



# **Town of Jackson's Gap Zoning Ordinance**

**January, 2012**

East Alabama Regional Planning and Development Commission

**TOWN OF JACKSON'S GAP  
ZONING ORDINANCE**

**This document was prepared under the direction of the  
TOWN OF JACKSON'S GAP PLANNING COMMISSION**

**by the  
EAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION**

**for additional information:**

**Town of Jackson's Gap  
Town Hall  
P.O. Box 162  
Jackson's Gap, AL 36861**

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Abstract:

The intent of these zoning ordinance regulations is to promote and sustain proper development of communities therein protecting the health, safety, and general welfare of the people of the Town of Jackson's Gap, Alabama.

# **ACKNOWLEDGEMENTS**

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## **ARTICLE I PREAMBLE**

### **SECTION 1 - AUTHORITY**

This ordinance is established in pursuance of the authority conferred unto the Town of Jackson's Gap by Title 11, Chapter 52, Article 4, Sections 70 to 84 inclusive, Code of Alabama 1975, as amended, and for the general purposes of:

- promoting the health, safety, morals, public peace, order, or general welfare of the Town of Jackson's Gap, Alabama;
- lessening congestion in the streets;
- securing safety from fire, panic, and other dangers;
- providing adequate light and air;
- preventing the overcrowding of land;
- avoiding undue concentration of population;
- facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- conserving the value of buildings; and
- encouraging the most appropriate use of land and buildings throughout the Town; all in accordance with a comprehensive plan, the Town Council of the Town of Jackson's Gap, Alabama, does hereby ordain and enact into law this Zoning Ordinance;

### **SECTION 2 - SHORT TITLE**

This Ordinance shall be known and may be cited as the "Jackson's Gap Zoning Ordinance".

### **SECTION 3 - INTERPRETATION**

In this interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for promotion of the health, safety, morals, convenience, order, prosperity, and general welfare of the community. The standards and requirements of this ordinance should be applied and enforced to balance public and private interests in the development of land in a manner that promotes mutual understanding and respect, and with prompt and just consideration given to the various interests involved in land investment, ownership, and development.

#### **SECTION 4 - JURISDICTION OF ORDINANCE**

The requirements and standards contained in this Ordinance shall apply to all areas within the corporate boundaries of the Town of Jackson's Gap.

## **ARTICLE II DEFINITIONS**

### **SECTION 1 - GENERAL INTERPRETIVE GUIDELINES**

- 1.1 Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. Words of the masculine gender include the feminine, and words of the feminine gender include the masculine. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “lot” includes “plot” or “parcel”. The word “building” includes “structure.” The word “lot” includes the words “plot” or “parcel.” The word “shall” is mandatory. The word “may” is permissive. 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.”
- 1.2 Where any word specifically defined in the Jackson’s Gap Subdivision Regulations is used within these regulations, but is not specifically defined herein, then the specific definition contained in the Jackson’s Gap Subdivision Regulations shall apply. If a word used and defined in the Jackson’s Gap Subdivision Regulations bears a different or conflicting definition within this Zoning Ordinance, then the word shall be used and interpreted within each code in accordance with the specific definition contained therein.
- 1.3 Any words specifically defined in a subsequent section or article of this Ordinance shall carry that meaning within the context of the specific section or article within which it is defined.
- 1.4 Any lingering confusion or questions regarding the definition of a term used in these regulations shall be decided by the Board of Adjustment.

### **SECTION 2 - SPECIFIC DEFINITIONS**

When used in these regulations, the following words and phrases shall have the meaning given in this section, unless specifically defined in a subsequent section or article:

- 2.1 ***Accessory Structure or Use.*** A subordinate structure or a portion of the main structure, the use of which is incidental to the main or principal use of the premises. An accessory use or structure shall only be permitted on a lot containing a principal use or structure that is permitted by right or as a special exception within the applicable zoning district.
- 2.2 ***Alley.*** A public service way which affords only a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation.

2.3 ***Alteration and Altered.*** The word “alteration” shall include any of the following:

- A. Any addition to the height, width, or depth of an existing building or structure;
- B. Any change in the location of any of the exterior walls of an existing building or structure;
- C. Any change in the position or placement of an existing structure or building on a lot;
- D. Any increase in the interior accommodations of a building or structure;
- E. Any repairs, renovation, remodeling, or rebuilding to a building or structure which costs, in total, more than fifty (50) percent of the original value of the building or structure prior to the initiation of said activity.

2.4 ***Automobile Filling and Service Stations.*** A place of business which conducts routine and incidental maintenance, inspection, and repair services for malfunctioning, excessively worn, or broken parts and components on otherwise operable motor vehicles and/or which has pumps and underground storage tanks through which motor vehicle fuels, oils, fluids, or lubricants are dispensed, sold, or offered for sale. Such facilities may offer certain automobile and travel related commodities and services limited to the following:

- A. The sale and servicing of spark plugs, batteries, distributors and distributor parts;
- B. Maps, atlases, and other directional travel guides;
- C. Tire servicing and repair, but not recapping or re-grooving;
- D. The replacement and servicing of mufflers and tail pipes, water hoses, fan belts, fuel pumps, oil pumps, carburetors, alternators, hoses, wiring, and lines, brakes, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, filters, wheel bearings, mirrors, tune-ups and the like, but *not* including exclusive auto parts sales where no repair or maintenance service is offered, full vehicle restoration, body painting or repainting (other than incidental touch-up associated with permitted repair and servicing work), whole engine replacement, the on-site storage and salvaging of inoperable motor vehicles, and other similar major vehicle body and restoration work or overhauls;
- E. Radiator cleaning and flushing;
- F. Greasing and lubrication;
- G. Washing, polishing, and the sale of automobile washing and polishing products;

- H. Food or soft drink vending machines dispensing pre-packaged food products, including brewed coffee by the cup.

(See also “body shop” and “convenience store.”)

- 2.5 ***Basement.*** A story having a part but not more than one half of its height below grade. A basement shall be counted as a story for the purpose of height regulations.
- 2.6 ***Bed and Breakfast Inn.*** A lodging facility having the exterior appearance of a single family house and providing short-term (less than one month per visit) rental sleeping accommodations. Such structure shall contain at last two (2), but not more than ten (10) bedrooms for rent. Individual bedrooms within a Bed and Breakfast Inn shall not contain any kitchen facilities, and must be accessed through a central internal lobby, foyer, or office. The lodging facility shall also contain the primary living facilities for the resident manager or owner of the facility. Breakfast shall be the only meal served to paying guests of the facility, which shall be prepared in a central kitchen facility and served in a central dining room. A Manufactured Home shall not be used as a Bed and Breakfast Inn. (See also “boarding or rooming house,” “hotel,” and “motel.”)
- 2.7 ***Board of Adjustment or Board.*** The Zoning Board of Adjustment of Jackson’s Gap, Alabama.
- 2.8 ***Boarding or Rooming House.*** A building other than a hotel or motel where lodging or lodging and meals is provided to non-institutionalized persons (persons capable of independent living) for compensation over a long-term period (at least month-to-month). The structure shall contain at least three (3), but not more than twenty (20), private rooms for rent and shall provide either shared or common kitchen facilities or shared bathroom facilities. Individual lodging rooms within the building must be accessed through a central internal lobby or office. The rooms contained within the structure shall not constitute independent dwelling units under the terms of this Ordinance. (See also “bed and breakfast inn,” “dwelling, multi-family,” “hotel,” and “motel.”)
- 2.9 ***Body Shop.*** A motor vehicle repair and restoration facility or garage that conducts minor and major vehicle repairs, including but not limited to: full vehicle restoration work, body painting or repainting, whole engine replacement, and other similar major vehicle body and restoration work or overhauls, but not including the on-site storage and salvaging of inoperable motor vehicles. Such facilities may offer for sale motor vehicle fuels on an incidental basis. (See also “automobile filling and service stations” and “Junkyard.”)
- 2.10 ***Buffer.*** A densely planted strip of evergreen shrubs or trees, solid brick or wood fencing, earthen berm, a natural drainage way, or a similar condition, or any combination thereof intended to serve as a physical and visual divider between different uses or lots.

No buffer shall be less than fifteen (15) feet in width at any point. Each buffer shall be improved and regularly maintained to provide an effective, year-round, visual screen between adjoining uses and structures that is natural in appearance and enhances or complements the aesthetic appearance of the subject property from adjoining properties, and such that evergreen trees shall not be spaced less than fifteen (15) feet apart on center and that evergreen shrubs shall not be spaced less than seven and one half (7 ½) feet on center within the buffer strip.

- 2.11 ***Building.*** Any structure having a roof and intended for the shelter, housing, or protection of persons, animals, or property.
- 2.12 ***Building, Accessory.*** See definition for “Accessory Use or Structure.”
- 2.13 ***Building Area or Envelope.*** The interior portion of a lot located inside the required front, rear, and side yard setbacks within which the main structures, including porches, carports, and accessory buildings, may be constructed or erected.
- 2.14 ***Building Height.*** The vertical distance measured from the average elevation of the proposed or actual finished grade at the front of the building to the highest point of the roof for pitched roofs or, for buildings with flat roofs, to the mean height level between eaves and ridges for gable, hip and gambrel roofs, and to the deck line of mansard roofs. The highest point of the roof shall include a cupola or other decorative extension of the roof, except chimneys, weathervanes, flagpoles, and antennas.
- 2.15 ***Building, Principal.*** A structure within which the primary or dominant use of the applicable underlying lot is conducted.
- 2.16 ***Building Setback Line.*** A line establishing the minimum allowable distance between the nearest portion of any structure and the fronting right-of-way line of the abutting street. For purposes of measuring the building setback line, the exterior of the structure shall include porches, landings, bay or bow windows, and decks, but not steps, gutters, flagpoles, awnings, and similar protruding fixtures on a building.
- 2.17 ***Business, Retail.*** A commercial establishment that generally sells finished products or personal services in varying quantities directly to the final consumer. These commodities or services are primarily for direct use or consumption by the purchaser.
- 2.18 ***Business, Wholesale.*** A commercial establishment that primarily sells commodities or services in large quantities or by piece to retailers, contractors, other wholesale businesses or manufacturing establishments. These commodities or services are mainly for resale, for use in the fabrication of a product, or for use by a retail or personal service business.

- 2.19 ***Camper.*** See definition of “travel trailer.”
- 2.20 ***Campground.*** A lot or area of land divided into commercial sites which may be improved to accommodate cabins, travel trailers, or tents for temporary rental occupancy by transient persons primarily for recreational purposes and which retains an open air or natural character.
- 2.21 ***Cellar.*** That portion of a building between floor and ceiling which is wholly or partly below ground and having more than one half of its height below ground. A cellar is not counted as a story for the purpose of height regulations.
- 2.22 ***Child Care Center.*** Any non-residential center, agency, or place, however styled, where children not related to the operator are received for custodial care, apart from their parents whether for compensation, reward, or otherwise, during the day only, and in full compliance with all applicable State requirements and/or certifications. Also includes and encompasses the term “day care center.” (See special requirements for child care facilities contained in Article IV, Section 11 of this ordinance.) (See also “child care center, in-home.”)
- 2.23 ***Child Care Center, In-Home.*** A custodial care business, conducted as an accessory home occupation use in a residential dwelling, where not more than six (6) children, not related to the operator are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable State requirements and/or certifications. (See special requirements for child care facilities contained in Article IV, Section 11 of this ordinance.) (See also “child care center”)
- 2.24 ***Church.*** A building or structure used exclusively for religious worship, education, or other related ceremonies or practices (not including living quarters) by the congregation or members thereof. The term “church” shall include and encompass any other term for an exclusive religious structure, including synagogue, chapel, mosque, temple, and the like. A lot containing a church as the principal use also may contain a cemetery/graveyard and/or parsonage as accessory uses, provided that any accessory parsonage uses do not exceed the permitted residential intensity (in terms of the number of families housed) of any applicable residential zoning district, should the church be located within a residential zone. No structure designed to serve as a residence as it’s primary use shall be classified as a church, even if portions of the structure or lot are used, altered, or designed to be used for religious worship, education, or ceremonies. However, the prohibition of a church as a principal use in a specific zoning district shall not preclude or prohibit religious worship, education, expression, or other related practices as an accessory use associated with any permitted residential or public assembly use or structure. (See also “parsonage” and “monastery.”)
- 2.25 ***Clinic, Medical.*** A public or private institution devoted to out patients diagnosis, treatment, or care of sick or injured persons. No bedroom facilities for in-patient treatment

shall be provided. A medical clinic may include laboratories, a commercial cafeteria, and/or commercial pharmacy (See also “hospital”)

- 2.26 ***Club, Private.*** A building or portion thereof on premises owned or operated by a corporation, association, persons or person for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- 2.27 ***Comprehensive Plan.*** The most current or recently adopted land use or comprehensive plan for the Town of Jackson’s Gap.
- 2.28 ***Condominium.*** A multi-unit residential structure where it is possible to acquire exclusive legal ownership of a unit without title to the land on which it is located or with the purchase of a partial or shared interest in the land on which it is located. (See also “dwelling, multi-family” and “townhouse.”)
- 2.29 ***Construction, Actual.*** The commencement of continuous, uninterrupted (not to include delays caused by inclement weather conditions or construction material or labor shortages beyond the control of the developer) construction work for the purpose of permanent placement and fastening of materials to the land or to an existing structure, said purposes for which a permit has been issued. Construction includes filling, grading, the installation of drainage facilities, and the substantial demolition, clearing, excavation, or removal of an existing structure preparatory to new construction, provided that work shall be reasonably continuous until completion of the approved construction.
- 2.30 ***Convenience Store.*** A business use that sells motor vehicle fuels through pumps and underground storage tanks in combination or conjunction with general grocery and sundry goods primarily targeted to travelers or designed to serve quick-stop (generally ten item sales or less) shoppers, including but not necessarily limited to: packaged and prepared food products, grocery items, magazines, newspapers, maps and atlases, tobacco products, over-the-counter (but not prescription) drugs, health and beauty products, and video rentals. Such businesses may include, if permitted within the applicable zoning district, not more than three (3) distinct business operations in a single structure with internal public access between each business. Any multiple business operations shall be limited to grocery stores, fast food restaurants or pizza parlors, video rental stores, ice cream shops, souvenir shops, tobacco stores, and news stands. (See also “automobile filling and service station.”)
- 2.31 ***Cottage Industry.*** An incidental accessory business use or activity which is conducted within a building accessory to the permanent dwelling unit of the business owner. All cottage industries shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance (see also “home occupation”).
- 2.32 ***Council, Town.*** The Town Council of the Town of Jackson’s Gap, Alabama.



- 2.33 ***Developable Land Area.*** That portion of a lot that is NOT classified as:
- A. Areas of special flood hazard (100 year floodplain), as delineated on the applicable Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.
  - B. Soils with severe limitations for septic systems, as delineated on the Soil Survey for Tallapoosa County published by the Soil Conservation Service, now known as the Natural Resource Conservation Service.
  - C. Steep natural slopes in excess of twenty-five (25) percent grade, as determined by a survey of the development site, or if no such survey was required, by special interpretation using the twenty (20) foot contour intervals delineated on the applicable U.S.G.S. 7.5 minute quadrangle.
  - D. Wetland areas at least one (1) acre in area, as delineated on the National Wetland Inventory prepared by the U.S. Fish and Wildlife Service.
- 2.34 ***Development.*** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling, or disturbance of land; or any use or expansion of use of land.
- 2.35 ***Duplex.***  
A residential building containing two (2) functionally independent dwelling units on a commonly shared lot. A duplex also may be known as a “Two Family Dwelling”.
- 2.36 ***Dwelling.*** A permanent building or portion thereof designed, arranged, or used principally for permanent residential occupancy, but not including boarding or rooming house, camps, campers, hotels, inns, motels, tents, or other similar structures designed or used to housing transient persons only.
- 2.37 ***Dwelling, Multi-Family.*** A building containing two or more functionally independent dwelling units accessed exclusively by independent exterior entrances or through a shared foyer or stairwell on a commonly-shared lot, such as a duplex or apartment.
- 2.38 ***Dwelling, Single Family.*** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, including manufactured homes.
- 2.39 ***Dwelling Unit.*** A dwelling or a portion thereof providing complete and separate facilities for one or more persons living as a single housekeeping unit.

- 2.40 ***Family.*** One or more persons occupying a dwelling or manufactured home, who live and function as a single housekeeping unit.
- 2.41 ***Flood.*** An overflow of water onto lands not normally covered by water, resulting in significant adverse effects in the vicinity.
- 2.42 ***Flood Hazard Area.*** All the land encompassed by the floodway and the floodway fringe areas.
- 2.43 ***Floodplain.*** Any land area susceptible to being inundated by water from any source (see definition of “flood”).
- 2.44 ***Floodway.*** The channel of a river or other water course and the adjacent land areas within the floodplain that have been required in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 2.45 ***Floodway Fringe Areas.*** Areas lying outside the floodway but within the area subject to inundation by the 100-year flood, which is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may actually occur in any given year.
- 2.46 ***Floor Area, Gross or Total.*** The total useable area contained within a building as measured by the cumulative total of the outside dimensions of the building at the base of each story improved and intended for occupancy or storage, not to include: attic space providing headroom of less than seven (7) feet; unusable basement, cellar, or crawl space; uncovered steps or fire escapes; open porches, decks, or patios; accessory water or cooling towers; and accessory off-street parking and loading spaces.
- 2.47 ***Frontage.*** The distance along the boundary line of a lot which coincides with the public or approved private street right-of-way that provides primary vehicular access to the lot.
- 2.48 ***Grade.*** The average level of the finished ground surface adjacent to the exterior walls of the building.
- 2.49 ***Group Home.*** A dwelling housing individuals who are not necessarily related by blood or marriage and who live and function as a single housekeeping unit under the supervision of one or more resident manager or resident manager teams. A resident manager team may include more than one resident care provider, as may be necessary, to provide around-the-clock staff support and coverage to serve the specific developmental or rehabilitation needs of the client population. Each resident manager or team and all associated individuals that are functionally or programmatically served by that resident manager or team shall constitute an individual and separate family residing within the

group home. Specific individual living facilities shall be provided within the home for each family residing therein. A group home serves socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement, including homes for orphans or neglected children, homes for people with disabilities or who are mentally retarded or mentally ill, rehabilitation homes for drug or alcohol dependency, emergency care homes for abused spouses or children, and similar group residency individuals who require on-site assistance, counseling, or supervision from a resident manager, but do not otherwise represent a danger to society. Group homes shall comply with the relevant standards contained in Article IV, Section 2 of this Ordinance.

- 2.50 ***Hazardous Materials***. Any explosive, corrosive, flammable, toxic, or carcinogenic material, chemical, or substance that poses a threat to human health or welfare. Such substances do not include common household products and cleansers which may, by their nature, include or constitute hazardous materials, as long as they are used exclusively for their intended purpose and are not stored in quantities that are excessive for common residential use.
- 2.51 ***Hazardous Waste***. Any discarded or disused material, chemical, or substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:
- A. cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
  - B. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.
- 2.52 ***Home Occupation***. A business activity for gain or support incidental to the use of the premises for residential purposes, conducted only by members of a family residing on the premises, and conducted entirely within a dwelling. All home occupations shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance (see also “cottage industry”).
- 2.53 ***Hospital***. A public or private institution devoted to in-patient and out-patient diagnosis, treatment, or care of sick or injured persons. A hospital may include laboratories, a commercial cafeteria, and/or a commercial pharmacy. (See also “Clinic, medical”)
- 2.54 ***Hotel***. A commercial boarding and lodging facility offering sleeping accommodations to the public on a daily or weekly basis. Such facilities shall contain not less than ten (10) bedrooms. Individual lodging rooms within a hotel shall not contain full kitchen facilities for exclusive use, and must be accessed through a central internal lobby or office which is supervised at all times. Accessory uses permitted within a hotel building may include: a restaurant, conference facility, laundry facilities, meeting rooms, banquet rooms, gift

shops, and recreational and exercise facilities. (See also “bed and breakfast inn,” “boarding or rooming house,” “dwelling, multi-family,” and “motel.”)

- 2.55 ***Impervious Surfaces.*** Any exposed bedrock or improvement to land that substantially reduces or prevents the natural infiltration of stormwater into the underlying soil layers and causes increased runoff, including, but not necessarily limited to: paved surfaces, buildings, sidewalks, swimming pools, and any compaction of the surface layers of soil to an intensity of at least ninety-five (95%).
- 2.56 ***Institution.*** A structure or land occupied by a group, cooperative, board, agency or organization created for the purpose of carrying on not-profit functions of a public or semi-public nature, including but not limited to hospitals, schools, churches, fraternal orders and orphanages, and also including residential accessory uses, such as rectories, parsonages, dormitories, and dwellings for resident administrators, watchmen, custodians or caretakers.
- 2.57 ***Junkyard.*** Any lot or parcel of land upon which discarded or nonfunctional articles, products, and materials are kept, compacted, burned, stored, cannibalized, bought, or sold, but not actively repaired or used for their original purposes or as originally manufactured units. Such articles shall include, but may not be limited to: household appliances, scrap metal (ferrous or nonferrous), demolition materials or debris, worn or used rags, used furniture, scrap paper or glass, used or flat tires, and inoperable automobile bodies and parts. Any lot containing, for a period exceeding thirty (30) consecutive days, two (2) or more motor vehicles that are unregistered or are incapable of fully operating (start and move) under their own power shall constitute minimum prima-facie evidence of a Junkyard. (See also “body shop” and “Junkyard.”)
- 2.58 ***Kennel.*** A lot or commercial enterprise or facility where five (5) or more domestic animals are boarded or kept for any purpose whatsoever, with exception of on-site major medical treatment. (See also “veterinary clinic”, “veterinary hospital”, “pet store”, pet grooming establishment”).
- 2.59 ***License.*** A special permit issued by the Town of Jackson’s Gap to operate a manufactured home park under the terms set forth in this Ordinance.
- 2.60 ***Loading Space, Off-Street.*** A designated space outside a public right-of-way that is designed and used as a convenient temporary parking location for motor vehicles upon which bulk goods or materials are to be placed for shipping or from which bulk goods or materials are to be removed for delivery. A required off-street loading space shall not be treated as an off-street parking space in the computation of required off-street parking spaces. (See also “parking space, off-street.”)
- 2.61 ***Lot.*** An unsubdivided parcel or portion of land or legal lot of record occupied or intended to be occupied by a building or group of buildings, uses, and open spaces

belonging to the same. The word includes the terms “plot” and “parcel.” The establishment of lease or rental lines shall not define separate lots for purposes of this Ordinance. After adoption of this Ordinance, every new lot created shall comply with all applicable requirements of the zoning district within which it is located.

- 2.62 ***Lot, Corner.*** A lot adjoining an intersection of two street rights-of-way such that it possesses frontage along the right-of-way lines of both intersecting streets. A lot located along a curved street shall be considered a corner lot if street frontage opposes both the rear and one side yard of the lot and the interior angle formed by the intersecting front street line and the side street line is less than one hundred thirty five (135) degrees.
- 2.63 ***Lot Depth.*** The longest distance between any point along the frontage line of a lot and the opposing rear property line as measured by a line drawn perpendicular to the building setback line. (See also “building setback line” and “lot width.”)
- 2.64 ***Lot, Double Frontage.*** A lot possessing frontage on two (2) or more streets that do not intersect at any point along the subject lot boundaries.
- 2.65 ***Lot, Interior.*** A lot other than a corner lot possessing frontage on only one (1) street.
- 2.66 ***Lot of Record.*** Any validly recorded un-subdivided parcel of land which, at the time of its recording, complied with all applicable laws, ordinances, and regulations.
- 2.67 ***Lot Width.*** The distance between the side lines of a lot, measured by a line drawn along the building setback line establishing the minimum distance between the opposing side lines. (See also “building setback line” and “lot depth.”)
- 2.68 ***Manufactured Home.*** A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or when erected on site is three hundred twenty (320) or more square feet, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which is connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. All manufactured homes shall comply with the relevant and applicable standards contained in Article IV, Section 3 of this Ordinance. (See also “mobile home” and “modular home.”)
- 2.69 ***Manufactured Home Park.*** A tract of land in single ownership having multiple spaces for lease which are used or designed to accommodate manufactured homes.
- 2.70 ***Mini-Warehouse.*** A commercial building divided into individual, small, self-contained units leased primarily for the storage of personal household belongings, office equipment, or office furniture. The storage of hazardous materials, solid waste, live animals, or materials normally associated with manufacturing uses shall not be permitted

within a mini-warehouse facility. The term mini-warehouse shall be interpreted to include and encompass “personal storage facility” and “self-storage facility.”

- 2.71 ***Mobile Home.*** A structure which complies with the definition of “manufactured home” but which was manufactured prior to June 15, 1976. After the effective date of this Ordinance, mobile homes shall be a nonconformity subject to the regulations established in Article IV, Section 1 of this Ordinance. (See also “manufactured home” and “modular home.”)
- 2.72 ***Modular Home.*** A dwelling transported in pre-manufactured sections or components to the construction site and assembled and inspected in accordance with a national building code and bearing an insignia issued by the Alabama Manufactured Housing Commission verifying compliance of the structure’s components with all applicable requirements of the 1975 Code of Alabama, as amended. (See also “manufactured home” and “mobile home.”)
- 2.73 ***Monastery.*** A religious building, structure, or compound occupied by monks residing and worshipping within the structure under religious vows and in seclusion. The term “monastery” shall also include convents. (See also “church” and “parsonage.”)
- 2.74 ***Motel.*** A commercial boarding and lodging facility offering sleeping accommodations to the public on a daily, weekly, or monthly basis. Such facilities shall contain not less than (10) bedrooms. Individual lodging rooms within a motel may be accessed directly from the outdoors and may contain partial kitchen facilities, such as a sink, small refrigerator, and a microwave oven, but not a stove, convection oven or dishwasher. Accessory uses permitted within a motel building may include: a restaurant, laundry facilities, meeting rooms, gift shops, and recreational and exercise facilities. Guest rooms also may be provided in the form of separate cottages on the motel premises, as long as any bathroom facilities are connected to municipal sewer or a sanitary on-site septic system approved for such use by the Health Department. (See also “bed and breakfast inn,” “boarding or rooming house,” “dwelling, multi-family,” and “hotel.”)
- 2.75 ***Net Area.*** The total area of a site minus the street area.
- 2.76 ***Nonconformity.*** A lot of record, structure, use of a lot or structure, or combination thereof, that legally existed at the time of enactment of this Ordinance or of subsequent amendment to this Ordinance, but which no longer conforms to all applicable provisions of the district in which it is located.
- 2.77 ***Nursery School or Kindergarten.*** Any premises or portion thereof used for education work or parental care of children of less than the age required for enrollment in the public school system.

- 2.78 ***Nursing Home.*** A home for the aged or infirmed in which three (3) or more persons not of immediate family are received, kept or provided with food shelter or care for compensation but not including hospitals, clinics or similar establishments devoted primarily to the diagnosis and/or treatment of the sick or injured.
- 2.79 ***Office.*** A building or portion of a building dedicated to professional, administrative, clerical, or similar uses.
- 2.80 ***Open Space.*** Space which is not occupied by a building or structure and is maintained in a natural state or has been developed to support outdoor recreational uses.
- 2.81 ***Parking Space, Off-Street.*** A designated space outside a public right-of-way that is designed and used for temporary parking of motor vehicles that complies with all applicable requirements of this Ordinance. (See also “loading space, off-street.”)
- 2.82 ***Parsonage.*** An attached or detached dwelling used as a domicile for a church clergyman and his/her family. A parsonage also may be used as a temporary housing facility for visiting clergy. A parsonage may be an accessory structure on a church property or a principal use on an adjoining lot to a church. (See also “monastery” and “church.”)
- 2.83 ***Permanent Foundation.*** A solid masonry wall which provides a load bearing support for any structure possessing sufficient strength and thickness to resist all lateral pressures from the structure it is designed to support.
- 2.84 ***Pet Grooming Establishment.*** Any commercial enterprise in a totally enclosed building where animals are groomed, but where overnight boarding or medical treatment are not permitted (See also “kennel”, “pet store”, veterinary clinic”, and “veterinary hospital”).
- 2.85 ***Pet Store.*** A commercial enterprise in a totally enclosed building, where common domestic animals are temporally housed for retail sale only and where extensive medical treatment is not provided. Such an enterprise also may offer pet products, canned or packaged food, and other associated supplies for retail sale. (See also “kennel”, “pet grooming establishment”, “veterinary clinic”, and “veterinary hospital”).
- 2.86 ***Planning Commission or Commission.*** The Town Planning Commission of the Town of Jackson’s Gap, Alabama.
- 2.87 ***Public Land Use.*** Any land use operated by or through a unit or level of government, either through lease or ownership, such as: municipal administration and operation; county buildings and activities; state highway offices and similar land uses; and Federal uses such as post offices, bureau of public roads, internal revenue offices, military installations, etc.

