAMILY

A single, residential structure containing three or more individual dwelling units, each with separate entrances and separate living quarters, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. Individual dwelling units may be rented or individually owned (i.e., a condominium unit). Multifamily dwellings differ from townhouse dwellings in that individual dwelling units are not located on individual lots.

#### DWELLING UNIT, SINGLE-FAMILY

A detached, freestanding residential building, other than a manufactured or mobile home, containing one dwelling unit that is not attached to any other dwellings by any means, located on a single lot and designed to house one (1) family as a single housekeeping unit. A single family detached dwelling unit shall be constructed to meet the locally adopted building code.

#### DWELLING UNIT, TOWNHOUSE

A residential structure containing two or more individual dwelling units, each with its own outside entrance and individual lot, that are joined together along lot lines by a common or party wall.

#### DWELLING UNIT, TWO-FAMILY

A residential building containing two dwelling units located on a single lot. Such units may be part of a single structure, may be attached by one or more common walls, or may be stacked one above the other or front to rear.

#### EASEMENT

A grant by a landowner to another individual, or to the public, of the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

#### EASEMENT, CONSERVATION

An easement created between a landowner and another party (usually a public agency, private land trust, or the like) that imposes limitations or affirmative obligations on the use or development of the designated land, for conservation purposes such as retaining or protecting natural, scenic, or open space features or values of the land, assuring the land's availability for agricultural, forest, recreational, or open space use, or maintaining air or water quality.

#### EASEMENT, DRAINAGE

Land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

#### EASEMENT, UTILITY

The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone, and electric cables, etc. Most utility easements have restrictions on their use; however, some can be used as walkways, bike paths, buffer and transition areas, and community gardens.

#### EAVE

The projecting lower edge of a roof that overhangs the wall of a building.

#### EGRESS

An exit.

#### ELEVATION

A vertical distance above or below a fixed reference level; A fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

#### EROSION

The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

#### EROSION CONTROL PLAN

A plan designed to minimize erosion, ensure proper waste disposal, and protect trees on a building site. See the Supplemental Regulations Article of this Ordinance for detailed requirements.

#### EXPANSION

An increase in the size of an existing structure or use, including the physical size of the land, building, parking, and other improvements or structures.

#### FAÇADE

The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Façades may be on the front, side, or rear elevation of the building.

### FACTORY-BUILT HOUSING

Structures designed for long-term residential use. For the purpose of this Ordinance, factory-built housing consists of three types: modular, mobile homes, and manufactured homes.

### FAMILY

An individual, or two or more persons related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit; or a group of not more than five (5) persons not related by blood, marriage, or adoption living together as a single housekeeping unit.

### FARMERS' MARKET

An occasional or periodic market held in a structure or open area where farmers sell their produce or farm products.

### FILL

Sand, gravel, earth, or other materials of any composition placed on a site for stabilizing.

### FLEA MARKET

A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmers' market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

### FLOOD HAZARD AREA, also known as SPECIAL FLOOD HAZARD AREA

An area identified by the United States Federal Emergency Management Agency (FEMA) as an area with a special flood and/or flood related erosion hazard, as shown on a flood hazard boundary map or flood insurance rate map (FIRM).

### FLOOD INSURANCE RATE MAP (FIRM)

The official flood boundary map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

### FLOODPLAIN

Land areas established by FEMA's Flood Insurance Rate Maps (FIRM) which lie within or adjacent to the 100-year flood elevation contour boundary.

### FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

### FLOOR AREA, GROSS

The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline

of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

#### FORESTRY

The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.

#### FUNERAL HOME

An establishment used for the preparation of the deceased for burial that provides human funeral services, including embalming, cremation, and memorial services, but not including cemeteries, mausoleums or columbariums.

#### GLARE

The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

#### GOLF COURSE

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

#### GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concession stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

#### GOVERNMENT AGENCY

Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

#### GOVERNMENT USES

A use category that includes use types providing for the general operations and functions of local, state, or federal governments. A wide range of accessory uses may be found, depending on the use type. Example use types include courthouse facilities, government administrative offices, post offices, fire and EMS stations, police stations, correctional facilities, and government maintenance, storage, and distribution facilities. This use category does not include passenger terminals for surface transportation services (categorized as transportation uses), or city, county, or state parks (categorized as park and open area uses), or water, wastewater, gas, electric, or other infrastructure services (categorized as utility and communication uses).

#### GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

#### GRASSY SWALE

See VEGETATED SWALE.

#### GREEN INFRASTRUCTURE

An approach to water management that protects, restores, or mimics the natural water cycle. Green infrastructure is effective, economical, and enhances community safety and quality of life. It means planting trees and restoring wetlands, rather than installing structural apparatus for stormwater management.

#### GREEN SPACE

See OPEN SPACE.

#### GREENWAY

A linear greenbelt linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and area immediately adjacent to the pathway.

#### GROUP HOME

A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for three (3) or more adult resident persons with disabilities, i.e. persons with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others. A group home does not include assisted living facilities, nursing care facilities, rooming or boarding houses, or halfway house/mainstreaming facilities. Five or fewer persons with disabilities who live together in a dwelling are considered a family.

#### HEALTH CARE USES

A use category that includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families. Example use types include facilities such as hospitals, medical, dental clinics and labs, outpatient, medical treatment, nursing care, drug and alcohol treatment, psychiatric treatment, and blood or tissue collection facilities. This use category does not include assisted living facilities or group homes, which focus on providing personal care rather than medical care to residents.

### HEDGE

A group of shrubs planted in line or in groups that forms a compact, dense, living barrier that demarcates an area from on-site or off-site views.

### HOME DAY CARE

A home occupation in which care is provided for children or adults for typically less than 24 hours per day in a single-family dwelling unit. Such use shall be licensed by the City of Semmes and the State of Alabama.

### HOME OCCUPATION

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot, does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing) and does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists' or physicians' offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business that is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties. A Home Occupation Business License is required by the City of Semmes.

### HOSPITAL

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

### HOTEL OR MOTEL

A building or a group of buildings in which individual sleeping rooms with an attached bathroom are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, but not including bed and breakfast establishments or a boarding/rooming house. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Hotels and motels do not include timeshares or short-term rentals, which are generally offered for longer than overnight occupancy.

### IMPERVIOUS SURFACE

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration and does not effectively absorb water. Any areas of concrete or asphalt are considered to be impervious surfaces.

#### IMPERVIOUS SURFACE RATIO (ISR)

A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a development site by the site area.

#### INDUSTRIAL USE

Those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

#### INFILL

The development of new housing or other uses on scattered vacant sites in a built-up area.

#### INGRESS

Access or entry point.

#### LAND DISTURBANCE

Any activity involving the clearing, cutting, excavating, filling, or grading of land, or any other activity that alters land topography or vegetative cover.

#### LAND USE

A description of how land is occupied or used.

#### LANDOWNER

Any owner of a legal or equitable interest in land, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

#### LIQUOR STORE

An establishment licensed by the state exclusively for the retail sale of alcoholic beverages in original packages for consumption off the premises where sold.

#### LIVESTOCK

. For the purposes of this Ordinance, the term LIVESTOCK shall mean any animal of the equine (horse), bovine (cow), swine (hog), caprine (goat), ovine (sheep), poultry species or type.

#### LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

#### LOT

A parcel of land that is occupied, or is designed or capable of being occupied, by a principal use or structure, together with any accessory uses or structures, and such accessways, parking areas, yards, and open spaces required under this Ordinance, see Figure 1.



#### LOT, CORNER

A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees, see Figure 1.

#### LOT, DEVELOPED

See LOT, IMPROVED

#### LOT, DOUBLE FRONTAGE

See LOT, THROUGH, see Figure 1.

#### LOT, FLAG

A lot not meeting the minimum frontage requirements and one that is shaped or configured such that the main building site on the lot (i.e., "flag") is provided access to the public road by a private driveway, access easement, or right-of-way (i.e., "flagpole"), see Figure 1.

Comment: While flag lots provide for the development of backland areas, they don't provide for adequate access should the backland area be further subdivided. Many municipalities only allow flag lots as long as the property will not be further subdivided.

#### LOT, IMPROVED

A lot with buildings or structures.

#### LOT, INTERIOR

A lot other than a corner lot, see Figure 1.

#### LOT, SUBSTANDARD

A lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

#### LOT, THROUGH

A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot, see Figure 1.

#### LOT AREA

The amount of horizontal land area contained within the lot lines of a lot, excluding public street right-of-ways and private street easements.

#### LOT COVERAGE

The portion of a lot covered by principal and accessory structures, expressed as a percentage of total lot area.

#### LOT DEPTH

The average distance measured at right angles from the front lot line to the rear lot line.

#### LOT FRONTAGE

The length of the front lot line measured at the street right-of-way line.

#### LOT LINE

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

#### LOT LINE, FRONT

The lot line separating a lot from a street right-of-way.

#### LOT LINE, REAR

The lot line of a lot that connects the lot's side lot lines along the lot boundary opposite its front lot line.

#### LOT LINE, SIDE

The lot line of a lot that lies along a lot boundary connecting the outer ends of the lot's front and rear lot lines. A lot generally has two side lot lines. A side lot line may abut the boundary of another lot, or the boundary of a public street right-of-way or private street easement that is not faced by the lot's principal structure.

#### LOT LINE, ZERO

A lot line that allows a building located on a lot in such a manner that one or more of the dwelling's sides rests on a lot line.

#### LOT OF RECORD

A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds or County Probate Office.

#### LOT WIDTH

The average horizontal distance between the side lot lines, measured at right angles to its depth at the minimum required building setback line.

#### LOW IMPACT DEVELOPMENT (LID)

Land planning and engineering design approach to manage stormwater runoff as part of green infrastructure. LID emphasizes conservation and use of on-site natural features to protect water quality.

#### LUMEN

A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

#### MANUFACTURED HOME

A factory-built, residential structure that was manufactured off site and transported to the building site. Must meet the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD Code. For the purposes of this Ordinance a Manufactured Home shall not have the same definition as a Single-Family Dwelling Unit or a Mobile Home.

#### MANUFACTURED HOME PARK

A residential development on a parcel of land in one (1) ownership providing rental spaces for two (2) or more manufactured homes on a long-term basis, with or without

recreation and service facilities for the tenants, whether or not a charge is made for such accommodation.

#### MANUFACTURING & PRODUCTION USES

A use category that includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms for consumers. This use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters. Example use types include the specific uses of boating manufacturing and shipbuilding, plus the general sectors of heavy manufacturing and light manufacturing. This use category does not include the manufacturing and production of goods from salvage material or composting material (categorized as waste-related services uses).

#### MARINA

A facility for the docking, mooring, berthing, or storage of five (5) or more watercraft. Such uses may include a wide variety of accessory uses such as boat fuel sales, sales of boating supplies and equipment, boating-related services, laundries, boat repair and rental, and dry storage of boats.

#### MARQUEE

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather and/or provide business identification.  
non-surgical nature.

#### MASTER PLAN

See COMPREHENSIVE PLAN.

#### MAUSOLEUM

See Cemetery

#### MEDICAL TREATMENT FACILITY

A small-scale facility used for the short-term care and treatment of typically up to 20 patients on an overnight basis. Such facilities may include sleeping rooms for care workers and members of patient's families.

#### MINI-WAREHOUSE

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized units for the storage of goods or wares, see SELF-STORAGE OR MINI-WAREHOUSE.

#### MIXED-USE DEVELOPMENT

A single tract of land, parcel, or structure developed for a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

#### MOBILE FOOD VENDOR

A food service establishment that is vehicle-mounted, trailer –mounted, or wheeled and is capable of being readily moveable. This does not include vehicles regularly operating on a public road, selling individually packaged items like ice cream trucks. Units may be motorized or not and may or may not require outside power or utility service, but must be fully mobile and able to be relocated within one hour of notice.

#### MOBILE HOME

A factory-built home produced prior to June 15, 1976, and bearing a label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI 119.1 (in effect at the time of manufacture). A mobile home is not a manufactured or modular home.

#### MODULAR HOME

A factory-built, transportable building consisting of units designed to be fully constructed at a building site on a permanent foundation into a permanent structure according to local and state codes, to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission. For the purposes of this Ordinance, a modular home shall have the same meaning as a single-family dwelling unit.

#### MORATORIUM

The legally authorized delay of new construction or development for a set period of time.

#### MORTUARY

A place for the storage of human bodies prior to autopsy, burial, or release to survivors.

#### MOTOR VEHICLE SALES & SERVICES

A use category that includes use types involving the direct sales and servicing of automobiles, trucks, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage. Example use types include auto painting and body shops, auto repair and servicing (with and without painting/bodywork services), auto sales or rental, auto wrecker services, car wash and auto detailing, and the sales or rental, and repair, of trucks and recreational vehicles. Also included are gasoline filling stations, tire and muffler shops, transmission shops, taxi service, truck stops, and commercial parking lots, decks, and garages. This use category does not include similar uses and facilities related to boats (categorized as boat and marine sales and service uses) or fueling facilities that are accessory to specific principal uses (e.g., fueling facilities for fleet vehicles), or the storage of inoperable vehicle or vehicle parts (categorized as a waste-related service use).

#### MULTI-FAMILY DWELLING UNIT

See DWELLING UNIT, MULTI-FAMILY

#### MUSEUM

A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products to the public.

#### NONCONFORMING LOT OF RECORD

Any lot of record that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the lot standards applied by this Ordinance, or any subsequent amendment.

#### NONCONFORMING SIGN

See SIGN, NONCONFORMING

#### NONCONFORMING SITE FEATURE

Any off-street parking, landscaping, perimeter buffer, or screening that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the off-street parking, landscaping, perimeter buffer, or screening standards applied by this Ordinance, or the subsequent amendment.

#### NONCONFORMING STRUCTURE OR BUILDING

Any structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance.

#### NONCONFORMING USE

A use or activity that was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance.

#### NONCONFORMITY

A nonconforming use, structure, lot of record, sign, or site feature that lawfully existed before adoption of this Ordinance or subsequent amendment.

