TOWN OF SUMMERDALE

Zoning Ordinance

Adopted:

July 13, 2000

Document	Revision Date	Insertion Date	Ordinance No.
Zoning Ordinance	3/13/00	7/13/00	191-00
Article 8, Section 801 Article 9, Section 901.1(b)	4/05/02	2/28/05	209-02
Article 4, Section 403.1 (new) Article 9, Section 903	7/01/02	2/28/05	211-02
Article 6, Section 606 B-1 Article 9, Section 902	12/20/04	2/28/05	235-04
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Article 6, Section 601 Article 6, Section 607.1 (new) – B-3 Article 9, Section 902.1(c) Article 9, Section 902.7 (d) Table of Contents, Article VI	4/14/08	4/28/05	376-08
Article 3, Section 302 Article 6, Section 606 Article 10, Section 1003	6/09/08	6/09/08	380-08
Article 3, Section 302 Article 6, Section 609 Article 6, Section 609.1 (new) M-2	9/14/2009	9/15/2009	402-09
Article 3, Section 302 Article 9, Section 909.2(d)	04/12/2010	07/06/2012	453-10
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Article 10, Section 1004.15 Article 3	07/11/2011	07/06/2012	484-11
Article 3, Section 302 Article 9, Section 909.2	02/13/2012	07/06/2012	498-11
Article 10, Section 1004.15, 1004.16	04/06/2012	07/06/2012	504-12
Article 4, Section 403 Article 3	7/9/2012	07/11 /2012	507-12
Article IX, Section 907.4.2 Article IV, Section 403	09/10/2012	05/22/2013	512-02
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Summerdale Board of Adjustments -- Application for Zoning Variance

Ordinance Number 191-00

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF SUMMERDALE, ALABAMA PROVIDING FOR DEFINITIONS, THE ESTABLISHMENT OF DISTRICTS, A ZONING MAP, FOR USE AND LOCATION OF LAND AND BUILDINGS FOR RESIDENCE, TRADE, INDUSTRY, OR OTHER USES WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUMMERDALE, ALABAMA; REGULATING WITHIN ESTABLISHED DISTRICTS THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES AND LAND; PROVIDING FOR ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING FOR OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR SIGN REGULATIONS; PROVIDING FOR LANDSCAPING AND REGULATION OF FENCES; PROVIDING FOR NONCONFORMING USES AND BUILDINGS; PROVIDING FOR METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF ADJUSTMENT TO ASSIST IN CERTAIN PHASES OF THE ADMINISTRATION OF THE ORDINANCE; REPEALING EXISTING ZONING ORDINANCES AND CONFLICTING LAWS.

BE IT ORDAINED BY THE TOWN COUNCIL OF SUMMERDALE, ALABAMA WHILE IN REGULAR SESSION ON _____ AS FOLLOWS:

ARTICLE I

AUTHORITY and ENACTMENT CLAUSE

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

1.11 Considered as minimum requirements;

1.12 Liberally construed in favor of the governing body; and,

1.13 Deemed neither to limit nor repeal any other powers granted under state statutes.

1.2 ENACTMENT.
An Ordinance of the Town of Summerdale, Alabama establishing rules and regulations for zoning land with rules and regulations; establish zoning districts and district requirements; prescribe procedures for approval; set standards and specifications; and, prescribe methods for enforcement, exceptions and amendments.

ARTICLE II

SHORT TITLE and JURISDICTION

This ordinance shall be known as the *Zoning Ordinance of the Town of Summerdale, Alabama*, and shall be identified by the signature of the Mayor of Summerdale and attested by the Town Clerk. The Zoning Map of Summerdale, referred to herein, and all explanatory matter thereon is hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the Town Clerk and shall show thereon the date of adoption of this ordinance.

ARTICLE III

DEFINITIONS

Section 301. Interpretation of Certain Words and Terms.

Words used in the present tense include the future tense. Words used in the singular case include the plural, and words used in the plural case include the singular. The word *Map*, *Zoning Map*, or *Summerdale Zoning Map*, shall mean the *Official Zoning Map of the Town of Summerdale, Alabama*.

Section 302. Definitions

Accessory Structure. Any detached minor building in the rear of the main building consisting of masonry, steel, or frame walls, and roof, one or two stories in height, necessary as an adjunct to the use or occupancy of a principal or main structure.

Access Way. The principal means of vehicular ingress and egress.

Adjacent/Abutting/Contiguous Property. Any property that is immediately adjacent to, touching, or immediately across any road or public right-of-way from the property in question.

Agricultural. The Growing or cultivation of crops or raising of animals as a commercial venture or for profit.

Aisle. A maneuvering space in a parking lot with a minimum width of 22 feet.

Alteration, Altered. The word "alteration" shall include any of the following:

a) Any addition to the height or depth of a building or structure.
b) Any change in the location of any of the exterior walls of a building or structure.
c) Any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such repairs, renovation, or rebuilding.

Apartment/ Multi-Family - A building used or intended to be used as a dwelling by three (3) or more families, or as an apartment house. This building is set up with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the building or any single unit has a common wall or floor with more than two other units

Architectural Planter. A container within which plantings may be placed to meet the

requirements of this ordinance.

Automatic Car Wash. Any coin operated apparatus for washing automobiles shall constitute an automatic car wash. Stacking lanes for vehicles entering or leaving the premises of such an establishment shall be provided by the owner. The Planning Commission will determine the length of such lanes for each establishment on an individual basis.

Bar or Saloon. Any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating the alcoholic beverages are obtainable therein or thereon and where such beverages are consumed on the premises.

Basement. A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when one-half (2) of its height is above the average ground elevation or when subdivided and used for commercial activities or dwelling purposes.

Bed and Breakfast (Tourist Home). A building or part thereof other than a motel or hotel, typically a residential dwelling unit, where sleeping accommodations are provided to transient guests with or without meals and which also serves as the residence of the operator. Also, sleeping accommodations and meals provided to transient guests are for compensation. Breakfasts should be limited to guests only.

Block. All land on one side of a street between the nearest intersecting streets, roads, railroad rights-of-way and waterways, meeting or crossing the aforesaid street and bounding such land.

Board. The Summerdale Board of Adjustment.

Boarding House. A building other than a hotel, cafe or restaurant where, for compensation, meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

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

Building Area. The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Inspector. The officially designated building inspector or zoning administrator,

or his authorized representative appointed by the Town Council

Building, Main, or Principal. A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

Building Setback Line. A line delineating the allowable minimum distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed except as provided for in the applicable Articles and Sections of this Ordinance.

Camper. Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

Campground. A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

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

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

Club, Night. The term "night club" shall pertain to and include restaurants, dining rooms or other similar establishments where floor show or other form of lawful entertainment is provided for guests after eleven o'clock P.M.

Club, Private. An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for financial profit.

Community Building. A building for public assembly, open for use by social, educational group activities of the immediate adjoining area.

Condominium - A form of property ownership where the land under buildings and the open spaces around buildings is in single ownership for the common use of building owners or tenants.

Conventionally built. homes built from start to finish on-site.

Council. The Town Council of Summerdale, Alabama.

Court. An open unoccupied area other than a yard, bounded or enclosed on two or more sides by the exterior walls and lot lines and clearly open to the sky, unobstructed roof, skylight or other appendage.

Coverage. That percentage of the lot or plot area covered by the building area.

Crown. The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

Crown Spread. The distance measured across the greatest diameter of a plant.

Day Nurseries and/or Kindergartens. Any place, home or institution which receives seven (7) or more young children, conducted for cultivating the normal aptitude for exercise, play and observation.

Deciduous Plants. Trees/plants whose leaves fall off.

Development or Developed Area. The portion of a plot or parcel of land, excluding public rights-of-way, upon which a building, structure, pavement, fence, landscape material, or other improvements have been placed.

Drip Line. The outer perimeter of the crown of a plant.

Dwelling, Multi-Family / Apartment. A building designed for or occupied exclusively by three (3) or more families living independently of each other.

Dwelling, Semi-Attached. Two dwellings with a single party wall common to both.

Dwelling, Single-Family. A detached building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by one family only, together with such domestic help as is necessary to service and maintain the premises and their occupants.

Dwelling, Two and Three Family. A building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy of two or three families.

Dwelling Unit. One or more rooms and a single kitchen designed as a unit for occupancy by one family only, for cooking, living and sleeping purposes.

Drive-In Theater. An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis, to patrons seated in automobiles.

Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

Encroachment. The protrusion of a vehicle outside of a parking space, display area, storage area, access way, or access aisle into a landscaped area.

Excavation. Removal or recovery by any means whatsoever of soil, rock, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Factory-built structure. Any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home”, “manufactured home”, and “modular home.

Family. One or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons unrelated by blood or marriage, occupying a dwelling unit and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall be deemed to include domestic servants employed by the family.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Flea Market. An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public. This sort of retail operation is typified by the fact there are no long-term leases between the sellers and owners or lessors of the site and that often the sellers use their own vehicles for display or set up temporary tables for their wares.

Flood Prone Area. Any area subject to inundation by the regulatory flood as defined by the Corps of Engineers or the Flood Insurance Program.
Floor Area. The sum of the gross floor area for each of the several stories under roof, measured from the interior limits of walls of a building or structure.

Food Service Pushcart. A non-self-propelled mobile food unit of a lightweight nature, designed and intended to be moved by one person. A pushcart shall be used to prepare and serve only potentially non-hazardous foods such as popcorn, lemonade, hot dogs, flavored ice or the like. Food may be pre-wrapped and foods must be maintained at the required temperatures and dispensed per Baldwin County Health Department regulations.

Frontage. All property on one side of a street measured along the line of the street, or if the street has a dead end, then all of the property abutting the dead end and/or turn-around of the street.

Garage, Private. An accessory building or part of a main building for which the principal use is storage or privately-owned vehicle.

Garage, Public or Private. A building in which the principal operation involves a garage

used for the storage, repair, servicing, or equipping of vehicles for profit.

Gasoline or Service Station. Any building, structure or land used primarily for the dispensing, sale of fuels, oils, accessories or minor maintenance and repair services but not including painting, major repairs or automatic washing facilities.

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

Ground Cover. Natural (mulch) or low growing plants other than deciduous varieties installed to form a continuous cover over the ground.

Gross Land Area. Total area of all lands that are the subject of a development or redevelopment application.

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

Health Department. Baldwin County Health Department.

Health Officer. The director of the county health department having jurisdiction over the community in an area, or his duly authorized representative.

Historical Monuments and/or Structures. Any antique structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building which the relics and/or mementos of such event or period are housed and preserved.

Home Occupation. An occupation in a dwelling unit, provided that:

a) No person other than members of the family residing on the premises shall be engaged in such occupation;

b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

c) There shall be no change in the outside appearance of the building or premises, or other visible evident of the conduct of such home occupation other than one non- illuminated sign, not exceeding two square feet (12" x 24") in area;

d) No home occupation shall be conducted in any accessory building;

e) There shall be no public displays of goods in connection with such home occupation.

f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

g) No equipment or process shall be used in such occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit, if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

Hotel. A building or part thereof occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singularly for hire and in which rooms no provision for cooking is made and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests.
House Trailer. See Mobile Home.

House Trailer Park. See *Mobile Home Park*.

Institution. A non-profit corporation or a non-profit establishment.
Interior Area. The entire parcel to be developed exclusive of the perimeter landscape areas.

Junk Yard or Salvage Yard. Junk yard or salvage yard shall include any lot or parcel of land on which is kept, stored, bought, or sold, materials including auto or other vehicle or machinery wrecking or dismantling activities, old or scrap metal, copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, appliances, furniture, equipment, building demolition materials or structural steel materials; Also included: junked, inoperative, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material. The above shall not constitute items legally sold or placed in storage, if kept within a completely enclosed building.

The presence on any lot, parcel or tract of land of three (3) or more wrecked, scrapped, ruined, dismantled or inoperative landscaping items or motor vehicles, including implements of husbandry not a part of farming operation, shall constitute evidence of a junk or salvage yard. Exempt from this section motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept within a completely enclosed building. All new junk yards, salvage or scrap yards, and salvage parts and repair shall comply with fencing and screening requirements as set out in Section 609.1 M-2.

Landscape. The placement of landscape material in the planting area in accordance with the requirements of this ordinance.

Landscape Material. Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover, and landscape water features. Non-living material may be used in such a manner as to present a finished appearance and to complete coverage, and may consist of pine or cypress bark, crushed pecan shell, pine straw, or other decorative mulch. In no instance shall pebbles, gravel, or marine shells be used. At least 50 percent of such materials shall be living.

Lot. A piece, parcel or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open spaces as are provided in this ordinance, or as are intended to be used with such piece, parcel, or plot of land.

Lot, Corner. A lot abutting upon two or more named streets at their intersection.

Lot, Double Frontage or Through Lot. A lot which is an interior lot extending from one street to another and abutting a street on two ends.

Lot, Frontage. The distance for which the front boundary line of the lot and the street line are coincident.

Lot Lines. The lines bounding a lot as defined herein.

Lot Lines, Front. In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from that street which is designated as the front street in the request for a Building Permit.

Lot Line, Rear. Any lot line other than a front or side lot line as defined herein.

Lot Line Side. Any lot line other than a front or rear lot line as defined herein.

Lot Of Record. A lot or parcel of land where existence, location, and dimensions have been recorded in the office of the Judge of Probate of Baldwin County prior to the adoption of this ordinance.

Lot Width. The width of a lot measured at the building setback line.

Lumber Yard. A place where lumber is kept in large quantities for storage or for sale at retail or wholesale as the principal business activity.

Medical Facilities:
Convalescent, Rest, or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care.

Dental Clinic, or Medical Clinic. A facility for examination and treatment of human out-patients provided, however, that patients are not kept overnight except under emergency conditions.

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

Mini-Warehouse. A building or group of buildings in a controlled access compound, used for storage only, that contain varying sizes of individual, compartmentalized, and controlled-access stalls, cubicles, and/or lockers, along with accessory structures for rental office space or living quarters for on-site management.

Mobile food vehicles. A vehicle or trailer mounted, self-contained food service unit with its own potable water tank and waste water tank, including ice cream trucks and lunch wagons or the like; able to serve food including dispensing pre-packaged foods or individually prepared portion service. Unit shall be designed to be readily movable and moved daily to return to its commissary. Units must meet all current Baldwin County Health Department regulations.

Mobile Home. A manufactured single-family dwelling unit with or without an undercarriage, axle(s) and wheels, capable of being towed or transported in any manner on a public street, whether or not axle(s) on wheels have been removed, and which meets the National Manufactured Home Construction and Safety Standards Act (42 USC Section 5401). This definition excludes self-propelled motor homes, recreational vehicles and transport trucks or vans equipped with sleeping space for a driver or drivers.

Mobile Home Park, Trailer Court or Trailer Park. Any area, tract, site, or plot of land thereupon a minimum of two (2) or more mobile homes are placed, located or maintained, and shall include all accessory buildings used or intended to be used in connection with the operation of a mobile home park.

Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Modular. A structure intended for use as a single-family detached dwelling manufactured off-site and assembled on-site, on a permanent foundation and assembled into a permanent structure, all in accordance with the local or state building code.

Modular Home. A factory fabricated transportable building consisting of units designed to be assembled and incorporated as a building on a permanent site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Alabama Manufactured Housing Commission.

Motel. An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building

Neo-traditional Architecture. (New Traditional). Contemporary architecture that borrows from the past. Constructed of modern materials such as vinyl and mock-brick. The design is historically inspired.

Characteristics of Neo-traditional Architecture: Towers, weather vanes, and cupolas, awnings, shutters, ornamental Brackets, stained Glass Windows, arched windows/Round windows, embossed tin ceilings, Victorian Lampposts and Half Timber

Net Area. The gross land area minus the area of any environmental features and associated buffers within the gross land area; utility easements, drainage easements, ingress/egress easements, rights-of-way, stormwater areas.
New Construction. Any development for which an application for a building permit must be made prior to the initiation of any improvements. Also, in the case of vehicular use paving, any preparation or pavement (asphalt or concrete) of a site intended for any type of vehicular use begun after the effective date of this ordinance.
Nonconforming Use. A use of any structure or land which though originally lawful does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.

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

Open Space. A yard area which is not used for or occupied by a driveway, off-street parking, loading space, or storage.

Outdoor Advertising. Any outdoor sign, display, drawing, message, billboard, or anything which is designed, intended, or used to advertise or inform (other than a home-occupation sign); furthermore, any part of which advertising or informational content is visible from any place on a thoroughfare in the Town.

Overlay Zone. A zoning district that encompasses one or more underlying zones and that imposes additional requirements or relaxes certain requirements of the underlying zone.

Parking Lot. An off-street facility including parking spaces along with adequate provision for drivers and aisles for maneuvering and providing access, and for entrance and exit, all laid out in a way to accommodate the parking of automobiles.

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

Parking Space. An off-street all-weather surfaced space, enclosed or unenclosed, containing not less than 180 square feet (9' x 20') of area exclusive of driveways appurtenant thereto, permanently reserved for the temporary storage of a motor vehicle and connected without obstruction to a street or alley shall be counted as an off-street parking area of space.

Patio/Garden Home. A detached dwelling unit located on its own lot, having only one side yard required or detached building with only two dwelling units designed for and occupied by two families, with a small courtyard, patio or side yard required for each dwelling unit.

Planned Unit Development. A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units as related uses and facilities; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development but will not be provided, operated, or maintained at public expense.

Perimeter Area. That portion of a parcel of land bordering the exterior boundaries.

Perennial Plants. A plant whose root remains alive more than two years.

Planning Commission. The Planning Commission of the Town of Summerdale, Alabama.

Planting Area. Any area designed for landscaped material installation, having a minimum of thirty (30) square feet, a minimum depth, as measured perpendicular to the adjacent property line, of seven (7) feet, and consisting of suitable growing medium with proper drainage.

Principal Use. The specific primary purpose for which land or a building is used.

Professional or Professional Office. A building where professionally qualified persons and their staff primarily provide services to clients or patients and shall include a service office, a support office, a clinic, a medical office, the offices of a lawyer, an architect, an engineer, an accountant, a planner or a surveyor, or persons engaged in similar occupations. The business shall hold a “professional” type businesses license with the Town of Summerdale.

Public Land Uses. 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 and internal revenue offices, military

installations, etc.

Public Utility. Any persons, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, steam, telephone, telegraph, transportation, drainage, water or sewer.

Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this Ordinance, is assumed to include also campers and camping trailers capable of being towed by a passenger motor vehicle and motor homes. Long term/extended occupancy of a recreational vehicle, as regulated in this ordinance, is only permitted in a Recreational Vehicle Park. Exception: Temporary occupancy, by special permit, will be allowed in residential zones for visiting relatives for a period not to exceed seven (7) days at a time and shall not exceed a total of twenty-eight (28) days in a calendar year.

Recreational Vehicle Park. Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Redevelopment. The demolition or removal of the principal structure or more than fifty percent (50%) of the impervious surface of the site.

Retail-Based Business. A business whose annual gross receipts are consistently more than fifty percent (50%) from retail sales and holds a current year retail license with the Town of Summerdale.

Restaurant, Fast-Food. An eating establishment which caters to motor-driven vehicle business where the person being served sits in his car. Such establishments shall provide stacking lanes for traffic wanting ingress or egress.

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Road. That portion of a public thoroughfare or right-of-way intended for use by motor vehicles.

Rooming House. Any building or portion thereof which contains not less than three (3) nor more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation, whether paid directly or indirectly.

Salvage: Any material(s) or other good(s) saved from destruction, damage, waste, etc. thus saved and sold, or put to use. See also, Junk Yard.

Secondary Suite. Also called an accessory suite, is an additional separate dwelling unit

on a property that would normally accommodate only a single-family dwelling unit. A secondary suite is considered 'secondary' or 'accessory' to the primary residence on the parcel. A secondary suite allows for occupation by a relative or guest and may not be rented out. It normally has its own entrance, kitchen, bathroom, and living area. Such suite is often one of the following types:

- A suite above a rear detached garage,
- A suite above the main floor of a single-family dwelling unit,
- A suite below the main floor of a single-family dwelling unit (a "basement suite),
- A suite attached to a single-family dwelling unit at grade, or
- A suite detached from the principal dwelling unit (a 'garden suite', 'mother-in-law suite', or 'guesthouse').

Service or Service provider. A business or entity that provides an activity or the performance of a task with a commercial purpose. This task is directed to help a business or an individual in subjects such as consulting, accounting, transportation, cleaning, hospitality, traveling or maintenance, among others. The business shall hold a "service" type license with the Town of Summerdale.

School, Private. An institution of learning including colleges and universities, that is not tax supported.

Semi-Public Land Uses. Philanthropic and charitable land uses including: YMCA's, YWCA's, Salvation Army, churches and church related institutions, orphanages, humane societies, private welfare organizations, non-profit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

Shopping Center. A group of business establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property.

Shade Tree. Any self-supporting woody plant of a species that is well shaped, well branched, and well foliated which normally grows to an overall height of at least thirty-five (35) feet and normally develops an average mature spread of crown greater than thirty (30) feet in Baldwin County, Alabama. Plant standards shall be as defined by American Standards for Nursery Stock, 1986 or later edition.

Shrub. A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Sign, Billboard, or Other Advertising Device. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which shall display or include any letter, words, model, banner, flag, pennant, insignia, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include flag, pennant,

or insignia of any nation, state, city, or other political unit, school or religion.

Sign, Back-to-back. A structure with two parallel sign faces oriented in opposite directions, or two structures, each with one sign face and located not more than ten (10) feet from an obstruction preventing both structures from being seen at the same time from any point along the traveled way.

Sign, Banner. A sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

Sign, Construction. A temporary sign identifying a project or facility during the time of construction."

Sign Face. The entire area of a sign which is built on one structure, including the advertising surface and any framing, trim, or molding, but not including the support structure, and which faces traffic such that the traffic is moving in one direction.

Sign, Instructional. A sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity."

Sign, V-Type. A structure or structures with two or more sign faces forming the shape of the letter "V" or a triangle, when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.

Sign, Home-Occupation. A non-illuminated sign, attached to the residence, containing the name and occupation of a permitted home occupation, and which is no more than two square feet (12" x 24") in size.