- 2.88 ***Recreational Vehicle.*** See definition of “travel trailer.”
- 2.89 ***Regular Zoning District.*** A zoning district which is delineated on the base zoning map. (See also “special zoning district.”)
- 2.90 ***Restaurant.*** A commercial dining facility serving food prepared or cooked on the premises to patrons who will primarily consume the prepared food on the premises or within the dining facility. Under the terms of this definition, a restaurant shall include delis, cafes, and ice cream parlors. (See also definition of “restaurant, drive through.”)
- 2.91 ***Restaurant, Drive Through.*** A commercial dining facility serving food prepared or cooked on the premises and specifically designed to afford patrons the option of dining on the premises or taking the prepared food away for off-site consumption. Such dining facilities are distinguished by the provision of a drive-through lane or service window or the absence of seating or parking facilities for on-site dining. (See also definition of “Restaurant.”)
- 2.92 ***Shopping Center.*** A retail business development consisting of a group of commercial establishments designed as a unit and having shared parking and driveway facilities.
- 2.93 ***Solid Waste.*** Any non-liquid or non-gaseous refuse materials or products generated by residential, commercial, industrial, or institutional uses for disposal.
- 2.94 ***Solid Waste Facility.*** Any land or structure used for the long-term disposal, storage, transfer, collection, treatment, utilization, processing, incineration, or any combination thereof, of solid waste. (See also “Junkyard.”)
- 2.95 ***Special Zoning District.*** A zoning district that overlays one or more regular zoning district identified on the zoning map. (See also “regular zoning district.”)
- 2.96 ***Stockyard.*** Any fenced or walled pen or corral within which transient cattle, sheep, swine, or horses are kept, temporarily for slaughter, market, or shipping. A stockyard shall within the contained yard for feeding and/or protection against the elements. However, a stockyard shall not be confused with pasture land, where similar animals are contained by a fence or wall in a low density setting or a large field with natural grass or ground vegetation to permit sustainable casual grazing. In a stockyard, animals are confined at such high intensities that the natural growth of ground vegetation is retarded by the persistent trampling of the contained animals.
- 2.97 ***Story.*** That portion of a building included between the surface of any floor and the surface of the floor immediately above, or if there be no floor above it, then the space between such floor and the ceiling above it.



- 2.98 ***Story, Half.*** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
- 2.99 ***Street.*** A linear right-of-way within which an improved surface has been constructed to support vehicular traffic, which is opened to the general public and which affords the principal means of access to abutting property. A ***public street*** is a street that has been dedicated for public use, improved according to City standards, and accepted by the City as a public right-of-way. A ***private street*** is a street that has been dedicated for public use, improved according to City standards, and is owned and maintained by an individual or an association of property owners served by the street and has not been accepted by the City as a public street.
- 2.100 ***Street, Arterial.*** As defined in the Comprehensive Plan.
- 2.101 ***Street Centerline.*** A line formed by the midpoint between the inside edges of the curbs or the drainage ditches along the improved roadway within a street right-of-way.
- 2.102 ***Street, Collector.*** As defined in the Comprehensive Plan.
- 2.103 ***Street Line.*** A surveyed and recorded line separating private or public property from a public right-of-way line that has been improved or is intended for improvement as a street.
- 2.104 ***Street, Local.*** As defined in the Comprehensive Plan.
- 2.105 ***Street, Major.*** All arterials and collectors.
- 2.106 ***Streets, Minor.*** All local streets.
- 2.107 ***Structure.*** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, mobile homes, walls, fences, and signs.
- 2.108 ***Structural Alterations.*** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.
- 2.109 ***Substantial Improvement.*** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure

either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

- 2.110 **Theater, Drive-In.** An open-air performance facility specifically designed to allow patrons to view a performance or motion picture while seated in a parked motor vehicle.
- 2.111 **This Ordinance.** The Town of Jackson's Gap Zoning Ordinance.
- 2.112 **Town.** The Town of Jackson's Gap, Alabama.
- 2.113 **Town Council.** The Town Council of the Town of Jackson's Gap, Alabama.
- 2.114 **Townhouse.** Buildings containing only one (1) or two (2) dwelling units, with three (3) or more buildings attached to each other by party walls without openings. Side yards shall be required only at the end of rows of attached dwellings. In districts where permitted, the lot area of each building must be at least equal to the minimum lot area of that district. (See also "condominium" and "dwelling, multi-family.")
- 2.115 **Travel Trailer.** Any vehicle or similar portable structure mounted on wheels, designed and intended primarily for short-term occupancy, for dwelling or sleeping, or other purposes, and not exceeding three hundred fifty (350) square feet in total floor area. Travel trailer shall include the terms camper, recreational vehicle, and trailer.
- 2.116 **Truck Stop.** A place of business that offers a wide array of services and goods primarily serving the needs of long-haul truckers and long-distance, nonresident travelers. Such services and goods may include a dine-in or drive through restaurant; convenience foods, groceries, and sundries; common non-salvaged vehicle parts and accessories; maps and periodicals; and motor vehicle fuels, oils, fluids, or lubricants, provided that all motor vehicle fuels are stored in registered storage tanks. Such facilities also may provide shower and lounge facilities for the traveling public, except that no on-site bedrooms or other overnight sleeping accommodations shall be provided. The following services shall **not** be provided at a truck stop:
- A. Exclusive auto parts sales where no repair or maintenance service is offered;
  - B. Full vehicle restoration;
  - C. Body painting, repairing, or detail (other than incidental touch up associated with permitted repair and servicing work)
  - D. Whole engine replacement and overhaul;
  - E. The on-site storage and salvaging of inoperable motor vehicles, chassis, bodies, or engines and other similar major vehicle body and restoration work or overhauls;

- 2.117 **Use.** The purpose or activity for which land or a building or other structure is designed, arranged, or intended, or the purpose or activity for which land is or may be occupied or maintained.
- 2.118 **Veterinary Clinic.** A satellite facility of an existing vet hospital that is located in Tallapoosa County for the outpatient treatment of small domestic animals, which is staffed by at least one doctor of veterinary medicine and which does not have facilities or provide for the overnight stay of animals. A veterinary clinic may offer pet grooming services. (See also “kennel”, “pet grooming establishment”, “pet store”, and “veterinary hospital”).
- 2.119 **Veterinary Hospital.** A facility for the medical treatment and boarding of small domestic animals, which is staffed by at least one doctor of veterinary medicine. A veterinary hospital may offer pet grooming services. (See also “kennel”, pet grooming establishment”, and “veterinary clinic”).
- 2.120 **Yard.** A required space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 2.121 **Yard, Front.** A yard extending the full width of the lot, and situated between the right-of-way line of the abutting street and the nearest point of the principal building.
- 2.122 **Yard, Rear.** A yard extending the full width of the lot from the rear of the lot to the nearest point of the principal building.
- 2.123 **Yard, Side.** A yard situated between the nearest point of the principal building and any side line of the lot, generally extending from the rear line of the front yard to the front line of the rear yard.
- 2.124 **Zoning District.** A section of the Town of Jackson’s Gap for which the zoning regulations are uniform, as delineated on the Zoning Map.
- 2.125 **Zoning Map.** The “Official Zoning Map of the Town of Jackson’s Gap” which includes a base map or maps of the regular zoning districts and an overlay or overlays of the special zoning districts.



## **ARTICLE III GENERAL REQUIREMENTS**

### **SECTION 1 - USES**

- 1.1 *Land Use Compliance.* Unless specifically provided elsewhere in this Ordinance, no building, structure, or parcel of land shall hereafter be used or occupied and no building, structure, or part thereof shall be erected, converted, moved, or altered except for a use permitted within the zoning district in which it is located. Any use that is not specifically listed as a permitted use or a special exception within the applicable zoning district shall be prohibited, unless authorized by the Board or Adjustment as a new use under the provisions of Article VII, Section 4 of this Ordinance.
- 1.2 *Exception for Utility Transmission Poles and Lines.* Utility structures, including, but not limited to poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits, and other facilities necessary for the transmission or distribution of electric power or to provide telephone, telegraph, cable, or fiber optic service and pipe lines, vents, valves, hydrants, regulators, meters, and other facilities necessary for the transmission or distribution of gas, oil, water, or other fluids, may be constructed, erected, repaired, maintained, or replaced within the Town of Jackson's Gap. This exception is not to be construed to include the erection or construction of buildings or electric substations.
- 1.3 *Exception for Railroad tracks and equipment.* Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities needed for train operators, may be constructed, repaired, maintained, or replaced in any district.

### **SECTION 2 - STRUCTURES**

It is the intent of this Ordinance that no more than one principal use structure shall be located on any single lot of record, plus any permitted accessory structures. Accessory structures shall not include functionally independent living quarters.

### **SECTION 3 - HEIGHT AND DENSITY**

- 3.1 *Height of Structures.* In each district, each structure hereafter erected or altered shall not exceed the height limits specified in this Ordinance. Height limitations shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and all such structures specifically exempted from local zoning regulations by applicable federal law, cooling towers, water tanks, and similar structures not intended for human occupancy.
- 3.2 *Intensity of Use.* Each building and lot shall not be used or occupied hereafter by more families or for a higher intensity of use than permitted in the zoning district in which it is located.

## SECTION 4 - ACCESSORY STRUCTURES

- 4.1 *In residential districts.* Accessory structures in residential districts or the agricultural district, or any lot used primarily for residential purposes, shall conform to the following regulations:
- A. Accessory structures (with the exception of a garage) shall be permitted in the rear yard only. Accessory structures shall not exceed the height of the principal use structure, shall not cover more than 30% of the rear yard, and shall be located at least fifteen (15) feet from all lot lines.
  - B. A fully enclosed garage that is not attached to the principal building by a breezeway passageway, or similar means shall be permitted within the side yard, provided that no portion of the garage structure shall protrude into the front yard and provided that the siting of the garage shall comply with all applicable side yard setbacks.
  - C. On any lot adjoining along its side lot line another lot which is in a residential district, no part of any accessory building shall be located within sixty (60) feet of any front lot line.
  - D. When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.
- 4.2 *In nonresidential districts.* On any nonresidential lot sharing a side lot line with a lot in a residential district, no part of any accessory building shall be located within fifteen (15) feet of the property line dividing the non-residential lot and the residentially zoned property. On any lot adjoining along its side lot line another lot which is in a residential district, no part of any accessory building shall be located within sixty (60) feet of any front lot line.
- 4.3 *Minimum separation.* Except as herein provided, no accessory building shall be located closer than fifteen (15) feet to a lot line, nor closer than ten (10) feet to a principal building or to any other accessory building on the same lot.
- 4.4 *Timing of Placement.* No accessory structure shall be placed or erected on a lot of record before construction or placement of a permitted principal use structure. This provision shall not be interpreted in a manner that would prohibit the placement of a permitted temporary use structure during the construction or reconstruction of a permitted principal use structure.

## **SECTION 5 - LOTS**

- 5.1 *Minimum lot size.* All lots created after the effective date of this Ordinance shall comply with the minimum lot size requirements for the zoning district within which they are located.
- 5.2 *Yard reduction.* Except as herein provided, no lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.
- 5.3 *Minimum frontage.* All lots shall have a minimum frontage of not less than forty (40) feet along a public street or a private street dedicated for public use and constructed in accordance with all applicable City street standards. The minimum required frontage shall be reduced to thirty (30) feet for lots fronting on the turn-about at the end of a permanent cul-de-sac.
- 5.4 *Minimum lot width-to-length ratio.* No part of any lot shall be narrower than one (1) foot for each three (3) feet of length as measured along the longest side boundary of the lot.

## **SECTION 6 - YARDS AND OPEN SPACE**

- 6.1 *Required yards and open spaces.* In each district, each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified in this Ordinance. No open space or lot required for a building or structure shall, during its life, be occupied by or counted as open space for another building or structure. No yard or other open space provided, nor the off-street parking and loading spaces required, about any building for the purpose of complying with the regulations of this Ordinance shall hereafter be included as a part of a yard or other open space, or the off-street parking or loading spaces, for any other building.
- 6.2 *Yards and open spaces on substandard lots.* Where the owner of a property, at the time of adoption of this Ordinance, has a lot or lots of official record which are substandard to the requirements of the district in which they are located according to this Ordinance, the building and its accessory structures may be built, provided:
  - A. The yard space and other requirements conform as closely as possible, in the opinion of the Board of Adjustment, to the requirements of the district in which the property is located.
  - B. That neither side yard shall be reduced to less than fifteen (15) feet.
  - C. No building shall be required to set back more than the average of the setbacks of the existing residences within one hundred (100) feet each side thereof, but in no case shall the setback of any building hereafter erected or altered be less than ten (10) feet from the street right-of-way line.

## **SECTION 7 - BUILDING SETBACK LINES**

- 7.1 *Properties abutting existing improved public streets.* When any required yard abuts a street or roadway with an existing public street right-of-way of forty (40) feet or more, the setback shall be the standard setback required in that zoning district. The setback shall be measured from the property line.
- 7.2 *Properties abutting dedicated rights-of-way.* When any required yard abuts a street or roadway with a dedicated right-of-way (public or private) of less than forty (40) feet, the setback shall be not less than twenty-five (25) feet, **plus** any additional setback required by the minimum dimensional requirements for the applicable zoning district. The setback shall be measured from the centerline of the existing improved roadway. If no improved roadway has been constructed within the right-of-way, then the twenty-five (25) foot setback shall be measured from the centerline of the dedicated right-of-way.
- 7.3 *Properties abutting street or roadways without dedicated rights-of-way.* When any required yard abuts a street or roadway (public or private) without a dedicated right-of-way, the setback shall be not less than twenty-five (25) feet, **plus** any additional setback required by the minimum dimensional requirements for the applicable zoning district. The setback shall be measured from the centerline of the existing improved street or roadway.

## **SECTION 8 - FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS**

On lots having frontage on more than one street, the side or rear yard setback along the secondary street shall not be less than the required front yard setback for the applicable zoning district. Where this requirement, as applied to a double frontage lot, would cause a building on a developed block to be set back from the street line a distance that would be inconsistent with the established setback on that block, the Enforcement Officer may approve a special setback requirement which shall not exceed the average of the building setbacks on the adjacent lots.

## **SECTION 9 - ACCESS TO STREETS**

No building for human occupancy shall be erected without unrestricted vehicular access to a public street or a private street dedicated for public use and constructed in accordance with all applicable Town street standards.

## **SECTION 10 - FENCES AND WALLS**

- 10.1 *Height on residential properties.* Fences or walls may be erected, placed, maintained, or grown along a side or rear lot line on residentially zoned property, or adjacent thereto, to a height not exceeding six (6) feet above the ground. Fences or walls located in a required front yard shall not exceed a height of three (3) feet, except as required to provide a retaining wall. Within the first twenty (20) feet from the right-of-way the height shall not exceed two-and-one-half (2½) feet. Where such lot line is adjacent to a non-



residentially zoned property, fences and walls may be maintained at a height not exceeding eight (8) feet.

10.2 *Height on nonresidential properties.* No fence or wall erected, placed, maintained, or grown along a lot line on any non-residentially zoned property shall exceed a height of eight (8) feet.

10.3 *Prohibited materials.* Barbed wire shall not be used as fencing for any residential property.

## **SECTION 11 - TRAFFIC VISIBILITY AT INTERSECTIONS**

On any corner lot, nothing shall be erected, placed, or grown in such a manner as to limit or obstruct traffic visibility at the street intersection. A clear sight triangle shall be maintained upon such lot, such sight triangle beginning at the intersection of the two lot lines along the street and running along each lot line for twenty (20) feet; the third leg of the triangle is formed by connecting the other two legs of the triangle. Within such sight triangle, nothing shall be erected, placed, or grown taller than a height of thirty (30) inches above the centerline grades of the intersecting streets.

## **SECTION 12 - STORMWATER MANAGEMENT**

Stormwater runoff from construction sites and urban development is a significant source of surface water contamination. New development and construction activity must be designed to minimize on-site erosion and the resulting sedimentation of off-site water resources that can be generated by stormwater runoff. Therefore, no final inspection of a development site shall be conducted by the Town until the developer has complied with all applicable requirements of this Section. The Town may request assistance from the Natural Resource Conservation District or other qualified experts in evaluating the applicant's proposed measures to comply with these requirements.

12.1 *Exempt activities.* The following activities shall be exempt from these stormwater management requirements:

- A. Minor land disturbing activities normally associated with single family uses, such as home gardens, landscaping, building repairs or alterations, swimming pool installation, or other related, low-impact activities.
- B. Construction of a single family dwelling on an individual lot and the installation or replacement of a manufactured home.
- C. Agricultural practices or the construction of farm buildings, when conducted in full compliance with all applicable Best Management Practices.
- D. Private and commercial forestry activities, when conducted in full compliance

with all applicable Best Management Practices.

- 12.2 *ADEM permit required.* It shall be the developer's responsibility to secure compliance with all applicable Alabama Department of Environmental Management (ADEM) Construction Storm Water Management Administrative Code rules, as amended, and/or any applicable ADEM construction site permit requirements, which are designed to prevent/minimize, to the maximum extent practical, the discharge of sediment and other pollutants in construction storm water runoff to ensure the protection of water quality in accordance with applicable Federal and State law. Applicants subject to this requirement shall provide evidence that a storm water discharge permit has been issued by ADEM prior to the issuance of a zoning permit by the Enforcement Officer.
- 12.3 *Tie-in required.* All proposed drainage improvements shall tie into any existing man-made or natural drainage ways along the existing public streets adjoining the development site. Under no conditions shall stormwater drainage be emptied into the sanitary sewer system or vice-versa.
- 12.4 *Basic guidelines.* Stormwater management measures shall be designed in accordance with all applicable Best Management Practices for the proposed type of construction activity. Appropriate short-term (during construction) and long-term (after construction is complete) measures shall be applied to minimize potential erosion of disturbed soils on the development site. All slopes on the development site in excess of ten (10) percent grade shall be permanently stabilized through the use of natural vegetation (preferably native vegetation), retaining walls, terracing, or a combination, as may be appropriate. Development sites which will contain more than twenty thousand (20,000) square feet of impervious surfaces or upon which more than fifty (50) percent of the total lot area will consist of impervious surfaces shall contain adequate stormwater management facilities (detention or retention basins, drainage ways, storm drains, etc.) to accommodate on-site and safely release or transmit the runoff that would be generated by a twenty-five (25) year storm event, without causing an increase or surge in the volume and velocity of off-site peak stormwater runoff over the pre-development state. However, if the site is located within the FHA: Flood Hazard Area Zone, the stormwater management facilities shall be designed to accommodate on-site and safely release or transmit the runoff that would be generated by a one hundred (100) year storm event, without causing an increase or surge in the volume and velocity of off-site peak stormwater runoff over the pre-development state.
- 12.5 *Creative and innovative polluted runoff management practices.* Where feasible and appropriate, proposed developments may incorporate creative and innovative design to minimize the impacts of polluted runoff on the environment. Such design features may include, but are not limited to, undisturbed natural buffers between impervious surfaces and adjoining streams and drainageways, maximum retention of existing mature trees on building lots, the use of seeded shallow "V" drainage swales (with stabilized cut slopes not to exceed a ten [10] percent grade) rather than concrete curb and gutter, the use of porous pavement surfaces for parking lots, service roads, alleys, and cul-de-sacs, the use

of crushed gravel or turf parking areas for small parking lots or spillover parking areas, and the creation of wetlands for stormwater detention and retention, and other practices as may be appropriate to address on-site stormwater drainage needs. Such creative and innovative design features should be used in the following development settings;

- A. where they will be compatible with existing off-site stormwater management infrastructure improvements serving the drainage basin, and
- B. where appropriate to adequately and safely accommodate the stormwater runoff that would be generated by the proposed level of impervious surfaces without the need for excessive perpetual maintenance.

12.6 *Lot Drainage Standards.* The following requirements for lot drainage shall be satisfied in each Stormwater Management Plan:

- A. A positive slope of finish grade shall be provided around each structure to direct water away from all foundations, slabs or footings.
- B. Side lot swales shall be utilized, as necessary, to direct lot drainage into public drainage improvements or easements.
- C. Roof drains shall be utilized to prevent soil erosion and to prevent the accumulation of storm water runoff along structure foundations and footings. Such drains shall be directed away from structures and into swales or other drainage facilities.
- D. Driveway culvert pipe shall be the proper size to safely transmit design storm event drainage waters. The inside diameter of such culvert pipe shall be at least fifteen (15) inches, and shall consist of either metal pipe or a class three (3) concrete pipe.
- E. All driveway and service drive piping shall be installed on an appropriate grade to prevent standing water.

12.7 *Erosion and Sediment Control.* The following erosion and sediment control measures shall be observed for the construction and maintenance of all storm water management facilities:

- A. Roadside ditches, swales, and embankments within each dedicated right-of-way or drainage easement shall be properly stabilized in accordance with applicable Best Management Practices to prevent excessive erosion from cut slopes;
- B. It shall be the developer's responsibility to provide the necessary measures to ensure that clearing, grubbing, grading, landscaping, and other construction activities do not adversely affect the drainage structures that are essential to

overall storm water management and control.

- C. It shall be the developer's responsibility to ensure proper implementation, regular inspection, and continual maintenance of effective Best Management Practices for construction site erosion and sediment control.
- D. It shall be the developer's responsibility to promptly remove and/or remedy, to the extent practicable, any off-site sediment from the development site that is washed or deposited into municipal storm water drainage facilities.

12.8 *Stormwater management on privately owned common open space lands.* Where any stormwater management improvements are to be constructed on common open space lands within the development, such improvements shall be subject to special maintenance provisions as required in Article V, Section 10 (Common Open Space Requirements) of this Ordinance. The Town of Jackson's Gap shall assume no responsibility or liability for the continued, maintenance, improvement, or repair of privately owned stormwater management facilities.

## **ARTICLE IV SPECIAL USE PROVISIONS**

### **SECTION 1 - NONCONFORMING USES AND STRUCTURES**

- 1.1 *Purpose of Provisions.* Within the zoning districts established by this Ordinance or by subsequent amendments to this Ordinance, there exist lots, structures, uses of land and structures, and characteristics of use which were lawfully created, established, or constructed before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or of subsequent amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or discontinued, but not to actively encourage their survival. It is further the intent of this Ordinance to assure that nonconformities shall not be enlarged, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming status runs with the land; i.e., a change in ownership or tenancy does not terminate the nonconforming status of a lot and/or structure.
- 1.2 *Incompatibility of Nonconforming Uses.* Nonconforming uses are declared by this Ordinance to be incompatible with the permitted uses in the zoning districts in which they are located. A nonconforming use of land, of structure, or of land and structure in combination shall not be extended, enlarged, or otherwise intensified after passage of this Ordinance either by additions to any existing structure or by the addition of other uses of the property which would be generally prohibited in the district in which such use is located.
- 1.3 *Avoidance of Undue Hardship.* To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building upon which actual construction was lawfully initiated prior to the effective date of adoption of or amendment to this Ordinance.
- 1.4 *Single Nonconforming Lots of Record.* A single lot of record which does not meet the minimum space and height requirements of the zoning district in which it is located at the effective date of adoption of or amendment to this Ordinance may be used or sold for the erection of those buildings and accessory buildings necessary to carry out the permitted uses in that district, provided:
  - A. Minimum space and height requirements of the lot shall conform as closely as possible to the applicable standards for the district.
  - B. Requirements for yards and setbacks, accessory buildings and uses, and off-street parking and loading spaces shall conform as closely as possible to the applicable standards for the district.

- C. Variance for area, dimensional, and other requirements shall be obtained only through action of the Board of Adjustment as authorized in Article VII, Section 5.3 of this Ordinance. A variance shall only be required where the proposed structure cannot be designed to comply with the applicable dimensional requirements of the zoning district.
  - D. Such lot must not have continuous frontage with other lots in the same ownership that could be combined to eliminate the nonconformity.
- 1.5 *Procedure to Cure Nonconforming Lots of Record.* If two (2) or more lots or a combination of lots and portions of lots are contiguous, have continuous frontage, are in single ownership, and are of record at the time of passage of or amendment to this Ordinance, and if all or part of the lots do not meet the minimum space and height standards of this Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with the minimum space and height standards. Nor shall any existing lot of record be divided in a way that would create a lot that does not comply with the applicable minimum space and height standards of this Ordinance. Nothing in this provision shall be interpreted to prevent the adjustment of an adjoining lot line or the re-subdivision of a lot so combined, where sufficient land area exists to establish more than one conforming lot.
- 1.6 *Nonconforming Structures.* Where, at the effective date of adoption of or amendment to this Ordinance, a lawful structure exists that could not be built under the terms of this Ordinance by reason of not complying with minimum dimensional requirements or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided:
- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  - B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than 50% of its current replacement value, it shall be reconstructed only in conformity with the provisions of this Ordinance.
  - C. Should such structure be voluntarily relocated for any reason for any distance whatsoever, it shall thereafter conform to the requirements or standards for the district in which it is located after it is moved. This provision shall not be interpreted to prohibit the replacement of a pre-existing, nonconforming manufactured home or mobile home, as long as the replacement manufactured home complies with all applicable requirements specified in Article IV, Section 3 of this Ordinance and the replacement manufactured home is placed in the exact location of the previous home or a more conforming location on the lot.

- 1.7 *Nonconforming Uses of Land, Structure, or Land and Structure in Combination.* Where, at the time of adoption of or amendment to this Ordinance, lawful uses of land, structure, or land and structure in combination exist which, under the terms of this Ordinance, would not be permitted in the zoning district in which they are located, the uses may be continued so long as they remain otherwise lawful, provided:
- A. No such nonconforming uses, nor structures devoted to nonconforming uses, shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of or amendment to this Ordinance.
  - B. No such nonconforming uses, nor structures devoted to nonconforming uses, shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption of or amendment to this Ordinance.
  - C. No additional structures shall be erected in connection with such nonconforming uses.
  - D. If any such nonconforming uses are discontinued for a period of more than one (1) year, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards specified by this Ordinance for the zoning district in which such land and/or structure is located.
  - E. If any nonconforming use is replaced by a permitted use, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards for the district in which it is located, and the nonconforming use may not thereafter be resumed.
  - F. A nonconforming use may change to a new nonconforming use, provided the new use is more consistent with the permitted uses of the district in which it is located and is less objectionable and generates fewer external impacts on neighboring uses and properties than the previous nonconforming use. In determining whether the new use would be in greater conformity with this Ordinance, impact criteria such as, but not limited to, the following shall be evaluated:
    - 1. The degree to which traffic generation and congestion, including truck, passenger car, and pedestrian traffic would be reduced.
    - 2. The degree to which external noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration would be reduced.
    - 3. The degree to which the nature of the new use or business activity is consistent with other business uses permitted in the district.
  - G. Where nonconforming use status applies to land and structure in combination,

removal or destruction of the structure to the extent of more than 50% of its current replacement value shall terminate the nonconforming status of the structure but shall not terminate the nonconforming status of the land.

1.8 *Repairs and Maintenance.*

- A. On any structure devoted entirely or in part to a nonconforming use, work may be done on ordinary maintenance, including remodeling, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided the cubic content of the structure, as it existed at the effective date of this Ordinance or subsequent amendment, shall not be increased.
- B. On any lot devoted entirely or in part to a nonconforming use, work may be done on ordinary maintenance, repair, or replacement of parking and loading areas, signs, lighting, fences, walls, and related exterior amenities, provided the extent of those amenities shall not be increased or rearranged.
- C. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or exterior amenity declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **SECTION 2 - GROUP HOMES**

Group homes shall be conducted within a building that is consistent or compatible with the character of the district in which it is located.

- 2.1 *No exterior changes incompatible with residential character.* A group home located in a single family or two family residential district shall be conducted within a building that shall maintain the exterior appearance of a single family dwelling, with no separate outside entrances to individual bedrooms.
- 2.2 *Group homes in multi-family and nonresidential districts.* A group home in a multi-family or business district may be conducted in a building other than a single family dwelling, provided that the group home conforms to the characteristics described in the definition of “group home” in Article II, Section 2.49 of this Ordinance.
- 2.3 *Compliance with all applicable State laws.* Where applicable, the group home shall provide evidence that it will operate in compliance with any State licensing requirements.

## **SECTION 3 - MANUFACTURED HOMES**

All manufactured homes shall comply with the following requirements:

- 3.1 *H.U.D. seal required.* Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development. Any



existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be treated as a nonconforming structure and use in accordance with the regulations established in Section 1 of this Article.

- 3.2 *Anchoring requirements.* All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission. Each manufactured home site shall be properly prepared for set up and installation as may be necessary and appropriate to prevent the accumulation of standing water or the drainage of stormwater runoff beneath the manufactured home. Where a concrete pad is available, a manufactured home shall be properly anchored to it.
- 3.3 *Skirting required.* All manufactured homes not located within the MHP - Manufactured Home Park Zoning District shall be skirted by a continuous brick and mortar masonry curtain wall, constructed in compliance with all applicable building code requirements. All other manufactured homes shall be skirted with a weather-resistant material which resembles a permanent foundation commonly found on a single family dwelling. Exterior siding should **not** have a high gloss finish and should be residential in appearance, including, but not limited to, clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material but excluding smooth, ribbed, or corrugated metal or plastic panels. All skirting shall be adequately vented, and shall be completely installed within ninety (90) days of the date that the manufactured home has been installed and anchored to the home site. Where the space beneath a manufactured home that is to be enclosed by skirting is not completely covered by a concrete pad, then a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting.
- 3.4 *Axles and tow bars removed.* Once a manufactured home has been placed on an individual lot, all tow bars and axles shall be removed and stored in a location on the lot where they will not be seen from the street or neighboring homes.
- 3.5 *Access to exterior entrances.* Immediately after installation and prior to occupation, steps and a landing or porch shall be constructed at each raised exterior entrance or doorway to the manufactured home. At a minimum, the front or main entrance to a manufactured home shall be served by a stairway (not less than three feet in width) leading to a landing or porch not narrower than five (5) feet in depth (as measured outward from the exterior of the structure) nor shorter than eight (8) feet in length (centered along the entranceway) and containing a railing along all exterior edges of the landing and stairway. A stairway (not less than three feet in width) with exterior railings shall be erected at all other exterior entrances to the manufactured home. All required stairways and landings/porches shall be constructed of wood or brick materials, or some combination of both. Required railings may be constructed of wood or metal materials.
- 3.6 *Sanitary facilities.* Each manufactured home shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water, and a central source of heat for the occupants thereof.