#### NOTICE OF VIOLATION

An initial notice indicating an infraction of this Ordinance.

#### NURSERY, RETAIL

The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

### NURSERY, WHOLESALE

The growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail nurseries, but not to the general public. Dwelling units, for employees working on-site shall be considered an accessory use, provided all permits and certificates of occupancy are acquired from the City of Semmes.

### NURSING CARE FACILITY

A facility or any identifiable component of a facility in which the primary function is the provision, on a continuing basis, of skilled nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying designations such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries. This does not include assisted living facilities, where care is limited to personal care and minimal nursing care, or the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.

### OFFICE USES

A use category that includes use types providing for activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on business, professional, or financial services. Example use types include offices for business services, professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., lenders, brokerage houses, tax preparers), sales (e.g., real estate agents), and contractor's offices.

### OPACITY

A measurement indicating the degree of obscuration of light or visibility.

### OPEN SPACE

Any parcel or area of land or water that is not occupied by any structures or impervious surfaces and designated, dedicated, or reserved for conservation, preservation, recreation, landscaping, buffering, or park land uses.

### ORDINANCE

A set of regulations adopted and enforceable as municipal law by a governing body.

### OUTDOOR DISPLAY/SALES

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

### OUTDOOR STORAGE

The keeping, in an unroofed, unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land, where permitted, or as an accessory use to another principal use.

## PARCEL

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries, and that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit.

## PARK

Public or private land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

## PARK AND OPEN SPACE USES

A use category that includes use types focusing on open space areas largely devoted to natural landscaping, outdoor recreation, and conservation uses. Example use types include parks (including recreational and natural area parks), greenways, arboretums and botanical gardens, public squares and plazas, community gardens, and cemeteries.

## PARKING BAY

The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

## PARKING DECK, GARAGE, OR STRUCTURE

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building.

## PARKING DECK, GARAGE, OR STRUCTURE (As a principal use)

A structure serving as the principal use on a lot and designed to accommodate vehicular parking spaces that are fully or partially enclosed that may be rented to the general public or reserved for individuals by the hour, day, week, or month.

## PARKING LOT OR AREA

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

## PARKING LOT, (As a principal use)

The use of a lot for the parking of motor vehicles as a principal use (rather than as accessory to any principal use on the lot), which contains parking spaces that may be rented to the general public or reserved for individuals by the hour, day, week, or month.

## PARKING SPACE, OFF-STREET

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

## PARKING, OFF-SITE

An off-street parking area provided on a different parcel than the use it is intended to serve.

#### PARKING, ON-STREET

A location or area within the right-of-way of a street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

#### PARKING, SHARED

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

#### PERFORMANCE GUARANTEE

Cash, bond, or other surety provided by an applicant in lieu of completing the construction or installation of public infrastructure or required private site features before application for Final Plat approval for a subdivision or issuance of a Building Permit or other development approval.

#### PERSONAL SERVICE ESTABLISHMENT

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; hair, tanning, and personal care services; psychics and mediums; massage therapists; and taxidermists.

#### PLACE OF WORSHIP

A building or structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. The building or structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include churches, mosques, synagogues, temples, and other similar religious places of assembly. Accessory uses may include child day care facilities, schools, recreational facilities, offices, cemeteries, and maintenance facilities.

#### PLANNED UNIT DEVELOPMENT (PUD)

An area of a minimum contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

#### PLANNING COMMISSION

The Planning Commission of the City of Semmes.

#### PLANTING STRIP

Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.



#### PLAT, FINAL

The final map of all or a portion of a subdivision that shows all boundaries of lots, right-of-ways, easements, and open space parcels, and that is reviewed and decided by the Planning Commission in accordance with the city's Subdivision Regulations.

#### PLAT, PRELIMINARY

A map of a major subdivision that shows the general layout and design of lots, streets, storm water management, utilities, open space, and other subdivision elements, and that is reviewed and decided by the Planning Commission in accordance with the city's Subdivision Regulations.

#### PORCH

A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

#### PREMISES

A lot of record together with all improvements occupying the lot.

#### PRIMARY ENTRANCE

The place of ingress and egress to a building, parcel, or development used most frequently by the public.

#### PRODUCE STAND

A building, structure, or land area used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts, but do not include the sale of commercially packaged handicrafts or commercially processed or packaged foodstuffs. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

#### PUBLIC BOAT LAUNCH OR RAMP

A public facility used to launch and retrieve recreational boats to and from the water. Launching and retrieval may be done manually or via motor-driven winches. Launches and ramps may include parking areas for users' motor vehicles and trailers, docks to assist in launching, restrooms, refuse containers, and breakwater protection structures.

#### PUBLIC HEARING

A hearing on a development application reviewed under this Ordinance held by the Planning Board or City Council that is advertised to the public and provides members of the public the opportunity to present information and testimony related to the application that will be considered as subsequent Planning Board recommendations and City Council decisions are made.

#### PUBLIC SQUARE OR PLAZA

A community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such

uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.

#### RECREATION/ENTERTAINMENT USES, INDOOR

A use category that includes private use types providing recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, and maintenance facilities. Example use types include auditoriums, theaters, motion picture theaters, and other indoor commercial recreation/entertainment uses (including fitness centers, bowling alleys, game rooms, dancehalls, skating rinks, indoor swimming pools, and indoor tennis club facilities). This use category does not include banquet halls that are part of an accessory to a hotel (categorized as a visitor accommodation use) or restaurant (categorized as an eating and drinking establishment), or private clubs or lodges of community service organizations (categorized as community service uses), or recreational facilities reserved for use by a particular residential development's residents and their guests (and thus considered accessory to that household living or group living use).

#### RECREATION/ENTERTAINMENT USES, OUTDOOR

A use category that includes large and generally commercial use types providing continuous recreation or entertainment-oriented activities that primarily take place outdoors. Such uses may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, and maintenance facilities. Example use types include arenas, amphitheaters, or stadiums, athletic fields, golf courses, and other outdoor commercial recreation/entertainment uses (including privately-owned miniature golf facilities; go-cart racing, racetrack, or dirt-track facilities; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; and privately-owned or membership sports and recreational facilities such as swim or tennis clubs, ball fields, courts, and archery ranges). This use category does not include outdoor recreational facilities that are part of an accessory to community services uses or places of worship, or outdoor recreational facilities reserved for use by a particular residential development's residents and their guests (and thus considered accessory to that household living or group living use).

#### RECREATIONAL VEHICLE (RV)

A vehicle that is built on a single chassis, contains an area 400 square feet or less when measured at the largest projection, is designed to be self-propelled or permanently towable by a light-duty truck, and is designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

#### RECREATIONAL VEHICLE PARK

See Campground

#### RECREATIONAL VEHICLE SALES OR RENTAL

Premises on which new or used recreational vehicles in operating condition are displayed for sale, lease, or rental.

#### RECYCLING AND SALVAGE CENTER

A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.

#### RECYCLING DROP-OFF CENTER

A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations.

#### RECYCLING DROP-OFF STATION

A container or set of containers used for the collection and temporary storage of recyclable materials generated on-site.

#### RENOVATION

The removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation includes the replacement of equipment or fixtures.

#### RESEARCH AND DEVELOPMENT

A business that engages in research, or research and development, of innovative ideas in technology- intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media, and video technology. Development and construction of prototypes may be associated with this use.

#### RESTRICTIVE COVENANT

A restriction on the use of land, usually set forth in the deed.

#### RESTRICTIVE, MORE (LESS)

A regulation imposed by this Ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications. For example, regulations governing single-family uses would be more restrictive than the regulations governing business uses.

#### RETAIL SALES AND SERVICE USES

A use category that includes use types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services, or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display/sales areas. Example use types include specific retail sales establishments such as drug stores, bookstores, grocery stores, convenience stores, liquor stores, home and building supply stores, farmers' markets, flea markets, and other retail sales uses. They also include retail service establishments such as banks or financial institutions, laundromats, dry cleaning and laundry drop-off establishments, personal services establishments, personal and household goods repair establishments, funeral homes, and crematories. This use category does not include sales or service establishments related to boats (categorized as boat sales and service uses) or other motor vehicles (categorized as motor vehicle

sales and service uses), or entertainment establishments primarily engaged in selling food or beverages for on- site consumption (categorized as eating and drinking establishments), or establishments primarily selling building supplies to contractors or other goods to retailers (categorized as wholesale uses), or the provision of financial, professional, or business services in an office setting (categorized as office uses), or uses providing recreational or entertainment opportunities (categorized as indoor or outdoor recreation/entertainment uses), or uses involving the sales, distribution, or presentation of materials or activities emphasizing sexually explicit content (categorized as adult entertainment uses).

#### RETAIL SALES ESTABLISHMENT

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos.

#### RE-SUBDIVISION

See SUBDIVISION, RE-SUBDIVISION.

#### REZONING

See AMENDMENT, ZONING MAP.

#### RIGHT-OF-WAY

A portion of land acquired by express or implied dedication or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, water line and other similar public uses.

#### ROOFLINE

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys, or other minor projections.

#### SALVAGE YARD OR JUNKYARD

An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This use does not include automobile wrecker services and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor does it include the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

### SATELLITE DISH

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals.

### SELF STORAGE OR MINI-WAREHOUSE FACILITY

A building or group of buildings divided into separate compartments offered for rent and used to meet short-term or long-term off-site storage needs.

### SELF-SERVICE STORAGE USES

A use category that includes use types providing individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and campers, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use. Example use types include self-service storage establishments, also called "mini-warehouses." This use category does not include a transfer and storage business not involving individual storage areas and where employees are the primary movers of property being stored or transferred (categorized as a warehousing and freight movement use).

### SENIOR CENTER

A facility typically for use by citizens of 62 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately-owned but are not operated for a profit.

### SETBACK

The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed. See the diagrams included in the definitions of yards.

### SHIPPING CONTAINER STORAGE YARD

An operation for storage of empty shipping containers conducted as the principal use of a property.

### SHORT-TERM-RENTAL ACCOMMODATION

A dwelling unit that is rented or leased to individuals or families for transient accommodation for a period of less than 30 days, generally by the week or a two-week period. Short term rentals do not include motels, hotels, bed and breakfast inns, or tourist homes (which are generally rented on an overnight basis), or timeshares, or rooming or boarding houses.

### SHRUB

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

### SIDEWALK

A hard-surfaced, all-weather pedestrian way, usually alongside a street roadway.

### SIGHT TRIANGLE

A triangular area at each corner of intersecting roadways, or at the intersection of a roadway and driveway, within which the structures and vegetation are regulated to ensure safe sight distance for drivers of vehicles approaching the intersection.

### SIGN

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

### SIGN AREA

The total area of the space enclosed by one continuous line connecting the extreme points or edges of a sign. This does not include the main supporting sign structure, but does include all other ornamental attachments, inner connecting links, and general background. Sign area for a back-to-back or V-type sign shall consist of only the area of one face of the sign.

### SIGN PERMIT

A permit for a signage that is reviewed and decided by the Planning Commission in accordance with this Ordinance.

### SIGN, ABANDONED

A sign that identifies, advertises, or otherwise pertains to a business, lessee, owner, product, or activity that has not operated or existed on the premises where such sign is displayed for a period of six months or more.

### SIGN, ANIMATED

A sign that uses flashing, blinking, or traveling lights to create the appearance of motion or action. Animated signs do not include automatic changing signs or public signs.

### SIGN, AUTOMATIC CHANGING

A sign that displays an electronically or electrically controlled changing message, such as a time, temperature, and date sign, or a message center or reader board.

### SIGN, BENCH

A sign painted on or attached to a bench for the use of the public (e.g., park bench) and bearing a commercial message.

### SIGN, BILLBOARD

An outdoor sign that advertises or otherwise pertains to a business, person, commodity, good, service, activity, entertainment, or attraction that is not located on, operated, offered, or otherwise related to the premises on which the sign is located.

#### SIGN, CANOPY

An on-site sign mounted on a permanently roofed shelter that covers a sidewalk, driveway, or similar area and is wholly supported by a building or wholly or partially supported by columns, poles, or braces extending from the ground.

#### SIGN, CONSTRUCTION

An on-site sign that identifies a construction project and/or the architects, contractors, and other firms or persons involved in the project.

#### SIGN, DIRECTIONAL

An on-site sign that serves solely to designate the location or direction of a place or area.

#### SIGN, FREESTANDING

An on-site sign erected on a permanently set pole or poles, mast, or framework that is not attached to any building.

#### SIGN, GARAGE SALE

A temporary on-site sign announcing a garage, yard, rummage, or like sale.

#### SIGN, INSTITUTIONAL BULLETIN BOARD

An on-site sign that displays the name of a school, library, community center, or religious institution, and an announcement of activities or services conducted therein.

#### SIGN, INTEGRAL

An on-site sign that is carved into a masonry surface of a building or consisting of a tablet made of bronze, aluminum, or other permanent material that is inlaid or otherwise attached as an integral part of a building, and that displays the name of a building, the date of its erection, memorial citations, or other commemorative matter relating to the building.

#### SIGN, NAMEPLATE

An on-site nonelectric sign that identifies only the name and occupation or profession of the occupant of the site. If the site includes more than one occupant, a nameplate sign may identify the name and occupation or profession of all occupants, as well as the name of the building and directional information.

#### SIGN, NONCONFORMING

Any sign that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the signage standards applied by this Ordinance, or any subsequent amendment.

#### SIGN, NONELECTRICAL

A sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

#### SIGN, ON-SITE

A sign that pertains to the site on which it is located.



#### SIGN, POLITICAL

Any sign that displays the name, cause, affiliation, or message of anyone seeking election to a public office, or that displays a message about an issue on which a public election or referendum is scheduled.

#### SIGN, PORTABLE

Any sign that is designed or constructed to be easily moved from one location to another, including signs mounted on or designed to be mounted on a trailer, wheeled carriage, or other non-motorized mobile structure. A portable sign mounted on a mobile structure that has its wheels removed is still considered a portable sign.