Sign, Off-Premise. A sign displaying subject matter that does not relate to the site on which the sign is located.

Sign, On-Premise. A sign displaying subject matter that relates to the site on which the sign is located

Site Built. A building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials; This is contrasted with manufactured housing, including mobile homes and modular homes of which all or entire major sections of the home are built off-site, and the sections are assembled on site.

Shelter, Fall-Out. A structure or portion of a structure intended to provide protection to human life during periods of danger to life from nuclear fall-out, air raids, storms, or other emergencies.

Story. That portion of a building included between the surface of any floor and the surface

of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Ground or First. This term shall mean the lowest story entirely above the mean or average grade of the adjoining ground.

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 level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartments or living quarters shall be counted as a full story.
Story, Upper. This term means any story above the first or ground story.

Streets. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street, Primary. A street with a right-of-way greater than 80 feet.

Street, Secondary. A street with a right-of-way of 80 feet or less.

Structures. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground, including among other things, gasoline pumps, fences, signs, billboards, but not including utility poles, overhead wires, and structures used for the housing of household pets.

Swimming and Wading Pools. Swimming pools and wading pools with a depth of one foot or more in any portion of the pool, and not located within a permanently and completely walled structure, shall be completely isolated by a fence at a height of at least five (5) feet. Fences and gates shall be so constructed and of such materials so as to prevent the entry of children and usual household pets into the pool area. Gates shall be provided with adequate locking devices and shall be locked at all times when pool is not in use.

Temporary business and mobile vendor. A permit for a temporary business or vendor using a temporary structure (i.e. trailer, tent, cart, and the like), on a single commercial premise may be issued for a period not to exceed thirty (30) days for a maximum of two (2) times per calendar year and must be used on the same lot or parcel. A minimum of two (2) weeks is required between permit issuance periods. The required two (2) week period between permits may be waived if the business or vendor is being used along with a permanently occupied business, meeting all regulations, and it is for a special event not longer than six (6) weeks. The permit fee for such business or vendor shall be $100.00 per permit. The business license fee for this temporary business or mobile vendor shall follow the Town of Summerdale Business License Ordinance. January 1st starts a new permitting and licensing year. If the temporary business or vendor has received notice of non-compliance by the Town of Summerdale for failing to acquire the appropriate permits and licensing, the business or vendor has forty-eight (48) hours from date of notice to remedy the non-compliance. If the non-compliance is not remedied within the time

specified, the business or vendor must vacate the premise immediately and will be denied future permits and licensing for the same use. Growers selling his or her grown produce are exempt from this definition. Mobile food vehicles and food service pushcarts shall be allowed to operate daily, on private property, with permission from the property owner, and with the approval and purchase of all business licenses required by the Town of Summerdale. All food service shall be in compliance with the County Health Department regulations.

Temporary Structure. A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Thoroughfare. Any street, road, expressway, freeway, or highway located within the Town.

Townhouse. An attached, privately owned single-family dwelling unit which is a part of and adjacent to other similarly owned single-family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet and a length not exceeding fifty-five feet.

Usable open space. Land which is free of buildings and is open to public and that serves public use of outdoor recreation and similar activities. Usable Open Space shall exclude areas used for off street parking, off street loading, service driveways and required Front Yards, and roof Areas unless otherwise permitted

Use. The purpose for which land or building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

User(s) – Any person, organization, device, vehicle, or mobile unit or recreational vehicle or mobile home, that uses or occupies a service or area provided by others

Vehicular Use Area. Any ground surface area, excepting public rights-of-way, used by any type of vehicle whether moving or at rest for the purpose of, including but not limited to, driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots; activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery and dairy stores; and other vehicular uses under, on, or within buildings.

Vines. Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

Visual Screen. A barrier of living or non-living landscape material, put in place for the

purpose of separating and obscuring from view those areas so screened.

Within The Town. Within the corporate limits of the Town of Summerdale, but does not include any territory within the police jurisdiction of the Town of Summerdale.

Yard. An open space, on the lot with the main building, left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

Yard, Front. The yard extending across the entire width of the lot between the main

building, including covered porches and carports, and the established front lot line; or between the main building, including covered porches, and the right-of-way line.

Yard, Rear. The yard extending across the entire width of the lot between the main building including covered porches and the rear lot line.

Yard, Side. The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot line.

Variance. A modification of the strict application of the provisions of this Ordinance, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, as determined by the Board of Adjustment in accord with procedures specified in this Ordinance.

ARTICLE IV

ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 401. Zoning Enforcing Officer.

The provisions of this Ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance. This official shall also have the right to conduct visual inspections of the property, and structures thereon, to ensure that the uses exhibited on the property are in conformance with the uses specified in the definition and description on the respective zoning districts. In cases when non-conformance is detected, the official is authorized to cite the violation by issuing a notice of non-conformance (see specific form in the Official Forms Appendix, this Ordinance) to the applicable person or persons or affixing the notice of non-conformance on the property in a prominent location.

Section 402. Building Permit Required

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures to store building materials or erect temporary field offices, or to commence the moving, alteration or repair (except repairs not changing the character of the structure and not exceeding $500.00 in cost, or painting or wallpapering), of any structure, including accessory structures, until the Building Inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for a building permit shall be made to the Building Inspector of the municipality on forms provided for that purpose. Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is abandoned for a period of one (1) year.

Section 403. Approval of Site Plans and Issuance of Building Permits.

For residential developments involving the construction of three (3) or more dwelling units and all commercial and industrial developments, a site plan must be reviewed by Town staff and the Planning Commission prior to the issuance of a building permit Upon review the submitted site plan, the staff reports and makes recommendations to the Planning Commission as to whether the site plan is in conformance with the requirements of this Ordinance. Final approval of the site plan is to be made by the Planning Commission prior to the issuance of a building permit. It shall be unlawful for the Municipal Building Official to issue a building permit for any excavation or construction requiring a site plan until such plans have been reviewed by the Planning Commission in detail and found to be in conformity with this Ordinance except that the building official may issue land disturbance permits for the purpose of clearing sites, filling of land, or installation of culvert pipes in rights-of-way. To this end, the Municipal Building Official shall require that every

application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan drawn to scale and showing the following in sufficient detail to enable the staff to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance. A conceptual review may be performed with staff during the planning stages of a project, but will not be considered a formal review. Formal reviews will only be made on submitted finalized plans. If an existing development submits a permit application for an alteration that would not require a major change in the general provisions of the site, the building/planning staff may perform a formal review and issue an approval of the permit application. The staff may require additional landscaping and parking lot maintenance if deemed necessary. If construction of a project has not begun within one (1) year from the date of Planning Commission approval, all approved site plans must be resubmitted for review and approval by the Town staff. If there are changes from the original approved plan or the original approved plan is no longer in conformance with current standards, the site plan must be approved by the staff and recommended to the Planning Commission for final approval.

Requirements for submission to Site Plan Review Committee

- 3 copies of the Site Plan Proposal, sheet size 24” x 36”, scale not less than 1” = 100’, drawn by engineer, architect, or surveyor
- A PDF uploaded to planning portal with application
- Application fee paid
- Most recent survey showing all property boundaries and easements
- Tax parcel number of lot or lots involved
- Legal description
- Zoning district
- Proposed Use/Occupancy type of the property and structure.
- Topographical survey showing drainage and storm water retention calculations for a one-hundred-year storm precipitation event with a 25-year storm water release, proposed retention areas and methods, wetlands and any other natural features (regulations set forth in this ordinance).
- Delineation of all bordering street, avenues, roadways, alleys or other public ways and relationship of the site to existing development in the area.
- Provision for adequate water supply, sewer mains with elevation, proposed

sewage disposal system and fire hydrants. – You will need to submit a letter of availability for wastewater/sewerage disposal, including recertification of any existing septic system.

- The setback and sidelines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the Zoning Ordinance are being observed.

- Placement and dimensions of proposed and existing structures, along with setback requirements and location of all building or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.

- Architectural details showing as a minimum the building footprint, front elevation, maximum height and size of proposed building.

- Layout of parking spaces, ingress and egress, highway turnout permit and culvert details. Locations of dumpster or trash receptacles.

- Lighting Plan. Lighting shall provide illumination at a minimum of .5 to 1foot candles in the parking lot.

- Proposed and existing landscaping, including all existing major trees to be removed, and compliance with any buffering requirements or open spaces. (Landscape plan to be drawn by an Alabama Registered Landscape Architect)

- Locations and types of signage. Any existing signs to remain must be in compliance with present sign ordinance.

There is a mandatory attendance required by the project owner or engineer at the Site Plan Review Committee meeting and corresponding Planning Commission meeting.

NOTE – FAILURE TO PROVIDE ANY OF THE ABOVE ITEMS MAY RESULT IN AN AUTOMATIC DENIAL OF YOUR APPLICATION AND COULD CAUSE YOUR APPLICATION TO NOT BE PLACED ON THE AGENDA FOR THE NEXT SITE PLAN REVIEW MEETING.

If the proposed excavation, construction, moving, or alteration, as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector of the municipality shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Inspector of the municipality shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall in no case, be construed as waiving any provision of this Ordinance**.** The developer of any

proposed Site Plan submission shall be responsible for all fees from Engineering Reviews.

Section 403.1 Architectural Restrictions

The following architectural restrictions shall apply to all buildings constructed or renovated on parcels having frontage on Hwy 59 or the Baldwin Beach Express.

No Buildings shall be constructed or renovated with metal sided walls closer than 300 feet from the right-of-way within the Business Corridor Overlay Zone (BCOZ). If any portion of a building falls within the BCOZ the entire building shall be subject to the restrictions of the BCOZ. All buildings within this overlay zone shall meet the following conditions:

1. All buildings in the BCOZ shall have an approved architectural façade on all elevations.

    a) Acceptable materials for the external elevations of buildings or facades include stucco, brick, scored or split face block, wood shingles, wood lap or board and batten siding and fiber cement lap siding. It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, cornice work, wainscot, protrusions, recessed windows or entries. Alternative materials other than listed above must be approved through the Site Plan approval process.

    b) Vertical surfaces extending more than eighteen (18) inches below the roof shall be considered as walls and shall meet the requirements for wall surfacing.

2. The above provisions of this Section are intended to serve as a guide to prospective Developers, Designers or Builders and are not promoted as being all inclusive. Additional comments may be generated through the Site Plan Review Process.

Section 404. Certificate of Occupancy Required.

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector of the municipality shall have 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. Within three (3) days after the owner or his agent has notified the Building Inspector of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the municipality to make a final inspection thereof, 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, or if such certificate is refused, to state the refusal in writing with the cause.

Section 405. Penalties.

In case any building or other structure is erected, constructed, reconstructed, altered repaired, converted, or maintained, or any building structure or land is used in violation of this ordinance the Building Inspector of the municipality or any other appropriate authority may institute appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land. Any person or entity duly convicted of non-compliance with the tenets of this ordinance shall be punishable by a fine of not more than five hundred dollars ($500.00) and court costs for each offense. Each day such violation continues shall constitute a separate offense.

Section 406. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Inspector of the municipality or any other appropriate authority may institute appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation to prevent occupancy of such building, structure or land.

ARTICLE V

PLANNING COMMISSION
and
BOARD OF ADJUSTMENT

Section 501. Establishment and Membership of the Planning Commission

The Planning Commission shall act as the Zoning Commission and shall consist of nine members: The mayor, one municipal official appointed by the mayor, a member of the town council selected by the council, and six persons who shall be appointed by the mayor. All members of the Commission shall serve as such without compensation. The terms of the ex officio members shall coincide to their respective official tenures. The term of the municipal official appointed by the mayor shall terminate with the term of that mayor. The term of each appointed member shall be six years or until a successor takes office; except that the respective terms of five of the members first appointed shall be one, two, three, four, and five years.

Section 502. Meetings, Procedures, and Records of the Planning Commission

Chairperson. The Commission shall elect its chairperson from among the appointed members and create and fill such other offices as it may determine. The term of the chairperson shall be one year, with eligibility of reelection.

Meetings. The Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of resolutions, transactions, findings, and determinations, which record shall be public record.

Appointments and Contracts. The Commission may appoint employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Town. The Commission may also contract with city planners and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts shall be within the amounts appropriated for the purpose by the Town Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

Jurisdiction. The territorial jurisdiction of the planning Commission over the subdivision of land shall include all land located in the Town and all land lying within one-half (1/2) mile of the corporate limits of the Town and not located in any other municipality.

Section 503. Powers of the Planning Commission -- General

In general, the Commission shall have such powers as may be necessary to enable it to

fulfill its functions and to promote municipal planning. The Commission shall have the power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. The Commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of the duties of the Commission to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens with relation to the protecting or carrying out the master plan. Specific duties shall include the following:

- The Commission is charged with the responsibility to review, apply, and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion thereof which are adopted.

- The Planning Commission shall hear matters *on review* or that require Commission *approval* as herein specified.

- The Commission shall hear and recommend to the Town Council all matters of zoning, rezoning (and in the case of municipalities -- all cases of annexation).

- Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

Section 504. Functions and Duties of the Planning Commission -- Planning

It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the Town. In the preparation of such plans the Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the Town and its environs which will, in accordance with current and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the progress of development. The Commission may, from time to time, recommend to the Town Council amendments of the zoning ordinance or map or additions thereto.

Section 505. Functions and Duties of the Planning Commission -- Subdivision of Land

The Commission shall adopt regulations governing the subdivision of land within its jurisdiction. The Commission shall approve or disapprove a subdivision plat within 30 days after submission thereof to it; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand; provided, however, that the applicant for the Commission's approval may waive this

requirement and consent to an extension of such period. Every plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the Town plan are part thereof.

Section 506. Establishment and Membership of the Board of Adjustment.

A Board of Adjustment is hereby established. The Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the Town Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing.

Section 507. Meetings, Procedures, and Records of the Board of Adjustment.

Vacancies. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the Town Council upon written charges and after public hearing thereon.

Public Offices Held. No members shall hold any other public office or position, except that one member may be a member of the Town Council.

Rules of Procedure. The Board of Adjustment shall observe the following procedures:

- Said Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.

- Said Board shall elect one of its members, other than a member of the Planning Commission, as Chairperson, who shall serve for one year or until re-elected or a successor is elected. Said Board shall appoint a Secretary.

- The meetings of said Board shall be held at the call of the Chairperson and at such other times as said Board may determine. The Chairperson, or in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

- All meetings of said Board shall be open to the public.

- Said Board shall keep minutes of its proceedings, showing the vote of such member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Clerk and shall be a public record.

  PROCEDURE FOR REQUESTING A HEARING. Request for a hearing before the Board of Adjustment for an administrative review, special exception or a variance shall observe the following procedures:

1. An application specifying the reason(s) for an appeal from a decision rendered in writing by the Community Development Department must be filed within 30 days after such written decision has been served upon the applicant. The application must include all specified pertinent data including an explanation of the grounds on which the appeal is being made.

2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Enforcement Officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments locate thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public) water course, and if existing and proposed, fence, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.

3. The Board of Adjustment shall schedule a meeting to hear an appeal within forty-five (45) days after the date of receipt of an application. Public notice of the hearing shall be given by all of the following methods: (1) a sign posted on the property or parcel in question which advertises the pending hearing and which provides a business hours telephone number for further information and details of the hearing; (2) a notice of the proposed ordinance shall be posted in four conspicuous places within the municipality, together with a notice stating the time and place that the ordinance is to be considered by the municipal legislative authorities and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance. (3) notice by certified mail to the owners of all abutting property on the same side of the street, across the street, and to the rear of the affected property.

4. The Board of Adjustment shall render a decision on any appeal or other matters before it within forty-five (45) days from the date of the public hearing on it. Decisions of the Board of Adjustment shall become effective immediately if rendered in the presence of one or more of the applicants or their representatives. If a decision is rendered in the absence of any of the applicants or their representatives, the decision shall become effective upon service of written notice of the decision upon the applicants by first class mail to the applicants' addresses as indicated upon their application. The applicants shall be deemed to have been served three days after mailing of the notice to them. When an applicant receives an adverse decision from the Board of Adjustment, he or she shall be advised of the fifteen (15) day time limit for taking an appeal to the Circuit Court.

5. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning Enforcement Officer 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 and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board of by a court of record on notice to the official from whom the appeal is taken and on due cause shown.

6. In exercising the powers granted to the Board of Adjustment said Board may, in conformity with the tenets of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning Enforcement Officer and may issue or direct the issuance of a zoning compliance permit. A concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the appellant in respect to any matter upon which the Board can legally act.

7. Limitation, Withdrawal, Citizen Appeals

a) A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than once every twelve (12) months on the same variance.

b) Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the discretion of the person initiating such a request upon written notice to the Secretary of the Board.

c) Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may, within fifteen (15) days thereafter appeal to the circuit court by filing with such Board a written notice of appeal specifying the judgment or decision from which appeal is taken.

Section 508. Duties and Powers of the Board of Adjustment

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

Special Exceptions. To hear and decide special exceptions of the terms of this Ordinance upon which said Board is required to pass under this Ordinance.

Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance

may be granted in such individual case of unnecessary hardship upon a finding by the Board of adjustment that:

- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

- The application of the Ordinance to this particular piece of property would create an unnecessary hardship;

- Such conditions are peculiar to the particular piece of property involved; and,

- Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.

An application for a variance requires a filing fee to be presented to the town clerk, or a duly authorized representative.

Uses Not Provided For. Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance. This does not, however, apply to issues currently under consideration by the Board or under litigation at the time of passage of this Ordinance.

ARTICLE VI

DISTRICT USE REGULATIONS

Section 601. Establishment of Districts.
For the purpose of this Ordinance, the Town of Summerdale is hereby divided into the types of districts designated as follows:

R-1 Residential District	(Single Family)
R-2 Residential District	(Single & Two-Family Dwelling)
R-3 Residential District	(Single & Multi-Family)
MH-1 Mobile Home District	(Mobile Home Parks)
B-1 Commercial/Residential Business	(Neighborhood Business with Residential Component)
B-2 Commercial Business	(General Business)
BCOZ Business Corridor	(Applies to Businesses that fall within overlay zones)
M-1 Manufacturing District	(Light Industrial)
M-2 Industrial District	(Industrial with Restricted Uses)
FP-1 Flood Plain District	(Flood Prone)
AO-1 Agriculture/Open Space	(Croplands, Pasture and Woodlands)

Any unzoned land annexed to the Town of Summerdale, hereafter shall be classified R-1, unless otherwise classified by the Planning Commission and Town Council at the time of annexation. Annexed land with an established zoning shall at the time of annexation be rezoned to a use compatible with the municipality's own zoning district or to an entirely new zone consistent with established procedure. Planned Unit Developments(PUD) shall not be annexed as such. They must be rezoned after initial annexation, following the PUD regulations.

Section 602. R-1 Residential District

This district exists for the development of residential areas. The use of land and buildings within such areas is therefore limited to single-family detached dwellings and such non-residential uses as generally support and harmonize with such low-density districts. A traffic study may be required by the Planning Commission for developments containing 10 or more dwellings.

Use Regulations

Uses Permitted:
Site Built single-family dwellings, modular homes: accessory structures, secondary suite; gardens, residential parking for communal use, public buildings, including schools and libraries. Agricultural farm use on parcels containing one acre or more of land.

Modular Home approvals within R-1 Zones:
The Planning Commission shall review all applications for modular homes prior to the issuance of permits by the Building Department. Approval of modular homes are contingent upon the finding that the modular home is consistent in size, shape, width, roof pitch, eave overhangs, siding material, roof material, and foundation enclosure to traditional conventionally built single family permanent dwellings in the surrounding residential area. The type of material and method used for underpinning shall be consistent to the underpinning for conventionally built single family permanent dwellings homes in adjacent or nearby locations.

Uses Permitted on Appeal:
Public parks and playgrounds; churches; public utilities; and customary home occupations. *Customary Home Occupations* may be approved by Town Staff under the conditions no signage is permitted, and no traffic is generated from said home occupation.

Uses Prohibited:
Mobile homes, mobile home parks; commercial or industrial uses, including parking lots or parking areas in connection with the uses.

Space Regulations

Minimum Lot Size:
15,000 square feet; 10,000 square feet if served by a public sewer system.

Minimum required lot width at building line (setback line):
75 feet.

Minimum Yard Size:
Front 35 feet; rear 35; interior side yard 10 feet; street side yard 25 feet; accessory structures – 5 feet side yard; 5 feet rear yard

Off-Street Parking:
Four (4) spaces per dwelling unit for single-family dwelling units. Garage spaces cannot count toward this requirement. Where communal parking is required by the Planning Commission, communal parking shall be at a ratio of 1: 10 (Min 10% of total units). (See Section 902).

Section 603. R-2 Residential District.

This district exists for the protection of areas that have been and are being developed predominantly for medium-density single-family dwellings, but in which two-family dwellings are also found. Accordingly, the use of land and buildings within such areas is limited to single-family detached dwellings and two-family dwellings, and to such non-residential uses as generally support and harmonize with a residential area. A traffic study may be required by the Planning Commission for developments containing 10 or more dwellings.

Use Regulations

Uses Permitted:
Site-built single-family dwellings; modular homes, two family dwellings, accessory structures, secondary suite only in conjunction with a single-family structure; gardens; playgrounds; parks; residential parking for communal use, churches; public buildings; including public schools and libraries. Agricultural farm use on parcels containing one acre or more of land. Only one, two-family dwelling structure is permitted per parcel. Multiple two-family dwellings will fall under the requirements in Section 604.1

Modular Home approvals within R-2 Zones:
The Planning Commission shall review all applications for modular homes prior to the issuance of permits by the Building Department. Approval of modular homes are contingent upon the finding that the modular home is consistent in size, shape, width, roof pitch, eave overhangs, siding material, roof material, and foundation enclosure to traditional conventionally built single family permanent dwellings in the surrounding residential area. The type of material and method used for underpinning shall be consistent to the underpinning for conventionally built single family permanent dwellings homes in adjacent or nearby locations.