- 3.7 *Landscaping.* All manufactured homes located on individual lots (not in a manufactured home park) shall be landscaped in a manner consistent with other adjoining residential home sites in the area of neighborhood.
- 3.8 *Orientation.* When sited on an individual lot (not in a manufactured home park) each manufactured home shall be oriented on the lot so that it meets all setback and area requirements of the zoning district. Wherever possible, the unit shall be located with its long axis parallel with the street.
- 3.9 *Minimum Width.* When sited on an individual lot (not in a manufactured home park) each manufactured home shall be at least twelve (12) feet in width.
- 3.10 *Fuel Storage Facilities.* All fuel oil supply systems serving a manufactured home that is sited on an individual lot (not in a manufactured home park) shall be constructed and installed in accordance with all applicable building and safety codes, except that any bottled gas tanks may be fenced or screened so as not to be clearly visible from the street or abutting properties.
- 3.11 *Number allowed.* No manufactured home may be used for any purpose other than as regulated for residential use herein except in a nonresidential zoning district as provided below:
- 3.12 *Use Limitations.* No manufactured home may be used for any purpose other than as regulated for residential use herein except in a nonresidential zoning district as provided below:
- A. As an office and storage for parts at a legally licensed manufactured home sales lot by the owner, real estate office, or sales office.
  - B. A temporary construction office or a temporary residence at a construction job site provided that such use shall cease when a certificate of occupancy is issued.
  - C. Campaign headquarters, to be removed immediately after election day.
  - D. Showing of exhibits or special products for a period not to exceed fourteen (14) days.
  - E. For special sales or promotions by civic or nonprofit organizations, to be removed on a specified date.
- 3.13 *Compatibility with Adjoining Residential Properties.* While the Town of Jackson's Gap acknowledges and accepts its responsibility to promote a wide range of affordable housing styles for its residents, it also must recognize that manufactured homes are a distinct type of housing that can, under certain circumstances, alter or disrupt the stability

of property values and character of established residential neighborhoods that consist predominantly or exclusively of site-built single family detached dwellings. Such disruptions can be especially severe in neighborhoods that consist of historic homes that represent and reflect a specific architectural style and character or that consist of uniformly high value dwellings, relative to the value of a standard manufactured home. In these special neighborhoods, the Town's responsibility to provide siting flexibility for manufactured homes must be reasonably tempered and balanced by the Town's competing responsibility to maintain the character, architectural integrity, and property value stability of established single family residential neighborhoods. Therefore, manufactured homes may be permitted only in full compliance with the following special conditions:

- A. the proposed manufactured home will not be located on a vacant lot that is within a designated local, state, or federal historic district or a vacant lot that is between two or more structures that have been listed on or are eligible for addition to the National Register of Historic Places; and
- B. the combined value of the proposed manufactured home and the property upon which it will be sited shall not be less than ninety (90) percent of the average fair market value of all adjoining properties that have been improved for single family residential use, according to the property value records maintained by the County Tax Assessor's Office.
- C. No manufactured home shall be utilized as a parsonage on or adjacent to a lot containing a church.
- D. Each manufactured home shall comply with all applicable dimensional requirements and minimum standards for dwellings required for the subject zoning district in which it will be located.

#### **SECTION 4 - HOME OCCUPATIONS AND COTTAGE INDUSTRIES.**

- 4.1 *Home Occupations.* A home occupation may consist of any accessory business use that fully complies with all of the standards contained in this section. No home occupation shall be allowed in any multi-family dwelling. The home occupation and dwelling unit shall comply with all applicable building codes. Home occupations will not be permitted in any dwelling unit in which the residential use does not fully comply with the applicable requirements for the district within which it is located. A home occupation shall not include barbershops, beauty shops, doctors' or dentists' offices for the treatment of patients, solid waste facilities, junk or scrap metal shops, automobile repair shops or garages, or food processing/packing operations.
- 4.2 *Cottage Industries.* A cottage industry may consist of any accessory business use, except solid waste facilities, junk or scrap metal shops, automobile repair shops or garages, or food processing/packing operations, that fully complies with all of the standards

contained in this section. Cottage industries may be permitted only within the Agricultural Zoning District. The cottage industry and dwelling unit shall comply with all applicable building and fire codes. Cottage industries will not be permitted in any structure which does not fully comply with all applicable requirements for the zoning district within which it is located.

4.3 Standards Applicable to both Home Occupations and Cottage Industries. The following standards shall apply to both home occupations and cottage industries.

- A. The home occupation or cottage industry must be owned and operated by the owner of the dwelling within which or property upon which such business use is to be located, or the business owner must have written approval of the owner of the premises, if the applicant is a tenant.
- B. The home occupation or cottage industry shall be operated only by the members of the family residing in the principal dwelling located on the lot upon which such business use will be located.
- C. The home occupation or cottage industry shall not involve the use of or result in the production of any hazardous materials or hazardous waste.
- D. The home occupation or cottage industry shall not generate smoke, glare, vibrations, electrical disturbance, radioactivity, or other conditions that will be a nuisance to the surrounding area. The home occupation shall not involve the use of any equipment or process that creates visual or audible interference on any radio or television receivers on the premises or that causes fluctuations in line voltage off the premises.
- E. The home occupation or cottage industry shall not generate any business or customer traffic (either by the business operators or customers) between the hours of 8:00 p.m. and 6:00 a.m.
- F. At least three (3), but no more than five (5), off-street parking spaces shall be provided for the home occupation or cottage industry.
- G. No home occupation or cottage industry shall require the use of more than one vehicle for exclusive use of the business. Any vehicle used for such business that has attached to its surface a trademark, business advertisement, or other device that represents the business use shall not be parked along the street or within the required front yard setback of the property.
- H. Not more than one non-illuminated accessory sign having a sign area of not more than two (2) square feet shall be allowed to advertise any home occupation or cottage industry.

4.4 Standards Applicable to Home Occupations. The following standards shall apply to only home occupations.

- A. All business operations, activities, and transactions associated with the home occupation shall be conducted entirely within the dwelling unit. No business operations, activities, or transactions shall be conducted in any portion of the dwelling not approved for home occupation use by the Town.
- B. The home occupation shall not occupy more than 25% of the total dwelling unit floor area. In no instance shall the total floor area devoted to a home occupation exceed five hundred (500) square feet.
- C. The home occupation shall not cause or result in any change in the outside appearance and residential character of the dwelling unit.
- D. The home occupation shall not generate more customers to the home at any point in time than can be accommodated in the improved off-street parking area on the property, and in no instance shall the total customer traffic at the home exceed more than three vehicles at a time.
- E. The home occupation shall not produce any vibrations, noises, or odors that may be discernable by the average person outside of the dwelling unit.
- F. All equipment, materials, and products of the home occupation, with the exception of one vehicle intended for business use, shall be safely and securely stored inside the dwelling unit at all times.
- G. The home occupation and dwelling unit shall comply with all applicable building and fire codes. Home occupations will not be permitted in any dwelling unit in which the primary residential use does not fully comply with the applicable requirements for the zoning district within which it is located.

4.5 Standards Applicable to Cottage Industries. The following standards shall apply to only cottage industries.

- A. No cottage industry shall be permitted on a lot smaller than three (3) acres in total land area.
- B. All business operations, activities, and transactions associated with the cottage industry shall be conducted entirely within the primary dwelling unit and/or in an accessory building on the same lot. No activities associated with a cottage industry, including materials storage, shall be located or conducted within an accessory building that is more than fifty (50) feet from the closest part of the principal dwelling or less than fifty (50) feet from an adjoining property line. No business operations, activities, or transactions shall be conducted in any portion of

the dwelling or lot not specifically approved by the Town for cottage industry use.

- C. The cottage industry shall not occupy a total area greater than 40% of the total dwelling unit floor area or eight hundred (800) square feet, whichever is less.
- D. The cottage industry shall not cause or result in any change in the outside appearance or character of any structure on the lot.
- E. The home occupation shall not generate more customers to the home at any point in time than can be accommodated in the improved off-street parking area on the property, and in no instance shall the total customer traffic at the home exceed more than four (4) vehicles at a time.
- F. The cottage industry shall not produce any vibrations, noises, or odors that may be discernable by the average person beyond the boundaries of the lot.
- G. All equipment, materials, and products of the cottage industry, with the exception of one vehicle intended for business use, shall be safely stored inside a secured structure on the lot.
- H. The cottage industry and dwelling unit shall comply with all applicable building and fire codes. Cottage industries will not be permitted in any structure which does not fully comply with all applicable requirements for the zoning district within which it is located.

4.6 *Expiration of Permit.* A permit for a home occupation or cottage industry shall expire under the following conditions:

- A. Whenever the applicant ceases to occupy the structure or lot for which the home occupation or cottage industry permit was issued. No subsequent occupant of such premises shall engage in any home occupation or cottage industry until a new permit has been issued for the proposed business activity. A permit to operate a home occupation or cottage industry is not transferable to a new residence or lot.
- B. Whenever the holder of a home occupation or cottage industry permit ceases operation of the permitted business activity for any period of ninety (90) consecutive days.
- C. When the owner of a permitted home occupation or cottage industry is issued a notice of violation of this Ordinance, the owner shall cease and desist from all business operations until such time as the enforcing officer has verified, through on-site inspection, that the violation has been remedied. Failure to cease and desist from all business operations, in accordance with this provision, shall constitute a separate violation. If the owner fails to comply with a cease and

desist order, or the violation has not been remedied within fifteen (15) days of the date that the notice of violation was issued, the home occupation or cottage industry permit and business license shall expire and no resumption of business activities associated with such business may occur without first obtaining a new permit and business license.

## **SECTION 5 - OFF-STREET PARKING REQUIREMENTS**

5.1 *Basic design requirements for parking lots.* Required parking spaces, as set forth below, shall provide not less than two hundred-fifty (250) square feet of total parking lot area per space and shall be located entirely off of street rights-of-way. Each individual parking space shall be at least nine (9) feet in width and eighteen (18) feet in length. Required spaces shall have an all-weather surface, an unobstructed maneuvering space, and access lanes of adequate width leading to a street or alley. Overflow or reserve parking areas in excess of the minimum spaces required herein may be constructed of permeable surface materials, including gravel, crushed stone, or other porous pavement materials designed to serve the anticipated intensity or frequency of overflow parking and to prevent excessive soil erosion. Except for one and two-family dwellings with access from local or minor collector streets only, maneuvering and turning areas shall be provided so that no vehicles will be required to back into a street. Only vehicles in operating condition shall be allowed to occupy these spaces. The following identifies the minimum number of automobile parking spaces for specified uses. Where a particular use is not specifically mentioned, the requirements of a similar or related use shall apply. Where more than one use will be conducted on a specific site, the site shall satisfy the combined requirements of all specified uses. Required parking spaces shall include spaces designated for people with disabilities, the number and design of which shall be in accordance with the standards set forth by the Americans with Disabilities Act.

- A. *Automobile Service Stations* - Three (3) parking spaces for each grease rack, vehicle lift, or similar facility, plus one (1) for each attendant.
- B. *Bowling Alleys* - Four (4) parking spaces for each alley.
- C. *Churches, Theatres, Auditoriums, Stadiums or Other Places of Public Assembly* - One (1) parking space for every four (4) seats in the principal assembly room or area.
- D. *Dwellings* - Two (2) parking spaces per dwelling unit, except that residential structures containing three (3) or more dwelling units shall have one and one-half (1 ½) parking spaces per unit.
- E. *Hospitals, Sanitariums or Nursing Homes* - One (1) space for each four (4) beds intended for patients, plus one (1) space for each staff member employed during the peak work shift.

- F. *Manufactured Home Parks* - Two (2) parking spaces located on each manufactured home site, plus one-half (½) parking space per site to be located so as to serve the parking needs of visitors to the park and of occupants who have more than two automobiles. However, for each manufactured home space that fronts along a private road that does not provide through-traffic service, the minimum space required for each off-street parking space on the lot shall be reduced to one hundred two (102) square feet, and the requirement to provide off-street space for vehicle turn-around without backing into the street shall be waived.
- G. *Motels and Hotels* - One (1) parking space for each room leased for guest accommodation, plus one (1) additional space per full-time equivalent employee during the peak work shift.
- H. *Offices, or Professional or Public Buildings* - One (1) parking space for each three hundred (300) square feet of gross floor area or four (4) parking spaces for each separate office or work cubicle, whichever is greater. Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
- I. *Private Club or Lodge* - One (1) space for every ten (10) members.
- J. *Restaurant or Other Eating Place* - One (1) parking space for every two (2) seats. Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
- K. *Retail or Services* - One (1) parking space for each three hundred (300) square feet of gross floor area devoted to trade or service activity (including inventory storage space and administrative office space). Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
- L. *Rooming Houses, Boarding Houses, and Bed and Breakfast Inns* - One (1) parking space for each rental room, plus two (2) spaces for each resident manager unit.
- M. *Schools* - One (1) parking space for each administrative employee working at the school. Two (2) parking spaces for each classroom serving students below grade ten (10). One (1) parking space for every five (5) students of classroom seating capacity for each classroom serving students in grade ten (10) or higher.
- N. *Shopping Centers* - Four (4) parking spaces for each 1,000 square feet of area devoted to trade or service activity.
- O. *Warehousing, Manufacturing, and Industrial Establishments* - Three (3) parking



spaces for every two (2) employees working during the peak work shift.

- P. *Wholesale Establishments* - One (1) parking space for every one thousand (1,000) square feet of gross floor area.

5.2 *Plans and Specifications Required for Off-Street Parking Spaces.* Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning permit.

5.3 *Location of Parking Spaces.*

- A. Except for one and two family dwelling units, if required parking spaces cannot be provided on the same lot on which the principal use is conducted, such spaces may be provided on adjoining off-street property, provided that the required spaces are located no further than four hundred (400) feet from the main entrance of the principal use. Such parking spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- B. Parking spaces designated for use by people with disabilities shall be located in close proximity to the main entrance of the building with which they are associated, in accordance with the standards set forth by the Americans with Disabilities Act.
- C. Parking up to 50% of the parking spaces required for (a) theatres, public auditorium, bowling alleys, dance halls, night clubs or cafes, and parking up to one hundred (100) percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used, or operated during the same hours as those listed in (a): provided, however, that written agreement thereto is properly executed and filled as specified below.

5.4 *Joint Use of Off-Street Parking Areas.* Nothing in this Ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two or more buildings or uses if the total of such spaces, when used together, shall not be less than the sum of the requirements for the various individual uses or buildings computed separately. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the town attorney and shall be filed with the application for a building permit, recorded at the applicant's expense in the office of Judge of Probate, and shall be in full force and effect until released by resolution of the Planning Commission.

- 5.5 *Landscaping.* All paved surface parking lots containing more than seventy-five (75) parking spaces shall incorporate, within the paved area, landscaped islands constituting not less than ten (10) percent of the total paved portions of the parking lot. The area of any required islands shall not be counted as part of the required minimum parking area for the off-street parking lot. Landscaped islands shall be distributed broadly throughout the parking lot and designed to provide sufficient unpaved area to support healthy plant growth and root structures. Each landscaped island shall also be designed to accommodate at least one shade tree, which shall be not less than ten (10) feet tall at planting. Shrubs, flowers, and other ornamental plants or ground cover shall be incorporated into the landscaping on each island. Special consideration shall be given to native plants and trees when selecting vegetation and additional consideration shall be given to the location of trees and tall shrubs with respect to above ground power lines, light poles, and other possible obstructions, to prevent the need for excessive pruning as the trees and shrubs grow and mature.
- 5.6 *Truck Parking Restrictions.* No trucks larger than 3/4 ton pick-up trucks shall be permitted to park in any residential district, except that a truck or commercial vehicle not greater than one and one quarter (1.25) tons may be parked in an accessory structure within a residential district.
- 5.7 *Plans and Specifications Required for Off-Street Loading and Unloading Spaces.* Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning permit.
- 5.8 *Off-Street Loading and Unloading.*
- A. All commercial and industrial structures hereafter erected or created are required to provide and maintain adequate off-street space for loading and unloading of materials, goods, or things, and for delivery and shipping. Such off-street space shall be designed so that service and delivery vehicles may use this space without encroaching on or interfering with public use of streets and alleys by pedestrians and other vehicles. All such structures are also required to have sufficient off-street parking space for all vehicles owned, controlled, or rented by such establishment.
  - B. Where any commercial or industrial structure is enlarged, or any such use is expanded, the full amount of off-street loading space shall be provided and maintained for the structure or use in its enlarged size.
  - C. Where the use of a structure or land, or any part thereof, is changed to a use requiring off-street loading space under this article, the full amount of off-street loading space shall be provided and maintained to comply with this Section.
  - D. Off-street loading space shall be an area at least 12 feet wide by 45 feet long with

14-1/2 feet of vertical clearance. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

1. For each retail store, storage warehouse, wholesale establishment, industrial plant, freight terminal, market, restaurant, funeral home, laundry, dry cleaning plant, or similar use which has an aggregate floor space of:
  - a. Less than 8,000 square feet - No off-street loading required, but no permit will be issued without off-street loading until the enforcement officer has approved the plot plan of the proposed structure;
  - b. 8,000 square feet to less than 20,000 square feet - One space of off-street loading is required;
  - c. 20,000 square feet to less than 60,000 square feet - Two (2) spaces of off-street loading is required;
  - d. For each additional 50,000 square feet, or fraction thereof, over 60,000 square feet - One (1) additional off-street loading space is required.
2. For each auditorium, convention hall, exhibition hall, hotel, office building, stadium, sanitarium, or similar use which has an aggregate gross floor area of:
  - a. Less than 10,000 square feet - No off-street loading required, but no permit will be issued without off-street loading until the enforcement officer has approved the plot plan of the proposed structure;
  - b. 10,000 square feet to less than 40,000 square feet - One (1) space of off-street parking is required;
  - c. For each additional 50,000 square feet, or fraction thereof, over 40,000 square feet - One (1) additional off-street loading space is required.
3. For each storage warehouse, wholesale establishment, industrial plant, freight terminal, or similar use which has an aggregate gross floor area of:
  - a. Less than 5,000 square feet – No off-street loading required, but no permit will be issued without off-street loading until the enforcement officer has approved the plot plan of the proposed structure.

- b. 5,000 square feet to less than 40,000 square feet – One (1) space of off-street parking is required.
- c. 40,000 square feet to less than 100,000 square feet – Two (2) spaces of off-street parking is required.
- d. Each 75,000 square feet, or fraction thereof, over the first 100,000 square feet – One (1) additional space of off-street parking is required.
- e. No area or facility supplied to meet the required off-street parking facilities shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.
- f. Plans for buildings or uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance, and access of all such off-street loading facilities.

- 4. For any uses not specifically mentioned herein, the off-street loading requirements specified above for the most similar use shall apply.

5.9 *Emergency Vehicle Access.* The enforcing officer shall require, at the specific request of the Police Chief or Fire Chief, separate additional emergency vehicle access lanes, if deemed necessary to provide for adequate emergency vehicle access to the principal structures on the property. Where required, emergency vehicle access lanes shall be located as close as possible to the main entrance of the principal structures of the property, shall be at least fifteen (15) feet in width, and shall be visibly designated for exclusive emergency use, either by painting, appropriate signage, or both.

5.10 *Continuing Character of Obligation.* Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure or use exists or its use requiring such parking or loading facilities continues. Apart from the discontinuance, sale, or transfer of the building or use, it shall be unlawful for said owner to discontinue, change, dispense with, or cause the discontinuance or change of the required vehicle parking or loading space without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this Ordinance; or for any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this Ordinance.

5.11 All lighting installed within parking facilities (including canopy lighting for gasoline station pump islands) shall be shielded or otherwise directed to prevent glare on adjoining property streets.

## SECTION 6 - ACCESSORY RESIDENTIAL UNITS

Technological and medical advances have made it possible for people to live longer lives and to live more independently than ever before. At the same time, a declining number of children must provide care and support for an expanding elderly population, despite increased work demands to make ends meet. The Town of Jackson's Gap understands the demands faced by working adults, and seeks to provide an option for families to provide special and convenient care for elderly and handicapped members. The purpose of this Section is to establish basic standards for the development of *accessory* residential units to provide a semi-independent living environment for family members who require special care and support from the primary household. Such a unit would provide greater privacy and personal freedom than an added bedroom within the primary dwelling, but would not create an additional independent living unit that would alter the character of the original single family structure and the surrounding neighborhood. However, nothing in this section shall be interpreted to require the creation of an accessory residential unit to provide in-home care for an elderly or handicapped family member. Accessory residential units shall be allowed only for single family dwellings,

- 6.1 *Incomplete facilities for exclusive personal use.* The purpose of this provision is to provide opportunities for families to provide essential on-site care and support for elderly and handicapped members, not to provide opportunities for families to create independent rental units for general leasing. Therefore, accessory residential units must be designed to prevent independent use. All accessory residential units must lack either complete kitchen facilities or bathroom facilities for exclusive personal use. An incomplete kitchen must lack either a convection oven/stove or a kitchen sink. An incomplete bathroom must lack either a toilet or shower/bathtub. The remaining kitchen or bathroom facilities necessary to serve the accessory residential unit must be provided within the primary dwelling unit. The applicant shall provide evidence that the sewage disposal needs of the additional accessory bedroom(s) can be satisfied by the existing sewage service. No separate meters for utility service shall be established or provided for any accessory residential unit.
- 6.2 *Maximum floor area.* Accessory residential units shall contain not more than five hundred (500) gross square feet or twenty-five (25) percent of the total improved floor area of the primary residential dwelling, whichever is less.
- 6.3 *Leasing agreement prohibited.* No accessory residential unit shall be leased to a tenant through any formal leasing agreement or contract. Any reimbursement arrangements for use of the unit or support services provided to the tenant shall be on an informal and incidental basis.
- 6.4 *Contained within primary dwelling.* An accessory residential unit must be attached to (by a common wall) or contained within the primary dwelling unit on a property. No accessory structure or outbuilding on the lot may be used or modified to serve as an accessory residential unit. Not more than one (1) exterior entrance to an accessory residential unit shall be permitted and each accessory unit shall have one (1)

entranceway.

- 6.5 *Limit on number of units.* Where permitted, no more than one (1) accessory residential unit shall be allowed per primary dwelling.
- 6.6 *No change in character of structure.* An accessory residential unit shall be designed to cause no apparent change in the exterior residential character or appearance of the primary dwelling unit.
- 6.7 *Documentation of need.* Accessory residential units are intended to serve specific family or household needs that would be better satisfied by the creation of a semi-independent living environment. Applicants who desire to construct an accessory residential unit shall submit a written statement to the enforcement officer describing the need that will be served by the accessory residential unit.

## SECTION 7 - SIGN REGULATIONS

- 7.1 *Purpose of Sign Regulations.* The public has a legitimate interest and concern in the construction, maintenance, and regulation of outdoor advertising within the Town. While Jackson's Gap acknowledges the legitimate public need for business visibility, local businesses must also recognize the legitimate public need for a beautiful and uncluttered community and the Town's legitimate need to ensure safe traffic circulation on Town streets. Many communities can attest that excessive, competing signage along public streets can create visual clutter, which makes it difficult for motorists to see traffic control and highway safety signs and to know where entrances to adjoining businesses are located. The Town also has determined that excessive, competing signage can divert motorist attention from the highway, which contributes to traffic accidents. Therefore, Jackson's Gap has determined that it is desirable to prescribe the manner of sign construction and to compel the use of safe materials; limit the number, type, surface area, height, and location of signs; and require clean and sanitary maintenance of signs in order to protect and promote the public health, safety, and welfare of the community. Further, these sign regulations are intended to lessen hazards to pedestrian and vehicular traffic; preserve property values; prevent unsightly and detrimental development which has a blighting influence upon the community; and, in general, preserve the character and aesthetic quality of the various zones within the Town.
- 7.2 *Sign Terms Defined.* The following sign terms, when used in this Ordinance, shall have the meanings defined by this section.
  - A. ***Advertiser.*** Any person, corporation, or other entity that seeks to convey a visual or audio message to the public.
  - B. ***Animated sign.*** Any sign which all or any part thereof visibly moves, imitates movement, or changes appearance in any fashion whatsoever.

- C. **Balloon sign.** Any device which is inflated by gas or air and intended to serve as a sign or to direct attention to a specific property or location.
- D. **Banner.** A temporary sign intended to be hung either with or without a frame or suspended from wires, cables, or rope. Banners generally possess letters, characters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banners shall include pennants, but shall not include official flags of a government entity or political subdivision.
- E. **Beacon or searchlight.** Any light with one or more beams (including laser beams), which may be stationary, moving, or rotating, directed into the atmosphere or directed at one or more points not on the same property as the light source.
- F. **Building nameplate.** A small memorial plaque, usually composed of metal or wood, affixed flush to an exterior wall near the main entrance of a building and bearing the name of the building or occupant, the date of construction, and/or the persons, entities, or corporations that financed its construction.
- G. **Billboard.** Any sign owned by a person, corporation, or other entity that is erected for the purpose of selling, leasing, or donating the display space on that sign to an advertiser.
- H. **Canopy.** Any permanent roof-like structure projecting from the wall surface of a building or structure, generally located at or below the roof line and designed to provide shelter from the elements. A canopy shall include all structures commonly known as awnings and marquees.
- I. **Canopy sign.** Any sign attached to or made part of the front, top, or side of a canopy.
- J. **Copy.** The permanent or removable wording and/or graphics placed upon, painted upon, or bonded to the display surface of a sign.
- K. **Erect a sign.** To build, construct, attach, hang, place, suspend, paint, or affix a sign.
- L. **Exempt sign.** A sign made exempt from a sign permit, in accordance with Subparagraph 7.4 (Signs Exempt from Sign Permits) of this Section.
- M. **Face.** That portion of a sign upon which the copy is placed, attached, bonded, or painted.

- N. ***Flashing sign.*** Any lighted sign or sign containing a reflective surface which changes color, twinkles, or flashes regularly or intermittently. Flashing signs shall not include signs displaying the current time and temperature, as permitted by the City Council, or traffic control signs.
- O. ***Freestanding sign.*** Any permanent sign that is either mounted independently upon the ground or supported by one or more columns or poles, and independent of support from any other building or structure on the site. Freestanding signs shall include, but shall not be limited to, all signs commonly known as ground signs, pole signs, pylon signs, A-frame signs, sandwich signs, and billboards.
- P. ***Hanging sign.*** Any sign which is attached to and projects down or dangles from a roof, canopy, or projecting brace that is attached to the face of an exterior building wall.
- Q. ***Historic marker.*** A sign prepared in accordance with National Trust for Historic Preservation guidelines and approved by the Town Council which identifies an historic landmark or district on the property. Such sign may contain a narrative describing the historic significance of the landmark or district.
- R. ***Number of signs.*** For the purpose of determining the number of signs, each sign shall be considered a single display surface or display device containing elements organized, related, and composed to form a unit. Where copy is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign. A multi-sided sign shall be considered one sign.
- S. ***Permanent sign.*** Any sign, other than a temporary sign, designed with a permanent display face. If a sign face is permanent but the copy displayed is subject to periodic changes, that sign shall still be regarded as permanent.
- T. ***Portable sign.*** Any sign that is not attached to a stationary object or structure that has a footing or that is not implanted beneath the surface of the soil. Such signs are commonly mounted on wheels or a frame that rests upon the ground. Portable signs shall include vehicles or portions of vehicles upon which signs or sign copy have been affixed that are permanently parked or displayed in one or more locations to serve exclusively as a business advertisement.
- U. ***Projecting sign.*** Any sign containing not more than two (2) faces, that is affixed directly to the exterior wall of a building or structure or to a solid brace or frame that is attached to the exterior wall of a building or structure in such a manner that the sign face extends outward from the wall surface.



- V. **Roof sign.** Any sign that is mounted upon, affixed to, or painted upon the roof of a building or structure or that extends above the building or structure roof line.
  
- W. **Sign.** Any identification, structure, illustration, or device, illuminated or non-illuminated, that is visible to the general public and directs attention to a product, message, service, place, activity, person, institution, business, or solicitation. A sign shall also include any emblem, painting, flag, statue, banner, pennant, balloon, or placard designed to advertise, identify, or convey information to the public.
  
- X. **Sign area.** That gross area, in square feet, of the advertising copy surface of a sign, as delineated by one continuous perimeter line, enclosing the extreme limits of the writing, representation, or other display. Where a sign contains multiple faces, only one (1) face of the sign shall be used in computing the sign area.
  
- Y. **Sign structure.** Any construction used or designed to support a sign.
  
- Z. **Snipe sign.** A sign of any material that is attached in any way to a utility pole, tree, fence, rock, or other similar object located on public or private property. Snipe signs shall not include real estate, political, yard sale, “beware,” “keep out,” “posted,” “private property,” or “no trespassing” signs.
  
- AA. **Temporary sign.** Any sign fabricated of paper, plywood, fabric, window whitewash, or other light, impermanent material and intended to be displayed for a limited duration. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
  
- AB. **Traffic control sign.** A sign or electronic device, such as a traffic signal or signs denoting stop, danger, handicap parking, one-way traffic, no parking, fire lane, etcetera, for the purpose of directing or regulating the movement of traffic and/or pedestrians.
  
- AC. **Wall sign.** Any sign displaying only one (1) face that is mounted flat upon, affixed flat to, or painted upon an exterior wall surface of a building or structure and is located entirely below the roof line.
  
- AD. **Window sign.** A temporary sign placed inside or upon a building or structure window and intended to be seen from the exterior of the building or structure.

### 7.3 *Required Permits, Fees, and Inspections.*

- A. Except where this chapter explicitly exempts a sign, all signs erected shall require

a sign permit issued by the Enforcement Officer. In addition, whether a sign is exempt or not, town building and electrical codes may require additional permits. No sign permit shall be required for routine maintenance or painting of a permitted or pre-existing, nonconforming sign, provided that such maintenance or painting activities do not alter the original format or appearance of the sign or result in any increase in the existing sign area or height of the sign.

- B. Each application for a sign permit shall include the following items:
  - 1. Name, signature, and address of the property owner, authorized agent of the property owner, if any, and sign contractor.
  - 2. Address of the property where the sign is to be erected.
  - 3. Lot area, zoning, and principal land use(s) on the lot subject to erection of a sign.
  - 4. A complete description of the sign(s) to be erected, including, but not limited to number, type, freestanding or attached, method of illumination, on or off-premises display, and setbacks.
  - 5. A dimensioned sketch of the sign and a plot plan showing the location of each sign on the lot.
  - 6. Other details sufficient for the Enforcement Officer to determine compliance with the requirements of this chapter.
  - 7. The required application fee.
- C. The applicable permit processing fee established by the Town Council shall accompany each application for a sign permit.
- D. The Enforcement Officer shall inspect each sign authorized by permit to determine compliance with the permit application.