#### SIGN, PROJECTING

A sign, other than a wall sign, that is attached to and projects from a building facade. The sign area of a double-faced projecting sign is calculated for only one face of the sign (which shall be the larger face if they vary in area).

#### SIGN, PUBLIC

A sign of a noncommercial nature and in the public interest that is erected by or on the order of a public officer in the performance of his duty. Such signs include safety signs, memorial plaques, signs of historical interest, and signs designating hospitals, libraries, schools, airports, and other institutions or places of public interest and concern.

#### SIGN, PUBLIC WARNING

A sign that warns the public of possible danger or informs the public of certain restrictions, such as signs reading "Beware of the Dog" or "No Trespassing" or "No Dumping."

#### SIGN, REAL ESTATE

An on-site sign pertaining to the sale, lease, or rental of land or buildings.

#### SIGN, ROOF

An on-site sign erected on, against, or directly above the roof of a building or on top of or above the parapet of a building.

#### SIGN, SANDWICH BOARD

A portable, non-illuminated sign consisting of two sign faces hinged at the top and separated at the bottom so that it is self-standing, which is for the purpose of directing attention to a business.

#### SIGN, SEASONAL OR HOLIDAY

Signs used for a holiday and installed for a limited period of time, such as Christmas decorations.

#### SIGN, SPECIAL EVENT

A temporary on-site sign or display that advertises an event, such as a fair, grand opening, anniversary, or special citywide or annual event, church revival, open under new management, fundraising event of a charitable or civic organization, or the like. The advertising of a product shall not constitute a special event.



#### SIGN, SUBDIVISION OR MULTIFAMILY DEVELOPMENT

A permanent on-site sign that identifies a subdivision or multifamily development, usually located at entrances to the subdivision or development.

#### SIGN, TEMPORARY

A sign that is not permanently affixed to the ground or a building—including, but not limited to, banners, pennants, flags (but not the flags of any nation or state), searchlights, sandwich signs, "A"-frame signs, sidewalk signs, curb signs, balloons or other air/gas-filled figures, posters stapled to posts, and posters or the like that are posted, nailed, or stapled to an object.

#### SIGN, UNDERCANOPY

A sign that is situated beneath a permanently roofed shelter that covers a sidewalk, driveway, or similar area and is wholly supported by a building or by columns, poles, or braces extending from the ground.

#### SIGN, UNLAWFUL

A sign that is in violation of this Ordinance at the time erected and does not have the status of a nonconforming sign.

#### SIGN, WALL

An on-site sign painted or printed on, or attached to and parallel with, the wall of a building.

#### SINGLE-FAMILY DWELLING UNIT

See DWELLING UNIT, SINGLE-FAMILY DETACHED

#### SITE

A lot or parcel of land, or any combination of contiguous lots or parcels of land, including buildings and appurtenances located thereon, having a unity of use and ownership or control.

#### SITE PLAN

A development plan drawn to scale showing uses, structures, and other physical features of a proposed lot for a legal lot or lots of record as required by this Ordinance under Site Plan Approval.

#### SPECIAL EXCEPTION USE

A use that may be appropriate in a particular zoning district, but because of its nature, extent, and external effects, requires special use-specific standards and special consideration of its location, design, and methods of operation before it is allowed in the district.

#### STOP WORK ORDER

An order issued by the Building Official or other authorized city staff that directs the person responsible for a development activity or other act in violation of this Ordinance to cease and desist such activity or act.

## STORM WATER RUNOFF

The flow of water resulting from precipitation that flows over the surface or as concentrated flow in ditches, channels, storm sewers, or watercourses.

## STREET

A public thoroughfare that affords the principal means of access to abutting property. The term includes all facilities that normally occur within the right-of-way, such as roadways, on-street parking lanes, sidewalks, curbs and gutters, drainage facilities, and utility lines and facilities. Streets are classified as principal arterial streets, minor arterial streets, collector streets, and local streets, but may be known as highways, parkways, throughways, roads, avenues, boulevards, lanes, places, and courts. Streets do not include public alleys.

## STREET, COLLECTOR

A street, designated on the city's Street Plan, that is designed and intended both to provide vehicular access to and from abutting development, particularly in commercial and industrial areas, and to provide both travel mobility among neighborhoods and activity centers by connecting local streets and other collector streets with arterial streets. Collector streets also provide bicycle and pedestrian access and circulation.

## STREET, LOCAL

A street designed and intended primarily to provide direct vehicular access to and from abutting development, or part of a large development, as well as provide travel mobility by connecting driveways and other local streets with collector streets and arterial streets. Local streets generally handle low to medium vehicular travel speeds and traffic volumes, but may handle relatively high traffic volumes within large commercial and mixed-use developments and in urbanized areas such as the downtown. Local streets serve as primary providers of bicycle and pedestrian access and circulation.

## STREET, MINOR ARTERIAL

A street that is designed and intended primarily to provide traffic mobility among the city's major activity centers by connecting local streets, collector streets, and other minor arterial streets with principal arterial streets. Minor arterial streets generally handle moderate vehicular travel speeds and traffic volumes and may provide some direct vehicular access to and from abutting development, particularly in commercial and industrial areas. Minor arterial streets may also provide bicycle and pedestrian access and circulation where potential conflicts with vehicular traffic can be minimized.

## STREET, PRINCIPAL ARTERIAL

A street that is designed and intended primarily to channel inter-city vehicular traffic to and through the city and to provide travel mobility among the city's major activity centers, by connecting minor arterial streets with each other and with collector streets. Principal arterial streets generally handle moderate to high vehicular travel speeds and traffic volumes over relatively long distances and provide very limited direct vehicular access to and from abutting development.

## STRUCTURE

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, decks, docks, mooring areas, and similar accessory construction.

#### STRUCTURE, ACCESSORY

A subordinate structure, detached from but on the same lot as the principal structure, the use of which is incidental and secondary to that of the principal structure.

#### STRUCTURE, PRINCIPAL

A building in which the main or principal use is conducted in the said building on the lot in which it is located.

#### SUBDIVIDER

Any person who subdivides land deemed to be a subdivision as defined by this Ordinance.

#### SUBDIVISION

Any division of a tract or parcel of land into two or more lots, parcels, building sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development; and including any division of land involving the dedication of a new street or a change to or encroachment on an existing street.

#### SUBDIVISION, RE-SUBDIVISION

The combining of two or more separate lots into one or more new lots of record. For the purposes of this Ordinance, a re-subdivision shall be considered to have the same meaning as a subdivision.

#### TELECOMMUNICATIONS TOWER

See WIRELESS COMMUNICATIONS TOWER.

#### TEMPORARY USE

A use established for a temporary period of time with the intent to discontinue such use upon the expiration of the time period.

#### TEMPORARY USE PERMIT

A permit authorizing the operation of a temporary use or special event that is reviewed and decided by the Building Official in accordance with the city's Temporary Use Permit.

#### TINY HOME

A dwelling that is 400 square feet or less in floor area excluding lofts.

#### TRUCK OR FREIGHT TERMINAL

A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

### TRUCK OR TRACTOR SALES OR RENTAL

An establishment where new or used trucks are displayed for sale, lease, or rental.

### TRUCK STOP

A facility providing services to the trucking industry, including but not limited to the dispensing of fuel, repair shops, sale of accessories or equipment for trucks and similar commercial vehicles, automated and self-serve automotive wash facilities, restaurants, gift shops, sale of convenience goods, business service centers, restrooms and shower facilities, scales, and overnight parking facilities.

### UTILITY AND COMMUNICATION USES

A use category that includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. The category also includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and newspapers. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, storage areas, or data transmission equipment. Example use types include major utilities, minor utilities, wireless communication towers and antennas, radio and television broadcasting studios, and newspaper printing facilities.

### UTILITY, MAJOR

Infrastructure services providing community-or region-wide service that normally involve the construction of new buildings or structures, such as water towers, wastewater treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

### UTILITY, MINOR

Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, and telephone exchanges.

### VAPE SHOP

A vape shop is a retail outlet that specializes in the sale of vaping products, including e-cigarettes, vaping devices, e-liquids, and related accessories.

### VARIANCE

A permit authorizing a deviation from this Ordinance's dimensional standards and certain development standards where strict application of the standard creates a hardship due to circumstances particular to a parcel, and that is reviewed and decided by the Board of Adjustment after a public hearing.

### VEGETATED SWALE

Broad, shallow channels designed to convey and infiltrate stormwater runoff. The swales are vegetated along the bottom and sides of the channel, with side vegetation at a height greater than the maximum design stormwater volume.

#### VEHICULAR USE AREA

That portion of a development site used or proposed to be used for vehicular ingress and egress, off-street parking, parking aisles, internal vehicular accessways, fire lanes, loading areas, and other areas dedicated to vehicular use, but not necessarily including vehicular storage and display areas.

#### VETERINARY CLINIC, WITH BOARDING

A facility for the medical care and treatment of animals, including household pets and larger domesticated animals, and that also boards animals not receiving medical treatment. Such facilities may be entirely indoors or may have both indoor and outdoor components.

#### VETERINARY CLINIC, WITHOUT BOARDING

A facility for the medical care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components, but do not board animals not receiving medical treatment.

#### VOCATIONAL OR TRADE SCHOOL

A public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

#### WAREHOUSE, DISTRIBUTION

A use engaged in distribution of manufactured products, supplies, and equipment.

#### WAREHOUSE, MINI

See MINI-WAREHOUSE.

#### WAREHOUSE, STORAGE

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

#### WAREHOUSING AND FREIGHT MOVEMENT USES

A use category that includes use types involving the storage or movement of goods for firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas. Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants, including frozen food lockers; and outdoor storage (as a principal use). This use category does not include contractor's yards (categorized as an industrial services use) or uses involving the transfer or storage of solid or liquid wastes (categorized as a waste-related services use).

#### WETLAND

A land area that is saturated with water, either permanently or seasonally, such that it takes on the characteristics of a distinct ecosystem.

#### WHOLESALE USES

A use category that includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods. Example use types include: sale or rental of machinery, equipment, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware. This use category does not include uses primarily involving sales to the general public or on a membership basis (categorized as retail sales and service uses) or uses primarily involving storage of goods with little on-site business activity (categorized as warehousing and freight movement uses).

#### WIRELESS COMMUNICATION TOWER

A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

#### YARD

An area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front, rear, and side yards.

#### YARD, FRONT

The yard between the front façade of the principal structure(s) on a lot and the front lot line and extending the full width of a lot.

#### YARD, REAR

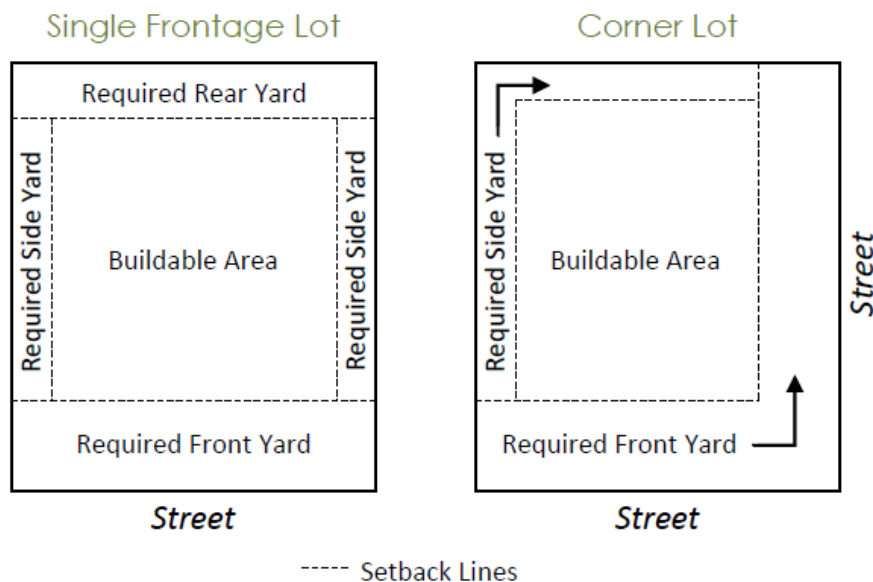
The yard between the rear façade of the principal structure(s) on a lot and the rear lot line and extending the full width of the lot.

#### YARD, REQUIRED

The area within a lot that extends inward from front, rear, and side lot lines for the minimum front yard, rear yard, and side yard depths required for the zoning district within which the lot is located, and that is required to remain unoccupied and unobstructed from the ground upward except as may be specifically provided otherwise in this Ordinance (Section 5.5.A).

### YARD, SIDE

The yard between the side façade of the principal structure(s) on a lot and the nearest side lot line and extending between the front yard and rear yard of the lot.



### YOUTH CENTER

A facility that is not a school that provides youth-oriented activities and recreation for minors, including but not limited to facilities operated by Boys' and Girls' Clubs and other similar non-profit organizations.

### ZONING DISTRICT

An area delineated on the Official Zoning Map within which a prescribed set of development standards are applied to various types of development.

### ZONING DISTRICT, BASE

A zoning district within which a single set of use, intensity, dimensional, and development standards are applied.

### ZONING DISTRICT, OVERLAY

A zoning district that is superimposed over one or more underlying base zoning districts and that imposes standards and requirements in addition to those required by the underlying base zoning district.

### ZONING MAP

The Official Zoning Map of the City of Semmes, upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

## ZONING OFFICIAL

The administrative official designated to administer the zoning ordinance and issue zoning permits or documents.



### 3.1 Establishment of Zoning Districts

The City of Semmes, Alabama, is hereby divided in to zoning districts as listed and described below, and as shown on the Official Zoning Map of Semmes, Alabama. The number and character of the districts is necessary to achieve compatibility of uses within each district with the purposes outlined in Article 1 and to ensure that future development in the city will be in accordance with the Master Plan adopted by the City of Semmes.

### 3.2 Zoning Districts

For the purpose of this Ordinance, all land in the City of Semmes is hereby divided into the following zoning districts.

**R-A Residential - Agricultural District**

This district is intended to protect and preserve areas of Semmes which are presently rural or agricultural in character and use.