Uses Permitted on Appeal:
Customary home occupations; public utilities; semi-public buildings; golf courses; municipal, county or federal uses; private institutions such as kindergarten and day nurseries. *Customary Home Occupations* may be approved by Town Staff under the conditions no signage is permitted, and no traffic is generated from said home occupation.

Uses Prohibited:
Mobile homes, mobile home parks, commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted.

Space Regulations

Minimum Lot Size:
15,000 square feet; 10,000 square feet if served by a public sewer system. 7,500 square feet per family for two-family structures.

Minimum required lot width at building line (setback line): 75 feet.

Minimum Yard Size:
Front 35 feet; rear 35; interior side yard 10 feet; street side yard 25 feet; accessory structures – 5 feet side yard; 5 feet rear yard

Off-Street Parking:
Four (4) spaces per dwelling unit for single family dwelling units. Garage spaces cannot

count toward this requirement. Where communal parking is required by the Planning Commission, communal parking shall be at a ratio of 1: 10 (Min 10% of total units). (see Section 902).

Section 604. R-3 Residential District.

This district exists for the protection of areas that have been and are being developed predominantly for single-family dwellings, but in which multi-family dwellings are also found. Accordingly, the use of land and buildings within such areas is limited to single family detached dwellings, two-family dwellings and 3-family dwellings, multi-family dwellings / apartments. A traffic study may be required by the Planning Commission for developments containing 10 or more dwellings.

Use Regulations

Uses Permitted:
Site-built single-family dwellings; modular homes, multi-family dwellings, two-family dwellings, accessory structures, secondary suite only in conjunction with a single-family structure; bed and breakfasts; churches; gardens; residential parking for communal use, playgrounds; parks; and public buildings including public schools and libraries. Agricultural farm use on parcels containing one acre or more of land.

Modular Home approvals within R-3 Zones:
The Planning Commission shall review all applications for modular homes prior to the issuance of permits by the Building Department. Approval of modular homes are contingent upon the finding that the modular home is consistent in size, shape, width, roof pitch, eave overhangs, siding material, roof material, and foundation enclosure to traditional conventionally built single family permanent dwellings in the surrounding residential area. The type of material and method used for underpinning shall be consistent to the underpinning for conventionally built single family permanent dwellings homes in adjacent or nearby locations.

Uses Permitted on Appeal:
Customary home occupations; public utilities; semi-public buildings; golf courses; municipal, county, or federal uses; private institutions such as kindergartens and day nurseries. *Customary Home Occupations may be approved by Town Staff under the conditions no signage is permitted, and no traffic is generated from said home occupation.*

Uses Prohibited:
Mobile homes, mobile home parks, commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted.

Space Regulations

Minimum Lot Size:

15,000 square feet; 10,000 square feet if sewer is provided; 7,500 square feet per family for two-family structures.

Minimum lot width at building line (setback line):
75 feet

Minimum Yard Size:
Front 35 feet; rear 35; interior side yard 10 feet, street side yard 25 feet; accessory structures 5 feet side yard; 5 feet rear yard, 50 feet front yard.

Off-Street Parking:
Four (4) spaces per dwelling unit for single and two-family dwelling units. Garage spaces cannot count toward this requirement. Parking requirements may be met through alternative parking areas placed within the development, upon approval by the Planning Commission.

604.1 Multi-family Dwellings:

Maximum Density:
12 Dwelling units per acre

Minimum Lot Size:
Multi-family: 1 acre (43,560 square feet).

Minimum lot width at building line (setback line): 200 feet.
A minimum of twenty-five percent (25%) of the land area shall be set aside for amenities, open space, or common areas, not including parking. Stormwater retention areas are not included in this 25% open space requirement, unless it is properly designed and determined to be acceptable open space by the Planning Commission.

Minimum Yard Size (setbacks):
Multi-family: Front 40 feet; rear 35; interior side yard 25 feet; street side yard 40 feet; Where multi-family dwelling units (complex) are located adjacent to single family residential uses; the minimum rear yard and side yard shall be 50 feet. Setbacks for accessory structures for the use and operation of the complex shall be 5 feet side yard; 5 feet rear yard, 50 feet front yard. (50') feet.

Parking:
Two (2) spaces per dwelling unit for multi-family units; see Section 902). Parking shall not be located in the front yard of the development. The parking shall be located behind the street setback to the side and rear of the buildings, wherever possible. Where communal parking is required by the Planning Commission, communal parking shall be at a ratio of 1: 10 (Min 10% of total units).

Section 605. MH-1 Mobile Home District.

This district exists for the purpose of providing for the establishment of mobile home parks and single-family housing that is alternative to “stick-built” homes in areas not presently zoned for such uses and to minimize any detrimental effects of such developments on existing land uses. All mobile home lots not located within a designated mobile home park shall follow the space and height regulations of the R-2 zoning district.

Use Regulations

Uses Permitted:
Mobile homes, Mobile home park facilities, one single-family residence for occupancy by the owner/manager of the mobile home park, and accessory structures which are necessary to the operation of the park to provide for the permanent or temporary parking of mobile homes. Single family homes shall be allowed on lots within MH-1 zoning not located within a designated mobile home park. Those owners of lots within MH-1 zoning, not located within a designated mobile home park, who wish to remain in their mobile home during the construction process of their single-family new construction, may do so for a period not to exceed 18 months from start of construction. To do so, the owners shall petition the Planning Commission for prior approval as there is only one dwelling permitted per lot.

Uses Prohibited:
All uses not specifically permitted.

Space Regulations

Minimum Site Size:
The minimum site for mobile home parks shall be three (3) acres with a minimum width of 100 feet along a major street.

Minimum Lot Size:
Each mobile home lot/site within a designated mobile home park shall have a minimum of 4,000 square feet and have a minimum width of 40 feet at the front lot line. For individual lots located outside of a mobile home park but within the mobile home district, the minimum lot shall be 15,000 square feet, or 10,000 square feet where sewer is available with a minimum width of 75 feet at the front lot line.

Minimum Yard Size:
Mobile homes within a mobile home park shall be located with a minimum setback of twenty-five (25) feet from any park property boundary line and ten (10) feet from any other lot line. No mobile home within a mobile home park shall be closer to any other mobile home than twenty (20) feet. Mobile homes on individual lots located outside of a mobile home park but within the mobile home district shall follow the setbacks set forth in an R-2 district.

Maximum Number:

The maximum number of mobile homes within a mobile home park, per acre shall not exceed ten (10).

Off-Street Parking:
Two (2) off-street parking spaces shall be provided for each mobile home lot. (See Section 902.)

Design Requirements

The proposed development of a mobile home park shall be considered in accordance with an overall masterplan which shall include, as a minimum, the following requirements.

Landscaping.
The proposed development shall be designed as a single architectural scheme with appropriate common landscaping.

Lighting.
All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than 250 watts each, spaced at intervals of not more than 100 feet.

Screening.
A 15-foot planted buffer strip, containing plants that at least eight (8) feet tall, shall be provided wherever the district adjoins the boundary or property line of another district.

Traffic Circulation. The locations of driveways, parking spaces and interior streets shall be designed on said plan, and approved by the Planning Commission.

Drainage and Sewage Disposal. Drainage and sewage disposal plans shall be submitted to and approved by the Summerdale Town Council.

Mobile Home Types. Must meet the latest NMHC and Safety Standards.

Section 606. B-1 Neighborhood Business District with residential component

This district is intended primarily to serve the needs of the surrounding residential neighborhoods, providing goods and services that are day-to-day needs, generally classed by merchants as *convenience goods and services*. Like the B-2 commercial business district it is to provide local shoppers with goods, services and specialty goods, amusements, restaurants, places of entertainment with and without the sale of liquor for the town wide market. The primary purpose is retail trade; however, a residential component may be added to the structure on the second floor in the downtown area to encourage downtown living.

All buildings located in the B-1 zoning district in the downtown area along 1st street shall

have an approved neo-traditional architectural façade, excluding ribbed metal siding, on the front elevation and all other elevations that are adjacent to a public/private street or right-of-way, and a minimum of ten (10) feet along sides not adjacent to a street. Acceptable materials for the external elevations of buildings or facades include stucco, brick, scored or split face block, wood shingles, wood lap or board and batten siding and fiber cement lap siding. It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, cornice work, wainscot, protrusions, recessed windows or entries. Alternative materials other than listed above must be approved through the Site Plan approval process.

Use Regulations

Use Permitted:
Any retail use, service, or wholesale business not specifically restricted or prohibited, including but not limited to all of the following types of businesses: parking lots, hotels/motels, bed and breakfasts, offices, banks, public buildings, business signs, clubs and fraternal organizations, crematories, places of amusement and assembly, pet stores, churches, or similar places of worship, restaurants without or with the sale of alcoholic beverages as an ancillary use , places of entertainment without the sale of alcoholic beverages, and similar types of business.

Uses Permitted on Appeal:
Filling stations where no major repair work is done; hotels/motels; on-site residence whereby the purpose of which is to provide for the over-watch, protection, or management of the property or equipment pertaining or specific to the business.

Uses Prohibited:
Auto repair, laundry and dry-cleaning plants; manufacturing; cabarets; night clubs, whether or not operated by non-profit organizations; open-lot sales for cars or trailers, used or new; roller skating rinks; bowling alleys; curb markets and fruit stands; mobile home parks, any use prohibited in a B-2 Business District.

Space and Height Regulations

Minimum Lot Size:
None specified. However, it is the intent of the Ordinance that lots of sufficient size be used for any business service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

Minimum Yard Size:
Front 20 feet; rear 25 feet; street side yard 15 feet; interior side yards none except 20 feet when contiguous to a R-1, R-2, R-3, or MH-1 District, 10 feet of which shall be planted in an evergreen material or other suitable buffer to provide a screen, at least eight (8) feet in height,

Off-Street Parking:

See GENERAL PROVISIONS, Off-Street Automobile Storage. (See Section 902.)

Off-Street Loading:
Shall use required rear or side yard for loading or unloading.

Section 607. B-2 Commercial Business District.

This District serves several functions. It provides for the orderly development and expansion of the central business district, encouraging the discontinuance of non-conforming uses and a minimum of traffic and parking congestion. The district provides comparison shoppers' goods, convenience goods and services, specialty goods, amusements, and services for the town-wide market. The primary purpose of these functions is retail trade. All buildings in the B-2 Commercial Business District fronting 1st Street, shall have an approved architectural façade, excluding ribbed metal siding, on the front elevation and all other elevations that are adjacent to a public/private street or right-of-way, and a minimum of ten (10) feet along sides not adjacent to a street. Acceptable materials for the external elevations of buildings or facades include stucco, brick, scored or split face block, wood shingles, wood lap or board and batten siding and fiber cement lap siding. It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, cornice work, wainscot, protrusions, recessed windows or entries. Alternative materials other than listed above must be approved through the Site Plan approval process.

Use Regulations

Uses Permitted:
Any retail use, service, or wholesale business not specifically restricted or prohibited, including all of the following types of businesses: parking lots, hotels/motels, bed and breakfasts, offices, banks, public buildings, major auto repair to include paint/body shops, business signs, printing plants, clubs and fraternal organizations, mortuary or funeral home, places of amusement and assembly, mini-warehouses, pet stores, automobile sales and service, bus terminals and taxi cab stands, storage plants, general ware-housing, gasoline service stations, veterinarian hospitals and kennels, outdoor advertising signs, churches, or similar places of worship, restaurants, and similar types of business. Recreational vehicle parks are allowed outside of the overlay zones (see Section 608 BCOZ). Recreational vehicle parks shall be reviewed and approved using the Planned Unit Development process found in this Ordinance.

Uses Permitted on Appeal:
Dry cleaner plants and laundries. Manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein; on-site residence whereby the purpose of which is to provide for the over-watch, protection, or management of the property or equipment pertaining or specific to the business. Sexually oriented businesses may be permitted on appeal outside of any overlay zone.

Uses Prohibited:

Stock yards; live animal or poultry sales; mobile homes; mobile home parks; ice plants; coal yards; lumber yards or mills; auto wrecking; storage of gasoline, oil, alcohol, and any other compressed, combustible, or volatile gas above the ground in excess of (1,000) gallons; grist or flour mills; junk and scrap paper; rag storage and baling; stone and monument works; abattoir, slaughter house; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement; mortar, plaster, or paving materials; curing, tanning or storage of hides; distillation of bones, coal, tar or wood; fat rendering; forge plant; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, concrete blocks, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas including storage, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations.

Space Regulations

Minimum Lot Size:
None specified. However, it is the intent of this Ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading to the space required for the other normal operations of the business or service.

Minimum Yard Size:
Front yard, no restrictions, with the exception that the front yard setback on Highway 59 shall be 50 feet; rear yard 25 feet; street side yard 15 feet; interior side yards none except 20 feet when contiguous to a R-1, R-2, R-3 or MH-1 District, 10 feet of which shall be planted in an evergreen material or other suitable buffer at a height of at least eight (8) feet to provide a screen.

Off-Street Parking:
See GENERAL PROVISIONS, Off-Street Automobile Storage. (See Section 902).

Off-Street Loading and Unloading:
Shall provide space for loading and unloading for structures hereafter erected or altered when same is on lot adjoining a public or private alley.

Section 608. BCOZ Business Corridor Overlay Zone

In recognition of the unique characteristics of State Highway 59, and the Baldwin Beach Express this overlay zone is created, extending 300ft from the rights-of-way. Both State Highway 59 and the Baldwin Beach Express are high-speed principle arterials, the Business Corridor Overlay Zone is created to restrict non-retail-based business and to promote retail-based businesses along these corridors fronting Hwy 59 and the Baldwin Beach Express. Non-retail-based businesses are prohibited on all parcels with frontage on Hwy 59 and the Baldwin Beach Express within the overlay areas; this excludes professional offices and service providers. This overlay zone is intended to modify certain requirements so as to sustain retail business activity along the Hwy 59 corridor.

Requirements concerning landscaping, signs, and fencing have also been modified and apply exclusively to those businesses that front on State Highway 59 and the Baldwin Beach Express. All of these requirements are enumerated under Section 1004, Landscaping, Signs, and Fencing, ARTICLE X, EXCEPTIONS AND MODIFICATIONS. The Business Corridor Overlay Zone is shown on the current Zoning Map.

Section 609. M-1 Industrial District (Light Industry).

This district is intended for industrial uses, which are not offensive to nearby commercial or residential uses, and for business uses, which generally support and are integrated with these industrial uses. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land.

Use Regulations

Uses Permitted:
Any use permitted in the B-2 district (excluding recreational vehicle parks) and light industrial operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluent, and including the following types of business or industry; ice cream plants, textile mills, ice plants; bottling and central distribution plants, baking plants; dyeing plants; dry cleaners and laundries; mortuary or funeral homes; agricultural uses, air strips, grain blenders, grain elevators, and similar types of industries.

Uses Permitted on Appeal:
Any manufacturing use not specifically prohibited herein, including quarters for night watchmen and caretakers for a specific industry. Sexually oriented businesses may be permitted on appeal outside of any overlay zone.

Uses Prohibited:
Residential uses; abattoir, slaughter house; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement; mortar, plaster, or paving materials; curing, tanning or storage of hides; distillation of bones, coal, tar or wood; fat rendering; forge plant; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, concrete blocks, candles, disinfectants, dyestuffs, illuminating or heating gas including storage, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations.

Space and Height Regulations

Minimum Lot Size:
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.

Minimum Yard Size:
Front yard 50 feet; street side yard, 15 feet, interior side yard 10 feet, except when contiguous to a FP-1, R-2, R-3 or MH-1 District in which case twenty (20) feet shall be provided. Ten feet of this required yard shall be planted in an evergreen material or other acceptable plants at least eight (8) feet in height to provide a screen or another type of suitable buffer.

Maximum Height:
Fifty (50) feet or 4 stories.

Off-Street Parking:
See GENERAL PROVISIONS, Off-Street Automobile Storage

Off-Street Loading and Unloading:
Shall provide adequate space for loading all vehicles or trucks incidental to the operation of the industry or use.

Section 609.1. M-2 Industrial District (Industrial with Restricted Uses)

This district is intended for industrial uses, which are not offensive to nearby commercial or residential uses, and for business uses, which generally support and are integrated with these industrial uses. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land. Junk yards, salvage yards, salvage parts and repair, and similar types of activities have additional regulations.

Use Regulations

Uses Permitted:
Any use permitted in the B-2 district and M-1 district and operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluent, and including the following types of business or industry; ice cream plants, textile mills, ice plants; bottling and central distribution plants, baking plants; dyeing plants; dry cleaners and laundries; mortuary or funeral homes; agricultural uses, junk yards, salvage yards, salvage parts and repair**,** air strips, grain blenders, grain elevators, and similar types of industries. Abattoir, slaughter house; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement; mortar, plaster, or paving materials; curing, tanning or storage of hides; distillation of bones, coal, tar or wood; fat rendering; forge plant; any processing resulting in dust, smoke, vibration, noise, odor, or effluent; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, concrete blocks, candles, disinfectants, dyestuffs, illuminating or heating gas including storage, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring, cotton waste reclaiming; and similar types of plants or operations. No

materials causing an offensive odor or unsanitary conditions shall be stored on said premises.

Uses Permitted on Appeal:
Any manufacturing use not specifically prohibited herein, including quarters for night watchmen and caretakers for a specific industry.

Uses Prohibited:
Residential uses; Mobile Homes; Recreational vehicle parks; schools and similar No materials causing an offensive odor or unsanitary conditions shall be stored on said premises.

Space and Height Regulations

Minimum Lot Size:
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.

Minimum Yard Size:
Front yard setback 50 feet; rear yard setback 50 feet ; street side yard, 20 feet, interior side yard 15 feet, except when contiguous to a FP-l, R-2, R3 or MH-I District in which

case fifty (50) feet shall be provided. Ten feet of this 50 foot required yard shall be planted in an evergreen material or other acceptable plants at least eight (8) feet in height to provide a screen. Any junk yards, salvage yards, or salvage parts and repair, and businesses of similar operation have special requirements.

Maximum Height:
Fifty (50) feet for any structure

Off Street Parking:
See GENERAL PROVISIONS, Off-Street Automobile Storage

Special Regulations Pertaining to Junk Yards or Salvage Yards

Minimum Lot Size:
Junkyards, auto salvage, parts and repair, and businesses of similar operation are required to have a lot size no smaller than five (5) acres and may not be located within 1000 feet of any R-1, R-2, R-3, or MH-1 zone.

Minimum Yard Size:
Setback shall be 50 feet from any streets abutting the property. Rear setback shall be 50 feet. Side yard setback shall be 20 feet. The front, rear, and side setback areas shall not be used for any type of material, junk, vehicle, or equipment storage. The side and rear setback areas may be used for customer and employee parking, driveways, and storm

water management facilities as long as they comply with all Town of Summerdale regulations.

Planting/Landscaping:
A 20 foot wide strip along the side and rear property lines shall be landscaped with ground cover and plant material and shall not contain impervious cover except for the crossing of necessary entrance/driveways or allowed parking. A 20 foot wide strip beyond the reserved or dedicated right-of-way of any road or street shall be landscaped with ground cover and plant material and shall not contain impervious cover except for the crossing of necessary entrance/exit driveways. A 10 foot evergreen screen shall be planted within the building setback area along any street abutting a property line. The evergreen screen shall be created by planting trees on the street side adjacent to the required fencing, (a minimum of 6 feet tall at planting that will grow a minimum of 15 feet tall at maturity on 12 foot centers maximum). In addition, existing trees and plants on and around the site shall be preserved to the greatest extent possible.

Required Fencing:
All junk yards, salvage or scarp yards, and salvage parts and repair shall be surrounded by a fence at least 6 ½ feet in height to provide concealment from sight of all contents of the yard and to restrict vision of contents from any public street. The fence shall be in good repair at all times and any damage or wear shall be repaired by the owner. All materials shall be maintained, kept, stored, or arranged within the perimeter of a fenced area. Fencing may include tight board fencing or chain link fencing with vision proof strips, which shall enclose the view of materials, free from advertising except signage that is permitted, by the Town of Summerdale, for the owner's business. All materials shall be stored inside of said fence and at no greater height than the height of the fence. The entrances to the fenced area must be kept securely locked except during hours of operation. The fencing may not infringe upon the setback requirements.

Section 610. FP-1 Flood Plain District.

This district exists for the purpose of providing for the practical development of land subject to flooding. Residential, commercial and industrial development are prohibited from this district to avoid blocking the flood basin and to protect such development from the adverse effects of floods.

Use Regulations

Use Permitted:
Agricultural uses; incidental accessory uses to an agricultural operation including barns and related uses; outdoor recreation uses including parks and picnic areas, golf courses, camps and camp grounds; air strips.

Uses Prohibited:
All residential, business and industrial uses.

Space and Height Regulations

Minimum Lot Size:
None Specified

Minimum Yard Size:
Front 75 feet; rear 50 feet; interior side yard 50 feet; street side yard 50 feet.

Minimum Height:
Thirty-five (35) feet or 2-1/2 stories.

Off-Street Parking
See GENERAL PROVISIONS, Off-Street Automobile Storage.

Section 611. AO-1 Agricultural/Open Space.

The Agriculture/Open Space District is established primarily for general agricultural and/or forestry uses. Such uses normally would be carried on in non-urban areas. Regulations applying within this district are designed: (1) to encourage continued use of land for agricultural and/or forestry purposes; (2) to prohibit scattered commercial and industrial uses of land in the Town of Summerdale and to prohibit any other use which would substantially interfere with the efficient development of land for more intensive urban uses as the Town of Summerdale expands; and (3) to discourage any use which, because of its character or size, would create unusual requirements and costs for public services such as police and fire protection, public water supply and sanitary sewers before such services could be expanded or developed efficiently in the course of normal development of the Town of Summerdale.

Use Regulations

Uses Permitted:
Farms, single-family dwellings, parks, playgrounds, clubs, lodges, public and private forests, wildlife refuges, stables, accessories, secondary suites, kennels, home occupations, churches, schools, public buildings, and other accessory uses to the above.

Uses Permitted on Appeal:
Temporary and unenclosed roadside stands for the sale of agricultural products, public and private utilities, airports, radio or television broadcasting towers, hospitals, institutions, mausoleums and cemeteries, and properly externally modified and enhanced in accordance with requirements.