7.4 *Signs Exempt from Sign Permits.* The following signs are exempt from required sign permits and all associated fees, and are permitted in accordance with the standards contained within this section and any other applicable provisions of these sign regulations. All exempt signs are permitted in any district if related to a permitted activity on a lot.

- A. *Historic markers.* Official historic marker signs designed or sanctioned by the National Trust for Historic Preservation shall be allowed upon approval by the Town Council.

- B. *Traffic control signs.* Such sign may include legal notices required by law; warning signs and no trespassing signs; identification, informational, or directional signs erected by any governmental agency or public utility.
- C. *Directional signs.* Such sign may indicate bus stops, taxi stands, off-street parking or loading facilities; other signs required for the control of vehicular or pedestrian traffic; restroom identification and direction; drive-thru window direction; telephone identification; and similar directional information. Such signs shall not exceed four (4) square feet in total sign area.
- D. *Flags.* Any official flag of a government entity and banners of a religious, charitable or fraternal organization. This exemption shall include the supporting device or flag pole. However, no property shall display more than four (4) flags without prior approval from the Town Council.
- E. *Artistic displays.* Such display may include decorative or architectural features of a building; public art works, murals, or displays; statues and sculptures that are not specifically commissioned or designed to advertise a specific business activity or commercial product; antique, commemorative, or historically significant signs that are properly maintained; and similar artistic displays.
- F. *Real estate or rental signs.* Each property may have up to one (1) non-illuminated real estate or rental sign, containing a maximum of two (2) sign faces in compliance with the following requirements:
1. The maximum sign area shall not exceed six (6) square feet for signs in a residential zone or twelve (12) square feet for signs in a non-residential zoning district.
  2. Multiple listing strips, sale pending, and sold signs shall be allowed when attached to the real estate sign, as long as the combined sign area does not exceed the maximum allowed in subparagraph “1” above.
  3. One (1) temporary on-premise ‘open house’ or ‘open for inspection’ sign, not exceeding three (3) square feet in sign area, may be allowed per property. Similar off-premise signs for directional purposes shall be allowed within the public right-of-way at subdivision entrances or on other private properties with the consent of the property owner. These signs must be removed when the premises are no longer open for inspection.
  4. All real estate signs shall be removed when ownership or occupancy of the property has changed and the property is no longer listed for sale, lease, or rent.

- G. *Construction site identification sign.* Each construction site shall be allowed to erect not more than one (1) non-illuminated, single face, temporary construction sign on a property which has been authorized for construction by the issuance of a zoning permit. Said sign shall be freestanding, and the sign area shall not exceed twelve (12) square feet. Construction signs must be set back at least five (5) feet from all property lines. The sign may include the names of the persons and firms performing services or labor, or supplying materials for the construction project. Any temporary construction sign shall be removed before any building or structures built on the property may be occupied. Temporary construction signs for residential developments shall be allowed to remain erect until seventy-five (75) percent of the total residential lots have been sold, or until a permanent identification sign has been erected, whichever occurs first.
- H. *Window signs.* Properties not located within a residential zoning district (AG, R-1, R-2, R-3, and MHP) may display window signs, provided that the sign area of any individual window sign shall not exceed fifteen (15) square feet and no more than thirty (30) percent of the total surface area of any window may be obscured by window signs.
- I. *Political signs.* Temporary political signs advertising campaigns of candidates for political offices or advertising, proposing, opposing, or relating views or positions upon a political question appearing or to appear upon an official election ballot may be erected in connection with elections or political campaigns. No political signs shall be allowed within or upon a public right-of-way. Within residential districts (AG, R-1, R-2, R-3, and MHP) only one (1) sign per candidate or political issue may be placed upon any single lot of record. Within all other regular zoning districts, not more than two (2) signs per candidate or political issue may be placed on any single lot of record. The total sign area for any political sign shall not exceed six (6) square feet. Political signs shall not be erected more than ninety (90) days prior to the date of the election, whether general or special, for which the person or issue advertised will appear on the ballot. Such signs must be removed within fifteen (15) days after the date of the election or run-off election (if necessary) has occurred.
- J. *Garage or yard sale sign.* A temporary sign advertising the sale of personal property on a lot may be erected on the lot where the sale is to take place. Such signs shall not exceed four (4) square feet in sign area and shall be displayed only on the day immediately prior to and day(s) during which the sale is conducted.
- K. *Special event sign and decorations.* A temporary sign indicating a special event such as a grand opening, traveling public exhibits, fair, carnival, circus, festival, personal announcements of births, marriages, birthdays, or similar events may be erected on the lot where the event is to take place, provided that such signs do not exceed the maximum applicable height and surface area requirements for the type of sign used and the sign is installed not more than thirty (30) days prior to the

event and removed not more than ten (10) days after the event has occurred. Decorative flags, banners, and bunting shall be allowed only for city-wide celebrations, conventions, and commemorations when specifically authorized by the Mayor and Town Council. This exemption also shall apply to decorative lights and displays celebrating any legal holiday.

- L. *Entrance/exit signs.* Entrance and/or exist signs which have a maximum sign face length of three (3) feet, a maximum sign face height of one-and-one-half (1.5) feet, and a total maximum sign height of two (2) feet. Only one (1) entrance/exit sign shall be allowed per curb cut. Entrance/exit signs shall not be allowed in residential zones or for any single or two-family residential uses located within any zoning district.
  - M. *Farm information sign.* Such sign may include farm logos or product information affixed to vehicles, equipment, buildings, silos, and tanks, and similar non-freestanding agricultural displays. Such signs shall be exempt from a zoning permit only within the AG, Agricultural Zoning District.
  - N. *Vehicle signs.* Such sign may depict identifying name, business, product, service, logo, and similar information painted or otherwise affixed to a registered vehicle that is in operating condition and is used regularly for business transportation. This exemption shall not apply to vehicles or portions of vehicles that are permanently parked in one or more locations to serve exclusively as a business advertisement. Such vehicles or portions thereof shall constitute a portable sign under the context of these regulations.
  - O. *Building nameplates.* Not more than one (1) nameplate per non-residential building, which shall not exceed two (2) square feet in total sign area.
  - P. *Legal notices and official instruments.* Legal notices and instruments required by a government or public regulatory entity to be posted or displayed shall be exempt from all aspects of these regulations.
  - Q. *Residential family name and/or house number signs.* A sign of less than two (2) square feet in area located on a parcel of property used for residential purposes, if that sign announces the name of the occupants or the street number of the property only.
- 7.5 *Sign Prohibitions.* Except where qualified below, the following signs are specifically prohibited throughout Jackson's Gap:
- A. Any sign or advertising structure which, by reason of location, position, shape, or color, interferes with, obstructs the view of, resembles, or can be confused with an authorized traffic control sign, signal, or device, or which incorporates the words "stop," "look," "danger," "turn back," or any other word, phrase, or symbol or

character that would interfere with, mislead, or confuse motorists.

- B. Any sign incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) or emitting smoke or steam.
- C. Any sign of any type or support thereof placed, extending, or projecting into or upon a public right-of-way, except as expressly authorized.
- D. Animated or revolving signs.
- E. Any sign located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private drives.
- F. Any sign with illegal, obscene, or prurient words, scenes, or graphics.
- G. Any sign that blocks another sign, fire escape, door, window, parking or loading aisle or space.
- H. Any sign that is damaged or not in a structurally safe condition and good state of repair.
- I. Roof signs.
- J. Portable signs.
- K. Beacons or searchlights.
- L. Flashing signs.
- M. Banners, unless approved by the Mayor or Town Council for a grand opening or a city-wide celebration, convention, or legal holiday.
- N. Balloon signs.

7.6 *Treatment of Abandoned Signs and Signs Advertising Abandoned Uses, Products, or Services.*

- A. Any sign copy or billboard copy identifying or announcing a use or business activity that has been abandoned, closed, or relocated, or which advertises a product, service, or entertainment the production, sale, or provision of which has been discontinued or canceled, shall be removed within six (6) calendar months of the date of abandonment or discontinuance.
- B. If a sign face is left blank for a continuous period of one hundred twenty (120)

days, that sign shall be considered abandoned, and within 30 days after abandonment the owner of the property where the sign is located shall cause the sign to be removed or replace the sign face or copy with an appropriate display or advertisement.

#### 7.7 *Nonconforming Signs.*

- A. *Grandfather status.* Any permanent sign legally existing on or before the date of adoption of these regulations, or any future amendment thereto, that does not conform with the requirements of these regulations may be continued and maintained. All nonconforming portable or temporary signs shall be removed or replaced with a conforming sign within one (1) year of the date of adoption of these regulations.
- B. *Alterations.* A nonconforming sign shall not be rebuilt, expanded, or altered in a way that would increase the degree of nonconformity as it existed at the time the grandfather status was conferred. This requirement shall not be interpreted so as to prohibit proper maintenance of a nonconforming sign or changes to the copy of the sign that do not increase the existing degree of nonconformity.
- C. *Expiration.* A nonconforming sign shall not be rebuilt or re-established after its use has been discontinued for a period of three (3) months, unless approved by the Town Council.
- D. *Damage repair.* A nonconforming sign shall not be reconstructed or repaired to a nonconforming status if it has sustained damage exceeding seventy-five (75) percent of the current replacement cost of the sign immediately prior to damage, unless approved by the Town Council. Current replacement cost shall be determined by the Town Council.

#### 7.8 *Dimensional Requirements for Permitted Signs.*

- A. *Canopy signs.* In zoning districts where permitted, canopy signs shall be allowed on the vertical faces of any canopy, awning, or marquee that is located directly above a building entranceway. Under no circumstances shall the sign face or copy of any canopy sign be allowed to extend beyond the edges of the vertical face of a canopy, awning, or marquee. In addition, the following absolute dimensional requirements shall apply.
  - 1. *Maximum sign area per single canopy face:* twelve (12) square feet.
  - 2. *Total cumulative sign area for all sign faces on an individual canopy, awning, or marquee:* twenty (20) square feet.
  - 3. *Maximum sign face or copy height:* two (2) feet.

4. *Maximum sign face or copy width:* six (6) feet.

- B. *Freestanding signs.* In zoning districts where freestanding signs are permitted, each lot of record may have not more than one (1) freestanding sign as an accessory structure to a principal use structure on the property. Freestanding signs shall be securely fastened to the ground or to some other metallic or concrete supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. The Town Council may approve one (1) additional freestanding sign for any existing lot of record that is accessed by more than one collector or arterial street on opposing sides of the property. Furthermore, if a development is located on a corner lot that has at least two hundred (200) feet of frontage on each of the two intersecting public streets, then the Town Council may allow not more than one freestanding sign along each side of the development site bordered by such streets. Freestanding signs shall be located as close a possible to the main traffic access to the property, but shall not be located closer than four (4) feet to the right-of-way of a public street nor closer than ten (10) feet to any property boundary. In addition, no freestanding sign shall be located less than fifty (50) feet from another freestanding sign on the same side of the street or less than one hundred (100) feet from another freestanding sign on the same property. All freestanding signs shall comply with the following dimensional requirements.

1. *Maximum sign area:*

- a. thirty (30) square feet for buildings containing less than two thousand, five hundred (2,500) square feet of gross floor area;
- b. forty (40) square feet for buildings containing at least two thousand, five hundred (2,500), but less than fifteen thousand (15,000) square feet of gross floor area; and
- c. eighty (80) square feet for all buildings containing at least fifteen thousand (15,000) square feet of gross floor area. However, the Town Council may increase the maximum sign area to a total sign area of not more than one hundred (100) square feet for a freestanding sign that will serve all businesses in a shopping plaza or office park containing not less than five (5) businesses.

2. *Maximum sign height, including the supporting structure and sign face:* twelve (12) feet along a street in a residential zoning district (R-1, R-2, R-3, and MHP), twenty-five (25) feet in all other districts. However, the Town Council may increase the maximum height of a freestanding sign to ensure sign visibility from an adjoining public street, where the elevation



of the street exceeds the elevation of the property by more than five (5) feet at the point where the freestanding sign will be erected. In no instance shall the increased height allow the top of the freestanding sign face or copy to extend more than twenty (20) feet above the nearest surface elevation of the paved street.

3. *Maximum sign face or copy height:* ten (10) feet for any sign displaying more than eighty (80) square feet of sign area; six (6) feet for all other signs.

4. *Maximum sign face or copy width:* ten (10) feet.

C. *Hanging and projecting signs.* In zoning districts where hanging and/or projecting signs are allowed, each building may have not more than one (1) hanging or projecting sign per building wall that has an exterior entrance. Hanging or projecting signs may extend into a public right-of-way, but shall not extend any closer than four (4) feet to the inside face of a street curb or the outer edge of the paved travel lane of a street, whichever is applicable. Hanging or projecting signs shall be located as close as possible to said exterior building entrance in accordance with the following requirements:

1. *Maximum sign area:* twelve (12) square feet.

2. *Maximum sign face or copy height:* four (4) feet

3. *Maximum sign face or copy width:* three (3) feet

4. *Minimum elevation from the bottom of the sign face or copy (including all supporting frames or braces) to the finished ground level directly beneath the sign:* eight (8) feet.

D. *Wall signs.* In zoning districts where wall signs are allowed, no portion of a wall sign shall extend above the building roof line or beyond the edges of the wall. In addition, no portion of a wall sign shall obscure any portion of a window or entranceway to the building. Each wall sign shall be affixed flush to the wall, and shall not project more than one (1) foot away from the wall surface, exclusive of any approved lighting fixtures. The following dimensional requirements also shall apply to all permitted wall signs:

1. *Maximum sign area of any individual wall sign:* twenty-four (24) square feet.

2. *Maximum cumulative sign area of all wall signs on a single building:* forty-eight (48) square feet, or not more than thirty (30) percent of the surface area of an affected wall, whichever is less.

3. *Maximum sign face or copy height:* four (4) feet.

4. *Maximum sign face or copy width:* six (6) feet.

7.9 *Signs Allowed Within Residential Zoning Districts.* Within agricultural and residential zoning districts (AG, R-1, R-2, R-3, and MHP) the only signs that shall be allowed are those classified as exempt from these regulations under Subparagraph 7.4 of this Section and residential subdivision entrance signs in accordance with the following requirements:

- A. Permanent freestanding ground signs to residential subdivision developments may be erected at principal entrances to the project. One sign shall be permitted at each principal entrance to the development.
- B. Entrance signs shall not exceed twelve (12) square feet in sign area and five (5) feet in height as measured from the base of the sign.
- C. Entrance signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be accidentally toppled or moved by the wind or other forces of nature and cause injury to persons or property.
- D. Residential subdivision entrance signs shall not be illuminated, unless indirect illumination is afforded by a street light positioned at the entranceway.
- E. Development entranceways, and, specifically, the area adjoining the entrance sign, should be appropriately landscaped and maintained to provide an attractive and inviting entrance to the subdivision.
- F. Public and semi-public uses (including churches, cemeteries, recreational centers, schools, libraries, etc.) located within a residential zone shall be allowed to install not more than one (1) freestanding or wall sign that does not exceed twenty (20) square feet of total sign area. No freestanding sign shall stand higher than fifteen (15) feet above the finished level of the ground at the base of the sign.

7.10 *Signs Allowed Within Non-residential Zoning Districts.* All signs that are exempt from these regulations shall be permitted in any non-residential zoning district in accordance with the conditions specified in Subparagraph 7.4 of this Section. In addition, owners of land within a non-residential zoning district may erect any sign identified in Subparagraph 7.8 of this Section in accordance with all dimensional requirements prescribed therein. However, in no instance shall the cumulative total sign area for all signs permitted under Subparagraph 7.8 of this Section that are erected on a single lot of record exceed the limits specified below for the applicable non-residential zoning district. Where a lot of record is divided by two or more non-residential zoning districts, the cumulative total sign area limitation of the more restrictive zoning district shall apply to

the entire non-residentially zoned area of the subject lot of record.

1. *VC- Village Commercial District.* Twelve (12) square feet of cumulative total sign area for each multi-family residential building or complex, public use, or church. Fifty (50) square feet of cumulative total sign area for each nonresidential building located on an individual lot. Eighty (80) square feet for each commercial center or complex containing five (5) or more businesses or offices.
  2. *HC – Highway Commercial District.* One hundred (100) square feet of cumulative total sign area.
  3. *M – Manufacturing District.* Eighty (80) square feet of cumulative total sign area.
  4. *FHA - Flood Hazard Area Zone.* The total permitted cumulative sign area allowed shall be determined by the underlying zoning district requirements.
- 7.11 *Traffic Visibility Provisions.* No permanent or temporary sign exceeding four (4) square feet in area shall be permitted within the clear sight triangle of an intersection, as defined in Article III Section 11, Traffic Visibility at Intersections, or within fifteen (15) feet from the front lot line. This limitation may be waived if such sign does not obstruct visibility between a height of thirty (30) inches and eight (8) feet above the nearest street grade level or otherwise does not interfere with traffic visibility for entrance onto and exit from the lot and adjacent lots and the visibility of traffic flow through nearby intersections, as determined by the Enforcement Officer. In any event, no sign, regardless of size, height, or design shall extend into any right-of-way, except as expressly authorized.
- 7.12 *Construction and Maintenance of Signs.*
- A. All signs shall conform with applicable town building codes, which provide a comprehensive set of construction standards for signs. These specifications include wind loads, vibration resistance, seismic loads, acceptable supports, allowable stresses, materials, and electrical wiring.
  - B. All signs and all components thereof, including structural supports, shall be kept in a state of good repair.
  - C. The area surrounding the base of any freestanding sign shall be kept clear of all debris and undergrowth.
  - D. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where

landscaping is required by this chapter.

## **SECTION 8 - TELECOMMUNICATION TOWERS, ANTENNAS, AND SATELLITE DISHES**

- 8.1 *Purpose of Regulations.* The public has a legitimate interest and concern in the placement and appearance of telecommunication towers, antennas, and satellite dishes under the Telecommunications Act of 1996, where such control does not conflict with or unreasonably constrain the legitimate right of businesses to exercise free trade. Jackson's Gap desires access to advanced technology to serve its businesses and citizens, but not at the expense of the community's overall appearance and public image. Jackson's Gap seeks to impose sensible controls on telecommunication facilities, in order to maintain the aesthetic character and charm of the community and its neighborhoods against the insensitive and uncontrolled proliferation and placement of wireless facilities. New telecommunications towers should not create a cluttered landscape or dominate the community's skyline as it is viewed from the primary highway entrances to Jackson's Gap. To that end, the Town desires to partner with telecommunications firms to ensure expansion of the existing telecommunications infrastructure that will provide effective advanced communications services throughout the Town and surrounding environs, commensurate with local needs, with a minimal visual impact on the character and charm of the community, and without creating impediments to free competition among wireless telecommunications providers seeking to serve the Town. These regulations have been developed by the Town to achieve the aforementioned objectives.
- 8.2 *Definitions.* The following sign terms, when used in this Ordinance, shall have the meanings defined by this section.
- A. ***Antenna.*** An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. "Antenna" includes devices commonly known as "whips," "panels," and "parabolic dishes." "Antenna" shall include an antenna used in conjunction with microwave, cellular, or personal communication service systems and any other type of telecommunications systems now or hereafter in use.
  - B. ***Applicant.*** A party or parties who apply for a permit to construct a tower, to install an antenna on a proposed or existing tower, or to locate equipment on a proposed or existing tower compound.
  - C. ***Co-Location Site.*** A parcel of land or other site on which the antennas and related equipment of more than one party are located.
  - D. ***Communication Facilities.*** Towers, antennas, and associated equipment collectively.

- E. ***Equipment.*** All equipment and facilities used in conjunction with one (1) or more towers and/or antennas, including, but not limited to, electronic systems, generators, fuel tanks, and fuel.
  - F. ***FAA.*** The U.S. Federal Aviation Administration.
  - G. ***FCC.*** The U.S. Federal Communications Commission.
  - H. ***Fiber-Optics.*** Light transmissions through very fine flexible glass, by internal reflection.
  - I. ***Monopole.*** Any self-supporting wooden pole, metal, or concrete pole designed to support an antenna; provided, that the word “monopole” shall not include a latticed steel or metal tower, a tower which requires guy wires for support, or a tower which has more than one (1) source of support, such as a tower with more than one (1) leg.
  - J. ***Residential Property.*** Any land which is located in a Residential Zoning District—AG, R-1, R-2, R-3, or MHP.
  - K. ***Surveyor.*** A person who is registered with, and licensed by, the State of Alabama as a surveyor.
  - L. ***Tower.*** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and any other like structure used to support wireless telecommunications transmission facilities now or hereafter in use. As used in this Section, “tower” shall include any telecommunication tower installed or constructed within the Town prior to the effective date of this ordinance, regardless of whether such tower is a monopole or another type of tower.
  - M. ***Tower Compound.*** A parcel of land or a building on which communication facilities are located.
- 8.3 ***Jurisdiction of Regulations.*** All communication facilities or structures greater than one (1) meter in size, including but not limited to those facilities known as “cellular”, “personal communication system (PCS)”, “paging services”, and similar services, shall comply with these regulations. However, the following shall be exempt from these regulations under the specified conditions:
- A. ***Public Property.*** Antennas or towers located on property owned, leased, or

otherwise controlled by the Town of Jackson's Gap, provided a license or lease authorizing such antenna or tower has been approved by the Town Council.

- B. *Amateur Radio or Receive-Only Antennas.* Any tower, or the installation of any antenna that does not exceed the maximum height restriction of the applicable zoning district or seventy (70) feet—whichever is less—and is owned and operated by a federally-licensed amateur radio station operator, or is exclusively for receive-only antennas.
- C. *Pre-Existing Communication Facilities or Towers.* Any communication tower or antenna which was constructed prior to the effective date of these regulations and which complied with all applicable State, Federal, and Local codes, laws, and regulations in effect at the time of construction, provided, however, that all pre-existing communication facilities or towers shall submit a written request of exemption to the Enforcement Officer within six (6) months of the effective date of these regulations. The written request shall state the name, mailing address, business and home telephone numbers of the owner, the street address and tax parcel identification number of the property upon which the communication facilities are located, and the date upon which construction of the facilities was complete. All written requests containing the required information shall be automatically approved if received within the above specified deadline.

8.4 *Basic Requirements and Design Considerations.* All proposed communication facilities (towers and antennas) governed by these regulations shall comply with the following requirements and guidelines.

- A. *Compliance with FAA Regulations.* All proposed communication facilities shall comply with all applicable FAA requirements, including but not limited to, Part 77 of the Federal Aviation Regulations (FAR), as amended.
- B. *Compliance with FCC Regulations.* All proposed communication facilities shall comply with all applicable FCC requirements, including but not limited to, the Telecommunications Act of 1996, as amended.
- C. *Structural Safety.* All proposed communication facilities shall comply with wind loading and other applicable structural standards contained in local building and technical codes, as they may be in effect and amended from time to time, including, without limitation, the Southern Standard Building Code and the Electronic Industries Association Code and any amendments thereto or replacements thereof, as may be adopted by the Town Council. The Town's Building Inspector or his/her designee shall determine whether a proposed communication facility will comply with this requirement.
- D. *Appearance and View Protection.* All proposed communication facilities with the exception of proposed antennas that will be co-located on a pre-existing tower

shall be attractively camouflaged, disguised, or hidden in a manner that it will blend into the surrounding environment to the greatest extent possible. Examples of proper camouflaging include: designing a tower to resemble a tree, designing a monopole to look like and function as a flag pole or freestanding sign support, hiding an antenna within a church steeple, or any other effective means of disguising the appearance of a tower or antenna that may be appropriate for the setting in the area surrounding the proposed communication facility site. It shall be the burden of the applicant to document and prove that a proposed communication facility cannot be effectively camouflaged, before approval of a non-camouflaged structure may be permitted by the Town. In such instances, the applicant shall explore alternative means of minimizing the visual impact of the antenna, such as installing it onto an existing telephone pole, streetlight, or building rooftop, rather than erecting a new tower specifically for the proposed antenna. However, in no instance shall a non-camouflaged communication facility be approved for a residential property.

- E. *Signs prohibited.* No signs or other forms of advertising, including signs displaying the name of the owner or user of the tower or antenna, may be attached to or depicted on a communication facility, unless the proposed facility is a new monopole specifically camouflaged and approved to serve as a permitted freestanding sign support. This prohibition shall not apply to any required warning or private property posting signs.
- F. *Construction materials.* Where applicable building codes, technical codes, and federal regulations permit flexibility in the choice of construction materials and where the selection of alternative construction materials will not compromise the structural integrity of the proposed communication facility, proposed new towers and monopoles shall be constructed of materials that have a composition, texture, and color that will most closely resemble structures and natural features that exist on and adjoining the facility site.
- G. *Health Effects.* All proposed communication facilities shall comply with all applicable FCC regulations and requirements in effect to prevent detrimental health effects from the proposed communication facilities. Under the Telecommunications Act of 1996, the Town cannot deny a request to construct a communication facility on the grounds that its radio frequency or electromagnetic emissions would be harmful to the environment or the health of residents, if those emissions meet FCC standards.
- H. *Interference with Existing Communication Facilities.* All proposed communication facilities shall comply with all applicable FCC regulations and requirements in effect to prevent interference with existing communication facilities serving the area.
- I. *Siting Requirements for Whip Antennas.* Whip antennas shall not be allowed on a

wall mounted antenna structure.

- J. *Co-location.* No new tower or monopole shall be erected on a proposed communication facility site unless the applicant can document and prove that an existing co-location site is not available or is not technically capable of serving the specific telecommunication need in the area of the proposed site. This co-location requirement may be waived by the Town where the proposed antenna would create an excessively cluttered appearance on the available co-location site (thereby drawing greater visual attention to the existing antenna site or creating a more imposing obstruction to scenic views and vistas from the area) *and* the proposed new antenna would be less visible or intrusive on the surrounding area if effectively camouflaged on an alternate site.
- K. *Setback Requirements.* All proposed communication facilities and structures, including guys and accessory facilities shall satisfy the minimum setback requirements of the zoning district in which they will be sited. However, all proposed tower compounds that will be located on a residential property shall be subject to an additional setback from all property boundaries of the site equal to the height of the tower structure as measured from the finished ground level at the base or pad surface to the tallest point of the structure. If the tower compound abuts a property with an existing or approved (but not yet constructed or completed) residential use, the residential property setback requirement shall be satisfied for all property boundaries of the site that abut said existing or approved residential uses.
- L. *Lighting.* Towers may not be artificially lighted, except where required to satisfy applicable FAA regulations. Lights for security and to assist in making emergency repairs may be installed on buildings within the tower compound which contain equipment essential to the operation and maintenance of the tower. Such lights shall be shielded and directed in a downward direction from a height of not more than ten (10) feet, and no such light may exceed a maximum of one hundred fifty (150) watts. Such lights shall be located and directed so that they do not shine, reflect, or generate excessive glare onto or toward any residential property or adjoining property upon which a residential use exists or has been approved for construction.
- M. *Security Fence.* All communication facilities to be located within a proposed tower compound shall be secured by the construction of an eight (8) foot high security fence or wall constructed, at a minimum, using chain link fencing.
- N. *Landscaping.* All proposed tower compounds must be surrounded by a landscaped buffer which shall provide an effective year-round screen to a height of at least eight (8) feet upon planting in order to screen views of the tower compound from adjacent public ways, residential properties, and properties upon which a residential use exists or has been approved for construction. The buffer



shall include a landscaped strip at least four (4) feet in depth located outside of the security fence or wall. The landscaped strip shall be planted with a combination of trees, shrubs, vines, and grown covers which are capable of attaining, at maturity, a height as high as the security fence or wall and which will enhance and screen the outward appearance of the security fence. The use of native species of plants and trees are encouraged to the extent that they will satisfy the requirement for adequate year-round screening. The applicant shall provide documentation to show what forms of vegetation will be planted within the landscaped area and how the area will be effectively maintained to ensure the long-term health of the plantings. Such documentation shall include the name, mailing address, and business telephone number of the party who shall be responsible for the maintenance and repair of the communication facilities and any fences, walls, and landscaped buffer areas. If the person or party responsible for such maintenance and repair changes any time after approval has been issued, the owner of the tower must provide the Town's Enforcement Officer with written notice of the new party's name, mailing address, and business telephone number and the date upon which the change will become effective.

- O. *Communication Facility Siting Priorities.* When selecting sites within the Town to locate proposed communication facilities or tower compounds, priority shall be given to locations in non-residential zoning districts. Residential property sites shall be given the lowest possible consideration for new sites.
- P. *Access and Parking.* A driveway and parking area with a surface appropriate for the intensity of use shall be provided for each proposed tower compound to provide adequate access to the tower compound for the maintenance and repair of the communication facilities and for vehicle providing emergency services. Subject to the approval of the Town Council and to an appropriate agreement with the owner thereof, access and parking for the tower compound may be provided on an adjoining property or along one or more public streets adjoining the tower compound.
- Q. *Height Limitations in Residential Zones.* No tower or monopole on a residential property shall exceed the maximum structure height limitations specified by the applicable zoning district standards contained in Article V of this Ordinance.