**R-1 Low Density Single Family Residential District**

This district is intended to allow opportunity for a low density, suburban type residential environment consisting of single-family residences on large parcels of land.

**R-2 Medium Density Single Family Residential District**

This district is intended to allow opportunity for a medium density residential environment consisting of single-family residences on medium-sized lots.

**R-3 High Density Single Family and Multi-Family Residential District**

This district is intended to allow for a variety of higher density residential uses, including single family residential, duplexes and multi-family residential.

**R-4 Manufactured Home District**

This district is intended to provide space at appropriate locations consistent with community objectives, for the establishment of permanent manufactured homes and manufactured home parks.

**B-1 Local Business District**

This district is intended to provide small-scale commercial uses, such as limited retail convenience goods, and personal and professional service establishments. These uses typically provide services for nearby residential

areas, are compatible with residential uses, and have relatively low impact on neighboring areas.

**B-2 General Business District**

This district is intended to provide opportunity for business uses causing noise and heavy traffic, and not considered compatible in the more restrictive B-1 district. These uses also serve a regional, as well as local market and generally require location in proximity to major transportation routes.

**IM Industrial/Manufacturing District**

This district is intended to provide a suitable, protected location for uses including, but not limited to industrial, manufacturing, assembly, warehousing, and distribution.

**PUD Planned Unit Development**

This district is intended to provide an opportunity for the best use of larger tracts of land and more economical public services, and opportunity for mixed use. This district is planned, developed, and maintained as a single entity and contains one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such. The purpose of this provision is to encourage the unified development of tracts of land by using creative and flexible concepts in site planning. The criteria for this zoning district can be found in Article 6.11 of this ordinance.

### **3.3 Map of Zoning Districts**

Zoning districts established by this Ordinance are bounded and defined as shown on the Official Zoning Map of Semmes, Alabama, which, together with all explanatory materials contained thereon, is hereby made a part of this Ordinance.

### **3.4 Maintenance of Official Copy of Zoning Map**

At least one official copy of the zoning map shall be maintained in the office of the City Clerk, upon which shall be recorded, after the passage thereof, every amendment to this ordinance which changes any zoning district boundary. Such official copy of the zoning map shall be attested by the Mayor/City Clerk, and shall be available at all times for inspection by the general public.

The City Clerk may distribute copies of the zoning map to the general public and other officials for reference. However, the official copy of the zoning map maintained in the office of the City Clerk, plus official records regarding actions of the City Council to amend district boundaries shall constitute the only and official description of the location of zoning district boundaries.

### 3.5 Interpretation of District Boundaries

In the event of uncertainty with regard to location, it is the duty of the Planning Commission to interpret the location of the zoning district boundaries. If any property is not shown as being in a zoning district because of error or omission, the classification of such property shall be R-1, Single Family Residential, until zoned by an amendment to this Ordinance.

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of Semmes.

- A. Boundaries shows as following, or approximately following the limits of any municipal corporation shall be construed as following such limits.
- B. Boundaries shown as following, or approximately following streets shall be construed to follow the centerlines of such streets.
- C. Boundary lines which follow, or approximately follow platted lot lines or other property lines as shown on the Mobile County Tax Parcel Maps shall be construed as following such lines.
- D. Boundary lines shown as following, or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- E. Boundary lines shown as following, or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- F. Boundaries lines shown as following or approximately following shorelines of any lakes shall be construed to follow the mean high waterlines of such lakes, and in the event of change in the mean high waterline, the zoning boundary shall be construed as moving with the actual mean high waterline.
- G. Boundary lines shown as following, or approximately following the centerlines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning boundary shall be construed as moving with the channel centerline.
- H. Boundary lines shown as separated from, and parallel or approximately parallel to any of the features listed in items A through G above shall be construed to be parallel to, and at such distances from such features as are shown on the map.

## **4.1 Compliance with District Regulations**

No building, structure, or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, moved, or altered, except in conformity with the regulations herein specified for the district in which the property is or is to be located. It shall be the responsibility of the owner/developer to allow proof of compliance with the requirements of this Ordinance.

## **4.2 Use Compliance**

In each zoning district, uses are categorized as one of three types:

### **A. Uses Permitted by Right (R)**

These uses are permitted by right, subject to meeting all the requirements or conditions outlined in this Ordinance.

### **B. Uses Requiring Planning Commission Approval (P)**

These uses require the review of the Planning Commission to determine if the use is appropriate for the location in which it is proposed. Applications are evaluated by the Planning Commission based on location with regard to traffic, access, water supply, waste disposal, fire and police protection, and whether the proposed use is in harmony with the orderly and appropriate development of the neighborhood in which it is proposed.

### **C. Uses Requiring a Special Exception (S)**

These uses are only permitted under certain circumstances. Applications are reviewed by the Board of Adjustment. After holding a public hearing, the Board of Adjustment makes a determination of approval, approval with conditions, or denial.

### **D. Uses Not Permitted (-)**

Uses that are not permitted in a particular zoning district, but may be permitted in another district.

In any case where a use is not specifically referred to in the Ordinance, the status of that use shall be determined by the Planning Commission by reference to the most clearly analogous use that is specifically referred to in the Ordinance.

## **4.3 Use Categories**

#### **A. Agricultural Uses**

1. Agriculture
2. Forestry
3. Retail Nursery
4. Wholesale Nursery

#### **B. Residential Uses**

1. Single Family Detached Dwelling Unit
2. Two Family Dwelling Unit
3. Multi-Family Dwelling Unit
4. Manufactured Home
5. Manufactured Home Park

#### **C. Light Commercial Uses**

1. Retail establishments including grocery and convenience stores (not to exceed 40,000 in square feet, but not including liquor stores or equipment rentals)
2. Shopping centers (not to exceed 80,000 in square feet)
3. Personal service establishments
4. Veterinary office with indoor kennels
5. Banks and other financial institutions (without drive-through windows)
6. Restaurants (without drive-through or pick up windows)
7. Light mechanical repair store (ex. Watch, camera, bicycle, TV)
8. Studios for art, performing arts
9. Day care center
10. Office uses
11. Health care uses (with no overnight accommodations)

#### **D. Heavy Commercial Uses**

1. Retail establishments including grocery and convenience stores
2. Shopping centers
3. Kennel or pet boarding facility (indoor or outdoor kennels)
4. Banks and other financial institutions (with or without drive-through windows)
5. Restaurants (with or without drive-through windows)
6. Hotels and motels
7. Gas stations and Car Washes
8. Parking lots
9. Automobile/vehicle/equipment sales, supplies, rentals, and service
10. Health care uses that include overnight accommodations, but not including hospitals

#### **E. Recreational Uses**

1. Commercial Recreational – Indoor and outdoor recreational uses such as: Amusements parks; fairgrounds; golf driving ranges (separate from a golf course); miniature golf; racetracks; stadiums; outdoor sports arenas; outdoor theaters or amphitheaters; aquariums; skating rinks, water parks; swimming pools (not publicly owned or established as part of a residential neighborhood)
2. Residential Recreational – RV parks; campgrounds; day or overnight camps

#### **F. Public Service Uses**

1. Hospitals and ambulance services
2. Utility service yards or garages
3. Schools/libraries/museums/art centers
4. Public parks
5. Public animal shelters
6. Public cemeteries
7. Any other publicly owned facility or service

#### **G. Institutional Uses**

1. Churches
2. Group homes
3. Nursing homes
4. Clubs, lodges, meeting rooms

#### **H. Industrial/Manufacturing Uses**

Uses including but not limited to manufacturing, assembly, packaging, storage, warehousing, distribution, and that are not considered to fall within any other use category

#### **I. Other Uses**

1. Cemeteries
2. Funeral parlors or homes (with or without embalming and cremation)
3. Junkyards, landfills
4. Airports, landing strips, heliports
5. Self-storage, mini warehouses
6. Golf courses
7. Country clubs
8. Shooting ranges
9. Utility or telecommunication towers
10. Bars, night clubs, brewpubs, lounges
11. Liquor Stores
12. Adult Entertainment Uses
13. Tattoo Parlors

## 4.4 Table of Permitted Uses

| USE CATEGORY                                                                          | RA | R-1 | R-2 | R-3 | R-4 | B-1 | B-2 | IM |
|---------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|----|
| <b>Agricultural Uses</b>                                                              | R  | -   | -   | -   | -   | -   | -   | -  |
| <b>Residential Uses</b>                                                               |    |     |     |     |     |     |     |    |
| Single Family Detached Dwelling                                                       | R  | R   | R   | R   | R   | -   | -   | -  |
| Two Family Dwelling                                                                   | -  | -   | -   | R   | R   | -   | -   | -  |
| Multi-Family Dwelling                                                                 | -  | -   | -   | R   | R   | -   | -   | -  |
| Manufactured Home/Mobile Home                                                         | R  | -   | -   | -   | R   | -   | -   | -  |
| Manufactured Home Park                                                                | -  |     |     |     | R   |     |     |    |
| <b>Light Commercial Uses</b>                                                          | -  | -   | -   | -   | -   | R   | R   | R  |
| <b>Heavy Commercial Uses</b>                                                          | -  | -   | -   | -   | -   | -   | R   | R  |
| <b>Recreational Uses</b>                                                              |    |     |     |     |     |     |     |    |
| Commercial Recreational                                                               | -  | -   | -   | -   | -   | S   | S   | -  |
| Residential Recreational                                                              | S  | -   | -   | -   | -   | S   | S   | -  |
| <b>Public Service Uses</b>                                                            | S  | S   | S   | S   | S   | S   | S   | S  |
| <b>Institutional Uses</b>                                                             |    |     |     |     |     |     |     |    |
| Churches                                                                              | R  | R   | R   | R   | R   | R   | -   | -  |
| Group homes                                                                           | -  | -   | -   | -   | R   | R   | -   | -  |
| Nursing homes                                                                         | R  | -   | -   | R   | R   | R   | -   | -  |
| Clubs, lodges, meeting rooms                                                          | R  | -   | -   | -   | -   | R   | R   | -  |
| <b>Industrial/Manufacturing Uses</b>                                                  | -  | -   | -   | -   | -   | -   | -   | R  |
| <b>Other Uses</b>                                                                     |    |     |     |     |     |     |     |    |
| Cemeteries                                                                            | S  | S   | S   | S   | S   | S   | S   | S  |
| Funeral parlors or homes                                                              | S  | -   | -   | -   | -   | S   | S   | S  |
| Junkyards, landfills                                                                  | -  | -   | -   | -   | -   | -   | -   | -  |
| Airports, landing strips, heliports                                                   | S  | -   | -   | -   | -   | -   | -   | S  |
| Self-storage, mini warehouses                                                         | -  | -   | -   | -   | -   | S   | S   | S  |
| Golf courses                                                                          | S  | S   | S   | S   | S   | S   | S   | -  |
| Country clubs                                                                         | S  | S   | S   | S   | S   | S   | S   | -  |
| Shooting ranges                                                                       | S  | S   | S   | S   | S   | S   | S   | S  |
| Utility or telecommunication towers – (Co-location allowed by right in all districts) | S  | S   | S   | S   | S   | S   | S   | S  |
| Bars, night clubs, brewpubs, lounges                                                  | -  | -   | -   | -   | -   | -   | S   | -  |
| Liquor Store                                                                          | -  | -   | -   | -   | -   | -   | S   | -  |
| Adult Entertainment Use                                                               | -  | -   | -   | -   | -   | -   | S   | -  |

|                       |   |   |   |   |   |   |   |   |
|-----------------------|---|---|---|---|---|---|---|---|
| Tattoo Parlor         | - | - | - | - | - | - | S | - |
| City Facilities/Parks | R | R | R | R | R | R | R | R |

**Key:** R = Permitted by Right P = Planning Commission Approval Required  
S = Special Exception - = Not Permitted

## 4.5 Requirements for Lot Area, Width, Coverage, and Density

| Zoning District                                                                   | Minimum Lot Area                                                               | Minimum Lot Width at Building Line | Maximum Lot Coverage (%) <sup>*</sup> | Maximum Density <sup>**</sup> (units/acre) |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------|---------------------------------------|--------------------------------------------|
| <b>RA</b>                                                                         | 1 acre                                                                         | 100 feet                           | 30 %                                  | N/A                                        |
| <b>R-1</b>                                                                        | 12,000 sf                                                                      | 100 feet                           | 30%                                   | 3.0                                        |
| <b>R-2</b>                                                                        | 10,000 sf                                                                      | 80 feet                            | 30 %                                  | 4.0                                        |
| <b>R-3</b><br><b>Single Family</b><br><b>Two-Family</b><br><b>Multiple Family</b> | 7,500 sf<br>10,500 sf<br>7,500 sf plus<br>3,000 sf for each<br>additional unit | 70 feet<br>80 feet<br>85 feet      | 30%<br>35 %<br>35 %                   | 5.00<br>7.00<br>14.00                      |
| <b>R-4</b>                                                                        | 4,000 sf                                                                       | 50 feet                            | -                                     | -                                          |
| <b>B-1</b>                                                                        | 10,000                                                                         | 60                                 | N/A                                   | N/A                                        |
| <b>B-2</b>                                                                        | 10,000                                                                         | 60                                 | N/A                                   | N/A                                        |
| <b>IM</b>                                                                         | N/A                                                                            | 60                                 | N/A                                   | N/A                                        |

## 4.6 Minimum Yard Requirements

| Zoning District | Front Yard | Rear Yard | Side Yard | Corner Lot Front Yard |
|-----------------|------------|-----------|-----------|-----------------------|
| <b>RA</b>       | 35*        | 30        | 15        | 35*                   |
| <b>R-1</b>      | 35*        | 30        | 10        | 35*                   |
| <b>R-2</b>      | 35*        | 30        | 10        | 35*                   |
| <b>R-3</b>      | 30*        | 25        | 10        | 30*                   |
| <b>R-4</b>      | 30*        | 25        | 10        | 30*                   |
| <b>B-1</b>      | 10*        | None**    | None***   | 30*                   |
| <b>B-2</b>      | 10*        | None**    | None***   | 30*                   |
| <b>IM</b>       | 10         | 30**      | 20***     | 50                    |



\* For any lot fronting on Snow Road, the minimum front yard (or corner lot front yard) shall be fifty (50) feet.