Uses Prohibited:
Any business or industry not contained in the above paragraphs, signs, billboards, and the excavation of minerals, or the removal of surface materials.

Space and Height Requirements

Minimum Lot Area	1 acre per family
Minimum Lot Width at Building Line	150 feet
Minimum Depth of Front Yard	50 feet
Minimum Depth of Rear Yard	50 feet
Minimum Width of Each Side Yard	25 feet
Maximum Building Area	25% of the lot
Maximum Building Height: Feet / Stories	35 / 2
Off-Street Parking Requirement Per Family Dwelling Unit	2

ARTICLE VII

PLANNED UNIT DEVELOPMENT

Section 701. Purpose.

The purposes of the PUD (Planned Unit Development) District is to encourage the development of innovative and creative land use designs. The inclusion in this ordinance of this district is intended to allow the unified planning and development of a tract of land suitable in location, area, and character for the uses and structures proposed.

Section 702. Uses Permitted.

Any use shall be permitted except for mobile homes and industrial use provided it meets requirements of other provisions of this Article.

Section 703. Conditions for Development.

In order to change the regular district designation of a tract of land to PUD (Planned Unit Development), and to substantially thereby use such a tract of land, the following conditions shall be met:

703.1 Master Plan
A master plan of development showing the exact manner in which the whole tract will be improved and used must accompany the request for change of zoning, be approved by the Town Council, and be retained in the file of the Town Clerk as part of the Town's records.

703.2 *Development*
Before permits for use of development of any portion of a PUD Zoning District can be issued, a Master Plan for Development of the whole tract shall have been approved by the Planning Commission and the Summerdale Town Council and shall be retained in the file of the Town Clerk as part of the Town's records. After the Master Plan for Development has received approval, a preliminary subdivision plat with construction drawings shall be presented to the Planning Commission in accordance with Section 4.5 of the Town of Summerdale Subdivision Regulations for approval and shall correspond in all respects to the approved Master Plan for Development. When approval of the preliminary subdivision plat with construction drawings has been granted by the Planning Commission, permits for subdivision infrastructure construction may be requested. Permits shall be required for any use, activity, building, or site improvement and must be in accordance with the approved Master Plan for Development. After construction is complete and all aspects of construction of the site correspond to the approved Master Plan for Development and the approved preliminary subdivision plat, the final subdivision

plat as built shall be submitted to the Planning Commission for approval.

703.2.1. Phased Development.
The process of development will be allowed to be accomplished as a whole single development or in approved programmed phases of partial completion in accordance with the approved Master Plan for Development. If construction of the development is completed in phases, each phase must be presented to the Planning Commission for preliminary plat_approval_in accordance with Section 4.5 of the Town of Summerdale Subdivision Regulations After each phase has received preliminary plat approval by the Planning Commission, construction on that phase may begin. When construction on a preliminary approved phase is completed, a final plat shall by submitted to the Planning Commission for final approval of the phase. After the final plat approval has been granted by the Planning Commission, the plat shall be recorded in accordance with State of Alabama Law and Certificates of Occupancy for buildings may be issued. Recorded copies of the final subdivision plats shall be retained in the office of the Town Clerk as part of the Town's records."

703.2.2. Site Plan Approval for Multi-family and Commercial Structures.
The construction of multifamily buildings with three (3) or more dwelling units and all commercial development will require an approved site plan, by the Summerdale Site Plan Review Committee and Planning Commission, prior to request for a building permit.
.
703.3 Amendment of Master Plan
The master plan of development for a tract may be amended at any time by the Town Council, provided a notice is given and public hearing held thereon in the same manner as for the original approval of the change of zoning for the subject tract to a PUD zoning district classification.

703.4 Minimum size of the tract:
Shall be ten (10) acres.

703.5 Landscaping and Open Space
Landscaping and open space shall be an essential part of the master plan. At least twenty-five percent (25%) of the net area shall be dedicated to usable open space/recreational uses (such as landscaping, bike paths, walkways, swimming areas, and recreational courts). Existing trees and natural features shall be preserved wherever possible. Protected environmental features and or stormwater control measures shall not be included in the 25% usable open space without approval by the Planning Commission. A traffic study may be required by the Planning Commission for developments containing 10 or more dwellings.

703.6 Traffic
Insofar as possible, vehicular traffic generated by the proposed development shall not exceed the capacity of access streets, and shall not disrupt established residential areas.

703.7 Impact

The capacity of existing or scheduled utility systems or schools serving the proposed development shall not be exceeded; in large tracts that will eventually contain a large number of families, a school site shall be platted and dedicated to the school board upon the recording of an approved subdivision plat.

703.8 Energy Efficiency
An effort shall be made to maximize energy efficiency. Energy consumption measures which should be employed include: (a) utilization of a building's solar orientation, (b) utilization of landscape design techniques.

703.9 Stormwater
All storm water runoff shall be adequately controlled.

Section 704. Minimum Building Site.

The minimum building lot size for single family detached dwelling units shall be 10,000 square feet. with a minimum required lot width of seventy-five feet (75ft) at building line (setback line). The land used for building coverage and off-street parking and loading spaces required in the Article, does not preclude adequate open spaces for landscaping, and for recreation facilities for the occupants of the dwellings. The proposed minimum and average building sites, the resulting average net density (families per acre of residential use), the total land used for every purpose (including rights-of-way), the number of off-street parking and loading spaces for each use area, and the total and average land area covered by the buildings in each use area, shall be calculated and shown on the master plan of development.

Section 705. Minimum Yards.

705.1 *Building Setback Line*.
40 feet from the right of way line of a major street, Front setback on any building lot shall be a minimum of 35 feet.

705.2 *Yards*.
No building shall be closer than 15 feet to any PUD zoning boundary line, provided that no entrance to any building shall be closer than 35 feet to any such line.

705.3 *Space Between Buildings*.
No minimum requirement.

Section 706. Maximum Height.

No building shall be in excess of thirty-five (35) feet or 2-1/2 stories.

Section 707. Accessibility.

Access shall be provided to each separately platted-building site by way of a street plus a driveway or clear way of at least 12 feet in width.

Section 708. Off-street parking.

A minimum of four (4) off-street parking spaces shall be provided for each residential dwelling unit. Spaces in the garage do not count toward this requirement.

Four (4) spaces per dwelling unit for single family dwelling units. Garage spaces cannot count toward this requirement. Where communal parking is required by the Planning Commission, communal parking shall be at a ratio of 1: 10 (Min 10% of total units). Parking requirement may be met through alternative parking areas placed within the development, upon approval by the Planning Commission. For other uses included in the PUD, see ARTICLE VII.

ARTICLE VIII

APPLICATION OF REGULATIONS

Section 801. Uses.

In each district no other use other than the types specified as permitted shall be permitted upon application to the building inspector. Uses specified as permitted on appeal are exceptions and no permit shall be issued for such uses except with the written approval of the Board of Adjustment and subject to the conditions as said Board may require to preserve and protect the character of the district except that any exclusively residential use existing on a piece of property which is zoned as business may continue to be used exclusively as a residential property whether or not such residential use is discontinued intermittently or not. The property owner which/who has such a residential use on its/their premises in a business district may only continue to use said property for residential purposes so long as it is not combined with a business use on the same premises and/or said property remains exclusively used as residential property.

Section 802. Building Lots, yards, and Other Open Spaces.

In each district, structures hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width required in ARTICLES VI or VII. 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.

In each district, each structure hereafter erected or altered shall not exceed the heights specified in the district requirements.

Section 803. Reduction in Lot Area Prohibited.

No Lot shall be reduced in area so that yards and other open space total less than the minimum area required under this ordinance.

ARTICLE IX

GENERAL PROVISIONS

Section 901. Nonconforming Use.

901.1 *General*.
Any use or structure existing at the time of enactment of or subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or structure, which does not conform to the provisions of this ordinance, shall not be:

a) Changed to another nonconforming use.

b) Re-established after discontinuance for one hundred and twenty (120) days except that any exclusively residential use existing on a piece of property which is zoned as business may continue to be used exclusively as a residential property whether or not such residential use is discontinued intermittently or not. The property owner which/who has such a residential use on its/their premises in a business district may only continue to use said property for residential purposes so long as it is not combined with a business use on the same premises and/or said property remains exclusively used as residential property.

c) Extended except in conformity to this ordinance.

d) Rebuilt, altered, or repaired after damage exceeding fifty percent (50%) of its fair market value immediately prior to damage. Exception: Grandfathered residential use may be rebuilt and continued after damage or destruction under the condition permits for repair/rebuild are pulled within 1 year from the date damage occurred, with the option for a 12-month extension at staff's discretion. This exception becomes null and void if the said property owner at the time of damage or destruction is not the property owner at the time of rebuild. Those grandfathered residential structures being rebuilt after destruction are required to build back to the architectural design requirements set forth in the zoning district in which it is located.

901.2 *Existing non-conformance specifications pertaining to landscaping requirements*.
Where existing uses have paved parking lots and are not otherwise exempt from provisions of this ordinance, such parking lots shall be landscaped to fully conform to the provisions of this ordinance within not more than 90 days from the date such ordinance becomes effective. Provided, however, that no existing use shall be required to suffer loss of existing, established parking spaces in order to fully conform hereto.

901.3 *Non-conformance specifications for outdoor advertising (signage)*.

901.3.1 *Non-Conforming Signs*.
Any sign for which a permit has been issued by the Building Official of the Town of Summerdale or which shall have been erected prior to the effective date of this ordinance, not otherwise complying with the provisions of this Section, may continue in existence, as a non-conforming use or non-conforming structure under the same terms and conditions as provided for the continuation of non-conforming uses as specified in this Ordinance.

901.3.2 *General Provisions for Non-conforming Signs*.
Subject to the conditions and amortization hereinafter set forth, nonconforming signs may be continued in operation and maintenance after the effective date of this Ordinance, provided that non-conforming signs shall not be:

a. Changed to or replaced with another non-conforming sign;
b. Structurally altered so as to extend their useful life;
c. Expanded;
d. Relocated;
e. Re-established after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction; or
f. Modified in any way that would increase the degree of non-conformity of such sign. Except in the case of 901.3.2e herein above, this shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure or normal maintenance operations performed on a sign or sign structure.

901.3.3 *Cessation of Non-conforming Signs*.
Signs that are located in improper zoning districts and signs that exceed the allowable number or the allowable size limitations shall be removed within ten years from the date of enactment of this Ordinance.

901.3.4 *Non-Conforming portable, mobile, etc…*
In addition, all non-conforming portable trailer signs, bus bench advertisements, mobile signs and flying paraphernalia advertising shall be removed within ninety (90) days from the enactment of this Ordinance.

901.3.5 *Non-Conforming signs in the Right-of-Way*
All non-conforming signs in the public right-of-way shall be removed within ninety (90) days from the enactment of this Ordinance, unless a variance is approved by the Board of Adjustments and the adjacent property owner(s) give written consent to the granting of the variance.

901.3.6 *Signs Made Non-Conforming Due to Annexation*.
Such signs shall be removed or modified so as to conform according to the amortization established herein, but the initiation date shall be the effective date of the annexation ordinance which brought the affected property into the Town rather than that of this Ordinance.

901.3.7 *Method for Removal of Signs by Town Contractor and Charging Property Owners Taxes*.
In the event that the Town's Building Inspector determines that it is necessary under the terms of this Section to remove a sign, the Building Inspector shall use either the Town department staff or a private contractor, depending upon the availability of budgeted funds and/or manpower and equipment to undertake this work. The Town department doing said removal work or the Town contractor shall keep accurate records of the costs incurred which shall be submitted to the Inspection Department for an inspection, verification, and approval of the quality and quantity of the work performed. The owner may pay the costs of the work directly to the Town or the cost will become a lien against the real property upon which such cost was incurred and said costs shall be collected in the same manner as Town taxes are collected. When private contractors are utilized, the lowest bidder shall be awarded the contract.

Section 902. Off-Street Automobile Storage.

902.1 *Residential*.
In all cases of new structures, converted structures, or structures which are increased in capacity, facilities for the storage of passenger vehicles for the use of the occupants of the dwelling units erected, altered, or increased in capacity, there shall be provided and maintained on the premises as follows:

902.2 *Nonresidential*.
In all cases of new structures or converted structures which are increased in capacity, facilities for the storage of vehicles for the use of the occupants, employees, and patrons of buildings hereafter erected, altered, or increased in capacity, shall be provided and maintained on the premises in accordance with the requirements of each type of use as follows:

Educational Institutions, Play Schools, Child Care Facility, Trade School, and Adult Learning Center.
One (1) parking space for each four (4) seats in the main assembly room plus one (1) space for each classroom seat for high schools and colleges, plus one (1) space for each employee including teachers and administrators.

Churches, Community Buildings, Auditoriums, Theaters and Other Places of Public Assembly.
One (1) parking space for each four (4) seats in the main assembly area or sanctuary (based on an eighteen (18) inch seat width, or in the case of general-purpose rooms without fixed seating, there shall be one (1) space for every thirty-five (35) square feet of floor space for the **net** floor area of these rooms.

Hotels, Motels, Tourist Court, Tourist House, Boarding House, Rooming House.
One and one-fourth (1 ¼) parking space for each guest room. Plus requirements for restaurant or food services and one (1) space per 300 square feet of meeting space.

Clinics or Professional Offices.
Four (4) spaces for each professional plus one (1) space per two (2) seats in reception, or one (1) space per 200 square feet gross floor area, whichever is greater.

Restaurant or Other Eating Places.
One (1) parking space for each three (3) seats in the eating area (including meeting space) plus one (1) space for each two (2) employees at the largest shift OR one (1) parking space for each fifty (50) square feet of **net** floor space in the eating area including meeting space, plus one (1) space for each employee (management, servers, food preparation), whichever is greater.

General Offices and Office Buildings.
One and one-half (1 ½) spaces per 250 square feet **net** floor area.

Bowling Alley.
Five (5) parking spaces for bowling lane plus requirements for food service.

Industrial Uses.
One (1) space per each 500 square feet **gross** floor area plus requirements for general offices, as stated above OR one (1) space for each one and one-half (1 ½) employees, whichever is greater.

M*anufactured Housing Development, RV Parks, and Campgrounds.*
Two (2) spaces for each unit.

*Planned Shopping Center Single Unit, Multiple Stores. Retail Stores under 50,000 square feet **gross** floor area:*
One (1) space per 300 square feet gross floor area. Retail Stores 50,000-90,000 square feet or retail furniture and high bulk stores: One (1) space per 400 square feet **net** floor area.

Retail Stores, Convenience/Gas Station Stores.
One (1) space per 250 square feet **gross** floor area plus requirements for food service.

Automotive Repair Shops, Garages, Car Wash Buildings.
Four (4) spaces per service bay.

Hospital, Sanitarium, or Nursing Homes.
One (1) space for each four (4) beds, plus one (1) space for each employee or visiting doctor on maximum shift, plus one (1) space for each 200 square feet **gross** floor area of Emergency Room.

Private Club, Lodge, or Club House without Overnight Accommodations.
One (1) parking space for each seven members, plus requirements for food service, OR one (1) space for each one hundred-eighty (180) square feet of **gross** floor area,

whichever is greater.

Single Unit Grocery Food Stores and Markets.
One (1) parking space for each two hundred-fifty (250) square feet of **gross** floor space area.

Warehouse, Storage, Wholesale Building Supplies.
One (1) space per 800 square feet **gross** floor area plus one (1) space for every fifty (50) square feet of customer service area.
**See Section 902.7 for Mini-Warehouses.*

Funeral Parlor and Mortuary.
One (1) space per thirty-five (35) square feet of parlor area plus one (1) space per four (4) seats in chapel area.

Libraries and Museums.
One (1) space per 500 square feet of gross floor area plus requirements for meeting space.

Amusement Parks.
One (1) space per 600 square feet of all acreage within the perimeter wall.

Any Use Not Otherwise Specified.
One space per two hundred-fifty square feet **gross** floor area.

Whenever two or more uses shall be made of the same property, the parking requirements for each shall be combined. Whenever a structure or use may qualify under two or more classifications, the one with the larger requirements shall govern.

For those non-residential uses where these parking requirements are viewed by the developer to be excessive, the developer may submit a variance request with supporting documentation, to the Planning Commission for review and approval.

902.3 *Measurement of Area*.
Gross floor area shall mean the gross floor area of all floors of the building enclosed by walls of any height. *Net floor area* shall mean the floor area of all floors of the building enclosed by walls of any height with the exception of floor area used for bathroom, storage, mechanical, parking, stairways, or elevators.

902.4 *Existing Parking*.
Any building which meets the parking requirements of this ordnance on the effective date thereof or any subsequent time shall thereafter continue to comply as nearly with these requirements as the highest degree of compliance reached on the effective date.

902.5 *General*.
Required off street parking may be placed in required yard space. Required off street

parking for churches may be combined with adjacent parking space if approved by variance.

902.6 Parking Space Design.
Except for granted variances, no parking space shall be so designed as to require the vehicle parked to back on to a public street with the exception of single and two family residences. Parking spaces shall meet all requirements for landscaping and circulation as required in other sections of this ordinance. All Parking lots and parking spaces for commercial use shall be asphalt or concrete pavement or other approved all-weather surface. No gravel may be permitted for parking lots or parking spaces." Parking based on number of seats or number of employees requires a final plan to be submitted at the time of site plan review. In the BCOZ overlay zone provision shall be made for a two-way access connector drive to adjoining properties from any parking space located in the required setback area in order to provide circulation and interaction to the adjoining properties.

Any property in a B-1 Zone may provide its business component parking by paying the Town the cost to convert park edge property to parking that is required or for additional parking in a municipal parking lot.

902.7 Off-Street Parking Loading/Unloading Spaces for Mini-Warehouses.

a. All one-way driveways shall provide for one (1) 10-foot parking lane and one (1) 10-foot travel lane. Traffic direction and parking shall be designated by signing or painting.

b. All two-way driveways shall provide for one 10-foot parking and two (2) 12-foot travel lanes.

c. Whenever applicable, two (2) parking spaces shall be provided for the manager's quarters plus one (1) additional space for every twenty-five (25) storage cubicles to be located at the project office for use of clients.

Section 903. Off-street Loading and Unloading.

In each business and industrial district, each structure hereafter re-erected or altered shall be provided with off-street loading and unloading facilities as specified.

On the same lot with every structure or use hereafter erected or created, there shall be provided and maintained space for loading and unloading of materials, goods, or things, and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

Where any structure is enlarged, or any use is extended so that the size of the resulting occupancy comes within the scope of this Section, the full amount of off-street loading/unloading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading/unloading space under this Article, the full amount of off-street loading/unloading space shall be supplied and maintained to comply with this Article.

For the purpose of this Section, an off-street loading/unloading space shall be an area of at least twelve (12) feet wide by forty-five (45) feet long with fourteen and one-half (14 ½) feet vertical clearance. Each off-street loading/unloading space shall be accessible from a street or alley, and arranged for convenience and safe ingress and egress by motor truck and/or trailer combination.

Off-street loading/unloading space shall be provided and maintained in accordance with the following schedule:

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

    1. Over 10,000 square feet, but not over 25,000 square feet: 1 space.
    2. Over 25,000 square feet, but not over 60,000 square feet: 2 spaces.
    3. Over 60,000 square feet, but not over 120,000 square feet: 3 spaces.
    4. Over 120,000 square feet, but not over 200,000 square feet: 4 spaces.
    5. Over 200,000 square feet, but not over 290,000 square feet: 5 spaces.

Section 904. Corner Visibility in Residence and Local Business Districts.

In any district requiring a front yard setback, no fence, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2-1/2) feet and ten (10) feet above the street shall be permitted within twenty feet of the intersection of the right-of-way lines of two streets.

Accessory structures within twenty-five feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required on the side street.

Section 905. Future Street Lines.

Any lot, which at the time of adoption of this ordinance or any time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to

a future street line as indicated on the duly adopted *Major Street Plan*, or as same may be hereafter amended, the minimum required yards, the minimum required lot width, and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

Section 906. Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire, and Explosion Hazard and Nuisance.

The conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, or explosion hazard or nuisance to surrounding property, shall be addressed according to the law as enacted and codified in the Code of Alabama pursuant to Alabama Code Section 6-5-120 et. seq. NUISANCES, and Alabama Code Section 11-53B-1 et. seq. MUNICIPAL AUTHORITY TO REPAIR OR ABOLISH UNSAFE STRUCTURES.

Section 907. Landscaping Requirements.

All areas now or hereafter proposed to be constructed or re-developed shall conform to the requirements of this ordinance.

907.1 Landscaping Plan Required.
Whenever any construction or redevelopment on any parcel, not otherwise exempt, is proposed, no permit for such work shall be issued until a landscape plan conforming to the requirements of this ordinance is submitted and approved. Such plan shall be fully dimensioned and drawn to scale and shall include, at the minimum, the following:

Species, size, and location of existing trees to be retained.

Species, size and location of trees to be planted.

Shrubs and other landscape material to be provided.

Screening and buffers required hereunder.

Proposed structures and vehicle use areas.

Relationship of site to adjacent public or private streets and properties.

Drainage Plan including site elevations.

Such other information as the zoning officer may reasonably require to ascertain compliance herewith.

907.2 *Permit Procedures*.
Application for approval of landscape plan shall be made in writing on official forms to the zoning officer. Upon approval of plan, the zoning officer shall endorse such approval

thereon. Within 20 days following receipt of application, and subject to requirements herein, the zoning officer shall either approve or deny the application. Disapproval shall be in writing, stating reasons therefor. Approval of required landscaping plan shall be a condition precedent to issuance of any required building permit, and a copy of approved plan shall be kept available at the site. Where Planning Commission review of site plans for building permits is required by this ordinance, the Commission shall also review the landscape plan in the same manner provided for site plans.

No certificate of occupancy shall be issued until the applicant/owner has complied with the following.