8.5 *Levels of Review and Approval.* In recognition of the high standards for proposed communication facilities established by this Ordinance, allowances have been made for an efficient and, in certain instances, expedited review process, where the applicant can demonstrate that a good faith effort to embrace and comply with the spirit and intent of these guidelines has been made in the design of the proposal. The three levels of review and approval and the types of projects that can be considered within each level are as follows:

- A. *Review and Approval by Enforcement Officer.* The following types of

communication facilities shall be reviewed and approved by the Enforcement Officer without the need for a public hearing, provided the proposed improvements fully comply with all requirements specified in Section 8.4 of this Article:

1. Any antenna (and associated cables and equipment) that will be co-located on an existing approved or registered pre-existing tower, as long as the proposed antenna(s) will not protrude at any point from the exterior surface of said tower by a distance of more than four (4) feet and the tower will contain no more than five (5) antennas if the application is approved. In addition, the supporting equipment for the proposed antenna(s) shall not require the construction of any new freestanding structures on the tower compound.
2. Any antenna (and associated cables and equipment) that will be sited in an existing structure that fully conforms with all applicable requirements of this Ordinance (not a non-conforming structure) and where, after installation, the antenna and all supporting equipment will be completely enclosed by the exterior walls of the structure or completely screened from public view at any point on the land within two (2) thousand feet of the proposed antenna. An example of such a scenario would be the placement of an antenna within the steeple of a church or the dome of a farm silo. The addition of the antenna and supporting equipment to the existing conforming structure shall not require the construction of an addition to house the communication facilities. However, interior modifications to the structure may be permitted as part of the approval by the Enforcement Officer.

B. *Review and Approval Exclusively by Town Council.* The Town Council shall have the authority to review and approve the following specific types of communication facilities and tower compounds, subject to the conduct of a public hearing, but without the need for a formal recommendation from the Planning Commission:

1. Any antenna (and associated cables and equipment) that will be installed on a co-location site that does not fall within the approval authority of the Enforcement Officer, as specified in Subparagraph A. 1. of this Section.
2. Any new antenna (not including a tower) that will be attached to an existing structure that fully conforms with all applicable requirements of this Ordinance (not a non-conforming structure), but that would not otherwise fall within the approval authority of the Enforcement Officer as specified in Subparagraph A. 2. of this Section.
3. Any new monopole not greater than thirty (30) feet in height and located

in a non-residential zoning district that is camouflaged or disguised in such a way that it cannot be immediately recognized as an antenna support.

4. Any new antenna or tower to be located on property owned, leased, or otherwise controlled by the Town of Jackson's Gap and located within a non-residential zoning district.

- C. *Review and Approval by Town Council Upon Recommendation From Planning Commission.* All applications not subject to review and approval by the Enforcement Officer in accordance with Subparagraph A of this Section or review and approval exclusively by the Town Council in accordance with Subparagraph B of this Section shall be subject to review and public hearings by both the Planning Commission and the Town Council. The Planning Commission shall review the application and issue a recommendation for approval or denial to the Town Council. Final review and approval or denial of the application shall be issued exclusively by the Town Council.

8.6 *Approval Procedures.* Review and approval of an application shall be conducted in accordance with the following procedures.

- A. *Pre-Application Consultation.* Any applicant seeking to develop communication facilities or tower compounds that fall within the jurisdiction of these regulations may request an informal consultation with the Enforcement Officer and/or Building Inspector prior to the preparation and submission of a formal application. The purpose of this voluntary consultation shall be to answer specific questions about the process or applicable design requirements, discuss possible camouflaging or co-location options, or discuss application format options and/or potential supporting documentation submission needs. Any such consultation discussions must occur before a formal application is submitted to the Town, shall be non-binding on the applicant and the Town, and shall not in any way constitute or be interpreted to constitute a decision to approve or deny an application.
- B. *Receipt of Application.* All required applications shall be submitted to the Enforcement Officer. Upon submission, the Enforcement Officer shall determine that the application contains all submission requirements specified in Section 8.7 of this Article and is, therefore, complete. No incomplete application shall be received by the Town for review and approval. Once the Enforcement Officer determines the application is complete, the application shall be determined to have been received by the Town on that date.
- C. *Enforcement Officer Review.* The Enforcement Officer and/or Building Official shall review a complete application within thirty-one (31) days of the date of receipt. At the end of that review, the Enforcement Officer shall issue approval or denial for those aspects of the application that fall within the approval authority of the Enforcement Officer, as specified in Section 8.5, Subparagraph A of this

Article. If the application or any part of the application is denied, the Enforcement Officer shall provide the applicant with a written letter of denial outlining the specific findings of fact used by the Town as the basis of the denial. Such denial shall be based on the unwillingness of the applicant to comply with the requirements of the regulations and/or the failure of the application to satisfy specific basic requirements and design considerations outlined in Section 8.4 of these regulations. If the Enforcement Officer fails to render a decision on the application within the required thirty-one (31) days, then aspects of the application subject to review and approval by the Enforcement Officer shall be deemed to be automatically approved without further consideration by the Town. However, the Town Council may grant an extension to the thirty-one (31) day deadline not to exceed an additional thirty-one (31) days, due to extended illness or absence of the Enforcement Officer during the required review and approval period or the submission of an application that is too large or extensive to be reviewed by existing staff resources within the prescribed time frame. On the date that the Enforcement Officer's review period ends, any remaining portions of the application not subject to approval or denial by the Enforcement Officer shall be submitted to the Town Council and/or Planning Commission for action, as may be applicable. The forwarded application shall be accompanied by a written report from the Enforcement Officer regarding his/her assessment of the proposed communication facility(ies) or tower compound(s) with the applicable requirements specified in Section 8.4 of this Article.

- D. *Planning Commission and Town Council Review.* All applications or portions of applications requiring review and approval of the Town Council and/or Planning Commission in accordance with Section 8.5, Subparagraphs B or C of this Article shall follow the same general guidelines as for an amendment to this Ordinance as specified in Article VIII (Amendments) of this Ordinance, with the specific exception that Planning Commission review shall not be required for applications that may be approved exclusively by the Town Council, in accordance with Section 8.5, Subparagraph B of this Article.
- E. *Public Hearing.* The Town Council and, if necessary, Planning Commission shall each conduct one public hearing on the application at the earliest regular meeting date that will satisfy the public hearing notice requirements following the date of submission by the Enforcement Officer. The required public hearing shall be noticed in the same manner prescribed in the applicable Sections of Article VIII of this Ordinance (Section 4 for the Planning Commission and Section 5 for the Town Council). At the hearing, the presiding body shall entertain a report from the Enforcement Officer regarding his/her assessment of the proposed communication facility(ies) or tower compound(s) with the applicable requirements specified in Section 8.4 of this Article. A written copy of the Enforcement Officer's report shall be incorporated into the minutes of the public hearing, along with a written synopsis of all public comments received and an attendance sheet identifying the names and mailing addresses of every person who attended the public hearing.

- F. *Decision.* The presiding body shall render a decision on the application within thirty-one (31) days from the date that the public hearing is closed. For the Planning Commission, such decision shall be in the form of a written recommendation, along with a list of the findings of fact upon which the recommendation was based, to the Town Council for final action. If the Planning Commission fails to render a formal recommendation on the application within the required thirty-one (31) days, then the application shall be transmitted to the Town Council for final decision with an automatic or implied recommendation of approval. If the Town Council fails to render a decision on the application within the required thirty-one (31) days, then the application shall be deemed to be automatically approved without further consideration by the Town. If the application or any part of the application is denied, the Town Council shall provide the applicant with a written letter of denial outlining the specific findings of fact used by the Town Council as the basis of the denial. Such denial shall be based on the unwillingness of the applicant to comply with the requirements of the regulations or specific basic requirements and design considerations outlined in Section 8.4 of these regulations that the application fails to satisfy.

8.7 *Submission Requirements.* All applications to construct communication facilities that fall within the jurisdiction of these regulations shall provide adequate documentation to demonstrate compliance with all applicable basic requirements and design considerations specified in Section 8.4 of these regulations. A single application may include any number of proposed tower compounds that will be located within the jurisdiction of this Ordinance, even though some of the proposed tower compounds may be subject to expedited review procedures as provided in Section 8.5 of this Article. Where an application includes tower compounds subject to different levels of review, the application may be divided into sections for each review category, within which all necessary supporting information for each proposed tower compound shall be provided. Whenever portions of an application have been approved or denied through an expedited review process, that information and any terms of said approval or denial shall be noted and considered in the subsequent review procedures for the remaining portions of the application. The Enforcement Officer shall determine the number of application copies that must be submitted by the applicant, based on the number of parties who must review the application. One (1) copy of the application shall be required for each of the following review agents, as may be required: the Enforcement Officer, Building Inspector (if such person is not the Enforcement Officer), Planning Commission (as a body), and the Town Council (as a body). At a minimum, each required application shall contain the following:

- A. A completed ***zoning permit application form***, including the required *application fee*.
- B. A ***site plan*** of the tower compound, prepared by a surveyor, at a scale not less than one (1) inch to fifty (50) feet, showing the location, street address, tax parcel identification number, and dimensions of the parcel of land that will contain the

tower compound, the location of all required setback lines, driveways, parking areas, buffers, fencing, landscaping, stormwater management improvements, fuel tanks (both above and below ground), and structures that exist or will be constructed on the property. If the property upon which a proposed tower compound will be located exceeds one hundred (100) acres in size, then the scale of the site plan shall be increased to one (1) inch to one hundred (100) feet, or the Enforcement Officer may grant authority to the applicant to limit the site plan coverage to a specified area around the proposed tower compound.

- C. ***Written proof of ownership*** of the proposed tower compound or authorization to use it.
  - D. A ***written report*** including a description of the proposed tower or antenna with the technical reasons for its design, a certificate from the project engineer documenting the structural integrity of the tower or antenna support for its proposed use including any co-located communication facilities that may already exist at the site, and an affidavit signed by the owner of the proposed communication facilities and the project engineer attesting compliance of the proposed communication facilities with all applicable FCC requirements with regard to any potential detrimental health effects that could be generated by the proposed facilities.
  - E. A ***silhouette and elevation view*** of the proposed tower (or the existing tower, if the applicant is seeking permission to install an antenna on an existing tower) and all other communication facilities, and the tower compound, describing colors and materials to be used for the communication facilities and any security fence, decorative fence, and decorative wall. The configuration of proposed antenna arrays must be shown on the silhouette. The proposed location of future, additional antenna arrays must be shown on the silhouette by dashed lines. The elevation view shall portray the general context and compatibility of the proposed facilities with respect to surrounding structures and natural features.
  - F. Copies of any proposed ***easements***, where applicable to the project.
  - G. Documentation of the ***frequency band and wattage*** of the proposed communication facilities.
  - H. For each new monopole, tower, or antenna that is not otherwise located on a co-location site, a ***written report*** documenting the attempts made by the applicant to secure a suitable co-location site both within the Town and in the adjoining unincorporated areas and any supporting technical reasons supporting the need for a new independent site.
- 8.8 ***Inspection/Fee.*** To determine whether tower compounds are in compliance with the requirements of this Ordinance, the Town shall make, or have made on its behalf, an

annual inspection of the communication facilities on each tower compound and the walls, fences, and landscaping around each tower compound, for which an annual inspection fee of \$200.00 shall be imposed. If more than one antenna is located on a tower, the annual inspection fee shall be \$300.00. The fee shall be due on January 1 of each year and shall be delinquent if not paid by January 31 of such year. To help defray the cost of collecting delinquent fees, an additional fee, in the amount equal to ten (10) percent of the fee shall be payable for each month, or portion of a month, after January in which the fee remains unpaid. If the fee is not paid within three (3) months of its due date, the Town may withdraw its permission for the location of communication facilities on the tower compound, in which event, all communication facilities must be removed from the tower compound within three (3) months of the day on which the owner or owners of the tower receive notice of such withdrawal of permission. The fee shall be payable by, and shall be the responsibility of the owner or owners of the tower, even if additional antennas located on the tower are owned by other parties. If there is more than one owner of the tower, each owner shall be jointly and severally liable for the entire amount of the fee and any additional fees due because of delinquency in payment. Any inspection conducted in accordance with these regulations shall not be relate to the safety or structural soundness of the communication facilities or tower. The purpose of the inspection shall be limited to determining whether such communication facilities and tower compound are in compliance with the provisions of this Ordinance. Any violation of the provisions of the Ordinance that are discovered through said inspection shall be processed and resolved in accordance with the procedures specified in Article VI, Section 4 of this Ordinance.

- 8.9 *Removal of Obsolete Towers.* Any tower that is no longer serving an active communication use shall be removed at the owner's expense. The owner shall provide the Enforcement Officer with a copy of the notice to the FCC of intent to cease operations and remove the tower and all associated communication facilities from the site within three (3) months from the date that all operations ceased. Where a tower serves as a co-location site, this provision shall not apply until all active users cease operation. If the owner of the tower fails to remove the tower as required, the responsibility for removal shall then apply to the owner of the land upon which the obsolete tower is located. Once the responsibility for removal has shifted to the property owner, the property owner shall remove the obsolete tower within one (1) month of the date that tower owner's removal deadline lapsed. If neither the owner of the tower nor the owner of the land removes the obsolete tower within the time prescribed herein, the Town may, but shall not be obligated to, remove the obsolete tower. If the Town removes the obsolete tower, it shall be entitled to recover the cost of removal from the owner of the tower and/or the owner of the land upon which the tower is located.
- 8.10 *Satellite Dishes.* All satellite dishes exceeding one (1) meter in diameter shall be considered structures required to be installed in accordance with all applicable provisions of this Ordinance, the Standard Building Code, and any other applicable regulations enforced by the Town of Jackson's Gap. All such dishes shall be located in the rear yard of the property, and shall be set back from all property lines a distance equal to the height

of the dish.

- 8.11 *Appeals.* All appeals from a decision by the Enforcement Officer or Town Council shall be to the Circuit Court or FCC as prescribed by the Telecommunication Act of 1996.

## **SECTION 9 - TEMPORARY USE BUILDINGS AND OFFICES**

Nothing in this ordinance shall be construed to prohibit the use of a trailer for a temporary construction office in accordance with the building code of the Town of Jackson's Gap, nor shall this ordinance be deemed to prohibit the parking of only one unoccupied camper-trailer, not exceeding ten (10) feet in width and twenty-five (25) feet in length, in an accessory private garage building or in a rear yard of any district, so long as no living quarters are maintained and no business is practiced in such camper-trailer while it is so stored or parked.

## **SECTION 10 - COMMON OPEN SPACE REQUIREMENTS**

Within developments where common open space is required or will be provided by a developer, the following requirements shall apply:

- 10.1 *Access to common open space.* Open space should be distributed throughout the development so that all lots within the development shall have either direct access or access from an improved public right-of-way or easement to such areas. Common open space lands shall be designed to permit access for maintenance without the need to cross private lands. Where common or public lakefront open space is provided within a proposed development, such lands shall be afforded convenient vehicular and pedestrian access from all lots within the development. Such access may be provided through a combination of streets and greenbelt easements.
- 10.2 *Minimum size of subdivision.* No subdivision containing fewer than twenty-five (25) lots or units shall contain common open space lands, unless such common lands are deemed necessary by the Planning Commission to provide and maintain required stormwater management improvements.
- 10.3 *Improvements prohibited from inclusion in common open space.* Common open space shall not include public or private streets, driveways, private yards, patios, parking areas, or utility easements, where the utilities within the easement would interfere with reasonable active or passive recreation uses. Sidewalks, playgrounds, and other outdoor recreational facilities, and ponds or lakes may be constructed within common open space lands, where adequate provisions are made for continued private maintenance of any such improvements.
- 10.4 *Management agreement for control and maintenance of common areas.* The Town of Jackson's Gap shall bear no responsibility or liability for the continued maintenance, repair, or improvement of privately owned common open space lands. No lot or structure in a development containing common or shared open space shall be sold until a



corporation, association, property owner's group or similar entity has been formed. Such corporation shall possess the right to assess all the properties which are jointly owned with interests in the common areas and facilities in the entire development, or in the tract which is a part of the entire development, to meet the expense of such entity. The corporation also shall be vested with authority to control, and the duty to regularly maintain (either directly or by contract), all of said mutually owned features of the development or tract portion thereof. In addition, the homeowner's association bylaws or rules shall contain provisions authorizing the local government to maintain said open space at the association's expense and upon fifteen (15) days advance written notice, if the association has not properly maintained any or all open space entrusted to it. Such entity shall operate under recorded conditions, covenants, and restrictions which may include compulsory memberships of all owners of lots and/or dwelling units, and flexibility of assessments to meet the changing costs of maintenance, repairs, and services. The Subdivider or developer shall submit evidence of compliance with these requirements to the Planning Commission prior to approval of a Zoning Permit or Final Plat.

## **SECTION 11 – CHILDCARE CENTER REQUIREMENTS**

All child care facilities, whether conducted within a home or in a non-residential building, shall be established in compliance with the following requirements.

- 11.1 *In-home child care centers.* Any in-home child care center that was lawfully established and licensed by the State of Alabama prior to the effective date of this Ordinance shall be allowed to remain in operation without further approval from the Town (subject to any conditions imposed by the Planning Commission at the time of approval). Any new in-home child care center (serving six or fewer children) will only be permitted by the Board of Adjustment as a Special Exception within a residential zone (AG, R-1, and MHP) subject to the applicable requirements of a home occupation, as specified in Article IV, Section 4 of this Ordinance, and subject to any additional mitigating conditions that the Board of Adjustment is authorized to impose under Article VII, Section 5.2 of this Ordinance. An in-home child care center shall be classified as a residential based facility and must satisfy all applicable requirements imposed by the State of Alabama Department of Human Resources.
- 11.2 *Non-residential child care centers.* Child care centers serving seven (7) or more children shall not be allowed in any residential zone or residential use building. All such child care centers shall fully comply with all requirements of the building code for an educational occupancy. Architectural plans also may be required to document compliance. Any child care center that was lawfully established prior to the effective date of this Ordinance, but does not comply with the requirements specified herein, shall be classified as a pre-existing, non-conforming use, subject to the requirements contained in Article IV, Section 1 of this Ordinance. Such uses shall be allowed to continue operation as previously permitted, only as long as the facility does not increase the number of children it serves and it does not expand the area of the facility (both

indoors and outdoors) dedicated to child care services. Any such change in the intensity of use shall require the issuance of a new zoning permit, and the facility shall fully comply with all requirements of this Ordinance.

## **SECTION 12 – JUNK VEHICLE STORAGE**

No automobiles, trucks, sport utility vehicles, vans, or other passenger vehicles that are not registered, do not bear a valid license tag, and/or are incapable of starting and moving under their own power shall be stored or parked in the front or side yards of a lot within a residential zone. All junk vehicles stored on a lot shall be screened from public view by a building, fence, wall, or hedge.

## **SECTION 13 – MANUFACTURED HOME SUBDIVISIONS**

All manufactured home subdivisions shall comply with the following special requirements.

- 13.1 Each manufactured home subdivision shall provide a landscaped buffer along any exterior boundary of the development site that abuts a property zoned AG, R-1, or VC.
- 13.2 Each manufactured home subdivision shall comply with all applicable requirements of the Jackson's Gap Subdivision Regulations, and shall be approved by the Jackson's Gap Planning Commission in accordance with those regulations.
- 13.3 The development site size for a manufactured home subdivision shall be five (5) acres, at least eighty (80) percent of which shall be developable land area.
- 13.4 Not less than ten (10) percent of the land area within a manufactured home subdivision containing twenty five (25) or more lots shall be dedicated for common open space.
- 13.5 H.U.D. seal required – Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development. Any lawfully existing mobile home or manufactured home not bearing such seal shall be deemed a non-conforming structure and shall be treated as a non-conforming structure and use in accordance with the regulations established in Section 1 of this Article.
- 13.6 Anchoring Requirements – All manufactured home shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission. Each manufactured home site shall be properly prepared for set up and installation as may be necessary and appropriate to prevent the accumulation of standing water or the drainage of storm water runoff beneath the manufactured home.
- 13.7 Skirting Required – All manufactured homes shall be skirted with a weather-resistant material which resembles siding materials commonly found on a single family dwelling. Exterior siding should not have a high gloss finish and should be residential in

appearance, including, but not limited to, clapboards such as conventional vinyl or metal siding wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. Concrete block or brick and mortar foundation wall constructed in compliance with all applicable building code requirements, shall be the preferred method of skirting. The exterior siding material must extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Where the space beneath a manufactured home that is to be enclosed by skirting is not completely covered by a concrete pad, then a ground vapor retarded of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting. All skirting shall be adequately vented.

- 13.8 Axles and tow bars removed – Once a manufactured home has been placed on an individual lot all tow bars and axles shall be removed and stored in a location on the lot where they cannot be seen from the street, neighboring homes, or adjoining properties.
- 13.9 Access to exterior entrances – Immediately after installation and prior to occupation, steps and a landing or porch shall be constructed at each raise exterior entrance or doorway to the manufactured home. At a minimum, the front or main entrance to a manufactured home shall be served by a stairway (not less than three feet in width) leading to a landing or porch not narrower than five (5) feet in depth (as measured outward from the exterior of the structure) nor shorter than eight (8) feet in length (centered along the entrance way) and containing a railing along all exterior edges of the landing and stairway. A stairway (not less than three feet in width) with exterior railings shall be erected at all other exterior entrances to the manufactured home. All required stairways and landings / porches shall be constructed of pressure treated wood or brick material or some combination of both. Required railings may be constructed of pressure treated wood or metal materials.
- 13.10 Sanitary facilities – Each manufactured home shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water, and central source of heat for the occupants thereof.
- 13.11 Landscaping – All manufactured homes shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood.
- 13.12 Orientation – Each manufactured home shall be oriented on the lot so that it meets all setback and area requirements of the zoning district. Wherever possible, the unit shall be located with its axis parallel with the street.
- 13.13 Minimum width – Each manufactured home shall be at least twelve (12) feet in width
- 13.14 Fuel storage facilities – All fuel oil supply systems serving a manufactured home shall be constructed in accordance with all applicable building and safety codes, except that any bottled gas tanks may be fenced or screened so as not to be clearly visible from the

street or abutting properties.

- 13.15 Number allowed – Not more than one (1) manufactured home shall be permitted on any individual lot that is not located within a manufactured home subdivision.
- 13.16 Use limitations – No manufactured home may be used for any purpose other than as regulated for residential use herein except in a non-residential zoning district as a temporary construction office or a temporary residence at a construction job site provided that such use shall cease when a certificate of occupancy is issued.
- 13.17 Storm Shelters – Each manufactured home lot shall have at least one (1) underground storm shelter capable of accommodating at least one person for each bedroom contained in the manufactured home.

## **ARTICLE V ZONING DISTRICT REQUIREMENTS**

### **SECTION 1 - ESTABLISHMENT OF ZONING DISTRICTS**

For the purpose of this Ordinance, the Town of Jackson's Gap is hereby divided into the type of districts designated as follows:

#### **1.1     Regular Districts**

|     |                                    |
|-----|------------------------------------|
| AG  | Agricultural District              |
| R-1 | Single Family Residential District |
| R-2 | Duplex Residential District        |
| R-3 | Multi-Family Residential District  |
| MHP | Manufactured Home Park District    |
| VC  | Village Commercial District        |
| HC  | Highway Commercial District        |
| M-1 | Light Manufacturing District       |
| M-2 | Heavy Manufacturing District       |

#### **1.2     Special Districts**

|     |                            |
|-----|----------------------------|
| FHA | Flood Hazard Area District |
|-----|----------------------------|

### **SECTION 2 - ZONING DISTRICT BOUNDARIES**

The boundaries of the various zoning districts are hereby established as shown on the Zoning Map. The Zoning Map includes a base map which identifies the location of the regular districts and an overlay to the base map which outlines the boundaries of the special districts. The Zoning Map and all explanatory matter thereon accompany and are hereby made a part of this Ordinance. Official copies of the Zoning Map shall be on file in the office of the Town Clerk.

### **SECTION 3 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- 3.1     Where boundaries are indicated as approximately following jurisdictional limits or platted lot lines or other property lines, such lines shall be construed to be such boundaries.
- 3.2     Where boundaries are indicated as approximately following streets, alleys, rights-of-way, or railroads, such boundaries shall be construed to follow the center lines of such streets, alleys, rights-of-way, or railroads.
- 3.3     Where boundaries are indicated as approximately following shorelines of lakes or ponds, such boundaries shall be construed to follow the mean high water lines of such lakes or

ponds. In the event of a change in the mean high waterline, the boundaries shall be construed as moving with the actual mean high waterline.

- 3.4 Where boundaries are indicated as approximately following streams, rivers, or other perennial water courses, such boundaries shall be construed to follow the centerline of such waterways as determined by the mean high water mark along opposing banks. In the event of a natural change in the location of such waterways, the district boundary shall be construed as moving with the centerline.
- 3.5 Where boundaries are indicated as being separate from but approximately parallel to any features listed in Subparagraphs 3.1 through 3.4 of this Section, such boundaries shall be construed as being parallel to and at such distance as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- 3.6 In un-subdivided property or tracts where a district boundary divides a lot, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the Zoning Map.
- 3.7 Where a public road, street, or alley shown on the Zoning Map is officially vacated or abandoned, the regulations applicable to the property to which the right-of-way reverts shall apply to the vacated or abandoned road, street, or alley.
- 3.8 In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the Town which will interpret the exact location of the district boundaries, following the guidelines contained in the preceding paragraphs.

#### **SECTION 4 - INTERPRETATION OF USES**

Where doubt exists as to whether a new or previously unclassified use is similar in nature to the permitted uses identified in this Ordinance, the Board of Adjustment shall approve or deny the location of the unclassified use in question. In making such a determination, the Board of Adjustment shall consider the extent to which the proposed use is consistent with the intent of the zoning district and determine the specific permitted use within the zoning district that is most similar in impact and characteristics to the proposed new use. However, in no instance shall the Board of Adjustment interpret a proposed use as being permitted in one district, when the use is more similar in impact and characteristics to a use that is permitted exclusively in another district. The following procedures to establish consistency of unclassified uses shall be observed.

- 4.1 *Determination by Board of Adjustment.* If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval of and subject to the conditions set by the Board of Adjustment. Such conditions of approval shall be established to prevent undue impacts of the new use on surrounding uses, and

shall be limited to:

- A. Special setback requirements;
- B. Special buffer or fencing requirements;
- C. Special lighting requirements to prevent excessive glare on neighboring properties;
- D. Special parking requirements;
- E. Special landscaping requirements;
- F. Special limitations on signage;
- G. Special limitations on traffic access points to the property; and
- H. Special stormwater management requirements.

4.2 *Rezoning required.* If the unclassified use is deemed to be incompatible with the existing zoning district intent, the Enforcement Officer shall recommend the most appropriate district classification and shall require the applicant to seek rezoning of the property in question, before the proposed use can be conducted on the property. In addition, the unclassified use shall be permitted by special exception in the district to which the property was rezoned, upon approval of and subject to the conditions set by the Board of Adjustment.

4.3 *Amendment of permitted uses.* Following the final action on the unclassified use, as Subparagraphs A or B of this Section may require, the Planning Commission may initiate an amendment to this Ordinance to add the newly permitted use to the list of permitted uses in the appropriate zoning district(s).

## **SECTION 5 – AG: AGRICULTURAL DISTRICT**

5.1 ***District Intent.*** The purpose of this district shall be to encourage very low density single-family residential development in outlying rural areas of the community characterized by active forestry and agricultural uses, but are just beginning to be developed. These areas typically lack full access to municipal infrastructure, or are located upon or near sensitive natural resources.

5.2 ***Permitted Uses.*** The following identifies the uses permitted in the AG - Agricultural Zoning District.

- A. Single-family dwellings, group homes, and manufactured homes, provided such structures are used for residential purposes and occupy single home lots.

- B. Accessory residential dwelling units in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
- C. Single Family Group homes, subject to the standards established in Article II, Section 2 and Article IV, Section 2 of this Ordinance.
- D. Accessory uses and buildings, including accessory signs, subject to the standards established in Article III, Section 4 of this Ordinance.
- E. Home occupations, subject to the standards established in Article IV, Section 4 of this Ordinance.
- F. Cottage industries, subject to the standards established in Article IV, Section 4 of this Ordinance.
- G. In-Home Child Care Centers, subject to the standards established in Article IV, Section 2 of this Ordinance.
- H. Commercial (for profit or public sale) agriculture, dairy, and poultry and livestock raising, provided that such activities comply with all applicable Best Management Practices promoted by the U.S. Department of Agriculture, the subject lot contains not less than five (5) acres of land, and all buildings used for housing fowl or animals, storing grain or feed, or processing products shall not be located closer than one hundred (100) feet to any property line of a property zoned R-1, fifty (50) feet to any other property line not zoned AG, or thirty (30) feet to any other property line within the AG Zone. Permitted commercial agriculture uses shall not include commercial feed lots or stock yards.
- I. Sale of products and commodities raised on the premises only, provided that any structure used for such sales shall not be closer than thirty (30) feet to the front or side property lines.
- J. Non-commercial agriculture, poultry, horse, and livestock raising as an accessory use to a one family dwelling for the principal benefit of the occupant thereof, provided that the subject lot contains not less than three (3) acres of land, and all related accessory buildings are located in the rear yard and not closer than one hundred (100) feet to any property line of a property zoned R-1, fifty (50) feet to any other property line not zoned AG, or thirty (30) feet to any other property line within the AG Zone. Permitted commercial agriculture uses shall not include commercial feed lots or stock yards.
- K. Harvesting of timber, provided that such activities comply with all applicable Best Management Practices promoted by the U.S. Department of Agriculture.