\*\* For any lot abutting a residential district or a parcel used for residential purposes, the minimum rear yard shall be forty (40) feet.

\*\*\* For any lot abutting a residential district or a parcel used for residential purposes, the minimum side yard shall be thirty (30) feet.

## **4.7 Maximum Height Requirements**

Except as provided for elsewhere in this ordinance, no structure shall exceed two and one-half stories or thirty-five (35) feet in any R-1, R-2, R-4 or residential district, or than ten (10) stories or one hundred (100) feet in any R-A, R-3, business, or industrial district.

**5.1 Use**

No building, structure or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is or is to be located. It shall be the responsibility of the owner/developer to allow proof of compliance with the requirements of this Ordinance.

**5.2 Lots**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side, or rear yard, inner or outer courts, lot area or other requirements of this Ordinance are not met. This section shall not apply when a portion of a lot is acquired by a government agency for public use.

**5.3 Building Height**

No building shall hereafter be erected, constructed, or altered so as to exceed the height requirement specified in the regulations for the zoning district in which the development is to occur, except as otherwise provided herein.

**A. Height Measurements**

Building height shall be measured from finished grade except where base flood elevations apply, in which case building height shall be measured from the minimum base flood elevation as established by Flood Insurance Rate Maps (FIRM).

**B. Height Exceptions**

Cellular towers, windmills, water towers, mechanical equipment, chimneys, air conditioners, church spires/steeple, solar panels, and other similar structures that are appurtenant to a building are exempt from height restrictions.

**5.4 One Principal Building on Lot**

Every residential building, including hotels, motels, condominiums, single-family and multi-family dwellings, and duplexes hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal building on a lot except as follows:

In any R-A district location no more than two dwelling units shall be permitted on a lot, except for businesses operating under a federal agricultural worker program. Any district where multi-family structures, motels or hotels are permitted, two or more such residential structures may be permitted on a lot, provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front, or rear of any other building than thirty (30) feet.

## **5.5 Yards**

Every part of a required yard shall be open and unobstructed from ground level to the sky, except as otherwise provided herein.

### **A. Exceptions**

1. The ordinary projection of sill, cornices, buttresses, ornamental features, chimneys, flues, and eaves shall be permitted to extend not more than more than two (2) feet into the required yard.
2. An unroofed porch or deck, attached to the primary structure only, shall be permitted to extend not more than five (5) feet into a required front yard.
3. An accessory building or structure, not more than 250 square feet in area, and 12 feet in height may be located within a required rear yard, but not less than ten (10) feet from the rear property line.
4. Fences, walls, and gates more than 50% opaque and no taller than three and one-half (3 ½) feet may be located within a required front yard, and fences and walls no taller than eight (8) feet may be located within a required side or rear yard. However, in the RA district, there are no height limits on fences, walls, and gates within required yards.
5. Required parking may be located within any required yard, provided all other applicable parking requirements in this ordinance are met.

### **B. Frontage on Multiple Streets**

1. For corner lots, the required front yard shall be provided on each street frontage.
2. The front yard requirements for corner lots shall not apply where the average front yard of developed lots located within 100 feet, on the same side of the same street, same block, and same zoning district, is less than

the minimum front yard requirements. In such cases, the front yard shall be not less than the average front yard of the aforementioned developed lots.

#### **C. Substandard Lots of Record**

On substandard lots of record, the front, side, and rear yards may be reduced to less than required in this Ordinance, provided the following:

1. No front yard shall be reduced to less than the average setback of the existing developed lots within the same block, same side of the street, and same zoning district;
2. A side yard may be reduced to a size equal to ten (10) percent of the lot width, but in no case shall the side yard be reduced to less than five (5) feet; and
3. A rear yard may be reduced to a size equal to twenty (20) percent of the lot depth, but in no case shall the rear yard be reduced to less than fifteen (15) feet.

#### **D. Corner Visibility**

No fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of three and one-half (3 ½) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way of two streets and/or railroads.

### **5.6 Stormwater Management, Erosion and Sediment Control**

Where any activity involves land disturbance, a Land Disturbance Permit, which includes a site grading and drainage plan, and an erosion and sediment control plan, is required by the City of Semmes.

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways, from damage by such activities. In addition, owners shall comply with all applicable laws, rules, and regulations, including federal and state regulations regarding the discharge of storm water. For all projects required by the Alabama Department of Environmental Management (ADEM) to obtain a national pollutant discharge elimination system (NPDES) permit, a copy of said permit shall be provided to the City prior to the land disturbance activities. For projects requiring a NPDES permit, owners shall prepare a Construction Best Management Practices Plan (CBMPP) in accordance with ADEM requirements. It shall be the responsibility of the owner to design, install and maintain an ADEM approved CBMPP. Where required by ADEM, owners shall provide the City with a copy of its CBMPP prior to land disturbance activities.

## **5.7 Nonconformance**

### **A. Purpose and Intent**

It is the intent of this Ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is the intent of this Ordinance to administer the elimination of nonconforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights. Any structure or use of land existing at the time of the enactment of this Ordinance and amendments thereto, not in conformity with its use regulation and provisions, may be continued subject to the following provisions:

### **B. Non-conforming Uses**

Any use that legally existed prior to the adoption of this Ordinance, but which is not permitted under the term of this ordinance is considered a legal non-conforming use and may continue to exist subject to the following:

1. The use shall be restricted to the lot and building occupied by the use as of the effective date of the ordinance creating the non-conformance and shall not be extended to any other building or lot of portion thereof.
2. A legal non-conforming use that ceases for any reason for a period of more than one (1) year shall not be re-established unless it is in compliance with this Ordinance. If a legal non-conforming use is converted to a conforming use, no matter the length of time, the non-conforming use shall not be re-established.
3. A change of a legal non-conforming use shall only be allowed if the change is to a conforming use, or to a use that is considered less non-conforming (or more conforming), as determined by The Planning Commission, either in extent of non-conformance or in intensity.

### **C. Non-conforming Structures**

Structures that were legally constructed prior to the adoption of this Ordinance, but which could not be constructed under the terms of this Ordinance are considered legal non-conforming structures and may continue to exist subject to the following:

1. Alteration and expansions to a legal non-conforming structure may follow the non-conforming setback only on the non-conforming side yard only, not a non-conforming front or rear yard.
2. A legal non-conforming living structure, which is not intentionally damaged, destroyed, or removed, may be restored within one year from the date of the event. If the re-construction has not begun within one year, all restorations and improvements shall be in compliance with applicable ordinances. The burden of proof of the date of damage or destruction shall be on the person proposing the restoration. All other legal non-conforming which are not intentionally damaged, destroyed, or removed, to the extent of more than 50%, may be restored within one year from the date of the event.

#### **D. Non-conforming Signs**

See Article 9 Sign Regulations

#### **E. Non-conforming Site Characteristics or Features**

Any site characteristic or feature such as parking, landscaping, buffering, lighting, etc. that legally existed prior to the adoption of this Ordinance, but which would not conform to the current Ordinance shall be considered a legal non-conforming site characteristic or feature and may continue to exist subject to the following:

1. Any legal non-conforming site characteristic or feature shall not be altered or removed as to make it less compliant with the current Ordinance
2. Any change in use shall require compliance with all provisions of the current Ordinance.

### **6.1 Recreational Vehicle (RV) Parks**

RV Parks are considered to be subdivisions and shall also be reviewed as such by the Planning Commission.

- A. No RV Park shall be located except with direct access to a county, State, or Federal Highway, with a minimum width of not less than sixty (60) feet for ingress and egress. No entrance or exit shall be through a residential district.
- B. Interior roads within RV parks shall be not less than twenty-four (24) feet in width, unless a larger width is determined necessary by Semmes Fire and Rescue. All internal and access roads shall be paved to city standards.
- C. The minimum lot area per park shall be three (3) acres.
- D. Use of spaces in RV parks shall be limited to RVs with a maximum length, exclusive of hitch, of forty-five (45) feet.
- E. Spaces shall be rented by the day or week only, and for a period of no longer than ninety (90) days.
- F. No space shall be located within thirty (30) feet of the right-of-way line of any street.
- G. Management headquarters, recreational facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to the operation of a RV Park are permitted as accessory uses, provided:
  - 1. Such establishments shall be restricted in use to occupants of the RV Park and such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
  - 2. Such establishments shall not occupy more than ten (10) percent of the area of the park.
- H. The entire RV park shall be landscaped and maintained according to Article 8 of this Ordinance.
- I. In addition to meeting the above requirements, the RV Park site plan shall be accompanied by a certificate of approval by the Mobile County Health

Department, City of Semmes Fire and Rescue, and all applicable utility companies.

## **6.2 Individual Manufactured Homes**

- A. Individual Manufactured/Mobile Homes are only allowed in an RA and R-4 district.

## **6.3 Manufactured Home Parks**

Manufactured Home Parks and Tiny Home Parks are considered to be subdivisions and shall also be reviewed as such by the Planning Commission. Recreational Vehicles (RV's) are not allowed in a Manufactured or Tiny Home Park.

- A. The park shall be located on a well-drained site, properly graded to ensure rapid drainage and free from stagnant pools of water.
- B. Each park shall provide manufactured home spaces, and each space shall be clearly defined or delineated. Each manufactured home space shall have the following:
  - 1. An area of not less than four thousand (4,000) square feet
  - 2. A width of not less than fifty (50) feet
  - 3. Located so that there shall be at least twenty (20) feet of clearance between each manufactured home, including attached porches and decks, and any other building or structure within the park
  - 4. Located at least thirty (30) feet from any adjoining property line or parcels not included in the park
  - 5. A driveway of not less than twenty (20) feet in width and twenty (20) feet in length and paved with hard surface treatment (sufficient to accommodate 2 cars parked side by side)
  - 6. Located so that it abuts an interior access road not less than twenty-four (24) feet in width, paved to City standards, and approved by the local fire department.
- C. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured home spaces within the park. Each space shall be provided with a cold water tap at least four (4) inches above the ground.



- D. In addition to meeting the above requirements, the Manufactured Home Park site plan shall be accompanied by a certificate of approval by the Mobile County Health Department, Semmes Fire and Rescue, and all applicable utility companies.
- E. The entire manufactured home development shall be landscaped and maintained according to Article 8 of this Ordinance;
- F. All other applicable City codes and ordinances shall be adhered to.
- G. Interior roads within Manufactured Home parks shall be not less than twenty-four (24) feet in width, unless a larger width is determined necessary by Semmes Fire and Rescue. All internal and access roads shall be paved to city standards

## **6.4 Home Occupations**

Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian or vehicular traffic, or any condition which would constitute an objectionable use of residentially zoned property. In addition, home occupations are subject to the following provisions.

- A. The area used for a home occupation (including storage) shall be located within the principal dwelling structure, and not in an accessory building or outdoors except in a RA and R-1 zone.
- B. The area used for a home occupation shall not exceed twenty percent (20 %) of the gross floor area in the principal building.
- C. Employment shall be limited to members of the family residing in the dwelling, plus one additional employee not residing on the premises. In no case shall there be more than three (3) persons engaged in the home occupation.
- D. No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
- E. No display of products shall be visible from the street, and only articles made on the premises may be sold. Customer visits shall be limited to two persons at a time, and visits shall not be open to the public, but shall be made by appointment.

- F. Service oriented and/or instructional occupations shall be limited to two (2) clients or students at a time.
- G. Hours of operation shall be limited to the hours between 7 a.m. and 10 p.m.
- H. One professional or announcement sign may be used to identify the home occupation. Such sign shall not exceed one and one-half (1 ½) square feet in area and must be mounted flat to the main wall of the principal building. No such sign shall be directly illuminated.
- I. All home occupations shall require a business license issued by the City of Semmes.
- J. Customary home occupations shall not include the following:
  - Uses which do not meet the provisions listed above
  - On-site lease or rental of products, or retail sales open to the public
  - Repair, manufacturing, or processing uses
  - Barber shops and beauty parlors
  - Handling, preparation or serving of food on-premises
  - Uses which entail the harboring, training, raising, or treatment of dogs, cats, birds, or other animals
  - Uses which would create noise, glares, dust, odors, fumes, or electrical interference

## **6.5 Auto Service Stations**

Within the districts permitting automobile service stations, the following requirements shall apply.

### **A. Location**

The property on which an automobile service station is located shall not be within one hundred (100) feet of any residential district, or any property containing a school, public playground, church, hospital, public library, or institution for children or dependents. This distance is measured from the property line.

### **B. Site Requirements**

An automobile service station shall have a minimum frontage on the primary street, of one hundred twenty (120) feet and a minimum lot area of twelve thousand (12,000) square feet. All buildings shall be set back forty (40) feet from all street right-of-way lines and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.

### **C. Access to Site**

Vehicular entrances or exits at an automobile service station:

1. Shall not be provided with more than two curb cuts for the first 120 feet of street frontage or fraction thereof.
2. Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.
3. Shall not have any two driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

#### **D. Gasoline Pump Islands**

Where an auto service center includes gasoline pumps, then gasoline pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established. The setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, they shall also be at least fifteen (15) feet from the right-of-way. However, the pumps shall be at least 60 feet from the center line of an arterial street, 55 feet from the center line of a collector street and 45 feet from the center line of other streets.

#### **E. Off-Street Parking**

A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication or wash bay.

#### **F. Other Site Improvements**

In addition to the above requirements, the following additional site improvements shall be adhered to:

1. A raised curb of at least six inches in height shall be erected along the street property lines, except for driveway openings.
2. A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height shall be erected along all adjacent property lines adjacent to any residential structure or residential use district.
3. Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
4. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.

5. All driving, parking, storage, and service area shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

#### **G. Storage of Flammable Products**

Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gasses shall be restricted to the requirements set forth in Article IV, Section 4.1 and Article VI, of this Ordinance, and state regulations.