Satisfactorily completed all site and landscaping work as required by approved plans, or has posted a bond or other financial guaranty with surety approved by the Town in an amount equal to the cost of completing required work. Applicant shall submit an estimate of costs to complete the work, which estimate should be certified by an Alabama Registered Landscape Architect, Registered Architect, and/or Registered Professional Engineer and/or Registered Landscape Designer. Such financial guaranty shall be conditioned upon full and final completion of work required within ninety (90) days from date of instrument.

If error is alleged in any act or determination or the zoning officer in the administration or enforcement of this ordinance, an appeal may be taken to the Board of Adjustments and Appeals by filing Notice of Appeal, in writing, with the officer from whose decision appeal is taken, within 15 days of the date of such act or determination. Appeal shall be scheduled for hearing at the earliest regularly scheduled Board meeting which allows required advertising and notice.

907.3 Lands to which Landscaping Provisions apply.
The landscaping requirements shall apply to all new development and all redevelopment in all zoning districts, but shall not apply to:

- Single-family residences
- Two-family residences
- Existing developments and facilities except as otherwise provided herein.

907.4 Perimeter Landscape Requirements.

907.4.1 Required *Landscaping Adjacent to Public Rights-of-Way*.

a. Front Perimeter. Except at permitted access ways, all interior development and vehicular use areas shall be separated from public right-of-way frontage by a landscaped strip of land seven (7) feet minimum in width, inside property line, adjacent and parallel to the right-of-way line.

b. Secondary Perimeter. Except at permitted access ways, all interior development and vehicular use areas located at intersections of the public right-of-way shall be separated from the secondary right-of-way by a landscaped strip of land 4 feet minimum in width, inside property line, adjacent and parallel to the right-of-way line.

c. Required landscaped areas shall be exclusive of the land occupied by curbs and sidewalks. Vehicles shall not overhang more than two (2) feet onto landscaped areas.

d. Total tree requirement with the required perimeter landscaped area shall be in ratio of one tree for each 100 linear feet, or fraction thereof, of primary or secondary frontage. Fifty (50) percent or more shall be shade trees.

e. Grass or other ground cover shall be planted within all landscape areas not occupied by other landscape material. At least 50% of such ground cover shall be living material.

f. The required landscape area between vehicle use areas and public right-of-way shall be planted with a solid, unbroken visual screen or berm/or combination thereof, at least 36-inches in height at planting above vehicular use area, except for ten (10) feet each side of permitted access ways. Where non-living material is used for a visual screen, one shrub or vine at least 30 inches in height at planting shall be required, on the right-of-way side, for each ten (10) linear feet, or fraction thereof, of the screen.

g. *Cross-visibility*. At the corner of each side of permitted points of access from public right-of-way, or at corners of intersecting streets, landscaping shall be so planted and maintained as to provide unobstructed visibility between the heights of 2 ½ feet and 10 feet within an area defined by constructing lines parallel to and 25 feet from the street/curb line and extending back 25 feet from the point of intersection of curb lines projected.

h. Vehicular use areas and areas not occupied by development, located adjacent to side or rear property lines shall be graded so as to receive rainfall runoff. Surface water runoff shall not be permitted to pass directly onto adjacent property.

907.4.2 *Screening of incompatible land uses or zones*.

Where a use or zone is established and such use is incompatible with adjacent property, there shall be a required buffer strip defined by the following attributes:

1. A buffer may be required up to 20ft wide, but it shall be no less than 5ft wide. The landscaping and type of plant material in the buffer may be at the discretion of the Site Plan and/or Planning Commission.

2. The developer of such a site shall install a solid, unbroken visual screen, as defined in the ordinance, at least eight feet in height at installation. The location and placement of the required buffer shall be to the discretion of the Site Plan and Planning Commission.

3. If such use includes any outdoor operation, equipment or storage of materials, there shall be required a fence, wall or other barrier of at least seven (7) feet in height to prevent the entry of vehicles or persons thereon from adjacent property.

4. There shall be required in each buffer area one tree for each 100 linear feet, or fraction thereof of buffer strip. At least half the total trees shall be shade trees.

5. That part of the buffer strip not occupied by other landscaping shall be planted with grass or other living ground cover.

6. In the case of separation of incompatible uses, the buffer strip herein required is in lieu of and not in addition to other requirements for that specific perimeter.

907.5 Interior Landscaping Requirements.
Where accommodations are provided for parking of 50 or more vehicles, interior landscape areas shall be provided, so located as to break the expanse of pavement and to guide traffic flow. The total area provided for interior landscaping shall be at least ten percent of the total paved area for parking and access. Trees, shrubs, grass and other ground cover shall be planted in the same ratio as required in perimeter landscaping.

In addition to the foregoing, parking lots to accommodate large volumes of parking such as shopping centers, the following requirements shall apply:

a. A continuous landscape strip of at least six (6) feet in width at every fourth parking row, with solid protective curbing. Vehicles shall not overhang more than two (2) feet into landscape areas.

b. No more than fourteen (14) continuous parking spaces shall occur without an intervening planting area at least six (6) feet wide located adjacent and parallel to the parking spaces.

c. Required trees and ground cover shall be the same as provided for perimeter landscaping.

907.6 *Curbing*.
Where 50 or more vehicles are to be accommodated, solid raised curbs shall be installed for protection of landscaped areas and to control traffic flow within the parking lot.

Openings may be provided as required for pedestrian walks, passages, or drainage.

907.7 *Screening of Storm Water Detention Areas*.
Where storm water detention areas are proposed which have side slopes steeper than 3 to 1 or where design depth of maximum water retained is 2 feet or greater, a solid, unbroken visual screen at least 30 inches in height at planting shall be required on all sides of detention area. Where the depth and time of water detained is such as to require a protective fence, fence shall be installed on the reservoir side of visual screen.

907.8 *Maintenance of Landscaping*.
The owner, tenant, agent of either-or person in charge of premises shall be jointly and severally responsible for the maintenance and/or replacement of all landscaping, landscaped areas and incidentals as required by this ordinance. All trees and other plant material shall be kept in a healthy, living state and grounds shall be kept free of rubbish, refuse and debris. Grass and shrubbery shall be kept neatly trimmed.

907.9 Performance Standards for Non-Residential Districts.
Where a business district abuts any part of a residential district, a buffer zone 10 feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of 20 feet shall be required. Said buffer zones shall be in addition to the yard requirements and shall be fenced or screened subject to the following regulations:

a. *Wall or Fence*. If a wall or fence is provided as a protection buffer, it shall be eight (8) feet high and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.

b. *Screen Plantings Strip*. If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than eight (8) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.

907.10 Parking
Adequate parking as required in Article IX, Section 902 shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.

Section 908. Outdoor Advertising Requirements.

908.1 Permit Specifications.
Any owner, authorized agent or contractor who desires to erect or construct a sign of any

description shall first make application to the Building Official and obtain the required permit therefor.

a. In the case of a sign thirty (30) feet or more in height, drawings of the support structure must be included with application for permit. The drawings for support structure must bear the seal of a registered engineer or architect in the State of Alabama.

b. There shall be a minimum height restriction of twelve (12) feet and a maximum height restriction of seventy-five (75) feet, measured from the ground at the base of the sign supports.

c. An annual license fee shall be paid at the beginning of each calendar year for off premises sign faces exceeding nine (9) square feet.

d. A commercial off-premise sign, not exceeding nine (9) square feet of sign face, may be permitted on private property, in a commercial zone, with permission from the property owner and approval from the Summerdale Planning Commission.

e. All temporary signs shall follow regulations set forth in this Zoning Ordinance, Section 1004.15 Temporary Signs

908.2 Location.
Signs which conform to the provisions of this Section shall be permitted by right in the following zoning districts: B-1, B-2, and M-1. Signs that are of the kind described in Sub-Section 908.7 shall be permitted by right in the following districts: R-1, R-2, R-3, and MH-1. For the purpose of these regulations as defined in the Sub-Section 908.4, entitled *Spacing*, each side of a thoroughfare shall be considered separately.

908.3 *Size*.

On-Premises.
The maximum area of a sign face shall be not more than sixty-four (64) square feet per 100 feet of linear lot frontage measured on the primary thoroughfare. The maximum height shall be thirty (30) feet to the top of the sign from the ground.

Gasoline service stations.
In addition to other permitted signs, are authorized two signs not to exceed forty (40) square feet of each sign face area advertising the price of gasoline, credit cards accepted, or oil.

Off-Premises.
The maximum area of a sign face shall be six hundred seventy-two square feet (672) with maximum length of forty-eight (48) feet, facing one direction.

908.4 *Spacing*.

Property facing thoroughfares and all other property which is zoned so as to permit the construction and maintenance of signs shall conform to the following spacing requirements:

a. V-Type or Back-to-Back signs shall be considered as one sign.

b. On all streets and highways, no two (2) off-premises advertising structures, exceeding nine (9) square feet of sign face, shall be spaced less than one thousand (1,000) feet apart as measured along the same side of the street or highway right-of-way.

c. No sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching intersecting traffic.

d. In addition to the above, a site plan of sufficient detail and dimensions showing the location of the proposed sign and the exact location of all existing signs on both sides of the thoroughfare for a distance of 1,000 feet in each direction, shall be required.

908.5 *Lighting*.

Signs may be illuminated subject to the following restrictions:

a. No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any sign. Signs shall not be erected or maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but not limited to, time, date, temperature, weather or news.

b. External lighting such as floodlights, thin line and goose-neck reflectors are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of the traveled way.

c. The illumination of any sign within a residential zone or within fifty (50) feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into residential properties or adjoining residential districts, including but not limited to single-family or multi-family zoning districts or uses.

908.6 *Prohibited Signs*.

The following signs shall not be permitted to remain or to be erected:

a. Signs which are not clean and in good repair.

b. Signs that are not securely affixed on a substantial structure.

c. Signs which attempt, or appear to attempt, to regulate, warn, or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

d. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

e. Signs that prevent free ingress or egress from any door, window or fire escape, or that are attached to a standpipe or escape.

908.7 Signs Permitted Within Districts R-1, R-2, R-3, and MH-1

a. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for the neighborhood or tract identification. The sign shall not exceed sixty-four (64) square feet of copy area and shall be located so as not to cause a safety hazard.

b. Electric signs for commercial speech for legal conforming businesses are permitted with approval from the building department. Electric signs are expressly prohibited from causing a nuisance in the residential zones of the Town, and must following regulations in section 908.5.

908.8 Construction Standards.
All signs shall be legally constructed in accordance with the Building Code of the Town of Summerdale. The structural elements of all signs may be constructed of any material approved under the Building Code.

Section 909. Recreational Vehicle Parks Requirements.

The following regulations apply to all developments provided for the accommodations of transient recreational vehicles, including travel trailers, campers, motor homes, and similar transient vehicles. These regulations and those set forth in the Subdivision Regulations pertain to RV Parks within the Town of Summerdale. The stricter of the two shall apply.

909.1 Provisions
Recreational vehicle parks are uses permitted in B-2 Districts, not on parcels with Hwy 59 or Baldwin Beach Express frontage within the BCOZ Overlay Districts, all subject to approval through the PUD process found in this ordinance and the requirements of the following provisions:

a. Recreational Vehicle Parks shall have a minimum lot width of not less than one hundred (100) feet for the portion used for entrance and exit. No entrance or exit

shall be through a residential district.

b. The minimum lot area per park shall be Three (3) Acre Minimum. A recreational vehicle park located in the Town of Summerdale may not be located on a parcel less than three (3) acres in size. A recreational vehicle park at least three (3) acres in size may have a maximum of seven (7) RV Sites per acre, with one (1) RV allowed per site

c. Use of spaces in recreational vehicle parks shall be limited to travel trailers, motor homes, and campers with a maximum length, exclusive of hitch, of forty-five (45) feet.

d. Users of the spaces shall meet all other applicable laws. Spaces shall only be rented by the day, week, or month and users shall not occupy any space in the same recreational vehicle park for a duration exceeding ninety (90) days per calendar year. Each RV Park owner/property manager is responsible for ensuring the park is maintaining occupancy records that may be audited at any given time by the Town of Summerdale for determination of compliance with the Zoning Ordinance.

e. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of an RV park are permitted as accessory uses in any district in which recreational parks are allowed, provided Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.

f. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within thirty-five (35) feet of the edge of right of way or property line of any roadway or street having a right-of-way.

g. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the local public sewer company where deemed available.

h. The proposed site shall be properly landscaped the purpose of which is to further enhance the natural qualities of the land. Proper screening and buffering should be provided if necessary.

i. Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinate landscape design for the entire project area.

j. Native vegetation shall be used where practicable and landscaping plans submitted for review shall identify which plants are native species.

k. Site and landscaping plans will be approved by building inspector.

l. A twenty-four-hour on-site manager is required.

Section 910 Fences

910.1 On Appeal
Front yard fences shall not be permitted in B-1, B-2, or M-1 districts except as permitted on appeal.

910.2 By Right
Front yard fences up to four feet in height are permitted by right in R-1, R-2, R-3.

All fences are subject to approval by the building inspection department as to location, design and structural integrity prior to obtaining a permit for construction.

Section 911 Subdivision Screening
Landscape requirements set forth in the Subdivision Regulations shall also govern. The stricter of the two shall apply.

911.1 Hwy 59 Corridor
Subdivision Screening or noise barrier fences up to 7 feet in height shall be allowed rearward of the required 10-foot landscaped area adjacent to the Hwy 59 Corridor provided the subdivision to be fenced contains 5 or more acres within the subdivision's boundaries.

911.2
Subdivision screening or noise barrier fences following the same criteria as in Sub-Section 911.1 may be allowed.

Section 912 Stormwater Drainage Design and Construction Standards

912 Erosion and Sediment Control:

1. Developments shall adhere to the ADEM current edition for the design of the Construction Best Management Practice Plan and the implementation, maintenance and inspection of adequate, effective Best Management Practices for the control of erosion and sedimentation.

2. An erosion and sedimentation control plan shall be a part of the construction plans and filed with the Town of Summerdale prior to the commencement of any land-distributing activity. Determination of the requirement for an erosion and sedimentation control plan shall be made by the Planning Commission.

3. Erosion and sedimentation control measures, structures, and devices shall be so planned, designed and constructed as to provide control from the calculated peak rates of run-off from a ten-year frequency storm. Run-off rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other accepted calculation procedures. Run- off computations shall be based on rainfall data published by the National Weather Service for the area.

4. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

5. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relation of a stream, where relocation is an essential part of the proposed activity shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alterations to flow characteristics is provided.

    1. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities, after site development is completed, shall lie with the landowner, until such time adequate vegetative cover and site stabilization is achieved as determined by the Building Official.

    2. Persons engaged in planning, installing, and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or agricultural practices. All plans will be subject to review by the Planning Commission.

    3. Whenever the Planning Commission or Building Official determines that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land- disturbing activity or the person responsible for maintenance will be required to take additional protective action.

Drainage Report and Site Plan:
A drainage and grading plan, prepared and certified by a Professional Engineer licensed in the State of Alabama, shall be submitted to the Planning Department prior to the issuance of a Land Disturbance Permit. This should include a description of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other

setbacks (e.g. drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constrains for development. The plan shall include the following information as a minimum:

- Drainage narrative;
- Existing and proposed contours in 1-foot increments;
- Locations of roads, parking areas and building footprints along with their proposed finished floor elevations;
- Flood Zone Designation;
- Traffic Impact Study;
- Elevation of the regulatory lowest floor level, including basement, of all proposed structures;
- Elevation to which any nonresidential structures will be flood proofed;
- Drainage basin boundaries, showing direction of flow and including total tributary drainage areas entering the improved area and taking into account any off site runoff being routed through or around the project in its undeveloped condition;
- Size, location, slopes, inverts, types and general configuration of all primary drainage facilities required to route, collect, treat and dispose of stormwater runoff, generated by or passing through the development;
- Location of onsite water bodies and wetlands with details of size and vegetative cover to include normal water elevation, side slopes, and depths of water bodies and for wetlands, the general surface elevation and the wet season water elevation;
- Calculations for sizing of basin to collect first flush and sediment forebay.
- All acres solely for water management purposes shall be noted and the legal method to ensure areas remain devoted;
- Proposed start up and completion date for the project;
- Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, if applicable;
- Design storms used including depth, duration, and distribution;
- Stage storage calculations for the project and stage discharge computations for the outfall structure(s);
- Runoff routing calculations showing discharges, elevations and volumes retained/detained during applicable storm events;
- Draw down calculations for detention;
- Base flood elevation data, if applicable;
- Calculations required for determination of minimum building floor and road elevations;
- Calculations for flood plain encroachment, if applicable;
- Acreages in the following format:

	Existing (acres%)	Proposed (acres%)
Total Area		
Impervious		
Pervious		
Wetlands		

- Plans and drainage report shall be signed and sealed by a professional engineer with a current license to practice in the State of Alabama.

Upon development completion, a hard copy and electronic as-builts shall be submitted to the Planning Department. A final inspection shall be scheduled and performed by the Town, or their consultant, prior to Final Plat or Certificate of Occupancy application.

Design and Construction of Stormwater Management Areas:

The Owner shall have all drainage structures and facilities constructed in accordance with the Owner's Engineer's details and specifications and as approved by the Planning Commission.

Before construction of drainage facilities, the Building Official shall be notified no less than 24 hours in advance of any phase of operation to be started. No drainage structure will be covered up until approval is given by the Building Official.

General Design Criteria

For development plans up to 40 acres, the Rational Method may be used for modeling the pre and post run-off hydrographs. For development plans encompassing over 40 acres, the NRCS TR-55 method (or equivalent third-party software) shall be utilized for modeling pre- and post-runoff hydrographs.

Grady pond wetlands shall not be designated as stormwater management facilities.

Functional Design of Stormwater Drainage Systems

The drainage system shall at a minimum accommodate peak flows from at least a 25 year frequency design storm.

The drainage system shall at a minimum accommodate peak flows from at least a 25-

year frequency design storm.

All roadway cross drain and side drain pipe shall be the equivalent of the minimum size of fifteen (15) inches in diameter. All piping within the ROW shall be reinforced concrete and all joints shall be wrapped with geotextile filter fabric. Alternate pipe materials may be approved by the Town outside the roadway prism on a case-by case basis. The minimum cover for drainage pipes shall be according to the pipe manufacturer specifications.

Roadway cross-drains for all local and collector streets shall be designed for a 25-year frequency storm, providing that the roadway is not overtopped by the 100-year frequency storm and that no structures are flooded by the 100-year frequency storm.

Roadway cross-drains for arterial streets or higher street classification shall be designed for a 50-year frequency storm, providing that the roadway is not overtopped by the 100-year frequency storm and that no structures are flooded by the 100-year frequency storm.

Minimum design velocities for storm drainage systems shall be at least 12 feet per second to ensure that the system has some capability for self-cleaning.

Water will not be permitted to run down the street more than 500 feet or change of direction without proper drainage structures to intercept surface water.

The minimum internal diameter of manholes or junction boxes shall be 48 inches.

Design of Open Channels

Front slopes within the ROW shall be 4:1 maximum. A maximum of 3:1 side slopes and flat bottom ditch is required otherwise, unless the approval is received by the Planning Department for a variation. Where proposed lots gain access across an existing or proposed ditch, calculations shall be submitted that shows the required size of future driveway culverts.

Headwalls and endwalls shall be installed on all street culverts with the use of flared headwalls or slope paved headwalls (4:1 slope or flatter) used within any public right-of-way.

The applicant/owner shall be required to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the development. Such drainage facilities shall be located in the road right-of-way.

Where open channels are used for drainage ways, the channel shall be concrete- lined. No natural-lined channels will be allowed unless specifically approved by the Planning Commission. Design notes, construction techniques and other considerations shall be submitted to the Planning Commission fore view.

Design of Curb and Gutter and Inlets

For curb and gutter application on proposed roadways, inlets shall be spaced such that floor from a 25-year design storm does not result in ponding water covering more than ½ the width of the outermost traveling lane.

Curb inlets shall be designed so that surface water shall not be carried across any roadways nor for a distance of more than five hundred (500) feet in the gutter or valley. Inlets shall be located at uphill corners of each street intersection to prevent sheet flow of stormwater through the intersection. In addition, double-wing inlets shall be placed at all vertical sags in the roadway.

Analysis of Upstream and Downstream System

The layout shall include an appropriate conveyance of offsite flows that does not pass-through required detention areas. Stormwater discharges from a developed site must be routed to an existing natural or manmade stormwater channel with adequate capacity. Calculations must be submitted that show the capacity of the receiving stormwater channel to handle the required design storms. The routing calculations must extend at least as far as the second downstream street crossing or to a named water body. Routing calculations must extend even further downstream, if the Planning Department has reasonable concern about the capacity of a downstream stormwater channel based on scientific or engineering evidence.

Analysis of the downstream system shall include flow capacity and velocity for existing and proposed flow conditions, using Manning's equation at a minimum.

Detention Design and Construction

All site development projects requiring a Land Disturbance Permit shall incorporate stormwater detention to reduce flooding potential and preserve or improve water quality. Stormwater detention is not required in the following situations:

- Stormwater detention for a project site is either unwarranted or impractical. The design engineer shall submit complete hydrologic and hydraulic computations to support this conclusion. This conclusion must be affirmed by the Planning Department. Typically, this might occur in the very lowest downstream reaches of a major watershed, if it can be proved that undetained stormwater should be discharged quickly to avoid peak discharge timing for the entire watershed. The hydrologic analysis should include more than one representative downstream location for comparing hydrographs.

Even of stormwater detention is waived for the above situation, the site development must still provide first flush treatment of the runoff in order to protect water quality.

The detention basin shall detain the first 1.00 inch of runoff (Rational Method) from a

storm event and released the subsequent runoff water at a predevelopment rate. There should also be adequate sizing of the detention basin to store an accumulation of sediment during construction. The first flush volume for any stormwater detention structure must be contained and then slowly released over a minimum time period of 24 hours and maximum time period of 72 hours.

All stormwater detention structures must attenuate the post development peak flow rates from the 2 year, 5 year, 10 year, 25 year, 50 year and 100 year 24-hour design storms to release a graduated discharge at or below pre development peak flow rates.

Outfalls of detention areas shall be installed at least 25 feet from any property line to allow velocity dissipaters to be installed if necessary for the prevention of offsite erosion. Exceptions may be approved by the Planning Commission for outfalls to approved drainage features such as an encased storm sewer system.