- L. Riding stables and academies, provided that the subject lot contains not less than five (5) acres of land, and any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than one hundred (100) feet to any property line.
- M. Public or private schools, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four (4) feet.
- N. Publicly-owned and operated community structures and lands, including parks.
- O. Public utilities, structures, and lands.
- P. Public or private golf course, except a par three golf course, miniature course or practice golf driving range operated for commercial purposes.
- Q. Campgrounds, provided that no camping sites or improved recreational areas will be located less than one hundred (100) feet from any property line of a property that is not located within the AG zone or less than fifty (50) feet from any other property line.
- R. Churches and other similar places of worship.
- S. Cemeteries.
- T. Boat docks and boat houses, as accessory uses to a residential use.
- U. Bed and Breakfast Inns.
- V. Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes.
- W. Greenhouses and nurseries.
- X. Temporary or portable sawmills for the cutting of timber on the surrounding land, provided that machine operations shall not be located closer than two hundred (200) feet from any property line of a property not located within the AG Zone or one hundred (100) feet from any other property line.
- Y. Veterinary Clinics, Commercial Kennels, and the raising of other domestic animals for sale, provided that no portion of a building, structure, outdoor run, or pens used to house or exercise such animals shall not be located closer that fifty (50) feet from any property line.
- Z. Principal use signs

5.3 ***Special Exception Uses.*** The following uses may be permitted in AG District subject to approval by the zoning board of adjustments

- A. Athletic fields or stadiums, race tracks and speedways, and other recreational areas for public use, including golf driving ranges, swimming pools, fish lakes, and similar recreational uses, provided that all activities are located at least two hundred (200) feet from any property line.
- B. Lodges, summer camps, public or private fishing clubs, gun clubs, and other similar outdoor recreational activities, provided that all activities shall conducted at least two hundred (200) feet from any property line.
- C. Hospitals (which may include a commercial cafeteria and/or a commercial pharmacy) and medical clinics, provided that the proposed facility and any permitted accessory structures and uses will not be located closer than one hundred (100) feet from any property line.

5.4 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** Twenty thousand (20,000) square feet for all lots. Lots not served by municipal sewer shall contain at least the required minimum, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. **Minimum Lot Width:** One hundred (100) feet.
- C. **Minimum Front Yard Setback:** Forty (40) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- D. **Minimum Side Yard Setbacks:** Twenty (20) feet.
- E. **Minimum Rear Yard Setback:** Fifty (50) feet.
- F. **Maximum Structure Height:** Thirty-five (35) feet or two and one half (2.5) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- G. **Maximum Impervious Surface Area:**
  - 1. For all lots under one-half acre (21,780 square feet) in size, not more than four thousand (4,000) total square feet of impervious surfaces.
  - 2. For all lots between one-half acre (21,780 square feet) and one acre

(43,560 square feet in size), six thousand (6,000) total square feet of impervious surfaces.

3. For all lots between one (1) acre and three (3) acres in size, not more than ten thousand (10,000) total square feet of impervious surfaces.
4. For all lots greater than or equal to three (3) acres in size, not more than seven and one-half (7.5) percent of the total lot area.

5.5 ***Minimum standards for all dwellings.***

- A. **Minimum Dwelling Unit Gross Floor Area:** One thousand (1,000) square feet.
- B. **Minimum required roof pitch:** 3:12
- C. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential utility service.

**SECTION 6 - R-1: SINGLE FAMILY RESIDENTIAL DISTRICT**

6.1 ***District Intent.*** This zoning district is intended to promote low density suburban tract residential development for single-family uses in areas that have limited access to municipal infrastructure or are located in close proximity to sensitive natural resources.

6.2 ***Permitted Uses.*** The following identifies the uses permitted in the R-1: Single Family Residential District.

- A. Single-family dwellings, excluding manufactured homes which shall be prohibited in the R-1: Single Family Residential District. However, where a new lot is being created for a single family dwelling which adjoins a lot within the AG Zone upon which a commercial agricultural use is being conducted, the residential lot shall contain a buffer as defined in Article II of this Ordinance along the common property line with the existing commercial agricultural use.
- B. Accessory residential dwelling units in single family dwellings only and in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
- C. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
- D. Home occupations, subject to the standards established in Article IV, Section 4 of this Ordinance.

- E. In-Home Child Care Centers, subject to the standards established in Article IV, Section II of this Ordinance.
- F. Churches and other religious structures
- G. Cemeteries
- H. Boat docks and boat houses, as accessory uses to a residential use.

6.3 ***Special Exception Uses.*** The following uses may be permitted in AG District subject to approval by the zoning board of adjustments:

- A. Non-commercial (for personal use by the property owners and not for sale or profit) agriculture, gardening, poultry, horse, and livestock raising as an accessory use to a one family dwelling for the principal benefit of the occupant thereof, provided that the subject lot contains not less than three (3) acres of land, and all related accessory buildings are located in the rear yard and not closer than one hundred (100) feet to any property line of a property zoned R-1, Fifty (50) feet to any property line not zoned AG, or thirty (30) feet to any other property line within the AG zone.
- B. Non-commercial (not for profit or public sale) nurseries, or greenhouses as accessory uses to a one family dwelling for the principal benefit of the occupant thereof, provided that the subject lot contains not less than one (1) acre of land, and all related accessory buildings are located in the rear yard and not closer than thirty five (35) feet to any property line.
- C. Riding stables and academies, provided that the subject lot contains not less than three (3) acres of land, and any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than one hundred (100) feet to any property line.
- D. Public or private golf course.
- E. Public parks, playgrounds, community buildings (including libraries, fire stations, police stations), and similar public service facilities serving residential areas, providing that no building shall be located within seventy-five (75) feet of any property line.
- F. Public utility structures and lands including electrical substations, gas metering stations, sewage pumping stations, and similar structures, provided that there is no outside storage area and a natural or landscaped buffer not less than twenty (20) feet in width is provided for the side and rear yards.

- G. Public or private schools, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four (4) feet.
- H. Bed and Breakfast Inns, provided that adequate off-street parking can be provided and the home to be used as a Bed and Breakfast Inn is located not less than fifty (50) feet from each adjacent residential structure on the same side of the street.

6.4 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** Fifteen thousand (15,000) square feet for lots served by municipal sewer. Lots not served by municipal sewer shall contain at least 15,000 square feet, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. **Minimum Lot Width:** One hundred (100) feet.
- C. **Minimum Front Yard Setback:** Thirty-five (35) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- D. **Minimum Side Yard Setbacks:** Ten (10) feet.
- E. **Minimum Rear Yard Setback:** Thirty five (35) feet.
- F. **Maximum Structure Height:** Thirty-five (35) feet or two and one half (2.5) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- G. **Maximum Impervious Surface Area:** Twenty-five (25) percent of the total lot area, up to a maximum of ten thousand (10,000) square feet of total impervious surface area.

6.5 ***Minimum standards for all dwellings.***

- A. **Minimum Dwelling Unit Gross Floor Area:** One thousand, three hundred (1,300) square feet.
- B. **Minimum exterior width of dwelling:** Twenty (20) feet.
- C. **Minimum required roof pitch:** 4:12

- D. **Foundation / Slab Requirements:** All dwellings shall be placed or constructed on a poured concrete slab or foundation in compliance with all applicable building code requirements.
- E. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential utility service.

## **SECTION 7 - R-2: DUPLEX RESIDENTIAL DISTRICT**

- 7.1 ***District Intent.*** The purpose of this district is to provide for two-family duplex dwellings, in addition to single family homes. The district also allows institutional and accessory uses common to residential neighborhoods.
- 7.2 ***Permitted Uses.*** The following identifies the uses permitted in the R-2: Duplex Residential Zoning District.
  - A. All uses permitted in the R-1: Single Family Residential District permitted by the board of adjustment
  - B. Two-family or duplex dwelling units (including two-family group homes).
- 7.3 ***Special Exception Uses.*** The following uses may be permitted in R-2 District subject to approval by the zoning board of adjustments:
  - A. Nursery, pre-kindergarten, or kindergarten, with a minimum of one hundred (100) square feet of outside play area per child, exclusive of building, utility, and parking areas.
  - B. Auditorium, field houses, and athletic fields
- 7.4 ***Dimensional Requirements:***
  - A. **Minimum Lot Size:** Ten thousand (10,000) square feet for all lots served by municipal sewer. Lots not served by municipal sewer shall contain not less than the minimum required for the specific type of unit, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.
  - B. **Minimum Lot Width:** Seventy (70) feet.
  - C. **Minimum Front Yard Setback:** Thirty-five (35) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.

- D. **Minimum Side Yard Setbacks:** Ten (10) feet.
- E. **Minimum Rear Yard Setback:** Forty (40) feet.
- F. **Maximum Structure Height:** Thirty-five (35) feet or two and one half (2.5) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- G. **Maximum Impervious Surface Area:** Twenty-five (25) percent.

7.5 ***Minimum standards for all dwellings.***

- A. **Minimum Dwelling Unit Gross Floor Area:** One Thousand (1,000) square feet for all single family dwellings and nine hundred (900) square feet per unit for two family dwellings.
- B. **Minimum exterior width of dwelling:** Fourteen (14) feet.
- C. **Minimum required roof pitch:** 3:12
- D. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential utility service.

**SECTION 8 – R-3: MULTI - FAMILY RESIDENTIAL DISTRICT**

- 8.1 ***District Intent.*** The intent of this district is to provide a broadest range of residential options and land use intensity, with multi-family housing in close proximity to commercial districts and places of employment. The district also allows institutional and accessory uses common to residential neighborhoods.
- 8.2 ***Permitted Uses.*** The following identifies the uses permitted in the R-3: Multi-family residential district.
  - A. Single Family Manufactured homes, as defined in Article II, Section 2, and subject to the minimum standards specified in Article IV, Section 3 of this Ordinance.
  - B. All uses permitted in the R-1 Single-Family Residential District and R-2 Duplex Two-Family Residential District and those permitted with board of adjustment approval.
  - C. Apartments, Condos, and Townhomes.

8.3 ***Special Exception Uses.*** The following uses may be permitted in R-3 District subject to approval by the zoning board of adjustments:

- A. Clubs not conducted for profit
- B. Boarding and rooming houses provided that, in addition to approval of the board of adjustment, written approval is obtained from both the health department and fire department.

8.4 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** Seven thousand-five hundred (7,500) square feet for the first dwelling unit, plus two thousand (2,000) square feet for each additional dwelling unit. Lots not served by municipal sewer shall contain not less than ten thousand (10,000) square feet, plus any additional area deemed necessary by the Tallapoosa County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. **Minimum Development Site Size (*for multi-family dwellings*):** Twenty-five thousand (25,000) square feet.
- C. **Minimum Lot Width:** Fifty (50) feet. For each additional unit add five (5) feet to the lot width
- D. **Maximum Density (*for multi-family dwellings*):** Seventeen (17) dwelling units per acre rounded down to the nearest whole unit.
- E. **Minimum Front Yard Setback:** Twenty-five (25) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- F. **Minimum Side Yard Setbacks:** Eight (8) feet.
- G. **Minimum Rear Yard Setback:** Thirty (30) feet.
- H. **Minimum Buffer Along Adjoining Single Family Zones (*for multi-family dwellings*):** Thirty (30) feet.
- I. **Minimum Separation Distance Between all Buildings on a single lot:** Ten (10) feet.
- J. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Thirty-five (35) percent.



- K. **Maximum Structure Height:** Thirty-five (35) feet or three (3) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

8.5 ***Minimum standards for all dwellings.***

- A. **Minimum Dwelling Unit Gross Floor Area:** Eight hundred fifty (850) square feet for all single family dwellings and seven hundred fifty (750) square feet per unit for all other dwelling structures.
- B. **Minimum exterior width of dwelling:** Fourteen (14) feet.
- C. **Minimum required roof pitch:** 3:12 for all single family and two-family dwellings. No minimum roof pitch required for multi-family dwellings.
- D. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential utility services.

**SECTION 9 – MHP: MANUFACTURED HOME PARK DISTRICT**

- 9.1 ***District Intent.*** The purpose of this district is to provide opportunities for the site development of attractive, affordable, moderate intensity, single-family manufactured home parks, where units are placed on rented lots and served by full municipal services, including water and sewer. It is the objective of this district to encourage an affordable, quality single-family living environment, without creating a detriment to appearance and aesthetic quality of neighboring or nearby residential areas.
- 9.2 ***Permitted Uses.*** The following identifies the uses permitted in the MHP: Manufactured Home district.
  - A. Single-family manufactured homes, as defined in Article II, Section 2, and subject to the minimum standards specified in Article IV, Section 3 of this Ordinance, provided that each new manufactured home placed within a manufactured home park shall have a fair market value that is at least ninety (90) percent of the average fair market value of all manufactured homes on rented lots that abut the proposed unit's rental lot.
  - B. One-family dwelling for the exclusive use of a watchman, caretaker, owner, or manager of a manufactured home park.
  - C. Office, maintenance, and storage buildings incidental to a manufactured home park.

- D. Personal Service facilities, such as laundromats (including coin operated dry cleaning) and refuse disposal areas, accessory to and intended to serve residents of the manufactured home park only.
- E. Recreational facilities designed and intended for use by residents of the manufactured home park only.
- F. In addition to the manufactured home spaces, off-street parking and loading spaces for vehicles in operating condition only, subject to the standards established in Article IV, Section 5.
- G. Not more than one accessory storage or utility shed of uniform construction for each manufactured home lot or space. Said storage or utility shed shall not contain more than eight hundred (800) cubic feet of storage space.
- H. In-Home Child Care Facilities, subject to approval by the Board of Adjustment as a special exception and further subject to the applicable requirements contained in Article IV, Section 11 of this Ordinance, provided that adequate off-street space is provided for vehicles dropping off and picking up children and that the traffic impacts will not be excessive for the existing street and neighborhood character.
- I. Principal use signs and accessory signs

9.3 ***Prohibited Uses.*** This area is specifically and solely designed to accommodate the parking of mobile homes and therefore no use which does not meet the description of “mobile home” or “manufactured home” contained in this ordinance shall be permitted.

9.4 ***Dimensional Requirements:***

- A. **Minimum Development Site Size:** Three (3) acres.
- B. **Maximum Development Density:** No more than seven (7) manufactured homes per gross acre of land shall be permitted within a Manufactured Home Park.
- C. **Minimum Frontage for Development Site Along the Main Street Serving the Manufactured Home Park:** One hundred (100) feet
- D. **Minimum Rental Lot Size:** Six thousand (6,000) square feet, plus any additional area that may be required by the Tallapoosa County Health Department for the provision of on-site sanitary sewage disposal.
- E. **Minimum Rental Lot Width and Length:** Sixty (60) feet wide and eighty feet (80) in length.

**F. Minimum Front Yard Setback:**

1. Ten (10) feet from the edge of the right-of-way line of any internal street within the manufactured home park that does not provide through traffic access to more than one external street.
2. Twenty (20) feet from the edge of the right-of-way line of any external local street or internal street within the manufactured home park that provides through traffic access to more than one external street. An additional setback may be required under the conditions specified in Article III, Section 6 of this Ordinance.
3. For any Manufactured Home Park with frontage along a street classified as a connector in the Comprehensive Plan, all structures shall be set back at least fifty (50) feet from the centerline of the connector street.
4. For any lot with frontage along a street classified as an arterial or collector in the Comprehensive Plan, all structures shall be set back at least seventy five (75) feet from the centerline of the arterial street.

- G. Minimum Rental Lot Side and Rear Yard Setbacks:** No principal structure within the park shall be located less than ten (10) feet from any rental lot line. When lots are designed for homes to be placed at 45 degree or 60 degree angles to the street, side yard and rear yard requirements may be reduced to five (5) feet, provided that not less than thirty (30) feet of unobstructed yards will be provided between each manufactured home.

- H. Minimum Frontage for Each Manufactured Home Space or Lot:** Fifty (50) feet for any lot or space adjacent to an internal or external street, except that the minimum frontage shall be reduced to Thirty (30) feet for any lot or space adjoining the turn-about at the end of a permanent cul-de-sac. All manufactured homes shall abut a public street, or a driveway of not less than twenty (20) feet in width, having unobstructed access to a public street, alley, or highway.

**I. Minimum Separation Distance Between all Buildings:**

1. All residential manufactured homes within the park shall be separated by not less than forty (40) feet between opposing unit sides (which shall be the longest exterior walls of the manufactured home).
2. Accessory structures for any residential manufactured home within the park shall be sited not less than fifteen (15) feet from any other structure,

nor less than five (5) feet from any rental lot line.

3. All other buildings within the park (office, laundry facility, non-manufactured home residence) shall be located not less than thirty (30) feet from any other principal structure.

J. **Minimum Buffer along all Exterior Boundaries of the Manufactured Home Park:** Thirty (30) feet along any Single Family Zoning District (R-1 and R-2) boundary and fifteen (15) feet along all other boundaries of the Manufactured Home Park. A landscaped strip within each buffer area of not less than eight (8) feet wide shall be provided along the manufactured home park boundary lines that do not abut a public street. This landscaped strip shall be improved to serve as a year-round visual screen, greenbelt, or a planting strip composed of deciduous or evergreen shrubs. Said shrubs shall be not less than four (4) feet tall when planted and shall at least seventy-five (75) percent of their mature growth opaqueness and shall be at least six (6) feet high within eighteen (18) months of planting, at the time of original construction of the park.

K. **Maximum Percentage of Development Site Covered by Impervious Surfaces:** Forty (40) percent.

L. **Maximum Structure Height:** Twenty-five (25) feet or two (2) stories for all structures not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

M. **Minimum Dwelling Unit Gross Floor Area:** Eight hundred (800) square feet.

N. **Minimum required roof pitch:** 3:12

9.5 ***Site Development Requirements.*** In addition to the Dimensional Requirements listed in Section 9.4 above and the applicable Manufactured Home standards contained in Article IV, Section 3 of this Ordinance, each Manufactured Home Park shall comply with the following requirements.

- A. All proposed lots and buildings in a Manufactured Home Park shall be served by municipal water and sewer. The minimum branch water line to an individual unit shall be three quarters (0.75) of an inch in diameter. Each manufactured home space shall be provided with a cold water tap at least four (4) inches above the ground or slab. In addition, a cutoff valve shall be installed for each branch water line, along with a back flow prevention device approved by a nationally recognized test agency. In manufactured home parks where gas distribution systems are installed, the installation shall conform to the requirements

promulgated by the Alabama Public Service Commission. The manufactured home shall contain at least one (1) shower or tub, a flush toilet, a lavatory, hot and cold running water and a source of heat for occupants.

- B. The proposed park shall be located on a site graded and improved to insure proper drainage and freedom from standing water.
- C. All driveways and walkways within the park shall be paved and adequately lighted. All street and public driveways within the park shall be lighted at night with electric amps of not less than twenty five (25) watts.
- D. Electrical outlets supplying at least 220 volts each shall be provided for each manufactured home space. Each service shall be mounted on a treated pole or metal pedestal and shall have a disconnecting means consisting of a circuit breaker or a switch and fused housed in a panel approved for exterior use. The power supply wiring from the service to the manufactured home shall be of a direct burial type, properly sized for service and buried in the earth. If the supply cable is encased in metal or plastic pipe the minimum depth buried shall be as required by the current adopted addition of the National Electrical Code.
- E. All manufactured homes placed in the park shall be placed or erected on a poured concrete slab in compliance with all applicable building requirements. Upon a written request by the applicant, the Town Council may waive the requirements for a concrete slab or pad for each manufactured housing unit, provided that such waiver is warranted to satisfy affordable housing needs in the Town, the manufactured homes will be properly anchored in accordance with all State standards, a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting, and the waiver will not excuse the applicant from any other applicable anchoring requirements.
- F. One off-street parking area, a minimum of two hundred forty (240) square feet in area and twenty (20) feet in width and providing parking for at least two (2) vehicles, shall be provided for each rental lot. Said off-street parking space shall be improved with a crushed stone, asphalt concrete, or concrete surface.
- G. A dedicated area of not less than ten (10) percent of the gross site area of a manufactured home park shall be reserved for common open space. Such common open space shall, at a minimum, be landscaped and appropriately improved to provide an area for healthful recreational use by the intended tenants of the park only. Examples of appropriate recreational area development include, but are not limited to, a playground for parks where young children will live or a paved walking/exercise trail for parks where senior citizens will live. This recreational area shall be designed and located so as to be free of traffic and above ground utility hazards, and should, where physical conditions permit, be located as centrally and conveniently within the park as is possible. The required

recreation areas may be concentrated in one location or distributed in multiple sites within the park, provided that no individual recreation site shall contain less than five thousand (5,000) square feet.

- H. No portion of a manufactured home park site that is located within a 100 year floodplain shall be improved for residential use.
- I. Each manufactured home park shall provide adequate on-site containers for the collection of household garbage generated by the tenants of the park. All garbage containers shall be placed and kept within three- or four-sided enclosures with walls at least four (4) feet high to provide proper screening of the containers. Manufactured home licensee will be responsible to oversee garbage and rubbish placed in approved containers.
- J. All manufactured home parks shall be located on public streets providing safe and convenient access. A manufactured home park shall possess frontage on at least one connector or arterial street, as identified in the Comprehensive Plan. All manufactured home parks designed to accommodate fifty (50) or more manufactured homes shall provide sidewalks along at least one side of each internal street.
- K. All lots and/or spaces dedicated for manufactured homes within a manufactured home park shall possess frontage on an internal or external street. All internal streets within the park that provide through traffic access to more than one (1) external street shall comply with all applicable street standards for the Town of Jackson's Gap. All other streets within the park shall, at a minimum, comply with the following requirements:
  - 1. **Minimum Dedicated Right-Of-Way Width:** Thirty (30) feet.
  - 2. **Minimum Roadway or Cartway Width:** Eighteen (18) feet.
  - 3. **Roadway or Cartway Surface Type:** Streets providing access to ten (10) or fewer manufactured home lots may be constructed with a compacted gravel surface. All other streets shall be paved. All roadway surface improvements shall be constructed in accordance with applicable Town standards.
  - 4. **Waiver:** The Board of Adjustment and/or Planning Commission may authorize written approval for a reduction in the minimum width and surface requirements for internal private streets in a manufactured home park, where individual rental lots are clustered around a central common off-street parking area and served by alleys or for short cul-de-sac streets designed to serve not more than five (5) manufactured rental lots.

- L. Every park shall be equipped at all times with fire hydrant equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable regulations of the Town. Fire hydrants shall be placed within the manufactured home park so that no mobile home shall be more than five hundred (500) feet away from said hydrant. No open fires, except barbecue grills, shall be permitted within the manufactured home park. All manufactured home parks shall be subject to the rules and regulations of the Jackson's Gap Fire Department.
- M. The manufactured homes may be installed within an approved manufactured home park only after at least fifty (50) percent or ten (10) of its lots or spaces (whichever is greater) have been completely improved or developed. This section shall in no way be construed to prevent development in stages of manufactured home parks, provided the total development plan is approved by the Jackson's Gap Planning Commission and developed in increments of two (2) acres minimum.
- N. No addition of any type other than an awning of aluminum, canvas, or fiberglass shall be added to a manufactured home within an approved manufactured home park. Said awning may be screened in. The awning shall not be greater than nine (9) feet in width and shall not be enclosed with any material other than screen.
- O. The corners of each rental lot shall be marked with an iron pipe at least one-half (1/2) inch in diameter and at least twenty-four (24) inches long. The exterior boundaries of the development site shall be marked by a stone or concrete monument, not less than twenty-four (24) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on the top with a cross, brass plug, iron rod, or other durable metallic material securely embedded. Each manufactured home lot shall be plainly and permanently numbered with letters and/or numbers not less than 2 ½ inch numbers high, so that they may be easily read from the street. The electrical service must also be permanently numbered for easy identification by meter readers.
- P. Any accessory storage structure placed on a manufactured home rental lot shall be a permanent structure providing a minimum of eighty (80) square feet of secured storage space. The design and exterior appearance of all accessory storage structures shall be uniform and approved as part of the manufactured home park plan.
- Q. All water, sewage and garbage disposal facilities in the manufactured home park shall satisfy all standards promulgated by the Alabama Board of Health as approved by the Tallapoosa County Health Department.
- R. Each manufactured home rental lot shall contain one patio of concrete, or other suitable masonry material, having a minimum area of one hundred fifty (150)

square feet.

- S. Each manufactured home park may devote a maximum of five (5) off-street parking spaces to transient recreational vehicles and shall designate each parking area devoted to such use by sign or painting. This provision does not prohibit the use of any special parking area for visitor parking.
- T. Each manufactured home park shall provide adequate storm shelter capacity for all residents of the manufactured home park, assuming at least three (3) persons per single-wide manufactured home lot and at least four (4) persons per double-wide manufactured home lot in the park. All storm shelters in the park shall be clearly identified on the manufactured home park site plan.
- U. All manufactured homes placed in the park shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development. Any existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be subject to the regulations established in Article IV, Section 1 of this Ordinance.
- V. Each manufactured home park and accommodating buildings shall discharge waste into a private disposal system approved by the county health official who may also require soil percolation tests to be performed within the disposal area as a guide to the size, location, and arrangement of the system.
- W. Sewerage disposal shall be provided through a trapped sewer at least four (4) inches diameter, which shall receive the waste from shower, bath tub, flush toilet, lavatory, laundry facilities, and kitchen sink of the manufactured home secured to such space. The trapped sewer in each space shall be connected to the public sewer system or a private disposal system approved by the health official in accordance with applicable regulations.

9.6 ***Manufactured Home Park Plan.*** A manufactured home park preliminary site plan shall be submitted to the Planning Commission for review and approval prior to the issuance of a Zoning Permit by the Enforcement Officer. No manufactured home park shall be permitted except under license of the Town of Jackson's Gap, upon approval by the Planning Commission, and in accordance with a permit issued by the Tallapoosa County Health Department. The Plan shall be drawn to scale and shall contain or include the following information. Such Plan shall be reviewed and approved by the Planning Commission only at a regular public meeting, but no specific public hearing shall be required for review and approval of the site plan only.

- A. A legend containing a site location map; the proposed name of the manufactured home park; the names of the developer, owner, and plan preparer, a north arrow; a scale; and an explanation of all symbols used on the plan.



- B. The location of all rights-of-way, streets, utility lines, hydrants, garbage containers, and other infrastructure improvements.
- C. The boundaries and dimensions of all rental lots in the park and other required areas in the park, with topographical contours depicted at two (2) foot intervals.
- D. The locations of all properties adjoining the manufactured home park site, including the existing land use, structures, and zoning classifications of said properties.
- E. The boundaries of all buffers and common open spaces, including all proposed recreational improvements and landscaping / screening improvements.
- F. Plans and specifications for all proposed internal streets and accesses to external streets.
- G. Proposed drainage and stormwater management improvements, as required in Article III, Section 12 of this Ordinance.
- H. The boundaries of all floodplains on the site.
- I. The location of any proposed office, showroom, or personal service facilities in the park.
- J. Plans and specifications for proposed water supply, sewage collection, garbage disposal, electrical system, and other such infrastructure facilities that will be provided within the park, including all information as may be required by the Tallapoosa County Health Department to ensure compliance with all applicable health regulations or a permit issued by the Tallapoosa County Health Department verifying full compliance of the proposed park with all applicable health regulations.
- K. The locations and capacities of all proposed storm shelters within the park.
- L. The required application filing fee.

9.7 ***Operational Requirements.*** In addition to the site development requirements specified in Section 9.5 above, each manufactured home park shall comply with the following operational requirements;

- A. The owner or designated licensee of a manufactured home park shall provide adequate on-site supervision and management to maintain the park, including its facilities, equipment, and improvements, in a clean and sanitary condition, free of litter, rubbish, and other potentially hazardous materials.

- B. All grounds and buildings within the manufactured home park shall be maintained in a manner that will not harbor insects and rodents, and will prevent accumulations of debris which provide habitat for the propagation of insects and rodents at levels that could constitute a nuisance to residents of the park or neighboring property owners. The park owner and/or operator shall be responsible for extermination measures to control pest populations in accordance with all applicable health and safety requirements.
- C. The park management shall supervise the placement of each manufactured home within the park, including the proper anchoring of the unit and its proper connection to all utility connections.
- D. The park management shall maintain a register during occupancy and for a period of twelve (12) months after departure containing the following information on each rental lot of space in the park:
  - 1. The name and mailing address of each lessee
  - 2. Date and entrance and departure
  - 3. License number of all manufactured home structures and other personal vehicles owned by lessee
  - 4. the states issuing such licenses
  - 5. Place of last location of each manufactured home and length of stay at the prior location

9.8 ***Applicability to Existing Parks.*** The provisions of this section shall not apply to any manufactured or mobile home park that was lawfully constructed and licensed on the date this Ordinance becomes effective. A manufactured home park shall be considered to exist if a detailed development plan has been submitted to the building official and a permit has been issued and substantial progress is being made toward completion of the development. It shall be necessary however for any manufactured home when placed on a lot after the adoption of this amendment or Ordinance to comply with a minimum of ten (10) feet from any exterior property. This provision shall not exempt any pre-existing manufactured home park from complying with the terms of this Ordinance when submitting plans for an expansion or redevelopment.

## **SECTION 10 - VC: VILLAGE CENTER COMMERCIAL DISTRICT**

10.1 ***District Intent.*** The purpose of this district shall be to create opportunities for village-scale commercial business, office, institutional, and service operations with the town's traditional downtown area. The village commercial district is also designed to serve small

scale business opportunities in a neighborhood setting, where good traffic access is available (such as street corner locations where a neighborhood connector streets intersects with another connector street or an arterial highway). When applied outside of the town's intended future downtown area, the area encompassed by a VC Zone should be limited to the lots immediately surrounding key neighborhood intersections, to help minimize intrusion of commercial uses into stable residential areas.

10.2 ***Permitted Uses.*** The following identifies the uses permitted in the VC: Village Center Commercial Zoning District.

- A. Single-family and Two-family (Duplex) dwellings, including home occupations in single family dwellings only, subject to compliance with all requirements specified in Article IV, Section 4 of this Ordinance
- B. Accessory residential dwelling units in single-family dwellings only and in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
- C. Educational, training, health, medical or nursing uses of public, charitable, or philanthropic nature, including rest homes and sanitariums.
- D. Nursing homes
- E. *Retail establishments customarily serving residential neighborhoods*, such as: pharmacies or drug stores, grocery markets, clothing and apparel stores, gift shops, jewelry stores, greeting card shops, book stores, music stores, consignment shops, news stands, toy stores, fish and tackle shops, sporting goods stores, craft and hobby shops, florist shops, video stores, furniture stores, hardware stores, and other similar establishments.
- F. *Personal or professional service establishments, and businesses repairing and servicing small equipment*, such as: barber shops and salons, photocopiers or print shops, coin-operated laundromats, tailors, shoe repair shops, electronic or small appliance repair shops, photography studios, camera shops, health and fitness clubs, newspaper offices, radio station studios, television station studios, jewelry and watch repair shops, and other similar establishments.
- G. *Professional offices* such as: banks (which do not offer drive-through services), doctors offices, dentist offices, accounting and tax preparation services, real estate offices, attorneys offices, investment offices, consulting offices, and other similar establishments.
- H. *Dine-in or carry-out restaurants*: including cafes, delis, bakeries, coffee shops, ice cream parlors, pizza parlors, and other similar dining or food establishments.