### **6.6 Satellite Receiving Dishes**

Satellite receiving dishes are permitted accessory uses in any district, provided they comply with setback, height, and other standards of this Ordinance. In any district, the dish antenna shall be located to the rear of the front building line and must be set back ten (10) feet from any interior or rear lot line. Special setbacks indicated herein apply on corner lots. The dish antenna together with the principal building and accessory building may not exceed the maximum lot coverage permitted in the district in which it is located. In residential districts where the antenna is detached from the main building, its maximum height may not exceed 15 feet. Mounting antennas on roofs is prohibited. Installation and construction must also comply with the building code. No form of advertising or identification is allowed on the dish or framework other than manufacturer's small identification plates.

### **6.7 Telecommunication Towers**

- A. Telecommunication Towers shall be permitted by special exception in all zoning districts. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right.
- B. Antennas located on alternative support structures shall not exceed fifteen (15) feet in height above the existing structure on which they are placed.
- C. Tower height shall not exceed one hundred and eighty (180) feet.
- D. Setbacks from property lines for towers shall be equal to the total height of the tower, which includes any co-location antennas.
- E. Preference for co-location
  1. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's need.
  2. No signage, symbols, or advertisements may be attached to the pole, tower, or antenna.

3. Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas. Guyed structures and self-supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas.

## **6.8 Temporary Buildings**

Temporary buildings or mobile type trailers used in conjunction with construction work shall be permitted in any district and shall be removed immediately upon completion of construction, or after the expiration of one (1) year, whichever is less. If after a year has passed and the project has not been completed, an extension(s) to this time frame may be granted by the Planning Commission for periods of no more than three (3) months at a time.

## **6.9 Accessory Buildings, Structures, and Uses**

Accessory buildings, structures, and uses shall be permitted in every district provided that:

- A. It is customarily incidental to and is maintained and operated as part of the principle use and is not located on a lot by itself except in a RA district;
- B. It is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principle use with which it is associated;
- C. It does not create levels of noise, odors, vibration and lighting or degrees of traffic congestion, dust or pollutants, in greater amount than customarily created by the principle use;
- D. It is not located within a required yard, except as permitted in Section 5.5 A of this ordinance;
- E. It is not located closer to the street than the front wall of the primary structure or in the case of a corner lot, is not located closer to the side street than side wall of the primary structure.

## **6.10 Cemeteries and Mausoleums**

Cemeteries and Mausoleums, both as primary and accessory uses, are considered to be subdivisions and shall also be reviewed as such by the Planning Commission.

- A. Each new cemetery shall be located on a site containing not less than 5 acres;
- B. Any new mausoleum shall be located on a site containing not less than three acres;

- C. Any cemetery or mausoleum not located on the same parcel as a church shall not be considered a church cemetery or mausoleum. Any cemetery or mausoleum located on the same site as a church or house of worship shall be considered an accessory use.
- D. The site proposed for a cemetery or mausoleum shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a public street;
- E. There shall be a fifty (50) foot buffer around the perimeter of the property and all structures, graves or burial lots shall be set back no less than 50 feet from any property line or street right-of-way;
- F. The entire cemetery/mausoleum property shall be landscaped and maintained according to Article 8 of this Ordinance;
- G. Any additions or extensions to the cemetery or mausoleum shall require subdivision approval by the Planning Commission.

## **6.11 Planned Unit Development (PUD)**

The intent of this section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provide for larger areas of recreational open space, more economical public services, and opportunity for mixed uses. The purpose of this provision is to encourage the unified development of tracts of land using much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of zoning districts established in this Ordinance. The burden is placed on the developer to demonstrate a benefit of the proposed PUD to the City and the surrounding area.

### **A. Size**

Each PUD shall be a minimum of five (5) acres and of sufficient size to accommodate the development.

### **B. Ownership**

Single ownership shall be construed to include the following:

1. A person, partnership or corporation
2. An association of property owners, legally bound to one another, to carry out the provisions of this section for development and operation of a PUD,

likewise legally bound to execute the agreements as provided hereinafter.

3. The owner's association of a condominium project, established under the provisions of Alabama law, which has the power to execute the agreements as provided for herein after.

#### C. General Regulations

The following general regulations shall apply to all PUD's and require that such developments:

1. Shall be in conformity with the City's Comprehensive Plan or portion thereof as it may apply.
2. Shall be consistent in all respects with the purposes and intent of this Ordinance.
3. Will advance the general welfare of the City and immediate vicinity.
4. Will provide, through desirable arrangement and design, benefits which justify the deviations from development standards which would otherwise apply.

#### D. General Development Regulation

The following development regulations shall apply to all PUD's:

1. Provisions of residential districts as applicable shall generally be adhered to in all PUD's.
2. All land proposed in the project for residential use, including outdoor use of space, off-street parking, interior drives and other circulation ways may be counted in complying with density requirements.
3. For any single-family or two-family dwelling or any dwelling unit in a townhouse or condominium building, there shall be a privately occupied area. This private space shall include the space occupied by such dwelling or dwelling unit, with adjoining open space assigned exclusively to such dwelling unit of not less than six hundred (600) square feet in addition to a private parking area.
4. All open space not assigned to private occupancy as set forth above, shall be assigned to the common use of all residents or general public of the development, with such use assured in perpetuity as provided for above. Assignment and development of such open spaces shall be as follows:
  - a. Access driveways
  - b. Landscaped areas, comprising no less than fifteen (15) percent of all common open space required by this section, may include the following:
    - Pedestrian access walkways;
    - Children's play areas;
    - General landscaped areas, flower gardens and areas for passive recreation;

Swimming pools, including accompanying accessory structures, and areas for organized sports;

Any other areas suitable for the common enjoyment of the residents.

- c. Every residential structure in a development shall be within two hundred (200) feet of a hard-surfaced access drive no less than twenty (20) feet wide or a parking lot connected with such a drive. In addition, every dwelling or ground floor dwelling unit shall be directly accessible by service and emergency vehicles.
- d. Private streets on common easements may be used to provide vehicular access to not more than thirty (30) dwelling units on any one such drive. In all other respects, the system of vehicular circulation for a development shall be provided by dedicated streets complying in all respects to City Standards. The easement therefore may be counted as part of the net area in complying with density limits, but may not be counted as part of required landscape or recreation space.

## **6.12 Livestock in Residential Districts**

The owning, housing, or harboring of livestock is permitted as an accessory use in R-A, R-1, R-2, districts provided that:

- A. Such activities do not cause any more noise, odor, or pollutant in any greater degree than the residential use with which it is associated.
- B. The livestock is not bred, sold, or used in any way for commercial purposes that would supersede the primary residential use of the property.
- C. All other applicable county, state, or federal regulations or restrictions regarding livestock are met.



### 7.1 General

- A. There shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity, or before conversion from one type of use or occupancy to another, permanent off-street parking and loading space provided in accordance with the following requirements specified by this Article.
- B. General parking regulations shall apply to all uses in all zoning districts.
- C. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley and shall be equal to at least the minimum requirements for the specific land use set forth or as otherwise provided in this Ordinance.
- D. Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.
- E. Off-street parking existing on the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- F. Any use which does not involve persons arriving, departing, gathering, or working on-site, other than occasional maintenance, shall not be required to have on-site parking, unless determined by the Planning Commission to be necessary.

## 7.2 Parking Schedule Table

| USES                                                                                                                                             | REQUIRED # OF PARKING SPACES                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESIDENTIAL USES</b><br>Single Family Dwelling, Manufactured Homes, and Duplexes                                                              | Two spaces for each dwelling unit                                                                                                                                                                                  |
| Multi-family Dwellings                                                                                                                           | One and one half (1 ½) spaces for each dwelling unit                                                                                                                                                               |
| <b>LODGING USES</b><br>Hotels, Motels, and Other Temporary Lodging Uses                                                                          | One and one-quarter (1 ¼) parking spaces for each guest room plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc. as per the parking requirements for those accessory uses |
| <b>PUBLIC ASSEMBLY USES</b><br>Churches, and Other Places of Worship, Funeral Parlors, Theaters, Community Centers, and Other Places of Assembly | One space (1) space per two persons based on the maximum capacity of persons allowed by fire code                                                                                                                  |
| <b>RETAIL USES</b>                                                                                                                               | Five (5) spaces for each one thousand (1,000) square feet of floor area                                                                                                                                            |
| <b>RESTAURANTS AND DINING USES</b>                                                                                                               | Seven (7) spaces for each one thousand (1,000) square feet of floor area                                                                                                                                           |
| <b>GENERAL COMMERCIAL USES</b>                                                                                                                   | Three (3) spaces for each one thousand (1,000) square feet of floor area                                                                                                                                           |
| <b>RECREATIONAL USES</b><br>Parks, Golf Courses, Swimming Pools and Other Similar Uses                                                           | To be determined by Planning Commission during site plan review                                                                                                                                                    |
| <b>RV PARK USES</b>                                                                                                                              | One and one half (1 ½) spaces for each RV space                                                                                                                                                                    |
| <b>HEALTH CARE FACILITIES</b>                                                                                                                    | Two (2) spaces for each 200 square feet of floor area used for offices and similar purposes                                                                                                                        |
| <b>WHOLESALE, MANUFACTURING, AND INDUSTRIAL USES</b>                                                                                             | One space (1) for each employee on the maximum working shift, plus one space for each company vehicle operating from the premises, plus one space for every 50 square feet of customer service area                |

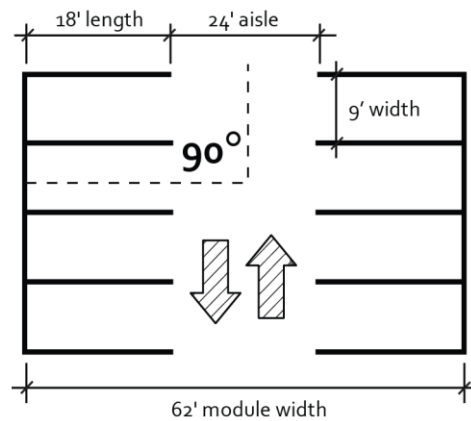
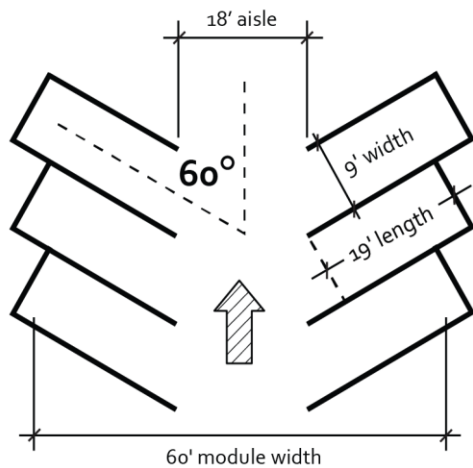
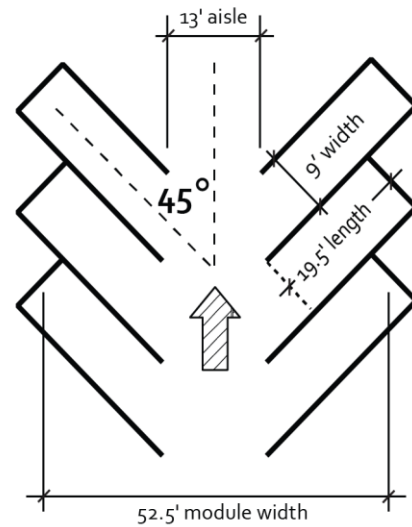
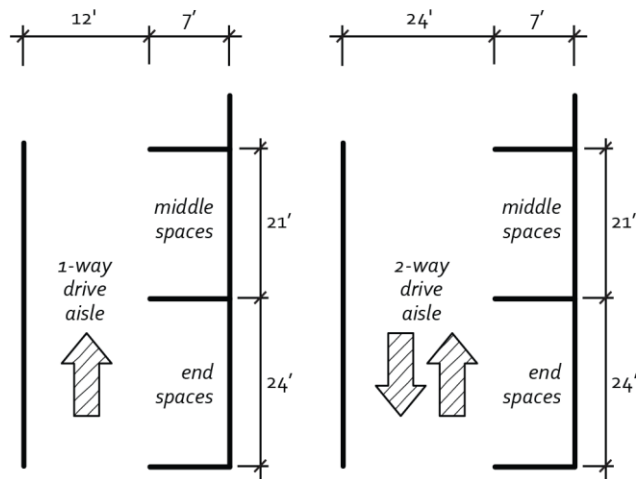
### 7.3 Location of Parking Spaces

- A. Parking spaces for all uses or structures shall be located on the same lot as the principal use unless approved by the Planning Commission.
- B. If parking is provided off-site, then the spaces shall not be located more than three hundred (300) feet from the lot on which the principal use to be served is located and the zoning classification of the property on which the off-site parking facilities are located shall be the same or a less restrictive classification. If the off-site parking is the only use on the lot, then the use of parking lot must be a permitted use in the district in which the parking lot is located.
- C. Two (2) or more owners or operators of any commercial or non-residential use, located in the same zoning district, may share the required off-street parking spaces if the hours of operation do not coincide with each other and the total number of parking spaces is met for each use.
- D. Where required parking spaces are not located on the same lot as the principal use, a written agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses shall be properly drawn and executed by the parties concerned, approved as to form by the Municipal Attorney and shall be filed with the application for a building permit. Annual Business license renewal applications must include a copy of the current written agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses as originally approved.