Dry Detention Basins

Routing calculations must be used to demonstrate that the storage volume is adequate.

Vegetative embankments shall be less than 20 feet in height and shall have no side slopes steeper than 3:1. Riprap protected embankments shall be no steeper than 2:1. Geotechnical slope stability analysis is required for embankments greater than 10 feet in height. The maximum depth of the basin should not exceed 10 feet. The detention basin shall be set back such that the outward toe of the berm is a minimum of 25 feet from the property line.

A low flow or pilot channel across the facility bottom from the inlet to the outlet is recommended to convey low flows and prevent standing water.

Inflow channels are to be stabilized with flared riprap aprons, or the equivalent.

The outlet structure shall be sized based on hydrologic routing calculations and can consist of a weir, orifice, outlet pipe, combination outlet, or other acceptable control structure that achieves the required graduated discharge.

Riprap, plunge pools or pads, or other energy dissipaters are to be placed at the end of the outlet to prevent scouring and erosion.

An emergency spillway is to be included in the stormwater pond design to safely pass the extreme flood flow. A minimum of 1 foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood, to the lowest point of the dam embankment not counting the emergency spillway.

Retention Ponds

Geotechnical analysis shall be required to ensure proper retention and design.

A retention pond shall also provide the required storage above the permanent pool and meet the specified graduated allowable release. Stormwater ponds shall also be used to provide detention to control the required event. Where this is not required, the pond structure shall be designed to safely pass extreme storm flows.
Minimum setback requirements for stormwater pond facilities:

- 10 feet from property line to outward toe of berm
- 100 feet from private wells
- 50 feet from a septic system tank/leach field

Proper geometric design is essential to prevent hydraulic short-circuiting which results in failure of the pond to achieve adequate levels of pollutant removal. The minimum length-to-width ratio for the permanent pool shape is 1.5:1, and should ideally be greater than 3:1 to avoid short-circuiting. In addition, ponds should be wedge-shaped when possible so that flow enters the pond and gradually spreads out, improving the sedimentation process. Baffles, pond shaping or islands can be added within the permanent pool to increase the flow path.

Maximum depth of the permanent pool should generally not exceed 8 feet to avoid stratification and anoxic conditions. Minimum depth for the pond bottom shall be 4 feet.

Side slopes to the pond shall not exceed 3:1.

The perimeter of all 5’ deep or greater pool areas should be surrounded by two benches: safety and aquatic. For larger ponds, a safety bench extends approximately 15 feet outward from the normal water edge to the toe of the pond side slope. The maximum slope of the safety bench should be 6%. An aquatic bench extends inward from the normal pool edge (15 feet on average) and has a maximum depth of 18 inches below the normal pool water surface elevation.

Riprap, plunge pools or pads, or other energy dissipaters are to be placed at the outlet of the barrel to prevent scouring and erosion. An emergency spillway is to be included in the stormwater pond design to safely pass the extreme flood flow. The emergency spillway must be located so that downstream structures will not be impacted by spillway discharges. A minimum of 1 foot of freeboard must be provided, measured from the top of the water surface elevation for the extreme flood to the lowest point of the dam embankment, not counting the emergency spillway.

A maintenance right-of-way must be provided to a pond from a public or private road. Maintenance access shall be at least 15 feet wide, having a maximum slope of no more than 15% and be appropriately stabilized t5o withstand maintenance equipment and vehicles. The maintenance access must extend to the forebay, safety bench, riser, and outlet and, to the extent feasible, be designed to allow vehicles to turn around.

The principal spillway opening shall not permit access by small children, and end walls

above pipe outfalls greater than 48 inches in diameter shall be fenced to prevent access. Warning signs should be posted near the pond to prohibit swimming and fishing in the facility.

Drainage Easement

Where a subdivision is traversed by an existing or proposed watercourse, drainage way, channel or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream and shall be approved by the Planning Commission. No fences, buildings or other improvements may be constructed within drainage easements.

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road.

Operation and Maintenance of Stormwater Facilities

All stormwater management facilities shall be restored to original approved design upon construction completion. All stormwater management facilities shall be inspected and certified by the design engineer prior to final plat approval.

Any liability associated with the design, performance and operation of the facility remains with the owner and the owner's engineer.

Operation and maintenance of the stormwater management facility(s) is the responsibility of the property owner. The design engineer shall be responsible for instructing the owner in the proper operation and maintenance of the facility(s). Transfer of the common area(s) to another entity (i.e.) Homeowner's association) shall not occur until maintenance operations have restored facility(s) to the design specifications.

If deemed necessary, inspections shall be conducted by the Town of stormwater management areas and outfalls within the Town of Summerdale. These inspections shall note the condition of the detention/retention basin and outfall integrity, maintenance, erosion, or sedimentation. Entry to the stormwater facilities shall be granted by the owner, developer, or property owners association. Deficiencies of the stormwater facilities will be communicated to the owner, developer, or property owners association and those deficiencies shall be corrected within fourteen days or as practicable as conditions may allow.

Drainage and Maintenance Common Areas

Drainage and maintenance common areas shall be recorded on the plats for all

stormwater management facilities.

- Maintenance Common Areas

All stormwater management areas with the exception of parking lots shall be included as part of the common area of the development. The limits of the common area shall extend ten) 10 feet beyond the maximum anticipated ponding area for a base flood event.

- Drainage Common Areas

Drainage common areas with a minimum width of fifteen (15) feet shall be provided within the stormwater management area connecting the tributary pipes and the discharge system along the most suitable routing for elimination of the stormwater. Also, drainage common areas shall be required for areas traversed by an existing waterway and may be required for areas traversed by an existing watercourse.

The Planning Commission may require whatever additional engineering information it deems necessary to make a decision on subdivisions and other development which contains an area of questionable drainage. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area, or if such area constitutes a necessary part of the drainage control system.

Certification
Prior to receiving final plat approval, or in the case of a commercial site, the final certificate of occupancy, the engineer of record will provide a letter certifying that the storm-water system and detention/retention have been constructed in significant conformance with the approved design documents and will function as designed

MAINTENANCE SCHEDULE
The following is a general maintenance schedule that can be used as a reference by the property manager. This schedule includes the maintenance action to be taken and when the action is to occur.

See next page for schedule.

Site Component	Action	Timeline to Complete
Catch Basins/Manholes	Quarterly inspections with cleaning, removal of sediments, oils, and floatable	Quarterly
Pavement Areas	Sweeping of paved areas, disposal of sweepings in a legal manner; removal of trash and litter from pavement	Monthly
Swales, forebays, detention basins, and landscaped areas	Removal of windblown trash and litter from the entire property	Bi-annually
Subsurface infiltration basins	Inspect for accumulated sediment	Bi-annually
Subsurface Infiltration basins	Inspect for standing water for periods in excess of 72 hours	After each storm greater than 1” for 3 months after construction. Then, Bi-annually
Drainage flared end outlets	Removal of trash and sediment from drainage outlets	Bi-annually

ARTICLE X

EXCEPTIONS AND MODIFICATIONS

Section 1001. Lot of Record.

Where the owner of the lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him/her to conform to the yard and other requirements of this ordinance, one building and its accessory structures may be built, provided the yard space and other requirements conform as closely as possible, in the opinion of the Planning Commission, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five feet in width.

Section 1002. Front Yard Setbacks.

Where a structure is to be built between to existing structures not conforming to required front yard setbacks, the Planning Commission shall rule.

Section 1003. Height Limitation.

Height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers, water tanks, and industrial structures when required by manufacturing processes.

Height calculation shall be made from the first-floor grade of the first occupiable floor and shall exclude non-occupied roof peaks, chimneys, steeples, flag poles, antennas, similar structures attached to the roof system including architectural ornamentation.

Section 1004. Landscaping, Signs, and Fencing.

Requirements mentioned under Sub-Sections 907.4 through 907.6, Section 908, and Section 910 regarding landscaping, signs, and fencing, respectively, do not apply to businesses fronting on State Highway 59. Instead, for businesses fronting on State Highway 59, a business corridor overlay zone (BCOZ) is created and the requirements are as follows:

Landscaping

1004.1 Greenbelt
All new businesses along Highway 59 shall maintain a minimum of ten (10) feet of the required fifty (50) foot setback as a greenbelt along the entire front width of the property except where curb cuts or other means of ingress and egress are provided. Said greenbelt

shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. The trees shall be at least two (2) inches in diameter and ten (10) feet tall at planting. There shall be a minimum of one (1) tree existing or planted for every hundred (100) feet of lot frontage. If any of the fifty (50) foot front setback is used for parking, said greenbelt shall be in addition to the landscape requirements for parking areas described in this section.

1004.2 Parking Areas

For parking areas, the design and appearance is intended to enhance and be compatible with the character of the community while making the area more visually appealing. Toward this objective, the following standards shall be observed in the construction of off-street parking area construction accommodating ten (10) or more parking spaces:

a. A minimum of ten (10%) percent of the total interior area intended for off- street parking shall be suitably landscaped. Such landscaping shall include the placement of a tree at intervals approximately one hundred (100) linear feet with a minimum of five (5) shrubs per tree. Fifty (50%) percent of trees shall have a minimum height of 20 feet at maturity.

b. Interior portions of the parking area shall be broken by provision of landscaped islands.

c. A maximum of fourteen (14) parking spaces in a row will be permitted without an island.

d. Each landscaped area must be a minimum of sixteen (16) square feet if it is to be counted toward the minimum landscaped area requirement.

e. Landscaped areas shall be protected from vehicular encroachment by the use of curbing.

f. When lawful paved or unpaved off-street parking area already exists at the effective date of the ordinance, such area may continue until it is expanded by more than ten (10%) percent of its existing parking capacity as calculated pursuant to this part at which time the entire parking area must be brought into conformity with requirements for new construction.

g. Landscaping shall be planted and maintained as to provide unobstructed visibility between the heights of two and one-half (2-1/2) feet and ten (10) feet when such landscaping is within twenty feet of the intersection of the right-of- way lines of two streets.

h. The owner, tenant, agent of either-or other person in charge of premises shall be jointly and severally responsible for the compliance with this section of the ordinance as well as the maintenance of all landscaping, landscaped areas and incidentals as required by this ordinance. All trees and other plant material shall

be kept in a healthy, living state and grounds shall be kept free of rubbish, refuse and debris. Grass and shrubbery shall be kept neatly trimmed in accordance with the applicable municipal ordinance.

i. Vehicular use areas and areas not occupied by development, located adjacent to side or rear property lines, shall be landscaped and graded so as to receive rainfall runoff. Surface water runoff shall not be permitted to pass directly onto adjacent property.

Signs.

All regulations pertaining to signs under the BCOZ apply exclusively to structures set back 150 feet and less from the front property line of businesses fronting on State Highway 59 and the Baldwin Beach Express. Signs set back farther than 150 feet from the front property line of a business must comply with the requirements stipulated under Section 908.

1004.3 Permits *Required*.
Except as otherwise provided in this Ordinance it shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign in the Town or cause same to be done, without first obtaining a Building Permit for each sign from the Building Official as required by this Ordinance. Permits are not required for routine sign maintenance.

1004.4 Application *for Permit.*
Application for a permit shall be made to the Town upon a form provided by the Building Official and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the Town, including:

a. Name and address of owner of the sign.
b. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
c. Clear and legible drawings with description definitely showing the location of the sign which is subject of the permit and all other existing signs.
d. Drawings showing the dimensions, construction supports, size, electrical wiring and components, materials or the sign and method of attachment.

1004.5 Permit Specifications.

a. In the case of a sign thirty (30) feet or more in height, drawings of the support structure must be included with application for permit. The drawings for support structure must bear the seal of a registered engineer or architect in the State of Alabama.

b. There shall be a minimum height restriction of twelve (12) feet and a maximum height restriction of seventy-five (75) feet, measured from the ground at the base of the sign supports.

c. An annual license fee shall be paid at the beginning of each calendar year for off premises sign faces exceeding nine (9) square feet.

1004.6 *Issuance Denial*.
When a permit is denied by the Building Official, notice shall be given to the proper applicant with a written statement of the reason or reasons for the denial. Said statement shall be made as an attachment to the permit application.

1004.7 Appeals of Permit Denial.
Appeal may be taken to the Board of Adjustment and Appeal upon denial by the Building Official.

1004.8 Inspection of Signs.
The person erecting, altering, relocating, enlarging or converting any sign shall notify the Building Official upon completion of the work for which permits are required and issued. All freestanding signs shall be subject to a footing and electrical inspection as required.

1004.9 *Unlawful Signs*.
Every sign in the Town shall be maintained in good structural condition. The Building Official may inspect and shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or abandoned or which constitute a physical hazard to public safety. Any repair, painting, alteration, or removal will be at the sign owner's expense.

1004.10 *On-Premise Signs Permitted Within Districts B-1, B-2, and M-1*

The square footage of on-premise signs shall be determined by the greater figure produced from one of the following two formulae:

1. Sixty-four (64) square feet per 100 feet of linear lot frontage as measured on the primary thoroughfare, or

2. Square footage of sign based on square footage of establishment as indicated in items a., b., c., d., and e., of this Sub-Section.

    a. Non-retail establishments less than ten thousand (10,000) square feet of floor area are permitted one (1) building face sign not to exceed forty (40) square feet of sign face area, and one (1) free standing sign not to exceed sixty-four (64) square feet of sign face area nor thirty (30) feet in height with said ground sign having up or down lighting or internal lighting, but no lighting shall be of the kind prohibited in Sub-Section 1004.12.

    b. Non-retail establishments with more than ten thousand (10,000) square feet floor area are permitted one (1) building face sign not to exceed

eighty (80) square feet of sign face area and one (1) free standing sign not to exceed one hundred twenty-eight (128) square feet of sign face area nor thirty (30) feet in height with said ground sign having up or down lighting or internal lighting, but no lighting shall be of the kind prohibited in Sub-Section 1004.12.

c. Permitted signs for free-standing retail structures are shown as follows:

	Less than 2,900 sq. ft. Of floor area		2,900 to 15,000 sq. Ft. Of floor area		More than 15,000 to 30,000 sq. ft. of floor area	
Type Sign Permitted	Wall	Ground	Wall	Ground	Wall	Ground
Sign Face Area * (sq. Ft.)	80	120	80	160	200	200
Maximum Height	20 ft.	30 ft.	20 ft	30 ft	25 ft	30 ft
Number	One per facing street	One per facing street	One per facing street	One per facing feet	One per facing street	One per facing street

d. Permitted signs for retail establishments located in a shopping center:

	Less than 2,000 sq. Ft. of floor area	2,000 to 10,000 sq. ft. of floor area	More than 10,000 to 30,000 sq. ft. ** of floor area
Type Sign Permitted	Wall	Wall	Wall
Sign Face Area* (sq. Ft.)	A sign area not to exceed 64 square feet per 100 linear feet of store frontage or fraction thereof. For establishments with less than 32 linear feet of store frontage, up to 20 square feet of sign area shall be permitted.		
Maximum Height	20'or 5' above roofline, whichever is less	20' or 5' above roofline, whichever is less	20' or 5' above roofline, whichever is less
Number	One per facing street	One per facing street	One per facing street

* Indicates maximum size for one sign face.
** Signs for establishments in excess of 30,000 sq. ft. of floor area shall be determined by Planning Commission and Town Council review

e. Permitted shopping center locator signs:

	Less than 10,000 sq. ft. Of floor area	10,000 to 30,000 sq. ft. of floor area	More than 30,000 sq. Ft. Of floor area
Sign Face Area* (sq. ft.)	100	200	Not to exceed 400 feet except as permitted on appeal
Maximum Height	25 feet	30 feet	35 feet
Number	One per facing street	One per facing street	One per facing street

* Indicates maximum size for one sign face.

Lighting

Lighting for on-premise signs for retail establishments can be up or down lighting or internal lighting but no lighting shall be of the kind prohibited in Sub-Section 1004.12. External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided that the light source is directed on the face of the sign and is shielded effectively so as to prevent beams or rays of light from being directed onto any portion of the traveled way.

The illumination of any sign within fifty (50) feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts, including but not limited to single-family or multi-family zoning districts or uses.

Gasoline service stations, in addition to other permitted signs, are authorized two signs not to exceed forty (40) square feet of each sign face area advertising the price of gasoline, credit cards accepted, or oil.

1004.11 *Off-Premise Signs*

All off-premise signs in the BCOZ must follow the lighting restrictions enumerated under Section 908 (*see GENERAL PROVISIONS, Outdoor Advertising)*.

1004.12 *Signs Prohibited in the Town*

a. Signs that utilize a rotating beam or beacon of light that simulates any emergency

light device.

b. Signs located in public areas or rights-of-way.

c. Miscellaneous signs and posters, twirling signs, and balloons and other inflatables or membrane signs more than four feet in diameter.

d. Signs that extend beyond the property lines of the property on which the sign is located or that interfere with any public right-of-way.

e. Signs that are located so as to cause a public hazard, obstruct or impair motorists' vision, diminish safe ingress and egress from any door, window, fire escape, or any other property.

f. Signs that impede flow of pedestrian or vehicular circulation in parking areas, sidewalks, or public roads.

1004.13 Spacing

Spacing requirements for all off-premises signs in the BCOZ shall be the same as those requirements enumerated under Section 908 (see *GENERAL PROVISIONS, Sub-Section* 908.4).

1004.14 Permit Exceptions

a. Changing of the advertising copy or message on an existing approved sign or marquee which is specifically designed for the use of replacement copy.

b. Painting, cleaning or other normal maintenance and repair of a sign not involving structural changes.

1004.15 Temporary Signs.

In order to preserve and promote the Town of Summerdale as a desirable community in which to live, work, visit, play and operate business; a pleasing visually attractive and safe environment is of utmost importance. The regulation of temporary signs within the Town of Summerdale is an important means by which to achieve this desired end. It continues to be the purpose of this ordinance to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing aesthetics and safety interests of our community. The regulation of signs has been prepared with the intent of enhancing the visual environment of the Town of Summerdale and promoting its continued well-being and are intended to:

A. Set standards and provide more uniform, scientifically-based controls that permit reasonable use of signs and preserve the character of the Town of Summerdale.

B. Prohibit the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.

C. Avoid excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.

Definitions Pertaining to Temporary Signs

Banner. A sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

Commercial Speech or Commercial Message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other activity. The meaning of "product" in this definition excludes land or property.

Non-Commercial Speech or Non-commercial message. Any sign wording, logo, or other representation that is not defined as a commercial message.

Sign Face. The entire area of a sign which is built on one structure, including the advertising surface and any framing, trim, or molding, but not including the support structure, and which faces traffic such that the traffic is moving in one direction.

Sign, Off-Premise. A sign displaying subject matter that does not relate to the site on which the
sign is located.

Sign, On-Premise. A sign displaying subject matter that relates to the site on which the sign is located

Temporary Sign Regulations

Non-Commercial speech signs:

- Prohibited in the rights-of-way.
- Shall have permission from the property owner.
- Shall not exceed 32 square feet of sign face area in commercial districts
- Shall not exceed 6 square feet of sign face area in non-commercial districts and Summerdale downtown area.
- May not encroach upon or block any other permitted signage.

Allowable On-Premise Temporary Sign Square Footage.
Each business is allowed temporary signage to help promote business and to catch the eye of passing motorists.

Businesses or tenants with commercial lot frontage of 100 linear feet and under	45 Square feet of temporary signage at one time. Shall not exceed 3 signs at one time.	Signs must be no closer than 10 feet apart.
Multi-tenant building with commercial lot frontage of 100 linear feet and under	45 square feet of temporary signage at one time that must be shared equally among tenants. ***.	Signs must be no closer than 10 feet apart
Businesses or tenants with commercial lot frontage of more than 100 linear feet	90 square feet of temporary signage at one time.	Signs must be no closer than 20 feet
Multi-tenant building with commercial lot frontage of more 100 linear feet	90 square feet of temporary signage at one time that must be shared equally among tenants. ***	Signs must be no closer than 20 feet.

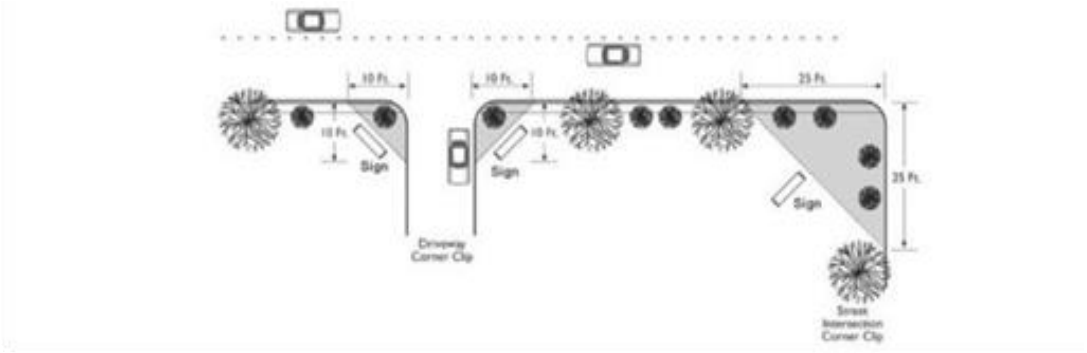
***Example: A tenant in a commercial building with 2 units and commercial lot frontage of 100 linear feet of lot frontage would have 22.5 square feet of temporary signage allowed. One tenant may give permission to another to use their portion of signage in order to allow a tenant additional square footage if necessary.

Interim Signs.
A temporary sign may be used by a new business for six (6) months as an interim wall sign and ground sign until permanent signage can be installed. If the business is located in a shopping center or multicomplex establishment, a temporary sign may be used on the establishment's locator sign structure. For businesses whose sign has been destroyed, an interim sign may be used for sixty (60) days. In this case, if more time is necessary, an extension may be granted by the Planning Commission. A permit is required for interim signs.