- I. In-home and Non-residential Child Care Centers, subject to the applicable requirements specified in Article IV, Section 11 of this Ordinance
- J. Clubs or Lodges, public and private
- K. Public and private educational institutions and associated accessory uses
- L. Churches and cemeteries
- M. Public and semi-public institutions and offices, including government offices
- N. Bed and Breakfast Inns
- O. Group homes, subject to the standards established in Article II and Article IV, Section 2 of this Ordinance
- P. Retail greenhouses and plant nurseries
- Q. Hotels, Motels, and Apartment complexes (see Article II, 2.38)
- R. Public utility structures and lands, provided that there shall be no outside storage area and a buffer shall be provided along the side and rear yards.
- S. Automobile Filling and Service Stations, provided that all structures, including pumps, shall comply with the setback line of any abutting street and that points of ingress and egress shall not be located closer than fifty (50) feet to each other (centerline to centerline) nor less than one hundred (100) feet to any street intersection, and shall not exceed twenty-five (25) feet in width.
- T. Truck stops
- U. Accessory off-street parking and loading spaces, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored. Not more than one quarter (1/4) of all required off-street parking spaces may be located within the front yard of the property.
- V. Accessory uses and building, subject to standards established in Article III, Section 4 of this Ordinance.

10.3 ***Permitted Uses with Exception.*** The following uses may be allowed by special exception, subject to approval of the Board of Adjustment in accordance with the procedures specified in Article VII of this Ordinance. Each use permitted by special exception shall comply with all specified conditions or requirements of the applicable use.

- A. *Drive through restaurants* – provided that adequate access to a public road or street exists to provide safe circulation and that the proposed business will not adjoin a residential use property.
- B. *Family entertainment and cultural uses* such as: video arcades, dance studios, live performance theaters, museums, art studios, martial arts studios, and other similar establishments that cater to children and families (not adults exclusively) and that do not serve or offer alcoholic beverages for sale.
- C. Loft, efficiency and studio apartments – provided that all of the following requirements are satisfied:
  - 1. Such residential uses are located above the first floor of a multi-story commercial use building,
  - 2. appropriate sound proofing or sound attenuation measures have been installed to limit noise impacts that may be generated by ground floor commercial uses,
  - 3. adequate off-street parking for all proposed apartment units is provided in the rear yard of the lot,
  - 4. separate building entrances are available for the proposed apartments,
  - 5. all exterior apartment windows and doors are secured by appropriate locks or security devices,
  - 6. adequate fire escapes ladders are available for each apartment unit and hard wired fire alarms and sprinkler systems are provided on all floors of the building
- D. Veterinary Hospitals and Clinics, Commercial Kennels, and the raising of other domestic animals for sale, provided that no portion of a building, structure, outdoor run, or pens used to house or exercise such animals shall not be located closer than fifty (50) feet from any residential property line.
- E. Mortuary
- F. Garage, provided all work is performed inside the enclosed structure and the outside storage of vehicles is limited to five (5), and no outside storage of parts of vehicles is permitted.
- G. Auto sales for new and used automobiles including accessory uses.

- H. Auto car wash

10.4 ***Prohibited Uses.*** The following uses are prohibited in the VC District:

- A. Major auto repair
- B. Junk yards
- C. Laundry and dry cleaning plants
- D. Manufacturing
- E. Truck Terminals

10.5 ***Dimensional Requirements:***

- A. **Maximum Business Size:** Not more than two thousand, five hundred (2,500) square feet of gross floor area devoted to the business use, including areas used for inventory storage and administrative offices. Buildings designed to house two (2) or more separate commercial operations may contain not more than five thousand (5,000) square feet of gross floor space.
- B. **Minimum Front Yard Setback:** No specific setback required. However, buildings that will be located on vacant lot between two lots that contain existing buildings (regardless of use) shall not be located farther from the street right-of-way line than the façade of the adjoining building with the deepest front yard setback nor closer to the street right-of-way line than the façade of the adjoining building with the shortest front yard setback. Where a public sidewalk is provided along the front yard of a lot, any building constructed on that lot shall be constructed as close to the street right-of-way line as is practical.
- C. **Minimum Rear Yard Setback:** Twenty (20) feet along any rear yard that adjoins a lot containing a residential dwelling. No other specific side yard setback shall be required.
- D. **Minimum Side Yard:** Ten (10) feet along any side yard that adjoins a lot containing a residential dwelling. No other specific side yard setback shall be required.
- E. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Forty (40) percent for all lots.
- F. **Maximum Structure Height:** Thirty-five (35) feet or two and one half (2 1/2) stories.

10.6 ***Minimum standards for all dwellings.***

- A. **Minimum Dwelling Unit Gross Floor Area:** One thousand (1,000) square feet for all single-family dwellings and seven hundred fifty (750) square feet per unit for all other dwellings.
- B. **Minimum required roof pitch:** 4:12 for all single family dwellings and 3.12 for all two-family dwellings. No minimum roof pitch required for multi-family dwellings.
- C. **Minimum Exterior Width of Dwelling:** Fourteen (14) feet
- D. **Foundation / Slab Requirements:** All dwellings shall be placed or constructed on a poured concrete slab or foundation in compliance with all applicable building code requirements.
- E. **Landscaping:** All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.
- F. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential utility service.
- G. **Parking:** Off-street parking provided Two-hundred (200) square feet of parking space per each: One-hundred (100) square feet of one-story buildings, or per each 60 square feet for two-or three-story buildings; motels, one (1) vehicle space for each four seats in the main dining room; theaters, one (1) vehicle space per each five (5) seats; other uses, off-street parking shall be provided as required by the board of adjustments. Off-street loading and unloading shall use required rear or side yard.

**SECTION 11 – HC: HIGHWAY COMMERCIAL DISTRICT**

- 11.1 ***District Intent.*** This zoning district is intended to provide development opportunities for a mix of small and large commercial uses requiring large lots and good highway access, and which may serve a broader market that may extend well beyond the Town’s corporate limits.
- 11.2 ***Permitted Uses.*** The following identifies the uses permitted in the HC: Highway Commercial Zoning District.

- A. All uses permitted in the VC: Village Center Commercial Zoning District
- B. Hospitals (which may include a commercial cafeteria and/or a commercial pharmacy), medical clinics, laboratories, sanitariums, and nursing homes
- C. Public and semi-public uses and structures including post offices
- D. Movie Cinemas, Auditoriums, and Theaters, including Drive-in Theaters
- E. The Manufacturing of articles sold at retail shall be permitted as an accessory use to the retail business, provided that such manufacturing activities occupy less than thirty (30) percent of the gross floor area. All sales, storage, service or incidental manufacturing activities shall be conducted within a fully enclosed building on the property.
- F. Athletic fields or stadiums, race tracks and speedways, and other recreational areas for public use, including golf driving ranges, bowling alleys, swimming pools, fish lakes, and similar recreational uses, provided that the parcel contains at least ten (10) acres of land, that all outdoor lighting provided night use shall be properly directed and shielded as needed to prevent excessive glare on adjoining properties, and all activities are located at least one hundred (100) feet from any property line.
- G. Truck Terminals and other transportation distribution centers
- H. Campgrounds and Recreational Vehicle Parks
- I. Wholesale business and distribution establishments not involving over twenty thousand (20,000) square feet of area for storage or ware to be wholesaled or distributed
- J. Mini-Warehouses
- K. Building contractor's office, except outside storage of heavy equipment, and building materials
- L. Marinas
- M. Shopping Centers, consisting of three (3) or more independent businesses
- N. Laundry and dry cleaning services
- O. Mortuaries and Funeral Homes
- P. Broadcast Stations and Transmission Facilities



- Q. Vehicle or agricultural implement sales, including campers, recreational vehicles, and accessory equipment.
- R. Building supply and equipment rental establishments

11.3 ***Permitted Uses with Exception.*** The following uses shall be subject to the approval of the Zoning Board of Adjustment:

- A. Outdoor advertising businesses.
- B. Small engine repair and services, however, no outside storage shall be permitted.
- C. Dance halls and concert halls
- D. Nightclubs and lounges
- E. Auto parts supply, no outside storage shall be permitted

11.4 ***Prohibited Uses.*** The following uses are prohibited in the HC District:

- A. Stockyard
- B. Junkyard, junk, scrap paper, or rag storage
- C. Live animal storage
- D. Coal yard
- E. Lumber yard
- F. Auto wrecking

11.5 ***Dimensional Requirements:***

- A. **Minimum Front Yard Setback:** This zoning district shall extend five-hundred (500) feet deep along major highways and a minimum setback may be required under the conditions specified in Article III, Section 7 of this Ordinance. Every effort should be made to site commercial structures as close to the right-of-way line as is possible, while retaining at least minimal front yard setback to provide adequate space for landscaping, signage, and other similar on-site improvements. Any buildings that will be constructed on a vacant lot between two pre-existing buildings shall not be located closer to or farther from the right-of-way line than the buildings on the immediate adjoining side lots. Not more than one third (1/3) of all required off-street parking spaces may be located within the

front yard of the property.

- B. **Minimum Side Yard Setbacks:** None required. Where the side yard of a property adjoins a residential zoning district a side yard buffer not less than thirty (30) feet in width shall be provided along the residential zoning district line.
- C. **Minimum Rear Yard Setback:** None required. However, where the rear yard of a HC property adjoins a residential zoning district, a rear yard buffer not less than thirty (30) feet in width shall be provided along the residential zoning district line.
- D. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Sixty (60) percent for all lots.
- E. **Maximum Structure Height:** None specified.  
Proposed Maximum Height: Sixty-five (65) feet.  
Maximum stories allowed, five (5) Stories.
- F. **Exterior Lighting:** Exterior lighting fixtures shall not extend higher than thirty-five (35) feet as measured from the ground and must be constructed to direct and control the beam within subject parcel/development. All exterior lighting fixtures shall be properly shielded to prevent excessive glare on neighboring properties.
- G. **Utilities:** All on-site utility service lines must be underground and metered at a location approved by the Planning Commission.
- H. **Parking:** Off-street parking provided, two-hundred (200) square feet of parking space per each: One-hundred (100) square feet of one-story buildings, or per each sixty (60) square feet of two-story buildings; theaters and auditoriums, one (1) vehicle space per each five (5) seats. Other uses: off-street parking may be provided by public parking facilities if it is within three-hundred (300) feet of the use. Off-street parking is to be added to the rear of the buildings when ever possible.
- I. **Curb Cut Access:** Access to each commercial use located on a lot which is at least ten thousand (10,000) square feet in area shall be only at clearly defined and marked entrances and exits no greater than twenty-five (25) feet in width separated by a curb or similar barrier to vehicular movement of at least fifty (50) feet in length; providing that this requirement shall not preclude the construction of special turnout lanes in the center of or along the side of the abutting roadway. Where public side street access is available, access to the property should be obtained from the side street.

## SECTION 12 – M-1: LIGHT MANUFACTURING DISTRICT

- 12.1 ***District Intent.*** The purpose of this district is to provide opportunities for the development of industrial and manufacturing operations that will have minimal impacts on the natural environment and that will be located in areas served by all necessary municipal facilities and services. Such uses shall not produce discharges that require the issuance of a National Pollutant Discharge Elimination System (NPDES) major operating discharge permit and shall not emit potentially noxious fumes, odors, or particulate matter into the air. The district also will provide opportunities for the development of limited commercial uses that are accessory and complementary to the associated primary industrial use.
- 12.2 ***Permitted Uses.*** The following identifies the uses permitted in the M-1: Light Manufacturing Zoning District.
- A. *Any industrial enterprise engaged in a manufacturing, assembly, or processing activity* that does not produce discharges that require the issuance of a National Pollutant Discharge Elimination System (NPDES) major operating discharge permit and does not emit fumes, odors, or particulate matter into the air that would be discernable beyond the boundaries of the property.
  - B. *Accessory commercial activities limited to the sale or servicing of products manufactured by the primary industrial use*, provided such commercial activities occupy not more than thirty (30) percent of the total floor area of the principal use building. All commercial activities shall be conducted entirely within the principal use building.
  - C. Body Shops.
  - D. Indoor and outdoor gun clubs and shooting ranges, provided that all activities involving the discharge of fire arms shall conducted more than two hundred fifty (250) feet from any property line and directed away from any established residential uses.
  - E. Warehousing and storage facilities, including mini-warehouses.
  - F. Truck terminals and shipping facilities.
  - G. Railroad yards.
  - H. Lumber yards and mills.
  - I. Fuel or building material storage.
  - J. Bottling plants, canneries (except fish and meat products), dairy products

manufacturing, ice cream plant and creameries, cold storage plants, ice plants, and pharmaceutical manufacturing.

- K. Accessory off-street parking and loading spaces, subject to the standards established in Article IV, Section 5, provided that no equipment or inoperable vehicles are externally parked or stored.
- L. Electrical parts assembly, toy manufacturing, and sign manufacturing
- M. Textile mills, dyeing plants, dry cleaners and laundries
- N. Residence for watchman or custodian
- O. Central mixing plants for cement, mortar, plaster, or paving material

12.3 ***Permitted Uses with Exception.*** The following uses shall be subject to the approval of the Zoning Board of Adjustment:

- A. Any manufacturing or business use not specifically prohibited herein, including metal fabrications.

12.4 ***Prohibited Uses.*** The following identifies the uses prohibited in the M-1: Light Manufacturing Zoning District.

- A. Slaughter houses and stock yards
- B. Distribution plants
- C. Rendering plants
- D. Forge plants
- E. Manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, tile, concrete blocks, candles, disinfectants, dyestuffs, and fertilizers
- F. Junkyards

12.5 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** None required. It is the intent of the ordinance that lots of sufficient size be used for any industrial, service, or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.
- B. **Minimum Lot Width:** One Hundred (100) feet.

- C. **Minimum Front Yard Setback:** Twenty (20) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- D. **Minimum Side and Rear Yard Setback:** Thirty (30) feet from all adjoining property lines and an additional twenty (20) feet from any property line that abuts a residential zoning district (AG, R-1, R-2, R-3, and MHP). All required setbacks along residential zoning districts shall be improved and maintained as a vegetated buffer to provide an effective year-round visual screen between the commercial use and the neighboring residential areas.
- E. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Sixty (60) percent.
- F. **Maximum Structure Height:** Fifty (50) feet. 4 stories
- G. **Parking:** Off-street parking provided space necessary to accommodate the vehicles of all workers in the industry of use. Adequate space necessary to store, overnight, all vehicles incidental to the operation of the industry or use shall be provided.

## SECTION 13 – M-2: HEAVY MANUFACTURING DISTRICT

- 13.1 ***District Intent.*** The purpose of this district is to provide opportunities for the development of industrial and manufacturing operations that will have potentially more significant impact on the natural environment than those permitted in the M-1: Light Manufacturing Zoning District and that will be located in areas served by all necessary municipal facilities and services. Such uses may require the issuance of a National Pollutant Discharge Elimination System (NPDES) major operating discharge permit in order for proper regulation of potentially noxious fumes, odors, or particulate matter into the air resulting from such operations. The district also will provide opportunities for the development of limited commercial uses that are accessory and complementary to the associated primary industrial use.
- 13.2 ***Permitted Uses.*** The following identifies the uses permitted in the M-2: Heavy Manufacturing Zoning District.
  - A. All uses permitted in the M-1: Light Manufacturing Zoning District
  - B. Automobile wrecking or junk yards when completely enclosed by a solid fence having a minimum height of six (6) feet, but in no case less than such a height as will screen all operations from view, with no part of the operation locating closer than one-hundred (100) feet to a residential area and all mechanized equipment used on site maintaining proper noise filtration.

- C. Sanitary Landfills when completely enclosed by a solid fence having a minimum height of six feet, but in no case less than such a height as will screen all operations from view, with no part of the operation locating closer than one-hundred (100) feet to a residential area and all mechanized equipment used on site maintaining proper noise filtration.
- D. Military installations, such as a reserve or National Guard centers or armories
- E. Quarries, borrow pits, sand and gravel operations, gas extraction, and mining when completely enclosed by a solid fence having a minimum height of six feet, but in no case less than such a height as will screen all operations from view, with no part of the operation locating closer than one-hundred (100) feet to a residential area and all mechanized equipment used on site maintaining proper noise filtration.
- F. Meat or poultry processing and slaughter houses when completely enclosed by a solid fence having a minimum height of six feet, but in no case less than such a height as will screen all operations from view, with no part of the operation locating closer than one-hundred (100) feet to a residential area and all mechanized equipment used on site maintaining proper noise filtration.
- G. Storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly-recognized offensive conditions
- H. Open air markets
- I. Residences for watchman, custodian, manager, or business owner

### 13.3 *Dimensional Requirements:*

- A. **Minimum Lot Size:** Same as M-1.
- B. **Minimum Front Yard Setback:** None specified
- C. **Minimum Side and Rear Yard Setback:** None specified.
- D. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Sixty (60) percent for all lots.
- E. **Maximum Structure Height:** Fifty (50) feet. 4 stories
- F. **Parking:** Same as for M-1.

13.4 **Regulations for Junkyards.** The following requirements shall pertain to all junkyards within the Town of Jackson's Gap:

- A. **Fencing.** A fence shall be erected on any property line abutting a public street and for a minimum of fifteen (15) feet from any corner of any property line abutting a public street. Such fence shall be approved by the building official. No junk shall remain outside such a fence.
- B. **Property Line.** The property line of a junkyard shall be well-defined and no junk shall be placed within three (3) feet of any property line. The junkyard shall be kept clear of ground cover vegetation over six (6) inches except for ornamental vegetation and trees as approved by the building official.
- C. **Motor Vehicles.** Motor vehicles that are kept at a junkyard for the purpose of selling the vehicles or parts thereof shall be stored on the installed tires or at least eight (8) inches above the ground and kept clean underneath at all times. Such vehicles will be kept separately from other vehicles and scrap. Motor vehicles kept at a junkyard for purposes other than the sale of vehicles or parts thereof shall be scrapped stored in an orderly manner.
- D. **Unsalable Material.** All unsalable material shall be destroyed and other material, such as cushions, linings and the like, shall be disposed of promptly. All materials shall be stored in such a way as not to catch or accumulate water or provide harborage for rats. Standing water shall not be permitted at any junkyard.
- E. **Parking.** Off-street parking will be provided either inside or outside the fence.
- F. **Inspection of Junkyards.** Junkyards will be inspected by the building official a minimum of once per quarter.

#### **SECTION 14 - FHA: FLOOD HAZARD AREA ZONE**

14.1 **District Intent.** Within floodplain areas, special land use restrictions are desired to: minimize human exposure to flood hazards, prevent excessive pollution or contamination of surface water resources during floods, provide maximum transmission and absorption of flood waters by restricting the intensity of impervious surfaces and man-made obstructions within floodplains, ensure that structures built within floodplains are properly flood-proofed, to minimize private investment losses due to flooding, and ensure the Town's continued participation in the National Flood Insurance Program. The purpose of this "overlay zone" is to impose special development standards and restrictions in areas identified by the Federal Emergency Management Agency as subject to special flood hazard to serve the aforementioned objectives. An "overlay zone" imposes special development requirements and restrictions in addition to the provisions of the underlying regular zoning district. When the requirements of this district conflict with the requirements of an underlying regular zoning district or with other applicable

ordinances and regulations, the more restrictive requirements shall be followed. All land use and development activities on lands within the FHA: Flood Hazard Area Zone shall also comply with all requirements of the Town of Jackson's Gap Flood Damage Prevention Ordinance.

14.2 ***Boundaries.*** The boundaries of the Flood Hazard Area Zone shall encompass all areas of Jackson's Gap lying within a Special Flood Hazard Area or 100-year floodplain, as shown on the latest published Flood Hazard Boundary Map or Flood Insurance Rate Map for the subject property, prepared for the National Flood Insurance Program by the Federal Emergency Management Agency.

14.3 ***Prohibited Uses.*** The following uses shall be prohibited within the FHA: Flood Hazard Area Zone.

- A. On-site septic systems, leach fields, and temporary sewage holding tanks.
- B. Open air storage or holding pits, bunkers, or ponds for the storage of animal manure or wastes.
- C. Sanitary landfills and other solid waste facilities.
- D. Junkyards.
- E. Animal corrals, stockyards, and poultry houses.
- F. Multi-family residential structures.
- G. Nonresidential buildings exceeding twenty thousand (20,000) square feet in gross floor area. However, a non-residential building containing more than twenty-thousand (20,000) square feet of floor area may be partially located within a floodway fringe area, provided that not more than twenty-thousand square feet of total building floor area is located within said floodway fringe area, no portion of the building encroaches upon or extends into the floodway, and the building has been properly floodproofed in accordance with all applicable regulations of the Flood Damage Prevention Ordinance.
- H. Mini-storage facilities.
- I. Group homes, nursing homes, and other congregate care facilities.
- J. Public and private schools or educational buildings.
- K. Hotels, motels, and bed and breakfast inns.
- L. Warehouse facilities used for the storage of hazardous waste or materials.



- M. Residential uses not otherwise prohibited within the FHA: Flood Hazard Area Zone shall not be permitted within a floodway or a floodway fringe area, nor shall any such residential structure encroach upon a floodway or floodway fringe area. No existing residential structure shall be extended, moved, replaced, or rebuilt unless the lowest floor (including basements) of said structure complies with the applicable construction and elevation requirements.

14.4 ***Dimensional Requirements:***

- A. Development activities and land uses within the FHA: Flood Hazard Area Zone shall comply with all requirements contained in the Town of Jackson's Gap Flood Damage Prevention Ordinance in addition to the specific requirements contained in this Zoning Ordinance.
- B. **Maximum Percentage of Lot Covered by Impervious Surfaces:**  
Twenty-five (25) percent for non-residential, non-agricultural, and mixed use developments. Fifteen (15) percent for residential uses. Five (5) percent for agricultural and other open space uses.



## **ARTICLE VI**

### **ADMINISTRATIVE AND ENFORCEMENT GUIDELINES**

#### **SECTION 1 - ZONING PERMIT REQUIRED**

No construction, renovation (except repairs, not changing the character of the structure and not exceeding \$1,000.00 in cost or value, or painting and wallpapering), reconstruction, or development activity governed by this Ordinance shall be conducted prior to the issuance of a Zoning Permit by the Enforcement Officer. No building materials or temporary structures for construction purposes shall be placed or stored on any lot prior to the issuance of a Zoning Permit by the Enforcement Officer.

#### **SECTION 2 - GENERAL ADMINISTRATION**

2.1 *Enforcement Officer.* The provisions of this Ordinance shall be administered and enforced by the Building Inspector or other officer of the Town as may be designated by the Town Council. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of building or premises necessary in carrying out his duties in the enforcement of this Ordinance.

2.2 *Invalid Permits.*

- A. No zoning permit, building permit, certificate of occupancy, or business license, or any other permit or license shall be issued by any Town department, official, or employee except in full compliance with this Ordinance.
- B. Any permit or license issued by any Town department, official, or employee, where issued in conflict with or violation of any terms of this Ordinance or other applicable codes or ordinances, shall hereby be declared null and void.

2.3 *Approval of Plans and Issuance of Zoning Permit.*

- A. The Enforcement Officer shall not issue a zoning permit for any proposed construction or development activity until an application and accompanying plans or documentation has been filed and reviewed in conformance with this Ordinance. To this end, the Enforcement Officer shall require that every application for a zoning permit for excavation, construction, use of land, moving, or alteration be accompanied by appropriate documentation of compliance with all other applicable codes, ordinances, and regulations and a map or plat drawn to scale and showing the following in sufficient detail to enable the Enforcement Officer to ascertain whether the proposed excavation, construction, use of land, moving, or alteration is in conformance with this Ordinance:

- 1. The actual shape, proportion, and dimensions of the lot to be built upon.

2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.
  3. The existing and intended use of all such buildings or other structures.
  4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or the adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
  5. The locations of all existing zoning district boundaries that apply to the lot.
- B. 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 Town codes, the Enforcement Officer shall issue a zoning permit accordingly. The issuance of a zoning permit shall, in no case, be construed as waiving any provision of this Ordinance.
  - C. If the application is rejected, the Enforcement Officer shall state in writing on the application the reason for rejection.

#### 2.4 *Certificate of Occupancy Required.*

- A. No land or building or other structure or part thereof hereafter constructed, moved, or altered in accordance with a zoning permit shall be occupied until the Enforcement Officer has issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.
- B. Within three (3) regular business days after the owner or his agent has notified the Enforcement Officer that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Enforcing Officer to make final inspection of the development site, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance and other Town codes.
- C. If a Certificate of Occupancy is denied, the Enforcement Officer shall state in writing the reason for rejection.

### **SECTION 3 - TEMPORARY LAND USES**

- 3.1 Temporary uses, as set forth below, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the districts within which they are proposed for location. The Enforcement Officer is authorized to issue a

Temporary Certificate of Zoning Compliance for any of the following temporary uses:

- A. Carnival, circus, or fair in any commercial district, for a period not to exceed twenty-one (21) days, subject to the approval of the Town Council.
  - B. Religious meeting in a tent or other temporary structure in any district, for a period not to exceed sixty (60) days.
  - C. Open lot sale of Christmas trees in any district, for a period not to exceed forty five (45) days.
  - D. Real estate sales office in any district, for a period not to exceed one (1) year, provided that such office is placed on the property to which it is appurtenant.
- 3.2 All Temporary Certificates of Zoning Compliance may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

#### **SECTION 4 - VIOLATION PROCEDURES**

Where a violation of the requirements of this Ordinance has been identified, either by complaint or by Town staff inspection, the following procedures shall be followed.

- 4.1 *Investigation.* If a complaint is received regarding an alleged violation of this Ordinance, the Zoning Enforcement Officer shall investigate the complaint and document the extent of the violation.
- 4.2 *Initial notification of violation.* Once a violation has been confirmed and documented by investigation, the Zoning Enforcement Officer shall issue a stop work order (if applicable) and/or prepare a letter to the owner of record of the property stating the nature of the violation, the date that the violation was verified, and requiring that the property owner cure the violation within a specified number of days from the date that the letter was mailed. The deadline for correction of the violation shall be established by the Zoning Enforcement Officer with due consideration and respect for the nature of the violation, the amount of work necessary to correct the violation, and the need for expeditious remedy of the violation to prevent undue public impacts. However, in no instance shall the deadline for correction of the violation be less than fifteen (15) days, nor more than thirty (30) days from the date that the letter was mailed. The letter also shall state that the owner must correct the violation, or the Town will issue a citation. Finally, the letter shall afford the offending property owner an opportunity to schedule a meeting with the Zoning Enforcement Officer within five (5) business days to discuss objections to the violation or to make special arrangements to cure the violation. Such notification letter shall be sent to the property owner via certified mail, return receipt requested. The Town may, at the discretion of the Zoning Enforcement Officer, send a

copy of the letter to the developer or tenant of the property (as the case may be) by first class mail.

- 4.3 *Re-inspection.* The Zoning Enforcement Officer shall, at the expiration of the prescribed deadline for correction of the violation, re-inspect the property for compliance with the notification of violation.
- 4.4 *Notice of citation.* If, upon re-inspection, the Zoning Enforcement Officer confirms that the violation has not been cured as ordered, the Zoning Enforcement Officer shall prepare a notice of citation, which shall be sent to the offending property by certified mail, return receipt requested. The notice shall state the date upon which the initial violation was confirmed, the nature of the violation (including references to the specific code provisions that have been violated), the required corrective measures, the dates upon which the initial notification of violation was sent and received, the time frame afforded to the property owner for correction of the violation, the date that the failure to correct the violation was confirmed, and the amount of the applicable fine, which shall be calculated from the date of citation and full payment of which shall constitute an additional remedial action for correction of the violation. The notice also shall require the property owner to fully correct the violation within ten (10) days of the date of citation, or the owner will be required to appear before the Municipal Court, at a time and date to be determined by the Municipal Court, to answer the charge of violation as explained in the notice of citation.
- 4.5 *Court action.* If the Zoning Enforcement Officer confirms that the violation has not been cured within the time frame specified in the notice of citation, the Zoning Enforcement Officer shall file a written complaint for relief of the violation with the Municipal Court.

## **ARTICLE VII BOARD OF ADJUSTMENT**

### **SECTION 1 - CREATION**

A Board of Adjustment is hereby established. The appointment, procedure, powers, and action of said Board of Adjustment shall be governed and controlled by Title 11, Chapter 52, Article 4, Section 80, Code of Alabama 1975, as amended.

### **SECTION 2 - COMPOSITION AND APPOINTMENT**

The Board of Adjustment shall consist of five members, each to be appointed for a term of three years, except in the first instance as provided by law. In addition, two supernumerary members shall be appointed to serve on the Board at the call of the Chairman in the absence of regular members. Such supernumerary members shall be appointed to serve three year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

### **SECTION 3 - PROCEDURES OF THE BOARD OF ADJUSTMENT**

- 3.1 *Bylaws.* The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other time as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be opened to the public.
- 3.2 *Records.* The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep the records of its examination and other official actions, all of which shall be of public record and be immediately filed in the office of the Town Clerk.

### **SECTION 4 - APPEALS TO THE BOARD OF ADJUSTMENT**

Appeals to the Board of Adjustment may be filed by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the enforcing officer. Such appeal and subsequent hearing of the appeal by the Board of Adjustment shall proceed as established by Section 80 of Title 11 of the Code of Alabama 1975, as amended, and by the rules of the Board. All appeals shall be submitted within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate,

a stay would, in his opinion, cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

## **SECTION 5 - POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT**

- 5.1 *Administrative Review.* To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by the enforcing officer in the enforcement of this Ordinance.
- 5.2 *Special Exceptions.* To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance. In approving a use allowed by special exception, the Board of Adjustment may impose any of the following special conditions as may be reasonable and necessary, based on specific findings of fact, to mitigate potential negative impacts of the special exception use on neighboring permitted uses in the neighborhood or zoning district.
- A. Special setback requirements (to alleviate potential use conflicts, to provide safe isolation distances, or to facilitate traffic access and mobility);
  - B. Special buffer, landscaping, or fencing requirements (to screen potentially conflicting uses);
  - C. Special lighting or light shielding requirements (to prevent excessive glare on neighboring properties);
  - D. Special parking requirements (to address special traffic or parking needs);
  - E. Special limitations on signage (to enhance or soften the appearance of the proposed use);
  - F. Special limitations on traffic access points to the property (to prevent traffic congestion and promote proper traffic circulation);
  - G. Special restrictions on operating hours (to reduce potential use conflicts);
  - H. Special soundproofing requirements (to prevent potential noise impacts); and
  - I. Special stormwater management requirements (to prevent excessive flooding or erosion impacts and/or to protect affected water resources).



### 5.3 *Variances.*

- A. 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 would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating all of the following:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - 3. That special conditions and circumstances do not result from the actions of the applicants or the legal owners of the property.
  - 4. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- B. No variance may be granted for a use of land or building or structure that is not permitted by this Ordinance.
- C. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

- 5.4 *Decisions of the Board of Adjustment.* In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the enforcing officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

## **SECTION 6 - APPEALS FROM ACTIONS BY THE BOARD OF ADJUSTMENT**

Any interested party who is aggrieved by any action or decision of the said Board of Adjustment may make an appeal there from as provided by law.



## **ARTICLE VIII AMENDMENTS**

### **SECTION 1 - PROCEDURES**

The regulations and the number, area, and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the Town Council, but no amendment shall become effective unless and until it is first submitted to the Town Planning Commission for its recommendation. The Planning Commission, upon its own initiative, shall hold public hearings, public notice of which shall be provided, for the consideration of any proposed amendment to the provisions of this Ordinance or to the Zoning Map of Jackson's Gap, and report its recommendations to the Town Council. The provisions of Section 78 of Title 11 of the 1975 Code of Alabama, as the same may be amended, shall apply to all changes and amendments.

### **SECTION 2 - AUTHORIZED PETITIONERS**

A petition for amendment of this Ordinance or the zoning district boundaries may be initiated by the Town Council, the Planning Commission, or the owner of a property or his agent.

### **SECTION 3 - PETITION FOR AMENDMENT**

A petition for amendment, when initiated by the property owner or authorized agent of such owner, shall meet the application requirements of this section.

- 3.1 Any persons, firm, or corporation desiring to petition for rezoning under the authority of this section must present such petition to the Enforcement Officer in writing, at least fourteen (14) days prior to the Planning Commission hearing. The petition shall be accompanied by the following information and materials:
  - A. Name, signature, and address of the property owner and agent of the property owner, if any.
  - B. Address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning.
  - C. Present and proposed zoning and land use of the property under consideration.
  - D. Reason for the rezoning request.
  - E. A site plan, drawn to scale and dimensioned, showing the size and location of the property boundaries, public right-of-ways, and the proposed use and development layout.

- F. A certified check, payable to the Town of Jackson's Gap in the amount of \$15.00 minimum (any additional cost above the minimum will be borne by the applicant).

#### **SECTION 4 - PLANNING COMMISSION ACTION**

- 4.1 *Notice of public hearing.* Where a zoning amendment or rezoning is petitioned by a property owner, the Town Clerk shall post, at least six (6) days prior to the date of the scheduled planning commission hearing, a public hearing notice regarding the proposed rezoning in four (4) conspicuous places within the Town. The notice shall state the following information:
  - A. The name of the petitioner.
  - B. The location of the property and the nature of the petition.
  - C. The current and proposed zoning and land use of the property.
  - D. The time, date, and location of the Planning Commission hearing of the proposed zoning amendment.
- 4.2 *Scheduling of hearing.* The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this Ordinance.
- 4.3 *Planning Commission recommendation.* The Planning Commission, by majority vote, shall recommend approval or denial of the requested zoning amendment or rezoning. Once a recommendation has been approved, the Planning Commission report its recommendations and the findings thereof to the Town Council. The Planning Commission report shall be transmitted to the Town Council within 30 days of the hearing, unless an extension period is granted by the Town Council. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission. To obtain an extension period from the Town Council, the Planning Commission shall entertain a motion to request such extension then shall immediately forward such request to the Town Council for consideration at the next regularly scheduled Town Council meeting.

#### **SECTION 5 - TOWN COUNCIL ACTION**

- 5.1 *Scheduling of public hearing.* Upon receipt of the recommendation of the Planning Commission, the Town Council shall schedule a public hearing on the proposed amendment at the next regularly scheduled Town Council meeting.
- 5.2 *Public hearing notice.* At least fifteen (15) days in advance of the passage of the amendment to the Zoning Ordinance, a notice of a public hearing on the proposed

amendment shall be posted in full in three (3) conspicuous places within the Town, together with a notice stating the time and place that the amendment is to be considered by the Town Council and stating further that at such time and place all persons who desire shall have opportunity of being heard in opposition to or in favor of such amendment. The Town Council shall hold a public hearing at the first regularly scheduled meeting after compliance with the notice requirements of this Ordinance.

- 5.3 *Approval or denial.* After the public hearing on a rezoning petition or proposed amendment to the zoning ordinance, the Town Council shall vote to approve or deny the amendment. Failure by the Town Council to vote in favor of a proposed amendment shall constitute denial of the amendment without a formal vote.

## **SECTION 6 - TIME LIMIT**

After the Town Council has voted on an application for rezoning or other amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the Zoning Ordinance, will not be considered until a period of one (1) year has elapsed from the date of such action by the Town Council. Provided, however, that the Town Council may adjust this time period, if in the opinion of a majority of the Town Council an unusual situation or circumstance exists.

## **SECTION 7 - INITIAL ZONING OF ANNEXED PROPERTY**

- 7.1 *Application for zoning.* An application for zoning of property to be annexed shall accompany each petition for annexation. The application for zoning shall be made on a form available from the Town Clerk and be filed with the Town Clerk at least ten (10) regular business days prior to the Planning Commission hearing. The Town Clerk shall transmit such petition and application to the Planning Commission, which shall hold a public hearing and give notice of such hearing in accordance with the notice requirements in Subparagraph 4.1 (Notice of public hearing) of this Article.
- 7.2 *Planning Commission action.* The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after submission and acceptance of the application. The Planning Commission, by majority vote, shall report its recommendations to the Town Council as to whether the property to be annexed should be brought into the Town in the zoning district requested by the applicant or, if the Planning Commission believes the requested zoning designation to be inappropriate, in the R-1: Single Family Residential Zoning District. The Planning Commission report shall be transmitted to the Town Council within thirty (30) days of the hearing date, unless the Town Council grants an extension of such period. Otherwise, the zoning classification requested by the applicant shall be deemed to have been recommended by the Planning Commission.
- 7.3 *Town Council action.* Upon receipt of the recommendation of the Planning Commission, the Town Council shall schedule and hold a public hearing on the recommended zoning of the property to be annexed. Such hearing shall not be held until the Town Council has

annexed said property into the Town, but may be conducted immediately following adoption of the annexation ordinances. The Town Council shall give public notice of the hearing on the recommended zoning in accordance with Subparagraph 5.2 (Public hearing notice) of this Article. Following such hearing, the Town Council shall decide by majority vote to accept or reject the recommended zoning. If the recommended zoning is accepted, such property shall be added to the Jackson's Gap Zoning Map. If the recommended zoning is rejected, such ordinances shall be remanded to the Planning Commission for reconsideration.

- 7.4 *Planning Commission reconsideration.* If the Town Council rejects the zoning recommended by the Planning Commission, the Planning Commission, within thirty (30) days following annexation, shall review the zoning of the newly annexed property and, if determined necessary, initiate a petition to rezone the property to the most appropriate district, in accordance with Section 3 (Petition for Amendment) of this Article. No fee shall be paid by the applicant for any reconsideration and rezoning action by the Planning Commission conducted in accordance with this Subparagraph. In determining the most appropriate zoning, the Planning Commission shall duly consider the following minimum items:
- A. The Jackson's Gap Comprehensive Plan, as adopted by the Planning Commission, as well as other relevant land use and planning studies;
  - B. The desires of the property owner subject to rezoning, as well as concerns of adjacent property owners;
  - C. The purposes and considerations of zoning, as required by this ordinance and Section 11-52-72 of the Code of Alabama, as amended.
- 7.5 *Action on Planning Commission petition.* The Planning Commission and Town Council shall act on the Planning Commission petition to rezone the newly annexed property in accordance with the procedures set forth in Sections 4 and 5 of this Article.

## **SECTION 8 - SPECULATIVE REZONINGS**

The Town of Jackson's Gap discourages the use of rezonings as a strategy to increase speculative land value, where the applicant has no actual or immediate intent to develop in accordance with the rezoning. Rezonings are intended to grant the applicant an opportunity to exercise appropriate alternative development options in situations where development in compliance with existing zoning is not possible or practicable, as long as the proposed uses are consistent with the Comprehensive Plan and the character of the surrounding area. The granting of this privilege by the Town carries with it a good faith expectation that the proposed development will occur in a timely and deliberate manner. Therefore, when the Town Council grants approval of a rezoning, the applicant should acquire a zoning permit or final plat approval (whichever is applicable) and commence construction activities in compliance with that permit

or approval within one (1) year of the date upon which the rezoning is approved. If such actions have not been taken within the specified time frame, the Planning Commission may initiate actions to further rezone the subject property and/or to reinstate the original zoning classification.





## **ARTICLE IX LEGAL PROVISIONS**

### **SECTION 1 - CONFLICTS WITH OTHER ORDINANCES**

Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. Whenever the requirements of this ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern, unless otherwise specifically stated in this Ordinance. No certificate of zoning compliance or plat approval shall be issued or considered valid for any use or activity which is or would be otherwise illegal under the terms of any applicable local, State, or Federal Law. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

### **SECTION 2 - REPEAL OF CONFLICTING ORDINANCES**

All previously adopted zoning ordinances or parts of zoning ordinances that are in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

### **SECTION 3 - SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not, in and of itself, invalid or unconstitutional.

### **SECTION 4 - VIOLATIONS AND PENALTIES**

Any failure to comply with the applicable requirements of this Ordinance shall constitute a violation of these Regulations under Title 11, Chapter 52, Section 83 of the Code of Alabama, 1975, as amended. Any such violation shall be punishable by a fine of up to five hundred dollars (\$500.00) and or imprisonment of not more than six (6) months, as provided in accordance with Title 11, Chapter 45, Section 9 of the Code of Alabama, 1975, as amended. Where such a violation has been confirmed to exist by the Enforcement Officer, the violation shall be cured in accordance with the administrative procedures outlined in Article VI, Section 4 of these Regulations.

### **SECTION 5 - RESTRICTIVE COVENANTS AND BYLAWS**

A property owner may impose bylaws, covenants, and deed restrictions upon any private property. Once any such bylaws, covenants, and deed restrictions have been recorded, they can be administered only by the owner of the property, and they may be enforced only by private legal action through a court of competent jurisdiction. The Town of Jackson's Gap and the

Jackson's Gap Planning Commission is in no way liable for and assumes no responsibility to approve, enforce, amend, or administer any duly adopted or recorded bylaws, covenants, and deed restrictions. Furthermore, advance knowledge by the Town prior to Final Plat approval that any such bylaws, covenants, and deed restrictions will be imposed by the land owner shall in no way constitute implied authority or responsibility to approve, enforce, amend, or administer any subsequently adopted or recorded restrictive covenants or bylaws. Finally, no such authority shall be implied by the granting of a zoning permit for any development activity on a property for which special bylaws, covenants, or deed restrictions have been or will be imposed.

#### **SECTION 6 - EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its adoption and publication by the Town Council, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.



## **APPENDIX A: FORMS AND CERTIFICATES**



**TOWN OF JACKSON'S GAP, ALABAMA**  
**ZONING PERMIT APPLICATION**

All property owners within the Town of Jackson's Gap must apply for and receive a Zoning Permit before undertaking any construction activities, which shall include site preparation and excavation for the construction of new buildings (including accessory or temporary structures), moving any structures onto a property, relocating existing structures on a property, alteration or repair of a structure (excluding painting, interior remodeling, or any alteration or repair activity that will not change the character, size, or position of the structure as it exists on the property). The purpose of this permit process shall be to establish compliance with the Zoning Ordinance prior to the commencement of construction activities. The approval of a Zoning Permit Application by the Enforcement Officer shall not imply or constitute approval of any other applicable permit requirements including, but not limited to, subdivision plat approval, building permits, septic system approval from the Tallapoosa County Health Department, and wetland permits from the U.S. Army Corps of Engineers. To apply for a Zoning Permit, please complete the following application and return the form with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Jackson's Gap Town Clerk at (256) 825-8518 during regular business hours.

**Applicant Information:**

*Name of Applicant:*

*Mailing Address:*

\_\_\_\_\_

*Business Hours Telephone #: (\_\_\_\_\_)*

*Fax # (If available): (\_\_\_\_\_)*

**Property Information:**

*Name of Owner(s), if different from above:*

\_\_\_\_\_

*Street Address of Subject Property:*

*Tax Map & Lot Number of Property:*

*Size of Subject Property:* \_\_\_\_\_ [   ] Acres    [   ] Square Feet

*Current Zoning Classification of Subject Property:*

*Does the Subject Property Contain any Existing Structures?*      [   ] Yes      [   ] No

*Was the Property (if vacant) or Existing Improvements created or constructed prior to  
the effective date of the Zoning Ordinance?*                      ☐ *Yes*              ☐ *No*

**Project Information:**

*Do you propose to: (Please check all activities that apply to your project)*

- ☐ *Construct a new building or accessory structure on the property?*
- ☐ *Move a new or used structure onto the property?*
- ☐ *Construct an addition to an existing building or accessory structure on the property?*
- ☐ *Move or relocate an existing building or accessory structure to a new location on the subject property?*
- ☐ *Replace or repair a building or accessory structure that was damaged or destroyed by fire or act of God?*
- ☐ *Erect a sign?*
- ☐ *Erect a telecommunication tower, antenna, or associated facilities?*
- ☐ *Other activity (please explain):*

---

*Please attach one reproducible copy of a site plan showing the proposed project activities. The site plan must show the entire boundaries of the subject property and must be drawn to scale in ink, preferably by a licensed and certified or registered surveyor, architect, or engineer. For single family residential projects, the required site plan may be drawn to scale on a survey plat contained in a closing document or a copy of the tax map showing the subject property. In addition, the site plan must contain or show the following information as may be applicable to the subject property or project, except where special site plan instructions are specified within the Ordinance for a special development activity (please contact the Enforcement Officer if you have any question as to whether one or more of the items listed below must be included on your site plan):*

- A. A north arrow.*
- B. A scale bar.*
- C. The length in feet of all property lines.*
- D. The outline of all existing buildings or structures and any proposed buildings, structures, impervious surfaces, or building additions on the property in their proper locations. (New buildings or additions should be hatched.)*
- E. The shortest distance in feet from all property lines to the closest point on any existing building or accessory structure or proposed new construction on the property.*
- F. The minimum width in feet (between opposing property lines of the property.*
- G. The maximum height in feet of any proposed new structure or addition.*
- H. The location of any existing or proposed street access or curb cut.*
- I. The location of any existing streams, lakes, ponds, or rivers on the property.*
- J. The boundaries of any floodway or 100-year Flood Hazard Area on the property as identified on the applicable Flood Insurance Rate Map.*
- K. Any boundaries of the Alabama Power Flood Easement on the property.*



- L. The outline and location of any existing or proposed septic system and associated leachfield on the property.***

**Certifications:**

*Applicant:*

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer to determine the compliance of the proposed property construction or improvement activities with the Town of Jackson's Gap, Alabama Zoning Ordinance.

\_\_\_\_\_  
*Date*

*Applicant's Signature*

*Property Owner:*

I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer to determine the compliance of the proposed property construction or improvement activities with the Town of Jackson's Gap, Alabama Zoning Ordinance.

\_\_\_\_\_  
*Date*

*Property Owner's Signature*

----- FOR TOWN OF JACKSON'S GAP USE ONLY -----

**Enforcement Officer's Information:**

*Date Filed:*

*Received By:*

*Application Fee Received:* \$ \_\_\_\_\_ [ ☐ ] *Cash* [ ☐ ] *Check #*

*Date Reviewed:*

*Decision:* [ ☐ ] *Application Approved* [ ☐ ] *Application Denied*

*Enforcement Officer's Signature:*

**Enforcement Officer's Review Checklist (To be completed by Enforcement Officer Only):**

|                           |  |  |
|---------------------------|--|--|
| <i>Proposed Land Use:</i> | <input type="checkbox"/> <i>Allowed in Zone</i>        | <input type="checkbox"/> <i>Not Allowed (Rezoning Required)</i>  |
| <i>Lot Size/Area:</i>     | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Too small (Variance Required)</i>    |
| <i>Lot Width:</i>         | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Too small (Variance Required)</i>    |
| <i>Street Frontage:</i>   | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Too small (Variance Required)</i>    |
| <i>Front Yard:</i>        | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Too small (Variance Required)</i>    |
| <i>Side Yard:</i>         | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Too small (Variance Required)</i>    |
| <i>Rear Yard:</i>         | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Too small (Variance Required)</i>    |
| <i>Imperv. Surfaces:</i>  | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Exceeds limits (Variance Needed)</i> |
| <i>Dwelling Size:</i>     | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Too small (Variance Required)</i>    |
| <i>Building Height:</i>   | <input type="checkbox"/> <i>Complies/Grandfathered</i> | <input type="checkbox"/> <i>Too high (Variance Required)</i>     |

*Special Requirements/Conditions (required buffers, setbacks, etc.):*

*Other Permits/Approvals Required:*

*Approval Conditions/Reasons for Denial (if necessary):*

# TOWN OF JACKSON'S GAP, ALABAMA

## REZONING APPLICATION

Property owners in the Town of Jackson's Gap who wish to request a change in the zoning classification that applies to one or more specific properties must complete a Rezoning Application form. To apply for a rezoning, please complete the following application and return the form with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Jackson's Gap Town Clerk at (256) 825-8518 during regular business hours.

### **Applicant Information:**

*Name of Applicant:*

*Mailing Address:*

\_\_\_\_\_

*Business Hours Telephone #: (\_\_\_\_\_)*

*Fax # (If available): (\_\_\_\_\_)*

### **Property Information:**

*Owner(s) of Record:*

*Street Address of Subject Property:*

*Tax Map & Lot Number of Property:*

*Size of Subject Property: \_\_\_\_\_ [    ] Acres    [    ] Square Feet*

*Current Zoning Classification of Subject Property:*

*Proposed Zoning Classification of Subject Property:*

*Current Use of Subject Property:*

*Proposed Use of Subject Property:*

*Is the Subject Property Being Considered for Annexation?    [    ] Yes    [    ] No*

**Supporting Information:**

*Please submit the following items with the Rezoning Application form:*

- [ ] *A written request from the property owner stating the reasons for the rezoning.*
- [ ] *A Certified Check payable to the Town of Jackson's Gap in the amount required by the Zoning Ordinance.*
- [ ] *A reproducible plat or plan drawn to a scale sufficient to clearly show the following items:*
  - 1. *The actual shape, proportion, and dimensions of the lot(s) proposed to be rezoned.*
  - 2. *The legal description of the lot.*
  - 3. *The shape, size, and location of all buildings or other structures existing on the lot and a description of any planned construction, improvement, alteration, or movement of structures.*
  - 4. *The existing and intended use of all such buildings or structures.*

**Certifications:**

*Applicant:*

**I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Planning Commission, or Town Council to determine the compliance of the proposed property construction or improvement activities with the Town of Jackson's Gap, Alabama Zoning Ordinance.**

\_\_\_\_\_  
*Date*

*Applicant's Signature*

*Property Owner:*

**I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Planning Commission, or Town Council to determine the compliance of the proposed property construction or improvement activities with the Town of Jackson's Gap, Alabama Zoning Ordinance.**

\_\_\_\_\_  
*Date*

*Property Owner's Signature*

----- **FOR TOWN OF JACKSON'S GAP USE ONLY** -----

**Enforcement Officer's Information:**

*Date Filed:*

*Received By:*

*Application Fee Received:* \$ \_\_\_\_\_ ☐ *Cash* ☐ *Check #*

*Date Reviewed:*

*Enforcement Officer's Signature:*

*Planning Commission Action:* ☐ *Recommend Approval*  
☐ *Recommend Denial*

*Planning Commission Findings:*

*Planning Commission Chairman's Signature:*



**TOWN OF JACKSON'S GAP, ALABAMA**  
**PETITION FOR VARIANCE**

Property owners in the Town of Jackson's Gap who desire relief from certain requirements of the zoning ordinance that create a specific hardship for the property owner must file a Petition for Variance. To file a petition, please complete the following form and return it with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Jackson's Gap Town Clerk at (256) 825-8518 during regular business hours.

**Applicant Information:**

*Name of Applicant:*

*Mailing Address:*

\_\_\_\_\_

*Business Hours Telephone #: (\_\_\_\_\_)*

*Fax # (If available): (\_\_\_\_\_)*

**Property Information:**

*Owner(s) of Record:*

*Street Address of Subject Property:*

*Tax Map & Lot Number of Property:*

*Size of Subject Property: \_\_\_\_\_ [    ] Acres [    ] Square Feet*

*Current Zoning Classification of Subject Property:*

*Nature of the Hardship:*



***Nature of Relief Requested by Petitioner:***

**Certifications:**

***Applicant:***

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer or the Board of Adjustment to determine the need for a variance.

\_\_\_\_\_  
*Date*

*Applicant's Signature*

***Property Owner:***

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer or the Board of Adjustment to determine the need for a variance.

\_\_\_\_\_  
*Date*

*Property Owner's Signature*

----- FOR TOWN OF JACKSON'S GAP USE ONLY -----

**Enforcement Officer's Information:**

***Date Filed:***

***Received By:***

***Amount of Fee Received:*** \$ \_\_\_\_\_ [ ☐ ] *Cash* [ ☐ ] *Check #*

***Date Reviewed:***

***Decision:*** [ ☐ ] *Petition Approved* [ ☐ ] *Petition Denied*

***Board of Adjustment Findings and Conclusions:***

***Specific Relief Granted:***

*Chairman's Signature:* \_\_\_\_\_

***Date:***

**TOWN OF JACKSON'S GAP**  
**ZONING VIOLATION COMPLAINT**

Date of complaint: \_\_\_\_\_ Complaint received by:  
Form of Complaint: \_\_\_\_\_ Citizen \_\_\_\_\_ Public Official \_\_\_\_\_ Inspector

Name of Person Filing Complaint: \_\_\_\_\_ Telephone: \_\_\_\_\_

Nature of Complaint: \_\_\_\_\_

Location: \_\_\_\_\_

Probable violation of Article \_\_\_\_\_ Section \_\_\_\_\_, of the Jackson's Gap  
Zoning Ordinance,

described as follows: \_\_\_\_\_

Referred for inspection to: \_\_\_\_\_

Date of inspection: \_\_\_\_\_

Inspection  
findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Violation found \_\_\_\_\_ No violation found \_\_\_\_\_ Other:  
Initial action following discovery of violation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice of Zoning Violation sent on: \_\_\_\_\_

Other  
Follow-up inspection due on \_\_\_\_\_

Notes:

**TOWN OF JACKSON'S GAP**  
**NOTICE OF ZONING VIOLATION**

Date of notice

Name of Property Owner  
Mailing address  
City, State, Zip

Dear (Name of property owner):

On (Date of investigation), I investigated and confirmed a violation of the Jackson's Gap Zoning Ordinance on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Zoning Ordinance. I am writing to request that you take action to correct this violation on or before (Specify date by which the violation must be corrected), in order to avoid the issuance of a formal citation and penalty. If you feel that this notice has been issued in error or you feel that an extension to the deadline is necessary, please arrange a meeting with me on or before (Date - five business days after the date of notice). I will be happy to discuss this problem with you in greater detail.

Thank you for your help in addressing this problem. The Town of Jackson's Gap appreciates your cooperation.

Sincerely,

(Signature of Enforcement Officer)  
Enforcement Officer



## TOWN OF JACKSON'S GAP

### NOTICE OF CITATION

Date of citation

Name of Property Owner

Mailing address

City, State, Zip

Dear (Name of property owner) :

On (Date upon which initial violation was confirmed), I investigated and confirmed a violation of the Jackson's Gap Zoning Ordinance on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Zoning Ordinance. Our records show that the Notice of Violation was sent to you on (Date that the notice was mailed) and received by you on (Date of receipt by property owner) explaining the nature of this violation and requesting that you correct the problem on or before (Deadline for correction of violation specified in the notice of zoning violation).

On (Dated of re-inspection), I performed a follow-up investigation to determine whether or not the violation had been corrected in accordance with the Notice of Zoning Violation. My inspection of the property revealed that the violation has not been corrected in accordance with the Zoning Ordinance. Therefore, the Town of Jackson's Gap is hereby issuing this Citation to you for failure to correct a violation of the Zoning Ordinance. To correct this violation, you must (Specify corrective measures including the amount of the fine that must be paid by the property owner) on or before (Ten days after the date of citation). If this violation is not corrected in full by the aforementioned date, the Town of Jackson's Gap will be obligated to file a written complaint with the Municipal Court for relief. If such a complaint is filed, you will be required to appear before the Municipal Court, at a time and date to be determined by the Court, to answer the charge of violation as explained in this Citation. If you have any questions regarding this violation or the subsequent actions that the Town will take, please do not hesitate to contact me at (Specify contact number and/or e-mail address) during the hours of (Specify business hours).

We appreciate your efforts to resolve this violation as soon as possible. Thank you for your cooperation.

Sincerely,



(Signature of Enforcement Officer)  
Enforcement Officer

## **APPENDIX B: RESOLUTION AND ORDINANCE**

## RESOLUTION # 09-08

**A RESOLUTION RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN ORDINANCE OF THE TOWN OF JACKSON'S GAP, ALABAMA ADOPTING THE TOWN OF JACKSON'S GAP ZONING ORDINANCE AND ZONING MAP, JANUARY, 2012, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS RESOLUTION.**

**WHEREAS**, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the Town Council to enact a zoning ordinance and zoning map to govern all territory within the corporate limits of the Town of Jackson's Gap, Alabama; and

**WHEREAS**, the Town of Jackson's Gap, Alabama desires to exercise its zoning powers in accordance with Alabama Law; and

**WHEREAS**, the Planning Commission has prepared a zoning ordinance and zoning map for the Town; and

**WHEREAS**, the Jackson's Gap Planning Commission conducted a formal public hearing on January 5, 2012 to receive public comments on the proposed zoning ordinance and zoning map in accordance with Section 11-52-77 of the Code of Alabama, 1975, as amended;

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF JACKSON'S GAP, ALABAMA:**

SECTION 1. That the Jackson's Gap Planning Commission recommends to the Jackson's Gap Town Council that the Town of Jackson's Gap Zoning Ordinance and Zoning Map, January, 2012, be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

SECTION 2. That the Jackson's Gap Planning Commission recommends that conflicting ordinances adopted previously by the Town Council, be repealed.

SECTION 3. That the Jackson's Gap Planning Commission recommends that the aforementioned zoning ordinance and zoning map become effective five(5) days from the date of final posting in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

**APPROVED**, this 5th day of January, 2012.

  
Chairman Jackson's Gap Planning Commission

  
Secretary Jackson's Gap Planning Commission



ORDINANCE NO. 2011-55

AN ORDINANCE ADOPTING THE TOWN OF JACKSON'S GAP ZONING ORDINANCE AND ZONING MAP, JANUARY, 2012, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the Town Council to enact a zoning ordinance and zoning map to govern all territory within the corporate limits of the Town of Jackson's Gap, Alabama; and

WHEREAS, the Town of Jackson's Gap, Alabama desires to exercise its zoning powers in accordance with Alabama law; and

WHEREAS, the Planning Commission has prepared a revised zoning ordinance and zoning map for the Town; and

WHEREAS, the Planning Commission conducted a formal public hearing on the proposed zoning ordinance and zoning map on January 5, 2012 and subsequently adopted a resolution recommending adoption by the Town Council of the aforementioned zoning ordinance and zoning map; and

WHEREAS, the Town Council conducted a formal public hearing to receive public comments on the proposed zoning ordinance and zoning map on January 31, 2012 as required by Section 11-52-77 of the Code of Alabama, 1975, as amended;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON'S GAP, ALABAMA:

SECTION 1. That the Jackson's Gap Town Council hereby adopts the Town of Jackson's Gap Zoning Ordinance and Zoning Map, January, 2012, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

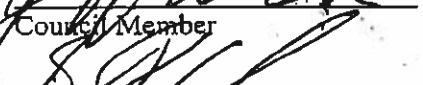
SECTION 2. That all conflicting ordinances adopted previously by the Town Council, be repealed.

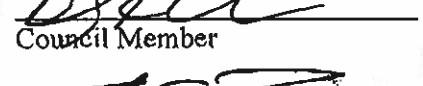
SECTION 3. That the aforementioned zoning ordinance and map become effective five(5) days from the date of final posting in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

ADOPTED, this 31th day of January, 2012.


  
Mayor, Town of Jackson's Gap

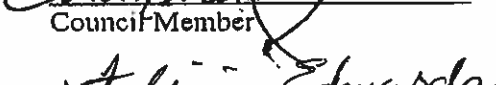
  
Council Member

  
Council Member

  
Council Member

  
Town Clerk

  
Council Member

  
Council Member