### 7.4 Parking Access and Dimensions

- A. Driveways for Single Family and Duplexes. Driveways are allowed to be used as the off-street parking area for single family and duplex residential uses only, provided the driveway has an area with a minimum of twelve (12) feet in width and 20 feet in length for each required space to be located within the driveway.
- B. Ingress/Egress and Interior Access Drives. Any drives used for ingress, egress, or interior access to the property, but not provided direct parking, shall be a minimum of twenty (20) feet for all one-way drives, and a minimum of twenty-four (24) feet for all two-way drives. Any drive with parking on either side or both sides, shall be considered a parking aisle, and shall meet the requirements in the table in section C below.
- D. Parking Area Dimensions. The design and dimensions of the parking area shall be in accordance with the following table and illustrations:

| Angle of Parking (°) | 0° ANGLE PARALLEL PARKING | Stall Depth (feet) | Stall Width (feet) | 45° ANGLE PARKING | Access Driveway Width (feet) |
|----------------------|---------------------------|--------------------|--------------------|-------------------|------------------------------|
| 0                    | 23'                       | 21' / 24'          | 7'                 |                   | 12' / 24'                    |
| 45                   | 12'                       | 19.5'              | 9'                 |                   | 13'                          |
| 60                   | 10'                       | 19'                | 9'                 |                   | 18'                          |
| 90                   | 9'                        | 18'                | 9'                 |                   | 24'                          |



**Note: Angled parking with two-way traffic shall be required to have an aisle width of no less than 24 feet.**

- D. Paving standards. Pervious materials are encouraged for parking areas in lieu of hard surface materials in efforts to support effective stormwater management practices. Parking spaces may be paved with impervious materials to standards established by the City of Semmes, provided the maximum thirty percent (30%) impervious surface threshold is not exceeded in residential areas. Pervious materials not only provide an alternative to traditional paving methods, but also serve as a retention basin for storing rainwater during a storm event by allowing water to flow through their surface. While other non-porous materials direct water to storm-drains, these surfaces help ground water recharge by allowing water to flow into open spaces between the materials. These porous materials also filter pollutants and solids from the water as it percolates through the surface.
- E. Wheel stops. Parking facilities without curbing shall provide wheel stops for all spaces not less than eighteen (18) inches from the end of the parking space. The stops shall be landscape timber, concrete, or other approved material.
- F. Drainage. Off-street parking facilities shall be sufficiently drained to prevent damage to adjacent property and streets and to prevent pollutants from draining onto the adjacent lots. Pervious surface materials are encouraged. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas must leave openings for the flow of water onto unpaved areas.

## 7.5 Parking Area Landscaping

The following standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces.

- A. A minimum of ten percent (10%) of the total interior area intended for off-street parking shall be suitably landscaped.
- B. Interior portions of the parking area that contain twelve (12) or more parking spaces shall be broken by provision of landscaped islands for every twelve (12) spaces in order to mitigate the negative visual impact of long uninterrupted rows of cars.
- C. Each separate landscaped area must be a minimum of twenty-five (25) square feet.
- D. All interior portions of the parking area shall contain one (1) separate landscaped area for each twelve (12) parking spaces with a minimum of one (1) tree per landscaped area which shall be a minimum of six (6) feet in height.
- E. Shrubs shall be a minimum of thirty (30) inches in height immediately upon planting. Trees must be a minimum of six (6) feet in overall height immediately

upon planting and have a minimum caliper of one and one-half (1-1/2) inches in diameter.

- F. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- G. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for maintaining all landscaping in satisfactory condition, replacing when necessary, and keeping all areas free of refuse and debris.
- F. Parking decks having two (2) or more parking levels shall have landscaped areas of not less than five (5) feet in depth around the perimeter of the parking deck along any side which is adjacent to a public street, except where ingress and egress from the deck is provided.

## 7.6 Curb Cuts and Vision Clearance

- A. Curb cuts. No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than fifty (50) feet to other curb cuts or closer than fifty (50) feet to any intersection of two (2) streets measured along the curb line.
- B. Vision Clearance. In all zoning districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) and ten (10) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets.

## 7.7 Off-Street Parking and Loading

- A. In any zoning district, in connection with all buildings, or building group or part thereof hereafter erected and having a gross floor area of four-thousand (4,000) square feet or more, which is to be occupied by any commercial or non-residential use requiring the receipt or distribution of goods by trucks, there shall be provided off-street loading or unloading berths as follows:

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

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

## **8.1 General**

The purpose of a Landscape and Tree Protection Article is to establish minimum standards for the provisions, installation, and maintenance of landscape plantings and tree preservation in order to achieve a healthy, beautiful, and safe community by the following means:

- A. Aesthetics. Improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
- B. Environmental Quality. Improve environmental quality by recognizing the numerous beneficial effects of landscaping and tree preservation upon the environment.
- C. Land Values. Maintain and increase the value of land by requiring landscaping and tree preservation to be incorporated in development thus becoming itself a valuable capital asset.
- D. Human Values. Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- E. Preservation of Vegetation. Preserve existing natural vegetation and the incorporation of native plants, plant communities and ecosystems into landscape design, where possible.
- F. Improve Design. Promote innovative and cost conscious approaches to the design installation, and maintenance of landscaping, encouraging existing tree preservation, water and energy conservation.
- G. Improved Administration and Enforcement. Establish procedures and standards for the administration and enforcement of this article.

## **8.2 Use and Applicability**

- A. The provisions of this article shall be required for all residential multi-family projects involving the construction of three (3) or more dwelling units including apartments, town homes, condominiums, planned unit developments,

subdivisions, mobile home parks, RV parks, cemeteries, all commercial uses, all industrial uses, and other uses as required by the Planning Commission.

- B. Where a change in the following: 1) use of property, 2) occupancy, 3) ownership regardless of name change, or 4) location in any manner to any business or commercial/industrial development it shall be the responsibility of the owner to comply with the provision of this article within one hundred and eighty (180) days.
- C. A site or subdivision plan shall not be approved by the Planning Commission without an acceptable landscape plan, as the same is defined pursuant to the provision of this article.
- D. If proposed construction causes changes in the landscape plan, a revised landscape plan must be submitted to the Building and Zoning Officials or his designee for re-evaluation.
- E. All properties owned by the City of Semmes shall be in compliance with this article.

### **8.3 Landscape Plan Standards**

Landscape Plans. A landscape plan shall be submitted in accordance with this Section as part of the site or subdivision plan to the City of Semmes Building Department and approved by the City of Semmes Planning Commission prior to commencing any site preparation or construction activities. Landscape plans shall be of a professional quality and include:

- A. Date, scale, north arrow, title, and names and contact information for property owner(s), developer, and landscape designer.
- B. Location of existing boundary line dimensions of the building site, existing water sources, significant drainage features, existing and proposed utility easements on or adjacent to the building site, city road rights-of-way, required setbacks, locations of proposed parking spaces, and location of existing or proposed sidewalks.
- C. The locations, species, and D.B.H. (Diameter at Breast Height) of existing significant trees indicating those to be retained, and those significant trees to be removed, along with written justification for removal of any significant trees.
- D. The location(s) and dimension(s) of the proposed landscape areas within the parking area(s) including a description of new trees and plant materials to be placed within landscaped area(s). Both common and botanical names shall be included.



- E. An indication, using written or graphic information, of how the applicant plans to protect from damage during construction any existing trees and other vegetation, which are proposed to be retained.
- F. An indication, using written or graphic information, of how the applicant intends to protect tree roots by controlling erosion or sediment loss during construction.
- G. Locations, type, and design of any proposed irrigation systems.

## 8.4 Landscape Requierments

- A. A minimum of 10% of landscaped space is required for all residential multi-family, commercial, and industrial land uses. This landscaped space must be located in the front yard and side yards of the lot. This percent is in addition to landscape requirements of parking areas.
- B. Location and species of buffer zone vegetation. Any non-residential district that abuts a residential district, a buffer zone shall be required. All protection buffers shall be maintained in such a manner to accomplish its purpose continuously.
  - 1. Wall or Fence: If a wall or fence is provided as a protection buffer, it shall be six (6) feet high, of a construction and design approved by the building inspector. The fence or wall shall be of safe construction and shall be opaque.
  - 2. Screen Planting Strip: A staggered double row of Evergreen plantings at least ten (10) feet in height and spaced in a manner in which after three years it will provide an impervious visual barrier.
  - 3. Natural Vegetation: Natural, undisturbed vegetation which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be fifteen (15) feet and shall be shown on the landscape plan. The Building Inspector shall determine whether the barrier is satisfactory via site inspection prior to approval.
- C. Plant sizes:
  - 1. All shrubs shall be installed as 3 gallon minimum (except herbaceous perennials and woody spreading shrubs on slopes).

2. All trees shall be installed as 15 gallon minimum. Exceptions for the use of smaller material for certain species which will be at the discretion of the City Official.
- D. Sufficient ground cover (grass or other type of vegetation) is required on all non- parking surfaces on the lot to minimize soil erosion. The ground cover shall be in place prior to receiving certification from the City Official.
  - E. The landowner is responsible for upkeep and maintenance of the required landscaped areas of their lot. Should landscape areas, shrubs, and/or trees die or get damaged, the landowner is responsible for replacing the damaged plants and/or areas in compliance with the conditions of this Ordinance.

## **9.1 Overview**

The provisions of this section shall govern the location, size, setback, and height of signs in each of the use districts established in this Ordinance in order to ensure safe construction, light, air, and open space, to reduce hazards at intersections, to prevent the accumulation of trash, and to protect property values of the entire community.

## **9.2 General Provisions**

The following shall apply:

- A. Compliance: All signs must be in compliance with the provision of the International Building Code and the National Electrical Code adopted by the City and labeled by a National Testing Lab.
- B. All UL numbers will be provided for any illuminated sign before a permit can be issued by the building inspector.
- C. It shall be the responsibility of the permit holder to call for all sign inspections.
- D. Height Requirement: No sign shall obstruct vision between a height of three (3) and eight (8) feet measured vertically from the street level at the base of the sign.
- E. Setback Requirement: All signs shall be a minimum of twenty (20) feet from all side property lines. Distance shall be measure from the sign board.
- F. Sign Maintenance: signs shall be maintained to the standards of the International Building Code and the National Electrical Code. Signs that are determined to have fifty percent (50%) or greater damage, shall be removed or replaced by the property or business owner. Replaced signs shall conform to the current sign regulations.

## **9.3 Permits**

No sign, unless herein exempt, shall be erected, constructed, posted, painted, altered, maintained, or relocated until a permit has been issued by the Building Inspector. Before any permit has been issued, an application shall be filed together with such drawings and specifications as may be necessary to fully advise and acquaint the Building Inspector with the location, construction

materials, manner of illumination and securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign. All signs which are electrically illuminated by neon or by any other means shall require a separate electrical permit and inspection. The applicant must pay the permit fee required by the City of Semmes prior to the issuance of the permit.

## **9.4 Single-Site Commercial and Industrial Building Establishments**

- A. One (1) freestanding or monument sign allowed per access (size based on a ratio of one (1) square foot of sign face area per one (1) linear foot of street frontage, not to exceed two hundred (200) square feet per side).
- B. Wall, awning, or canopy signs are allowed but shall not exceed more than thirty percent (30%) of the square footage of the primary facade, or four hundred (400) square feet, whichever is less. One wall sign allowed per entrance/exit.
- C. Never more than three (3) free standing or monument allowed per parcel.
- D. Freestanding or monument signs shall have a maximum height of ten (10) feet in a B-1 District and thirty-five (35) feet in B-2 and IM Districts. Height shall be measured from the ground at the base of the sign supports to the top of the sign.
- E. Menu Board - one (1) drive up window board per each drive up window with a maximum of thirty-five (35) square feet.
- F. Temporary/Portable signs used for special events or non-profit activities for a period not to exceed forty-five (45) days, limited to twice a year per establishment. A permit is not required. All other signs must have a permit, which shall be issued by the City Building Inspector.

## **9.5 Multi-Tenant Commercial and Industrial Building Establishments**

- A. Wall sign - Each tenant shall be allowed one wall sign per public street frontage that the center faces not to exceed thirty percent (30%) of useable wall area and not to exceed two hundred and fifty (250) square feet.
- B. Monument - No more than two (2) monument signs shall be permitted for each development. If the linear feet of street front of the development is one (1) to four hundred (400) feet, then one (1) monument sign is allowed; if linear feet is four hundred and one (401) or greater, then two (2) are allowed; Size will be based on the linear street frontage and can be divided between signs when two (2) signs are allowed, but one (1) shall never exceed three hundred and fifty (350) square feet.

- C. Monument signs for Multi-Tenant Commercial and Industrial Establishments shall not obstruct the visibility on entrances or exits. Signs shall not exceed ten (10) feet in height as measured from the ground at the base of the sign supports to the top of the sign.
- D. All signs must have a permit, which shall be issued, by the City Building Inspector.

## **9.6 Residential Neighborhood Marker Signs**

- A. Neighborhood Marker Signs will not require a permit.
- B. There shall be two (2) signs allowed per neighborhood entrance.
- C. All signs must be monument signs not to exceed two hundred (200) square feet per sign face.

## **9.7 Apartment Complex or Mobile Home Park Signs**

- A. Two (2) monument signs per entrance to complex or park (two hundred (200) square feet per sign face).
  - B. No freestanding pole signs allowed.
  - C. One (1) wall sign allowed at the office not to exceed fifty (50) square feet.
- 8.8. Off-Premise Advertising Signs

## **9.8 Off-Premise Advertising Signs**

Off-premise advertising signs will be permitted in B-2 and IM districts subject to the following conditions:

- A. No off-premise advertising sign shall exceed three-hundred fifty (350) square feet of display area per side.
- B. No off-premise advertising sign shall exceed a height of one hundred (100) feet measured from the ground at the base of the sign supports to the top of the sign.
- C. No off-premise advertising sign shall be constructed from the North border on McCrary Road (near Calhoun Rd) to South border on Wulff Road E.
- D. No off-premise advertising sign shall be located within a five hundred (500) foot radius of any other off-premise advertising sign.

## **9.9 Political Campaign Signs**

- A. No permit will be required
- B. Such signs are confine wholly to placement on private property.
- C. No such signs shall ever be allowed in right of way of street, railroad, etc.
- D. A candidate shall not place signs prior to qualifying to run for office with the qualifying entity administering the election. Signs shall be removed within seven (7) days after the election or referendum for which they were prepared has been decided.
- E. Such signs do not exceed four (4) square feet per face in any residential area and thirty-two (32) square feet in any commercially zoned district. These signs shall not be located within eighteen (18) of the property line setback or in any public right of way and will not obstruct line of visibility of any vehicle.