Temporary Message.
Because a single business located in a freestanding commercial building typically has more lot space and does not have to share lot space with other tenants, a business located in a single occupancy freestanding commercial building, may request a second permanent sign structure in which the purpose is to accommodate temporary commercial messages. This is a message that may be changed manually or digitally as part of a permanent sign structure. The square footage of the temporary message shall be included in the square footage of allowable temporary signs. This **structure must be approved by the Planning Commission**, as it will be a second permanent sign structure on the property. The temporary message, like banners, yard signs, or similar, will not require Planning Commission review or approval. If the temporary message is digital and is part of the approved primary ground sign, time frame restrictions do not apply.

Site Visibility Triangle. No sign shall be erected which would impair visibility at a street intersection or driveway entrance. Within the area formed by the right-of-way lines of

intersecting streets, a distance of 25 feet from their point of intersection, or streets and driveways there shall be a distance of 10 feet from their point of intersection. There shall be a cleared space with no obstructions between the height of three (3) feet and the height of ten (10) feet above the average grade of each street as measured at the centerline thereof.



Temporary Sign Standards:

- No temporary sign shall be placed within any right-of-way.
- Signs must not be torn, frayed, faded, broken, etc.…
- Signs shall not block traffic or be a safety hazard to vehicles or pedestrians.
- All signs must have permission from the property owner.
- Commercial speech paper signs are prohibited.

Balloon Signs & Air Activated Graphics

- Restricted to on-premise signs.
- Setback from is equal to the height of the sign or graphic from all rights-of-way, lot lines, and overhead utility lines.
- Shall not be placed on property in a way that would block the view of any vehicle traffic.
- For safety purposes, any balloon or air-activated graphic should be fastened to the ground or structure so that it cannot shift more than three feet horizontally under any condition.
- On premise commercial air activated graphics or balloons not to exceed 15 feet in height and 6 feet in diameter.
- For on-premise commercial use: Allowed four (4) consecutive days per month, after notification has been made to the Summerdale Building Department. A special permit may be issued not exceed seven (7) consecutive days. State Holidays are exempt from time restrictions.

Banner Signs. Yard signs, or Similar Use

- Banner, yard, or similar signs may be an on-premise sign, or an off-premise sign.
- A sign permit is required for all off-premise commercial speech banner, yard sign, or similar. Off-premise commercial speech banner signs may require Planning Commission approval.

- Banner signs or yard signs shall not be used as a permanent sign except in the case of interim signs.
- If a banner sign is attached to a building, it should not be displayed above the roof line.
- If a banner is used as a free-standing sign, it shall not be placed in a parking lot in the way of vehicles or pedestrians.
- On-premise commercial banner signs shall not exceed thirty-two (32) square feet. Larger signs may be necessary for businesses in freestanding structures with larger linear lot frontage. If ground mounted, shall not be more than four (4) feet tall. and shall not encroach on or block any other freestanding or yard sign.
- Ground mounted commercial yard signs or banner signs shall not exceed one per 50 linear feet of business frontage.

Blade Signs (e.g. feather sign, teardrop flag, rectangle flag. etc.)

- Blade signs are on-premise commercial signs
- Blade signs shall be no more than 3.5 feet wide at the widest point, and no more than 13 feet in height measured from grade and including the full length of the supporting pole.
- These signs shall not be mounted in the rights-of-way and shall not be placed near intersections to protect visibility.
- These signs should be securely anchored into the ground or secured in a portable base designed for such function.

Pennant Lines or Strings (Streamers)

- Commercial Pennant Lines or Strings are typically considered on-premise.
- These are usually bright attention getting props for sales or other promotions.
- Pennant lines or strings being used by a business in a multitenant complex may not encroach on another tenant's store frontage area unless permitted by the business owner.

Murals (Advertising Murals)

Advertising murals, building wraps, or super graphics are some of the largest form of temporary signs. These are a unique type of allowable sign with standards set outside of those for permanent signs and temporary signs. These signs may be an alternative to a blank unfinished wall.

- Planning Commission approval shall be required for those murals within commercial districts of the Town of Summerdale.
- Signs shall be located on unfinished facades or walls devoid of windows and doors.
- The obstruction of architectural features, windows, doors, and other points of access are prohibited.
- Commercial message murals shall not be placed on the building's primary or front façade.
- Commercial message murals are prohibited where they will face parks, historic sites, or other major points of attraction.
- Electronic message centers or video displays for temporary advertising murals are

prohibited.
- Illumination shall be limited.

Installation and anchoring should be accomplished in a manner that will not pose a risk of harm to any architectural features.

People Signs (human signs, sign spinners, or mascot signs)
- Prohibited from obstructing sidewalks or standing in the right-of-way
- Must be on-premise of the business or activity related to the signage.
- Sign area is measured by the actual message or sign the person is holding.
- One, person sign per property.
- Amplified sounds, bullhorns, animations, or lighting is prohibited.

- No mannequins may be used to display signs.

Portable Message Center Signs
Portable message centers are temporary sign structures that have changeable messages. Modern versions of this sign now contain electronic message centers, which are essentially the same as permanent electronic message centers, but are attached to a trailer or vehicle.
- Require a permit
- For any electronic message center signs, message hold times, transition times, and brightness should be regulated in a way that would not be a safety hazard or cause a nuisance to pedestrians, vehicle traffic, or residents. The most common message hold time is 8 seconds with transitions times being less than one second, and nighttime brightness levels at 0.3-foot candles above ambient lighting.
- The sign may be attached to a trailer chassis or other vehicle, or may simply be portable as shown in figure (a) below. In all cases, the sign must be anchored securely to the ground or base.
- A maximum sign face area of 32 square feet is allowed.
- One on-premise commercial portable message center is allowed for a maximum of 14 days, one time per calendar year. If the portable message center sign is being used as an interim sign, it may be allowed for up to 6 months.

Sidewalk Signs (A-Frame and T-Frame)
Sidewalk signs take multiple forms, including sandwich or A-frame signs, or even a freestanding sign that is secured to form of portable base (sometimes referred to as a T-frame sign).

- A-frame and T-frame signs are on-premise temporary signs.
- There is no limit on the number of days an A-frame or T-frame sign can be utilized as long as this type of sign is only displayed during hours of operation and stored when businesses are closed.
- A-frame and T-frame signs shall not be placed as to block or inhibit handicap accessibility, pedestrian walk paths, emergency exits, parking spaces, or vehicle

traffic.

- One sign per business is allowed. In the downtown area of Summerdale, sidewalk signs must be placed within 5 feet of the entrance of the business in order to prevent sign stacking.
- Signs may not be placed in landscaping or streetscape areas.
- Illumination is not allowed
- Maximum of 6 square feet per sign is allowed.

Vehicle Signs & Wraps

Vehicle wraps have made it easier for businesses to advertise with company cars and vehicles. The focus of standards is on the parking or location of the vehicle rather than the size of the sign.

Allowed:

- Legal mobile food trucks or mobile businesses with no brick and mortar store or office.
- Vehicles associated with a contractor or service provider where, during non-business hours, the vehicle is either parked in a designated parking area of the main store or office.
- Signs on vehicles that are for sale or lease and are parked legally in a parking space.
- Signs on vehicles that are regularly used for business unless used in a manner otherwise prohibited in the vehicle sign regulations.
- One vehicle maybe used as on-premise advertisement for a business if the vehicle follows all local ordinances (i.e. current tag, not junked or immobile etc.). This vehicle must be legally parked in a parking space, or all paved surface not detracting from the required parking spaces for the business use.
- Signage on a vehicle is included in the total allowed square footage calculation.
- Signs that are actively used for business and/or personal transportation; or
- Any signage on a vehicle that is required by state or federal law.

Prohibited:

- The vehicle is parked on a vacant property (land or structure) for more than 6 hours.

** If the subject vehicle is parked or stored illegally to begin with, regardless of the presence of a sign, the enforcement shall be about the vehicle and not the sign.

Substitution Clause:

Notwithstanding any provision of this ordinance to the contrary, to the extent that this ordinance allows a sign containing commercial speech, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one non-commercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all

requirements of this ordinance.

All non-conforming temporary signs
All non-conforming temporary signs shall be removed within ninety (90) days of adoption of this amended ordinance.

1004.16 No sign shall be permitted which does not conform with the provisions of this Ordinance. No sign shall be permitted after the date of the adoption, enrollment and publication of this Ordinance which does not conform in all respects to the requirements and provisions of this Ordinance, and any applicable building codes.

1004.17 *Construction Standards.*
All signs shall be legally constructed in accordance with the Building Code of the Town of Summerdale. The structural elements of all signs may be constructed of any material approved under the Building Code.

1004.18 Fences
Fences may be erected, placed, or maintained, or hedges may be grown along a lot line of property zoned for commercial use. The height shall not exceed seven (7) feet above the ground except in the case where a fence or hedge is used as a buffer to screen a non-residential property from an adjoining residential zone as required under *Article VI, District Use Regulations,* in which case the buffer must have a height of at least eight (8) feet. Up to 30% of the required fifty (50) foot set back can be used for front yard fencing of which the design shall not obstruct or impair motorists' vision, or diminish safe ingress and egress from any door, window, fire escape, or any other property. No fence or hedge located in a front yard, or a side yard that abuts a street, shall exceed a height of four (4) feet (height of fence or hedge shall be measured from the lowest ground elevation on either side of a joint property line).

All fences are subject to the building inspection department as to location design and structural integrity prior to obtaining a permit for construction

ARTICLE XI

Telecommunication

Section 1101. Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed the Town of Summerdale's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The Town of Summerdale finds that Wireless Telecommunications Facilities may pose a unique hazard to the health, safety, public welfare and environment of the Town of Summerdale and its inhabitants. The Town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Town and of significant benefit to the Town and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the Town's land use policies, the Town is adopting a single, comprehensive Wireless Telecommunications Facilities application and permit process. The intent is to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the Town of Summerdale. This Article also discourages the proliferation of towers throughout the Town of Summerdale and establishes that towers shall be set at least one (1) mile apart.

Section 1102. Severability

a. If any word, phrase, sentence, part, section, subsection, or other portion of this Article or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Article, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

b. Any Permit issued under this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the Town.

Section 1103. Definitions

For purposes of this Article, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words

in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory, and not merely directory.
Accessory Facility or Structure means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Antenna means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), and microwave Telecommunications.

Applicant means any Person submitting an Application to the Town of Summerdale for a Special Use Permit for Wireless Telecommunications Facilities.

Application means the form approved by the Town, together with all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.

Board of Adjustment, or Board means the Town of Summerdale Board of Adjustment.

Camouflage or Stealth means technology intended to minimize the visual impact of a telecommunications tower and to the extent practical disguise the tower or otherwise create a visual appearance as much as possible in harmony with the surrounding neighborhood.

Co-location means the use of the same Telecommunications Tower or structure to carry two or more Antennae for the provision of wireless services by two or more persons or entities.

Commercial Impracticability or Commercially Impracticable shall have the meaning in this Ordinance and any Special Use Permit granted hereunder as is defined and applied under the United States Uniform Commercial Code (UCC).

Completed Application means an Application that contains all information and/or data necessary to enable the Town to evaluate the merits of the Application, and to make an informed decision with respect to the effect and impact of Wireless Telecommunications Facilities on the Town in the context of the permitted land use for the particular location requested.

Council, Town council, governing body shall mean the Town Council of the Town of Summerdale.

Direct-to home satellite services or Direct Broadcast Service or DBS means only programming transmitted or broadcast by satellite directly to subscribers’ premises without the use of ground receiving equipment, except at the subscribers’ premises or in

the uplink process to the satellite.

EPA means State and/or Federal Environmental Protection Agency or its duly assigned successor agency.

FAA means the Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC means the Federal Communications Commission, or its duly designated and authorized successor agency.

Free standing Tower means a Tower that is not supported by guy wires and ground anchors or other means of attached or external support.

Height means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna.

Lattice Tower means a self-supporting communications tower with three or more sides of open-framed supports.

Modification means the addition, removal or change of any of the physical and visually discernible components or aspects of a wireless facility, such as antennas, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernible components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

Monopole Tower means a cylindrical, tapered self-supporting communications tower constructed as a single spire.

NIER means Non-Ionizing Electromagnetic Radiation

Person means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Personal Wireless Facility See definition for ‘Wireless Telecommunications Facilities’.

Personal Wireless Services or PWS or Personal Telecommunications Service or PCS shall have the same meaning as defined and used in the 1996 Telecommunications Act.

Telecommunication Site. See definition for Wireless Telecommunications Facilities.

Town, this Town, in the Town shall mean the Town of Summerdale, Alabama; and shall include any duly authorized officer or employee if the context so admits. Every section contained in this Ordinance, whether expressed to apply "in the Town" or not so expressed, shall apply, and have full force and effect within the corporate limits of the Town.

Permit means the official document or permit by which an Applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the Town.

State means the State of Alabama.

Telecommunications means the transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Structure means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'.

Temporary means in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.

Wireless Telecommunications Facilities or Telecommunications Tower or Telecommunications Site or Personal Wireless Facility means a structure, facility or location designed, or intended to be used as, or used to support, Antennas, as well as antennas or any functional equivalent equipment used to transmit or receive signals. It includes without limit, free standing Towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an Antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal Telecommunications services, or microwave Telecommunications, but excluding those used exclusively for fire, police and other dispatch Telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Telecommunications.

Section 1104. Overall Policy and Desired Goals for Wireless Telecommunications Facilities

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the Town's health, safety, public welfare, environmental features and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the Town hereby adopts an overall policy for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

a. Promoting and encouraging, wherever possible, the sharing and/or collocation of

Wireless Telecommunications Facilities among service providers;

b. Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner as to minimize adverse aesthetic impacts to the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities.

Section 1105. Permit Application and Other Requirements.

a. All Applicants for a Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this section. The Planning Department will receive applications for a Permit for Wireless Telecommunications Facilities.

b. An Application for a Wireless Telecommunications Facilities Permit shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the Applicant, shall also sign the Application. At the discretion of the Town, any false or misleading statement in the Application may subject the Applicant to denial of the Application without further consideration or opportunity for correction.

c. Applications not meeting the requirements stated herein or which are otherwise incomplete, may be delayed until such time the applications are complete.

d. The Applicant shall include a statement in writing:

    1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions set forth by the Board of Adjustment as part of the approval of a Special Exception;
    2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State of Alabama.

e. All Wireless Telecommunications Towers shall be of monopole design unless it can be proven to the satisfaction of the Board of Adjustment that due to specific conditions another design is required. Maximum tower diameter shall not be greater than that which is required for the height of the tower. **Guy Wire Towers or towers with affixed guy wires are prohibited**.

f. No Wireless Telecommunications Facilities shall be installed or constructed until the site plan is reviewed and approved by the Town and a Special Exception has been issued.

g. All applications for the construction or installation of new Wireless Telecommunications Facilities shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the State. Where this section calls for certification, such certification shall be by a qualified Alabama State licensed Professional Engineer acceptable to the Town, unless otherwise noted. The Application shall include, in addition to the other requirements, the following information:

1) Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily within the Town;
2) Name, address and phone number of the person preparing the report;
3) Name, address, and phone number of the property owner, operator, and Applicant, to include the legal form of the Applicant;
4) Postal address and tax map parcel number of the property;
5) A copy of the recorded ownership interests including liens, encumbrances, and title certification in the form of current title policy, title opinion, or title report. Warranty deeds will no longer accepted for proof of ownership;
6) Zoning District or designation in which the property is situated;
7) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
8) Location of nearest residential structure;
9) Location of nearest habitable structure;
10) Landscape Plan including but not limited to landscape details and plant schedule;
11) Location, size and height of all structures on the property which is the subject of the Application;
12) Location, size and height of all proposed and existing antennae and all appurtenant structures;
13) Type, locations and dimensions of all proposed and existing landscaping, and fencing;
14) The number, type and design of the Telecommunications Tower(s) Antenna(s) proposed and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users;
15) The make, model and manufacturer of the Tower and Antenna(s);
16) A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
17) The frequency, modulation and class of service of radio or other transmitting equipment;
18) Transmission and maximum effective radiated power of the Antenna(s);
19) Direction of maximum lobes and associated radiation of the Antenna(s);
20) Applicant's proposed Tower maintenance and inspection procedures and related system of records;
21) Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC;

22) Certification that the proposed Antenna(s) will not cause interference with existing telecommunications devices, which certification shall be reviewed by a licensed engineer designated by Town;
23) A copy of the FCC license applicable for the use of Wireless Telecommunications Facilities;
24) Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site, which certification shall be reviewed by a licensed engineer designated by the Town;
25) Propagation studies of the proposed site and all adjoining proposed, in-service or existing sites;

26) Applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs.

h. In the case of a new Telecommunication Tower, the Applicant shall be required to submit a written report demonstrating its efforts to secure shared use of existing Telecommunications Tower(s) or use of existing buildings or other structures within the Town. Copies of written requests and responses for shared use shall be provided to the Town.

i. The Applicant shall furnish written certification that the Telecommunication Facility, foundation and attachments are designed and will be constructed ("As Built") to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads.

j. After construction and prior to receiving a Certificate of Compliance, the Applicant shall furnish written certification that the Wireless Telecommunications Facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

k. If requested by the Town, the Applicant shall furnish a Visual Impact Assessment which shall include:

1) A "Zone of Visibility Map" which shall be provided in order to determine locations where the Tower may be seen.
2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. The Town, acting in consultation with its

consultants or experts, will provide guidance concerning the appropriate key sites at a pre-application meeting.

3) An assessment of the visual impact of the Tower base and accessory buildings from abutting and adjacent properties and streets.

l. Any and all representations made by the Applicant to the Town, on the record, during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the Town.

m. The Applicant shall, in a manner approved by the Town, demonstrate and provide in writing and/or by drawing how it shall effectively screen from view its proposed Wireless Telecommunications Facilities base and all related facilities and structures.

n. All utilities from Wireless Telecommunications Facilities sites shall be installed underground and in compliance with all Ordinances, rules and regulations of the Town, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The Board of Adjustment may waive or vary the requirements of undergrounding installation of utilities whenever such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.

o. All Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to have the least adverse visual effect on the environment and its character, and the residences in the area of the Wireless Telecommunications Facilities sites.

p. Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.

q. At a Telecommunications Site, an access road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

r. Adequate landscaping shall be provided in order to screen any accessory facility or structure from view. To this end, adequate landscaping shall include (at a minimum) the planting of evergreen vegetation with an initial minimum height of at least six (6) feet around the entire perimeter of any such apparatus in a manner that creates a solid hedge. In addition, existing natural vegetation and trees shall be preserved to the maximum extent practical.

s. A person who holds a Permit for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current technical, safety and safety-related codes adopted by the Town, County, State, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

t. A holder of a Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable rule, regulation or Ordinance, and must maintain the same, in full force and effect, for as long as required by the Town or other governmental entity or agency having jurisdiction over the applicant.

u. The Town may require the applicant to conduct an environmental review of the proposed project in combination with its review of the Application under this Ordinance.

v. An Applicant shall submit to the Town the number of completed Applications determined by the Planning Department to be needed for the application meetings.

w. The Applicant shall examine the feasibility of designing a proposed Telecommunications Tower to accommodate future demand for at least two (2) additional commercial applications, for example, future collocations. The scope of this examination shall be determined by the Town. The Telecommunications Tower shall be structurally designed to accommodate at least two (2) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived by the Board of Adjustment under the provisions of **Section 1117 Relief,** provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Telecommunications Tower is not technologically feasible, or is Commercially Impracticable and creates an unnecessary and unreasonable burden, based upon:

1) The foreseeable number of FCC licenses available for the area;
2) The kind of Wireless Telecommunications Facilities site and structure proposed;
3) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
4) Available space on existing and approved Telecommunications Towers.

x. As part of the application the applicant shall submit to the Town a letter of

intent committing the owner of the proposed new Tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed Tower by other Telecommunications providers in the future. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the Permit. The letter shall commit the new Tower owner and their successors in interest to:

1) Respond within 60 days to a request for information from a potential shared-use applicant;

2) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;

3) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.

y. A pre-application meeting may be required. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. A pre-application meeting may also include a site visit if required. Costs of the Town's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

z. The holder of a Permit shall notify the Town of Summerdale of any intended modification of a Wireless Telecommunication Facility and shall apply to the Town to modify, relocate or rebuild a Wireless Telecommunications Facility.

aa. In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall hold a "balloon test" as follows: Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be published in a legal notice by the Applicant, at seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in Town and agreed to by the Town. The Applicant shall inform the Town, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at east eight consecutive hours sometime between 7:00 am and 4:00 pm of the dates chosen. The primary date shall be on a week-end, but the second date, in case of poor visibility on the initial date, may be on a week day. This requirement shall be satisfied before the application process may be carried forward for action on the application. If this requirement is not satisfied within 45 days of the date the application is filed with the Town, the application shall be considered "withdrawn" by the applicant. Requests for extensions of this deadline may be submitted for consideration.

bb.The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Telecommunications Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Regulation Part 77. This requirement shall be for any new tower, or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

Section 1106. Location of Wireless Telecommunications Facilities

a. Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and four (4) being the lowest priority.

   1) On existing Telecommunications Towers or other tall structures;
   2) Co-location on a site with existing Wireless Telecommunications Facilities or structures;
   3) On municipally-owned property;
   4) On other property in the Town.

b. If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit was not granted for the proposed site. An application for other than the highest priority listed in subsection (A) of this Section shall contain an explanation of why all higher priorities were not selected.

c. An Applicant may not by-pass sites of higher priority by stating the site presented is the only site leased or selected. An Application shall address collocation as an option, and if such option is not proposed the applicant must explain why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of “Commercial Impracticability” or hardship.

d. Notwithstanding the above, the Town may approve any site located within an area in the above list of priorities, and is appropriately zoned, provided that the Town finds that the proposed site is in the best interest of the health, safety and welfare of the Town and its inhabitants.

e. The Applicant shall submit a written report demonstrating the Applicant’s review of the above locations in order of priority, demonstrating the technological reason for the site selection. If the site selected is not the highest priority, then a detailed

written explanation as to why sites of a higher priority were not selected shall be included with the Application.

f. The Applicant shall, in writing, identify and disclose the number and locations of any additional sites that the Applicant has been, is, or will be considering, reviewing or planning for Wireless Telecommunications Facilities in the Town, and all municipalities adjoining the Town, for a two year period following the date of the Application.

g. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Application may be dismissed for any of the following reasons.

1) Conflict with safety and safety-related codes and requirements;
2) Conflict with traffic needs or definitive plans for changes in traffic flows;
3) Conflict with the historic nature of a neighborhood or historical district;
4) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
5) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the Town, or employees of the service provider or other service providers;
6) Conflicts with the provisions of this Ordinance.

Section 1107. Shared use of Wireless Telecommunications Facilities and other Structures

a. Shared use of existing Wireless Telecommunications Facilities shall be preferred by the Town, as opposed to the proposed construction of a new Telecommunications Tower. Where such shared use is unavailable, location of Antennas on other pre-existing structures shall be considered and preferred. The Applicant shall submit a comprehensive report inventorying existing Towers and other appropriate structures within four (4) miles of any proposed new Tower Site, unless the Applicant can show that some other distance is more appropriate, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.

b. An Applicant intending to share use of an existing Telecommunications Tower or other structure shall be required to document the intent of the existing owner to share use. In the event an Application to share the use of an existing Telecommunications Tower or other structure does not increase the height of the Telecommunications Tower, the Town shall waive such requirements of the Application required by this article as may be deemed appropriate in light of the facts and circumstances.

c. Such shared use shall consist only of the minimum Antenna array technologically required to provide service within the Town, to the extent practicable, unless good cause is shown.

Section 1108. Height of Telecommunications Tower(s) (Maximum height shall not exceed 300ft)

a. The Applicant must submit documentation justifying to the Town the total height of any Telecommunications Tower, Facility and/or Antenna and the basis therefor. Such justification shall be to provide service within the Town, to the extent practicable, unless good cause is shown.

b. Telecommunications Towers shall be no higher than the minimum height necessary to provide service primarily within the Town.

Section 1109. Visibility of Wireless Telecommunications Facilities.

a. All telecommunications towers shall be of monopole design, unless it can be proven that due to specific conditions another design is required or is visually or aesthetically preferable or is otherwise more in keeping with the character of the neighborhood. Maximum tower diameter shall not be greater than that which is required for the height of the tower and the number and type of attachments intended when all space on the monopole or other supporting structure is utilized. Relief for either of these requirements may be requested in accordance with the provisions of Section 1117, Relief.

b. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by this Ordinance or other regulatory authority.

c. Unless granted relief, an applicant requesting a Permit for the construction of a new Telecommunication Tower shall propose and employ Camouflage or Stealth technology that is acceptable to the Town and to the extent not impracticable is in concert with the character of the neighborhood in which the tower is to be located.

d. If permitted, non-Camouflaged Telecommunications Towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the Town, and shall be maintained in accordance with the requirements of this Ordinance.

e. If lighting is required, it shall be as unobtrusive and inoffensive in effect as is permissible under State and Federal regulations. If lighting is not required under State and Federal regulations, it shall not be permitted.

Section 1110. Security of Wireless Telecommunications Facilities

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner which prevents unauthorized access. Specifically as follows:

1) All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and
2) Transmitters and Telecommunications control points must be installed such that they are readily accessible only to persons authorized to operate or service them.

Section 1012. Lot Size and Setbacks

Wireless Telecommunications Facilities shall maintain a minimum setback from each property line, recorded right-of-way, road and street line, residential district boundary, or residential structure a distance equal to the highest point of the tower as measured from the average existing grade. **Towers are prohibited in all residential zones**. In no case shall a tower be located nearer than three hundred and twenty (320) feet from any residential district boundary or any residential structure. Setbacks shall be measured from the perimeter of the nearest point of the tower base to the property line or district boundary. Wireless Telecommunications accessory facilities or structures located upon the same lot shall maintain a minimum setback equal to that allowable to principal structures within the zoning district (see Town Zoning Ordinance) in which it is located. Setbacks for such apparatus shall be measured from the nearest point at which such apparatus intersects or contacts the ground to the property line.

Section 1113. Retention of Expert Assistance and Reimbursement by Applicant

a. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the Application and any requests for recertification.

b. An Applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultants and expert evaluation and consultation to the Town in connection with the review of any Application. The initial deposit shall be $8,500.00 for towers or new structures, and $8,500.00 for co-location on antennas or existing structures. These funds shall be deposited with the Town prior to any work related to a site visit or pre-application meeting and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no less frequently than monthly for its services in reviewing the Application and performing its duties. If at any time during the review process prior to final inspection and approval this escrow account has a balance less than $2,500.00, the Applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least $2,500.00. Such additional escrow funds must be deposited with the Town before any further action or consideration is taken on the Application. In the event

that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the review process, the difference shall be promptly refunded to the Applicant.

c. The total amount of the funds set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as required and requested by the Town, shall be paid by the Applicant.

Section 1114. Exceptions for Wireless Telecommunications Facilities

a. No Person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Permit for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Permit shall be required for those exceptions noted in the definition of Wireless Telecommunications Facilities, such as those used exclusively for fire, police and other dispatch Telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Telecommunications.

b. New construction, including routine maintenance on existing Wireless Telecommunications Facilities, shall comply with the requirements of this Ordinance.

c. All Wireless Telecommunications Facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any modification to existing Wireless Telecommunications Facilities must comply with this Ordinance.

Section 1115. Public Hearing

a. The Board of Adjustment shall hold a Public Hearing pursuant to the issuance of a Special Exception for all new telecommunication towers. If a balloon test is required under the provisions of Section 1105(aa), the applicant shall perform and satisfy the requirement of that section prior to the public hearing.

b. Also, in order to ensure that nearby landowners are informed, the Applicant shall be required to send via First Class Mail a notice, at least ten (10) days prior to the public hearing, to all landowners whose property is located within seven hundred fifty feet (750) of any property line of the lot on which the new wireless telecommunications facility are proposed to be located. The applicant shall also provide to the Town's planning staff, prior to the public hearing, written certification documenting the names and addresses of all property owners to whom notices were mailed and a representative copy of the notice mailed. Such notice shall

include the date, time, place and purpose of the public hearing and state that questions regarding the notice may be directed to the applicant or the Town Planning Department. The phone numbers for both the applicant and the Town shall be included. The return address used for mailings shall be the "Town of Summerdale Planning Department, 502 W Lee Ave, Summerdale, Alabama 36580.

c. The Board of Adjustment, at any stage prior to issuing a Special Exception, may require additional information as it deems necessary to make an informed decision.

Section 1116. Action on an Application for a Special Exception for Wireless Telecommunications Facilities

a. The Town will undertake a review of an Application pursuant to this Ordinance in a timely fashion, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.

b. Except for necessary Certificates of Compliance, once a Permit has been granted hereunder, no additional permits or approvals from the Town, such as site plan or zoning approvals, shall be required by the Town for the Wireless Telecommunications Facilities covered by the Special Exception.

c. After formally considering the Application, the Board of Adjustment may approve, approve with conditions, or deny, a Special Exception. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the approval of the Special Exception shall always be upon the Applicant.

d. If the Board of Adjustment approves the Special Exception request for a Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calendar days.

f. If the Board of Adjustment denies the Special Exception request for a Wireless Telecommunications Facilities, the Applicant shall be notified of such denial in writing within ten (10) calendar days of the action, setting forth the reasons for such action.

Section 1117. Recertification of a Permit for Wireless Telecommunications Facilities

a. At any time between twelve (12) months and six (6) months prior to the five (5) year anniversary date after the effect date of the Permit and all subsequent fifth anniversaries of the effective date of the original Permit for Wireless Telecommunications Facilities, the holder of the Permit for such Wireless

Telecommunication Facilities shall submit a signed written request to the Town for recertification. In the written request for recertification, the holder of such Permit shall note the following:

1) The name of the holder of the Permit for the Wireless Telecommunications Facilities;
2) If applicable, the number or title of the Permit;
3) The date of the original granting of the Permit;
4) Whether the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise modified since the issuance of the Permit and if so, in what manner;
5) If the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise modified, then whether the Town approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;
6) Any requests for waivers or relief of any kind whatsoever from the requirements of this Ordinance and any requirements for a Permit;
7) That the Wireless Telecommunications Facilities are in compliance with the Permit and compliance with all applicable codes, Ordinances, rules and regulations;
8) Recertification that the Telecommunication Tower and attachments both are designed and constructed ("As Built") and continue to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a qualified Alabama State licensed Professional Engineer acceptable to the Town, the cost of which shall be borne by the Applicant.

b. If, after such review, the Town determines that the permitted Wireless Telecommunications Facilities are in compliance with the original Permit and all applicable statutes, local laws, codes, rules and regulations, then the Town shall issue a recertification Permit for the Wireless Telecommunications Facilities, which may include any new provisions or conditions that are mutually agreed upon, or required by applicable statutes, Ordinances, local Ordinances, ordinances, codes, rules and regulations. If, after such review, the Town determines that the permitted Wireless Telecommunications Facilities are not in compliance with the original Permit and all applicable statutes, local laws, codes, rules and regulations, then the Town may refuse to issue a recertification Permit for the Wireless Telecommunications Facilities, and in such event, such Wireless Telecommunications Facilities shall not be used after the date that the Applicant receives written notice of such decision by the Town. Any such decision shall be in writing and supported by substantial evidence contained in a written record.

c. If the Applicant has submitted all of the information requested by the Town and required by this Ordinance, and if the Town does not complete its review, as noted in subsection (B) of this section, prior to the five (5) year anniversary date of the Permit, or subsequent fifth anniversaries, then the Applicant for the permitted

Wireless Telecommunications Facilities shall receive an extension of the Permit for up to six (6) months, in order for the Town to complete its review.

d. If the holder of the Permit for Wireless Telecommunications Facilities does not submit a request for recertification of their Permit within the timeframe noted in subsection (A) of this section, then such Permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the Permit, or subsequent fifth anniversaries, unless the holder of the Permit adequately demonstrates to the Town that extenuating circumstances prevented a timely recertification request. If the Town agrees that there were legitimately extenuating circumstances, then the holder of the Permit may submit a late recertification request or Application for a new Permit.

Section 1118. Extent and Parameters of Special Exception for Wireless Telecommunications Facilities

The extent and parameters of a Special Exception for Wireless Telecommunications Facilities shall be as follows:

1) Shall be non-exclusive;
2) Shall not be assigned, transferred or conveyed without the express prior written consent of the Town, and such consent shall not be unreasonably withheld or delayed;
3) May, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Exception for Wireless Telecommunications Facilities, or for a material violation of this Ordinance after prior written notice to the Applicant and the holder of the Permit.

Section 1119. Application Fee

a. At the time that a person submits an Application for a Special Exception for a new Telecommunications Tower, such person shall pay a non-refundable application fee of $5,000.00 to the Town. If the Application is for a Permit to collocate on an existing Telecommunications Tower or high structure, where no increase in height of the Tower or structure is required, the fee shall be $2,500.00.

b. No Application fee is required in order ***to*** recertify a Permit for Wireless Telecommunications Facilities, unless there has been a modification of the Wireless Telecommunications Facilities since the date of the issuance of the existing Permit for which the conditions of the Permit have not previously been modified. In the case of any modification, the fees provided in Subsection (a) shall apply.

Section 1120. Performance Security

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall at its cost and expense, be jointly required to execute and file with the Town a bond, or other form of security acceptable to the Town as to type of security and the form and manner of execution, in an amount of at least $75,000.00 and with such sureties as are deemed sufficient by the Town to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Exception issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Permit and/or until the removal of the Wireless Telecommunications Facilities, and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the Permit and shall entitle the Town to revoke the Permit after prior written notice to the Applicant and holder of the permit and after a hearing upon due prior notice to the Applicant and holder of the Permit.

Section 1121. Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Ordinances, ordinances and regulations and other applicable requirements, the Town may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Section 1122. Annual NIER Certification

The holder of the Permit shall, annually, certify in writing to the Town that NIER levels at the site are within the threshold levels adopted by the FCC. The certifying engineer need not be approved by the Town.

Section 1123. Liability Insurance

a. A holder of a Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Permit in amounts as set forth below

    1) Commercial General Liability covering personal injuries, death and property damage; $1,000,000 per occurrence/$2,000,000 aggregate;
    2) Automobile Coverage: $1,000,000.00 per occurrence/ $2,000,000 aggregate;
    3) Workers Compensation and Disability: Statutory amounts.

b. The Commercial General Liability insurance policy shall specifically include the Town and its officers, employees, committee members, attorneys, agents and consultants as additional named insureds.

c. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

d. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

e. Renewal or replacement policies or certificates shall be delivered to the Town at least fifteen (15) days before the expiration of the insurance which such policies are to renew or replace.

f. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Permit, the holder of the Permit shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

Section 1124. Indemnification

a. Any application for Wireless Telecommunication Facilities that is proposed for Town property pursuant to this Ordinance shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Ordinance, at all times to defend, indemnify, protect, save, hold harmless, and exempt the Town, and its officers, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at Ordinance or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Wireless Telecommunications Facilities. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town.

b. Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the Town itself applies for and secures a Permit for Wireless Telecommunications Facilities.

Section 1125. Default and/or Revocation

a. If Wireless Telecommunications Facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance the Special Exception or the Permit, then the Town shall notify the holder of the Permit in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected within seven (7) days of the date of the postmark of the Notice, or of the date of personal service of the Notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this Ordinance, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Town may, at its sole discretion, order the violation remedied within twenty-four (24) hours.

b. If within the period set forth in (a) above the Wireless Telecommunications Facilities are not brought into compliance with the provisions of this Ordinance, the Special Exception or the Permit, or substantial steps are not taken in order to bring the affected Wireless Telecommunications Facilities into compliance, then the Town may revoke the Permit for Wireless Telecommunications Facilities, and shall notify the holder of the Permit within forty-eight (48) hours of such action.

Section 1126. Removal of Wireless Telecommunications Facilities

a. Under the following circumstances, the Town may determine that the health, safety, and welfare interests of the Town warrant and require the removal of Wireless Telecommunications Facilities.

    1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
    2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
    3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the Special Exception or the Permit, or any other necessary authorization;
    4) Insurance is no longer provided as required by **Section 1113 Liability Insurance**.

b. <u>If the Town makes such a determination as noted in subsection (A) of this section, then the Town shall notify the holder of the Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed. The Town may approve an interim temporary use agreement/permit, such as to enable the sale of the</u>

Wireless Telecommunications Facilities.

c. The holder of the Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the Town. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the Town.

d. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the Town may order officials or representatives of the Town to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Permit holder.

e. If the Town removes or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the Town may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

f. Notwithstanding anything in this Section to the contrary, the Town may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Permit, subject to the approval of the Town, and an agreement to such plan shall be executed by the holder of the Permit and the Town. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the Town may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

Section 1127. Relief

Any Applicant desiring relief or exemption from any aspect or requirement of this Ordinance is encouraged to present such requests during the pre-application meeting. The request for relief or exemption must be contained and expressly set forth under a separate heading in the application for a Special Exception or in the case of an existing or previously granted Special Exception, a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the Board of Adjustment. However, the burden of proving the need for the requested relief or exemption is solely on the Applicant to prove to the satisfaction of the Town. The Applicant shall bear all costs of the Town, including the cost for consultant

and/or expert assistance in considering the request, and the relief shall not be transferable to a new or different holder of the permit or owner of the tower or facilities without the specific written permission of the Town. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted, the relief or exemption will have no significant effect on the health, safety and welfare of the Town, its residents and other service providers.

Section 1128. Adherence to State and/or Federal Rules and Regulations

a. To the extent that the holder of a Permit for Wireless Telecommunications Facilities has not received relief, or is not otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

b. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Permit for Wireless Telecommunications Facilities , then the holder of such a Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

ARTICLE XII
AMENDING THE ORDINANCE

Section 1201. Procedure.

The Town Council may, from time to time, after examination, review and public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established. Proposals for zoning amendments, whether initiated by the Town Council, the Planning Commission, or any person, firm, or corporation, shall be treated in accordance with the following procedure.

1) An application must be submitted on the appropriate form and in writing to the Municipal Planning Department at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission and must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment. Split zoning of parcels is not allowed. Such site plan shall include the existing land use on adjacent and surrounding properties. Additionally, when the application is made on behalf of a private citizen or citizens, firm, or corporation, the application shall be accompanied by the required filing fee, along with all public hearing fees.

2) The application shall be sent to the Commission for review at its next regular meeting. The Planning Commission shall have forty-five (45) days within which to submit a certified recommendation to the Town Council. If the Commission fails to submit a recommendation to the Town Council the forty-five (45) day period, it shall be deemed to have approved of the proposed amendment.

3) Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Town Council with proper legal notice published in a newspaper of general circulation in the jurisdiction, or in at least three public locations, at least fifteen (15) days prior to the said public hearing. Notice by mail shall be sent to the owners within three hundred (300) feet of the affected property. A public hearing yard sign shall also be posted on the property of the affected property.

4) The Town Council shall hold the public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within 45 days from the date of the public hearing except in the case where the tentative action is not in accordance with the certified recommendation of the Planning Commission. In such case, the Town Council shall not make any change in or departure from the text or map, as recommended and certified by the Planning Commission, unless such change or departure be first resubmitted to the Planning Commission for an additional review

and recommendation. The Planning Commission shall have thirty (30) days to resubmit its recommendation.

5) Any petition for a zoning amendment may be withdrawn prior to action thereon by the Town Council or Planning Commission at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Municipal Building Inspector.

6) A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more than once every twelve (12) months.

Section 1201.1 Reversionary Clause

Any parcel or parcels of land that have been rezoned or required masterplan approved under the amendment authority of this Ordinance shall revert back to the prior zoning classification and masterplan voided IF, after one (1) year from the date the Town Council granted rezoning approval, no public improvements have been made on said land, or the rezoned land is not being used for the permitted use for which it was rezoned or masterplan approved. An extension of such time may be granted by the Town Council upon written request by the applicant and recommendation of the Planning Commission.

ARTICLE XIII

LEGAL STATUS PROVISIONS

Section 1301. Interpretation and Purpose.

In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community.

Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances is mandatory. This ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this ordinance.

Section 1302. Saving Clauses.

If any section, clause, provision, or portion of the 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 1403. Effective Date.

This Ordinance shall take effect and be in force from and after its passage and adoption.

_____
Mayor

ATTEST:

_____	**March 13, 2000**
Town Clerk	**Date**

Appendix

Official Forms

Application Fees:

Annexation where requested zoning conflicts with Comprehensive Plan, $300
Comprehensive Plan Amendment, $500
Rezoning fee: $250
Reversion Extension: $150
Site Plan fee: $250
Public Hearing Fees set by current postage.

Land Use Certificate

State of Alabama)
County of Baldwin)
Town of Summerdale)

This is to certify that the land use proposed at:

Location
Description

Proposed Use

is in conformance with the requirements of the Zoning Ordinance of the Town of Summerdale, Baldwin County, Alabama.

Dated this _____Day of _____, 20 ____.

Community Development Department, Town of Summerdale, Alabama

Application For Zoning Variance

State of Alabama)
County of Baldwin)
Town of Summerdale)

This is to certify that I (we), the undersigned, do hereby request the Town Of Summerdale, Alabama Board of Adjustment to grant a variance to the Town's Zoning Ordinance as indicated below, and for the reasons stated.

Article(s) and Section(s) for which the variance is requested.
Nature of the variance requested.

Reason for the request.

*Application fee of $50.00 per Ordinance 376-08
*Public Hearing Fee

Dated this _____Day of _____, 20 _____.

_____
Owner or Authorized Representative

Application For Zoning Ordinance Amendment

State of Alabama)
County of Baldwin)
Town of Summerdale)
This is to certify that I (we), the undersigned, do hereby request the Town Of Summerdale, Alabama to grant a zoning ordinance amendment for the property as indicated below, and for the reason's stated.

Description of Property

Address/PIN: _____
_____

Name of Subdivision Plat:

Lot Numbers Involved In Change:

Total Acreage Of Change:

Plat Book / Page Number:

Owned In Whole By The Undersigned?
If Owned In Part, Name(s) of Co-Owner(s)

Zoning Change Requested.

Present Classification Of Property:
Reclassification Desired:

Character Of Neighborhood:

Reason for the request.

_____
_____
_____

The following must accompany the request for zoning ordinance amendment.

- Two copies of a list of the names and addresses of the owners of all properties lying within 300 feet of any part of the property proposed to be rezoned.
- Two copies of a map or plat, drawn to scale, showing the existing and proposed zoning reclassification and other pertinent information.
- Two copies of the legal description of the property to be rezoned.
- Two Hundred Fifty dollars ($250.00) filing fee, plus public hearing fee

Applicant's Name:
Address:
Email Address:
Telephone Number:

_____ _____

Owner Signature / Date (*All owners must sign) **Owner Signature (2) / Date**

Notice Of Non-Conformance

THIS PROPERTY IS HEREBY CITED AS BEING IN VIOLATION OF THE ZONING ORDINANCE OF THE TOWN OF SUMMERDALE. THE REASON FOR THIS CITATION IS AS FOLLOWS.

CONTACT THE MUNICIPAL BUILDING INSPECTOR WITHIN SEVEN (7) WORKING DAYS FROM THE DATE OF THIS NOTICE.

Municipal Building Inspector Date

SUMMERDALE BOARD OF ADJUSTMENTS

APPLICATION FOR ZONING VARIANCE

Date: _____

Name of Applicant/Owner: _____

Address: _____

Property Location: _____

Owners of abutting property (adjacent, across the street, and to the rear of the affected property)

NAME	**ADDRESS**
_____	_____
_____	_____
_____	_____
_____	_____

Article(s) and Section(s) for which the variance is requested: _____

Nature of variance requested: _____

_____

Present Zone of Property: _____

Reason for Request: _____

_____

_____

Site plan attached showing lot dimensions, location and size of existing and proposed structure, yard dimensions and the use of structures and such other information regarding abutting property as directly affects the application.

This is to certify that I (we), the undersigned, do hereby request the Board of Adjustment of the Town of Summerdale, to grant a variance for the property as indicated above, and for the reason(s) stated.

_____

_____
Owner or Authorized Representative

*Application fee of $50.00 per Ordinance 376-08 plus public hearing notice fee.