## **9.10 Prohibited Signs**

- A. Signs imitating traffic or emergency signals.
- B. Signs employing strobe type lights.
- C. Sign lighting, which is incompatible with residential character. No sign shall be illuminated in such a way that it casts intense illumination onto any residential premises located in any residential district.
- D. Roof-mounted signs.
- E. Portable trailer signs and any trailer sign with copy being towed or transported (except for non-profit).
- F. Anchored flying paraphernalia.
- G. Signs of any kind attached to public utility poles.
- H. Signs that prevent free ingress or egress from any door, window or fire escape, or that are attached to a standpipe or escape.
- I. Signs obstructing the visibility of automobile operators.

## **9.11 Signs for which a Permit is not required**

- A. Official notices issued by any court, public agency, or officer.

- B. Portable signs used on temporary basis for special events or non-profit activities for a period not to exceed thirty (30) days.
- C. Signs not exceeding one (1) square foot in area and bearing only property address numbers.
- D. Flag and insignia of any government.
- E. All indoor signs.
- F. Realty signs that do not exceed four (4) square feet per face in residential areas and thirty-two (32) square feet in commercial districts.
- G. Realty Open House signs will be allowed only on the day of the open house and must be removed within twenty-four (24) hours of the event and must be placed on private property.

## **9.12 Banners**

- A. No permit will be required.
- B. A banner is described as a sign made of non-rigid material such as fabric, cloth, or vinyl with text and/or graphics.
- C. One (1) banner per business shall be allowed less than thirty-two (32) square feet and must be attached to building.
- D. Banners will be allowed a maximum of thirty (30) days of display two (2) times each year and these thirty (30) days will not run consecutive.
- E. Non-profit banners will be allowed a maximum of forty-five (45) days of display.

## **9.13 Sandwich Board Signs**

- A. No permit required.
- B. Sandwich Boards shall be allowed for a maximum of sixty (60) days of display.
- C. Sandwich Board signs shall be of an A-frame construction and shall be twenty-four (24) inches in width, and shall be thirty-six (36) inches in height.

## **9.14 Maintenance and Removal of Outdoor Advertising Signs**

- A. All outdoor advertising signs and sign structures shall be kept in repair and in proper state of preservation.

- B. Outdoor advertising signs which are no longer functional, or are abandoned, shall be removed or relocated at the owner's expense in compliance with the provisions of this Ordinance within thirty (30) days following dysfunction.
- C. Any legally established non-conforming outdoor advertising sign or sign structure shall be permitted without alteration in size or location, provided that the requirements of this Ordinance are adhered to and provided that nothing herein shall prevent maintenance, repairing or posting of legally established non-conforming signs.
- D. In the event of partial damage, deemed less than fifty (50%) by the Building Inspector, of a legally non-conforming advertising sign, the owner there shall have the right to reconstruct, rebuild, renovate, or repair said sign substantially to the same condition as before said destruction, provided the provisions of this Ordinance are adhered to. Construction shall be completed within sixty (60) days. See Section 9.2 F for sign damage of fifty percent (50%) or greater.



## **10.1 General Administration**

The provisions of this Ordinance shall be administered and enforced by the Zoning Official of the City of Semmes. This official shall have the right to enter upon any premises at any reasonable time for the purpose of inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

## **10.2 Subdivisions**

Any subdivision or resubdivision of land or combining of lots within the corporate limits of the City of Semmes shall be carried out in accordance with the City of Semmes Subdivision Regulations and shall also adhere to the provisions set forth in this Ordinance.

## **10.3 Site Plans**

### **A. Applicability**

Prior to issuance of a building permit, demolition permit, or land disturbance permit, a site plan shall be submitted to the Planning Commission for review and approval for the following:

- All residential projects involving the construction of three (3) or more dwelling units
- All non-residential construction projects, both new construction and those projects which include exterior additions or modifications of existing non-residential uses
- All cemeteries, both as primary and accessory uses
- All RV parks and Manufactured Home Parks
- Any other uses as required by the Planning Commission as per this Ordinance

### **B. Sketch Plat Review**

A sketch plat, or conceptual review may be performed with staff during the planning stages of a project but will not be considered as formal site plan review.

### **C. Site Plan Contents**

1. The location and size of the site including a legal description and a current certified survey showing property boundaries and easements and adjacent properties

2. A vicinity map and north arrow
3. Legal owner of the property
4. Adjacent streets, service roads, curbs, alleys, right of ways, with dimensions
5. Topographical survey showing wetlands, flood zones, and any other natural features
6. Proposed drainage improvements and drainage calculations
7. Zoning classification of site and adjacent properties
8. Location and dimensions of all structures, with the number of dwelling units (if applicable) and proposed use of buildings/site
9. Elevations, with dimensions, of all proposed structures
10. Front, side and rear yard requirements
11. Parking lots, parking spaces, ingress and egress, loading areas with measurements
12. Landscape plan with required screening and buffering
13. Location and dimensions of lighting facilities, on-premise signs, and garbage disposal facilities
14. Any other information, data, plans or specifications as required by this Ordinance or which the applicant believes is pertinent to the review of the project

#### **D. Site Plan Submittal**

The following items shall be submitted for formal site plan review by the Planning Commission no less than 30 days prior to the Planning Commission meeting at which they are to be reviewed.

1. Three (3) paper copies of the site plan
2. One (1) digital copy of the site plan
3. A completed site plan application, with applicable fee

#### **E. Special Provisions**

For all commercial zoning districts, the following are approved building materials for any wall facing a public street: brick, stucco, cement board, textured concrete block, and natural or engineered stone and wood provided they contain some architectural relief and exhibit structural strength.

### **10.4 Building Permit**

It shall be unlawful to commence earthwork for the construction of any building or other structure, including accessory structures, signs, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structure, until the Building Official of the City of Semmes has issued a building permit.

#### **A. Review of Building Permit Applications**

The Building Official shall not approve plans or issue a building permit until he has received approval from the Zoning Official as to compliance with this Ordinance. Said plan(s) shall include the following:

1. The actual shape, proportion, and dimensions of the lot,
2. The shape, size, use, and location of all buildings, signs, or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot, both above and below existing grade,
3. The existing and proposed facilities for the disposal of storm water drainage, and
4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

#### **B. Approval of Building Permit Applications.**

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance and other applicable codes and Ordinances, the Building Official of the City shall issue a building permit accordingly.

#### **C. Denial of Building Permit Applications.**

The applicant, upon notification in writing by the Building Official or Zoning Official of a building Permit denial based on non-compliance with the zoning ordinance, may contact the Planning Department and request a hearing before the Board of Adjustment for an administrative appeal.

#### **D. Certificate of Occupancy.**

No land or building or other structure or part thereof erected, moved or altered in its use shall be used or occupied until the Building Official of the City shall have issued a certificate of occupancy.

It shall be the duty of the Zoning Official of the City to make a final inspection thereof, to issue a certificate of occupancy if the building or premises is found to conform with the provisions of this Ordinance, or if such certificate is refused, to notify such applicant in writing of the refusal and the cause or causes therefore. The applicant, upon notification in writing by the Zoning Official of a certificate of occupancy denial, may contact the Planning Department and request a hearing before the Board of Adjustment for an administrative appeal.

#### **E. Penalties**

Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined upon conviction not less than one hundred (\$100.00) Dollars nor more than one hundred fifty (\$150.00) Dollars and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

#### **F. Remedies**

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

## 11.1 City Council

The City Council shall have the responsibility of adopting the Zoning Ordinance and any amendments thereto, according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended.

## 11.2 Planning Commission

### A. Establishment and Authority

The Planning Commission of the City of Semmes shall be established according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended. The planning Commission shall exercise the authority granted by the Code of Alabama, the City Code, and the Zoning Ordinance.

### B. Duties and Powers

The Planning Commission shall have the following powers and duties under the Zoning Ordinance

1. Review, apply and monitor the enforcement of this Ordinance in accordance with the adopted Comprehensive or Master Plan or portions thereof which are adopted
2. Hear and take action on matters which require Planning Commission approval as herein specified and shall render decision of uses not provided for in this Ordinance
3. Hear and recommend to the City Council on all matters of zoning and rezoning and zoning of newly annexed land when said newly annexed land is requested to be zoned something other than R-1

## 11.3 Zoning Official

### A. Duties and Authorization

The Zoning Official is authorized and empowered on behalf and in the name of the City Council to administer and enforce the provisions of this ordinance including:

1. Receive applications
2. Inspect premises, and issue certificates of zoning compliance,
3. Review building permits, certificates of occupancy, business licenses and site plans for conformity with the provisions of this Ordinance
4. Interpret the meaning of this Ordinance in the course of enforcement
5. Propose zoning amendments as provided in this Ordinance
6. Advise the Planning Commission and City Council on implementation of the Comprehensive Plan

#### **B. Records**

The Zoning Official shall keep records of all permits, and certificates of occupancy, maps, plats and other documents with notations of all special conditions involved. He/she shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be public record.

### **11.4 Board of Adjustment**

#### **A. Establishment and Authority**

The Board of Adjustment of the City of Semmes shall be established according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended. The Board of Adjustment shall exercise the authority granted by the Code of Alabama, the City Code, and the Zoning Ordinance.

#### **B. Duties and Powers**

The Board of Adjustment shall have the following powers and duties:

1. Administrative Powers – To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer, or other administrative official, in the enforcement of this Ordinance
2. Special Exceptions - To hear and decide special exceptions of the terms of this Ordinance
3. Variances - To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of adjustment that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- b. The application of the Ordinance to this particular piece of property would create an unnecessary hardship;
- c. Such conditions are peculiar to the particular piece of property involved; and,
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance
- e. However, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.

Any application to the Board shall be reviewed under the following criteria and relief granted only upon the concurring vote of three Board members:

- (a) Compliance with the Comprehensive Plan;
- (b) Compliance with any other approved planning document;
- (c) Compliance with the standards, goals, and intent of this ordinance;
- (d) The character of the surrounding property, including any pending development activity;
- (e) Adequacy of public infrastructure to support the proposed development;
- (f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- (g) Compliance with other laws and regulations of the City;
- (h) Compliance with other applicable laws and regulations of other jurisdictions;
- (i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
- (j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
- (k) Overall benefit to the community;
- (l) Compliance with sound planning principles;

(m) Compliance with the terms and conditions of any zoning approval;  
and

(n) Any other matter relating to the health, safety, and welfare of the  
community



### **12.1 Zoning Amendments**

The regulations and the number, area and boundaries of districts established by this ordinance may be amended, supplemented, changed, modified or repealed by the municipal governing body, but no amendment shall become effective unless it is first submitted to the City Planning Commission for its recommendation. The City Planning Commission, upon its own initiative, may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this ordinance, which includes the Zoning Map, and report its recommendation to the municipal governing body. The provisions of Title 11, Chapter 52, Article 4 Sections 77 and 78, Code of Alabama, 1975, as the same may be amended, shall apply to all changes and amendments.

### **12.2 Procedure for Requesting a Zoning Amendment**

#### **A. Application**

1. An application must be submitted in writing to the Planning Department at least fifteen (15) days prior to the regularly scheduled meeting of the City Planning Commission and a site plan of the proposed use included in any petition for a zoning amendment. The use shown on the site plan shall be binding to the application for rezoning. Any deviation from the use shown on the site plan shall require approval by the Planning Commission and City Council. Such site plan shall include the existing land use and zoning of adjacent and surrounding properties. Payment of all necessary fees is due at this time.
2. The application shall be reviewed by the Planning Commission at its next regular meeting. The Planning Commission shall take action and forward an advisory recommendation to the City Council.

#### **B. Public Hearing**

1. Before enacting any amendment to this ordinance, a public hearing thereon shall be held by City Council with proper notice as required by law. Said notice stating the date, time and location of the public hearing shall be published in full for one insertion and an additional insertion of a synopsis of the proposed amendment one week after the first insertion in a newspaper of general circulation published in the municipality, both insertions shall be at least fifteen (15) days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least

fifteen (15) days prior to the said public hearing. The applicant shall furnish the City the names and mailing addresses of all persons owning property within 100 feet of any specific property that is the subject of the application. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant's responsibility. Where land within 100 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City. Said notices of public hearing shall be mailed at least fifteen (15) days prior to the public hearing. Due notice shall also be posted on the property which is the subject of the application and given to the parties in interest of the date, time and place of said hearing.

2. Said public hearing by city council shall be held at the earliest possible time to consider the proposed zoning amendment, and the council shall take action on said proposed zoning amendment within forty-five (45) days from the date of the public hearing except in the case where the tentative action is not in accordance with the planning Commission's certified recommendation. In such case, the council shall not make any change in or departure from the text or maps, as recommended for approval and certified by the Planning Commission, unless such change or departure be first resubmitted to the commission for an additional review and recommendation.
3. Criteria – The application shall be reviewed based on the following criteria.
  - a. Compliance with the Comprehensive Plan;
  - b. Compliance with the standards, goals, and intent of this ordinance;
  - c. The character of the surrounding property, including any pending development activity;
  - d. Adequacy of public infrastructure to support the proposed development;
  - e. Impacts on natural resources, including existing conditions and ongoing post-development conditions;
  - f. Compliance with other laws and regulations of the City;
  - g. Compliance with other applicable laws and regulations of other jurisdictions;
  - h. Impacts on adjacent property, including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
  - i. Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
4. Limitation on Resubmittal. No application for a zoning map amendment shall be considered within 365 days from a final decision on a previous application for the same or similar parcel of land. An application may be withdrawn without prejudice prior to the public hearing being opened by the City Council. A request to withdraw an application shall be made in writing.

### **C. Procedure for Zoning Newly Annexed Land**

Any unzoned land annexed into the City of Semmes hereafter shall automatically be classified as R-1, except that, the City Council may consider, after due process of publication, public hearing and recommendation by the Planning Commission, and public hearing by City Council as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications.