

Legal Notice

Notice is hereby given that at a Regular Council Meeting of the City Council of the City of Albertville, Alabama, to be held February 3, 2026, at 11:00 a.m. in the Albertville City Hall, the following amendment to the zoning ordinances will be considered by the City Council of the City of Albertville, at which time and place all interested parties shall have the opportunity to be heard both in opposition or in favor of the amendment.

ORDINANCE NO. 2030-26

AN ORDINANCE TO ADOPT A COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF ALBERTVILLE, ALABAMA, TO REPEAL ALL PRIOR ZONING ORDINANCES AND AMENDMENTS THERETO IN CONFLICT HEREWITH, AND TO PROVIDE FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF.

WHEREAS, the City Council of the City of Albertville, Alabama, pursuant to the authority granted by Title 11, Chapter 52, Article 4, Sections 11-52-70 through 11-52-84 of the Code of Alabama, as amended, has determined that it is necessary and in the best interest of the public health, safety, morals, convenience, order, prosperity, and general welfare to update and revise the zoning regulations of the City; and

WHEREAS, the Planning Commission of the City of Albertville has reviewed the proposed zoning ordinance and has recommended its adoption to the City Council; and

WHEREAS, notice of public hearings on the proposed zoning ordinance has been duly published as required by law, and such public hearings have been held before the Planning Commission and the City Council, at which all interested parties were given an opportunity to be heard; and

WHEREAS, the City Council finds that the attached zoning ordinance, entitled "The Zoning Ordinance of the City of Albertville, Alabama," dated November 20, 2025, promotes orderly development, protects property values, and ensures compatibility of land uses within the City; and

WHEREAS, all prior zoning ordinances and amendments thereto are hereby deemed outdated and in need of replacement to reflect current community needs and standards;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALBERTVILLE, ALABAMA, AS FOLLOWS:

Section 1. Repeal of Prior Ordinances. All prior zoning ordinances of the City of Albertville, Alabama, including but not limited to any ordinances or parts thereof establishing or amending zoning regulations, and all amendments thereto, are hereby repealed in their entirety and replaced with the attached comprehensive zoning ordinance. All other ordinances or parts of ordinances in conflict with this ordinance and the attached comprehensive zoning ordinance are hereby repealed to the extent of such conflict.

Section 2. Adoption of New Zoning Ordinance. The comprehensive zoning ordinance attached hereto and incorporated herein by reference, consisting of 14 articles and entitled "The Zoning Ordinance of the City of Albertville, Alabama," is hereby adopted as the official zoning ordinance of the City of Albertville, Alabama. This ordinance shall regulate the use of land, buildings, and structures within the corporate limits of the City and shall include, but not be limited to, provisions for zoning districts, permitted and

conditional uses, development standards, sign regulations, nonconformities, administration, enforcement, and definitions as set forth in the attached document.

Section 3. Official Zoning Map. The Official Zoning Map referenced in Article 2 of the adopted zoning ordinance shall be maintained in the Office of the City Clerk and shall reflect all zoning districts as established or amended pursuant to this ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Effective Date. This ordinance shall take effect immediately upon its passage, approval, and publication as required by law.

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ALBERTVILLE, ALABAMA

Zoning Ordinance No. 2030-26
Review Copy

November 20, 2025

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Article 1: General Provisions

Section 1-1 Purpose and Authority.

The purpose of this ordinance is to establish comprehensive zoning regulations for the City of Albertville, Alabama, and provide for the administration, enforcement, and amendment of this ordinance, in accordance with the provisions of Title 11, Chapter 52, Article 4, § 11-52-70 to 11-52-84, inclusive, in the Code of Alabama. It is furthermore the purpose of this ordinance to provide for the repeal of the portions of all other ordinances found to be in conflict.

Section 1-2 Interpretation.

In its interpretation and application, the provisions of this ordinance shall be considered the minimum requirements, adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare of the City of Albertville. Wherever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

Section 1-3 Title.

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Albertville, Alabama," and all subsequent amendments, attachments, and supplements shall be known as the "Albertville Zoning Ordinance" or as "this ordinance."

Section 1-4 Compliance.

Compliance with the requirements of this ordinance is mandatory except that under the specific conditions enumerated in the following sections, the requirements may be waived or modified as so stated.

Section 1-5 Severability.

Should any section or provision of this ordinance be declared invalid by any court of jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid.

Section 1-6 Land Covenants

Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this ordinance, nothing in this ordinance shall be construed to render such covenants inoperative.

Section 1-7 Allowed and Prohibited Uses

- 1-7-1** Uses not designated as permitted uses or conditional uses in this ordinance shall be prohibited.
- 1-7-2** Conditional uses are permitted according to additional regulations imposed. These conditional uses can be approved only by the Zoning Board of Adjustment.
- 1-7-3** Additional uses may be added to the Ordinance by amendment.

Article 2: Official Zoning Map and Zoning Districts

Section 2-1 Official Zoning Map.

The City is divided into zones, or zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter is adopted by reference and declared to be part of this ordinance.

- 2-1-1 The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Albertville, Alabama," together with the date of the adoption of this Ordinance.
- 2-1-2 If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council. No amendment to this ordinance that involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made of the map.
- 2-1-3 No changes of any nature shall be made in the Official Zoning Map or matter shown on it except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under [Section 12-7 Penalties for Violation](#).
- 2-1-4 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

Section 2-2 Replacement of the Official Zoning Map.

- 2-2-1 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning map or any subsequent amendment. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Albertville, Alabama."
- 2-2-2 Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and significant parts remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 2-3 Zoning District Boundary Interpretations.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- 2-3-1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, rivers or other bodies of water, shall be construed to follow such center lines.
- 2-3-2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 2-3-3 Boundaries indicated as approximately following City limits shall be construed as following such city limits.
- 2-3-4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

2-3-5 Boundaries indicated as parallel to or extensions of features indicated in Sections [2-3-1](#) through [2-3-4](#) above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

2-3-6 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections [2-3-1](#) through [2-3-5](#) above, the Board of Adjustment shall interpret the district boundaries.

2-3-7 Where a district boundary line divides a lot which was in single ownership at the time of the passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 2-4 Establishment of Zoning Districts.

For the purpose of this ordinance, the City of Albertville, Alabama is hereby divided into the following zoning districts:

Table 2-1: City of Albertville Zoning Districts

Abbreviation	Zoning District Name
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	Medium Density Residential District
R-4	Medium Density Residential District
R-5	High Density Residential District
R-6	Low Density Residential-Manufactured Housing District
R-7	Mobile Home Parks District
R-8	Patio/Garden Homes District
RO	Residential and Office District
B-1	Neighborhood Shopping District
B-2	General Business District
B-3	Highway Business District
B-4	Central Business District
D-B-D	Downtown Business District
D-B-D Sub-Districts	Sub-District A: Downtown Core District
	Sub-District B: Civic District
	Sub-District C: Railroad District
	Sub-District D: Education District
	Sub-District E: North Broad District
	Sub-District F: Warehouse District
AP	Airport District
M-1	Light Industrial District
M-2	General Industrial District
AG-1	Agricultural District
AG-2	Agricultural District

Article 3: Residential Zoning Districts

Section 3-1 Uses Allowed in Residential Zoning Districts

3-1-1 [Table 3-1](#) establishes how uses are allowed in each residential zoning district.

3-1-2 Uses are either permitted where marked with a "P" in the table, under the applicable district column, or are only permitted when approved as a conditional use where marked with a "C" in the table, under the applicable zoning district column.

3-1-3 Any regulations specific to an individual zoning district are found in the applicable zoning district regulations in [Section 3-3](#) through [Section 3-10](#).

Use	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
Accessory Uses and Buildings	P	P	P	P	P	P	P	P
Detached single-family dwellings	P	P				P		
Dwellings constructed on the site by use of single prefabricated walls or roof sections	P	P				P		P
Patio/Garden Homes								P
Duplexes				P	P	P		
Townhouses			P	P	P			
Condominiums			P	P	P			
Apartments			P	P	P			
Bed and Breakfast	C	C					C	
Churches and Places of Worship	C	C					C	
Cemeteries	C	C					C	
Parks, playgrounds, country clubs and golf courses	C	C					C	
Public utility structures including electrical substations, gas metering stations, sewage pumping stations and similar structures	C	C					C	
Public and private schools having curriculum substantially the same as that ordinarily given in public schools.	C	C					C	
Fire Stations	C	C					C	
Libraries/Museums	C	C					C	
Planned Unit Development	C	C					C	
Nursing Homes and Assisted Living Facilities		C						
Mobile Home Parks							P	
Home Occupations as regulated in Section 7-2	C					C		

Section 3-2 Site Development Standards for Residential Zoning Districts

3-2-1 This section establishes basic site development standards for all residential districts. Additional standards may be identified under the provisions of each of the district regulations found in [Section 3-3](#) through [Section 3-10](#).

3-2-2 [Table 3-2](#) establishes the minimum lot area, lot width, and setbacks for each lot in the residential zoning districts. The table also establishes the maximum building height and maximum building area coverage for buildings on such lots.

Table 3-2: Site Development Standards in Residential Zoning Districts							
District	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)			Maximum Building Height	Maximum Building Area Coverage
			Front Yard	Rear Yard	Side Yard (Each Side)		
R-1	15,000	100	40	30	10	3 Stories	25%
R-2	12,000	85	35	35	10	3 Stories	25%
R-3 & R-4	None	80 plus 10 for each additional unit after the first unit	35	35	8	3 Stories	30%
R-5	None	75	20	20	8	3 Stories	45%
R-6	15,000	90	40	30	10	2 Stories	25%
R-7	See Article 6: Regulations for Mobile Home Parks						
R-8	5,000	50	20	15	5 (from eave)	2 Stories	None

3-2-3 Fencing

- (A)** Fencing is allowed in rear and side yards only.
- (B)** No fencing is allowed past the front corner of the building.
- (C)** Farm type fencing, such as chicken, hog, rabbit, mesh, or woven wire fences, are prohibited unless mounted on the interior of a fence constructed of a permanent fencing material (e.g., wood or metal) so as to hide the farm type fencing. Chain link fencing is not considered to be a farm type fencing.

3-2-4 Accessory structures are only permitted in the rear yard.

3-2-5 Vegetable gardens allowed in rear and side yard only.

3-2-6 Corner lots shall have sufficient extra width to permit establishment of a building line at least 15 feet from the side street property line. This provision shall not apply in the R-7 District.

3-2-7 All subdivision of land into individual lots or the installation of public improvements shall be done in compliance with the Albertville Subdivision Regulations.

3-2-8 Off-street parking shall be provided in accordance with [Section 7-3](#).

3-2-9 Signs are permitted in accordance with [Article 8: Sign Compliance](#).

Section 3-3 R-1 Low Density Residential District.

3-3-1 Purpose.

The purpose of the R-1 District is to provide for the protection of existing single-family residential areas where the principal use of the land is for low-density, single-family residence with a connection to public water and sanitary sewer, where available, and where electrical service is provided.

3-3-2 Additional District Standards.

- (A)** [Table 3-1](#) establishes how uses are permitted or permitted as a conditional use in the R-1 District.

(B) In addition to the standards established in [Section 3-2](#), above, the provisions of this section shall apply to development in the R-1 District:

- (1) All detached single-family dwellings shall have a minimum of 1,200 square feet of living space, excluding mobile homes, manufactured housing, mass produced or factory-made housing, which the housing is transported in whole or part on its own chassis and/or wheels.
- (2) Accessory buildings shall only be located in the rear yard and shall be set back a minimum of five feet from the rear lot line and 10 feet from the side lot line.
- (3) Where parks, playgrounds, country clubs and golf courses are allowed in [Table 3-1](#), such uses shall not include miniature or practice driving ranges operated for commercial purposes.

Section 3-4 R-2 Medium Density Residential District.

3-4-1 Purpose.

The purpose of the R-2 District is to provide for a single-family district in which the principal use of land is for medium density residential dwellings uses with a connection to public water and sanitary sewer, where available, and where electrical service is provided.

3-4-2 Additional District Standards.

(A) [Table 3-1](#) establishes how uses are permitted or permitted as a conditional use in the R-2 District.

(B) In addition to the standards established in [Section 3-2](#), above, the provisions of this section shall apply to development in the R-2 District:

- (1) Accessory buildings shall only be located in the rear yard and shall be set back a minimum of five feet from the rear lot line and 10 feet from the side lot line.
- (2) All detached single-family dwellings shall have a minimum of 900 square feet of living space, excluding mobile homes, manufactured housing, mass produced or factory-made housing, which the housing is transported in whole or part on its own chassis and/or wheels.

Section 3-5 R-3 Medium Density Residential District.

3-5-1 Purpose.

The purpose of the R-3 District is to provide for the protection of existing single-family residential areas and the development of new areas at a low to medium population density with apartments, duplexes, townhouses, and condominiums not exceeding four units per building.

3-5-2 Additional District Standards.

(A) [Table 3-1](#) establishes how uses are permitted or permitted as a conditional use in the R-3 District.

(B) In addition to the standards established in [Section 3-2](#), above, the provisions of this section shall apply to development in the R-3 District:

- (1) Apartments, duplexes, townhouses, condominiums, and other residential uses that are not detached single-family dwellings, there shall not be more than four units per building.
- (2) Accessory buildings shall only be located in the rear yard and shall be set back a minimum of five feet from the rear lot line and eight feet from the side lot line.

3-5-3 Special Standards for Townhouses or Condominiums.

- (A) As part of any zoning amendment to allow for townhouses or condominiums, the Planning Commission and City Council shall determine that the proposed townhouses or condominiums are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission or City Council, they shall be included as part of any building permit that is issued for the townhouse or condominium. If variance approval is involved, the Board of Adjustment shall not grant such exception except with the conditions attached by the Planning Commission or City Council, but the Board may add conditions in granting approval.
- (B) It is the intent of this ordinance that townhouses or condominiums in areas where they are or may be permitted:
 - (1) May be appropriately intermingled with other types of housing;
 - (2) Shall not form long, unbroken lines of row housing; and
 - (3) Shall constitute groupings making efficient, economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.
- (C) In line with the general considerations above, the following site plan and design criteria are established:
 - (1) Not more than six contiguous townhouses or condominiums shall be built in a row with the same front line, and not more than twelve townhouses or condominiums shall be contiguous. In groups of townhouses or condominiums consisting of more than six units, the required difference in front line shall be a minimum of 3 feet.
 - (2) Minimum width for the portion of the lot on which a townhouse or condominium is to be constructed shall be 20 feet.
 - (3) Minimum lot area shall be 2,000 square feet.
 - (4) No portion of a townhouse or condominium or accessory structure in or related to one townhouse or condominium complex shall be closer than 20 feet to any portion of a townhouse or condominium or accessory structure related to another townhouse or condominium complex, or to any building outside the townhouse or condominium area.
 - (5) Each townhouse or condominium shall be constructed on its own lot.
 - (6) No side yards shall be required except at the unattached ends of a townhouse complex or condominium, in which case the minimum width shall be 10 feet. Minimum depth of front yards shall be 20 feet.
 - (7) Each townhouse or condominium shall have on its own open yard containing not less than 400 square feet, reasonably secluded from view from streets or from neighboring property. In condominium or townhouse developments not subdivided into individual lots, an open yard space with a minimum area of 400 square feet that is reasonably secluded from view from streets or from neighboring property shall be provided contiguous to, and for the private use of, the occupants of each dwelling unit.
 - (8) Off-street parking shall be provided at the rate of two spaces per townhouse or condominium unit. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve, and may include enclosed garage spaces that are attached to the dwelling unit.

- (9) In townhouses or condominium developments with a total area greater than 5 acres, at least 20% of the total area shall be devoted to common open space, exclusive of parking area or accessory buildings. Such common open areas may include recreational facilities. Provisions satisfactory to the City Council and approved by the City Attorney shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses or condominiums shall be maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse or condominium development or homeowners' association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, or recreational use and the common off-street parking spaces established for the development.
- (10) Story and building height requirements shall be in accordance with those specified for the district in which the townhouse or condominium is located.

Section 3-6 R-4 Medium Density Residential District.

3-6-1 Purpose.

The purpose of the R-4 District is to provide for the protection of existing single-family residential areas and the development of new areas at a medium to high population density with apartments, duplexes, townhouses, and condominiums not exceeding 12 units per building.

3-6-2 Additional District Standards.

- (A) [Table 3-1](#) establishes how uses are permitted or permitted as a conditional use in the R-4 District.
- (B) In addition to the standards established in [Section 3-2](#), above, the provisions of this section shall apply to development in the R-4 District:
 - (1) Apartments, duplexes, townhouses, condominiums, and other residential uses that are not detached single-family dwellings, there shall not be more than 12 units per building.
 - (2) Accessory buildings shall only be located in the rear yard and shall be set back a minimum of five feet from the rear lot line and eight feet from the side lot line.
- (C) Townhouses and condominiums shall be subject to the special provisions in Section [3-5-3](#).

Section 3-7 R-5 High Density Residential District.

3-7-1 Purpose.

The purpose of the R-5 District is to provide for the protection of existing single-family residential areas and the development of new areas of high population density with apartments, duplexes, townhouses, and condominiums exceeding 12 units per building.

3-7-2 Additional District Standards.

- (A) [Table 3-1](#) establishes how uses are permitted or permitted as a conditional use in the R-5 District.
- (B) In addition to the standards established in [Section 3-2](#), above, the provisions of this section shall apply to development in the R-5 District:
 - (1) Apartments, duplexes, townhouses, condominiums, and other residential uses that are not detached single-family dwellings, there shall not be more than 12 units per building.
 - (2) Accessory buildings shall only be located in the rear yard and shall be set back a minimum of five feet from the rear lot line and eight feet from the side lot line.
- (C) Townhouses and condominiums shall be subject to the special provisions in Section [3-5-3](#).

Section 3-8 R-6 Low Density Residential-Manufactured Housing District.

3-8-1 Purpose.

The purpose of the R-6 District is to provide for areas where the principal use of land is for low-density residences which are of manufactured, mass-produced or factory-made design or construction which in whole or part are transported to the site on wheels and expressly excludes all mobile homes.

3-8-2 Additional District Standards.

- (A) [Table 3-1](#) establishes how uses are permitted or permitted as a conditional use in the R-6 District.
- (B) In addition to the standards established in [Section 3-2](#), above, the provisions of this section shall apply to development in the R-6 District:
 - (1) Accessory buildings shall only be located in the rear yard and shall be set back a minimum of five feet from the rear lot line and 10 feet from the side lot line.
 - (2) Where parks, playgrounds, country clubs and golf courses are allowed in [Table 3-1](#), such uses shall not include miniature or practice driving ranges operated for commercial purposes.

Section 3-9 R-7 Mobile Home Parks District.

3-9-1 Purpose.

The purpose of the R-7 District is to provide for areas where the principal use of land is for mobile home parks in compliance with [Article 6: Regulations for Mobile Home Parks](#).

3-9-2 Additional District Standards.

- (A) [Table 3-1](#) establishes how uses are permitted or permitted as a conditional use in the R-7 District.
- (B) Any mobile home that is damaged or is unable to be maintained in a livable condition will be replaced by another mobile home no older than 10 years of age. The Building Inspector shall have the authority to determine whether the mobile home is in a livable condition or not.
- (C) See [Article 6: Regulations for Mobile Home Parks](#) for all other regulations.

Section 3-10 R-8 Patio/Garden Homes District.

3-10-1 Purpose.

The purpose of the R-8 District is to provide requirements for the development of patio or garden homes, individually owned and on separate lots, provided however that this is applied to new subdivision development.

3-10-2 Additional District Standards.

- (A) [Table 3-1](#) establishes how uses are permitted or permitted as a conditional use in the R-8 District.
- (B) In addition to the standards established in [Section 3-2](#), above, the provisions of this section shall apply to development in the R-8 District:
 - (1) Accessory buildings shall only be located in the rear yard and shall be set back a minimum of five feet from the rear lot line and 10 feet from the side lot line.
 - (2) In the event common areas are provided which are not contained in lots or streets, said common areas shall be maintained by and be sole responsibility of the developer-owner of the subdivision development until such time as the developer-owner conveys such common area to a non-profit corporate-owner whose members shall be all individual developer-owner of lots in the subdivision.

Article 4: Nonresidential and Mixed-Use Zoning Districts

Section 4-1 Uses Allowed in Nonresidential and Mixed-Use Zoning Districts

4-1-1 [Table 4-1](#) establishes how uses are allowed in each residential zoning district.

4-1-2 Uses are either permitted where marked with a “P” in the table, under the applicable district column, or are only permitted when approved as a conditional use where marked with a “C” in the table, under the applicable zoning district column.

4-1-3 Any regulations specific to an individual zoning district are found in the applicable zoning district regulations in [Section 4-3](#) through [Section 4-12](#).

4-1-4 The allowed uses and district regulations for the AP Airport District are found in [Section 4-12](#).

4-1-5 Uses that are not listed as expressly permitted in the districts identified in [Table 4-1](#), but which are similar in nature to a listed use, may be authorized by the Zoning Board of Adjustments as a conditional use in the applicable district if the Board find the similarity between uses is within the spirit or intent of this zoning district.

Table 4-1: Uses Allowed in Nonresidential and Mixed-Use Zoning Districts

Use	R-O	B-1	B-2	B-3	B-4	M-1	M-2	AG-1	AG-2
Accessory buildings and uses customarily incidental to the above uses								P	P
Agricultural supplies						P	P		
Animal hospital and veterinary clinic			P	P				P	P
Antique stores					P				
Any retail or service establishments dependent or closely related to industry						P	P		
Appliance sales					P				
Art Stores				P	P	P			
Art Supply Stores				P	P	P			
Auto accessories						P			
Auto car wash					P				
Auto Car Wash				P	P				
Auto parts supply, new or used-No outside storage permitted						C			
Automobile sales and service					P				
Bakery (Manufacturing)							P	P	
Bakery (Retail)				P	P	P			
Banks					P	P			
Barber shop		P	P	P	P				
Beauty shop		P	P	P	P				
Book store						P			
Bottling plants							P	P	
Bowling alleys, miniature golf, outdoor theaters, or other recreational uses conducted for profit				P					
Branch banks		P	P	P					
Branch post offices		P	P	P					
Building supplies			P	P					
Building, electrical, plumbing and heating supply-No outside storage permitted					C				

Table 4-1: Uses Allowed in Nonresidential and Mixed-Use Zoning Districts

Use	R-O	B-1	B-2	B-3	B-4	M-1	M-2	AG-1	AG-2
Bus stations					P				
Business schools, trade schools and dancing schools					P				
Cemeteries								P	P
Churches and Places of Worship	C							P	P
Clothing stores		P	P	P	P				
Coin operated car wash		P	P	P					
Commercial recreational facilities and amusement enterprises			P	P					
Concrete and asphalt plants							P		
Contractor's plants and storage yards							P		
Convenience stores		P	P	P					
Customary accessory uses and structures						P	P		
Dairies						P	P		
Detached single-family dwellings	P							P	P
Doctor, dentist, or professional office		P	P	P					
Drug stores		P	P	P	P				
Dry cleaning and laundry		P	P	P					
Dry goods					P				
Dwellings constructed on the site by use of single prefabricated walls or roof sections	P							P	P
Eating and drinking establishments					P				
Electrical appliance manufacturing and repair shops						P	P		
Farm equipment sales and service			P	P					
Farm machinery assembly and repairs						P	P		
Feed or grain mills							P		
Feed/seed supply					P				
Fertilizer plants							P		
Fire Stations	C							C	C
Florist shops		P	P	P	P				
Food processing						P	P		
Food/beverage establishments					P				
Funeral parlors		C		P					
Furniture stores					P				
Gas Stations and auto repair-oriented businesses						P	P		
General farming including horticulture, row crops, dairying, apiaries, horses, fish hatcheries, livestock, poultry, and swine for personal consumption only.								P	P
General merchandise shops		P	P	P					
Gift shops		P	P	P					
Hardware stores		P	P	P	P				
Hobby/craft supplies					P				
Home Occupations as regulated in Section 7-2	C								
Hospitals, clinics, nursing homes			P	P					
Hotels and motels					P				

Table 4-1: Uses Allowed in Nonresidential and Mixed-Use Zoning Districts

Use	R-O	B-1	B-2	B-3	B-4	M-1	M-2	AG-1	AG-2
Ice and cold storage plants and freezer lockers						P	P		
Ice cream retail places				P					
Individual owner-occupied mobile homes								P	P
Industrial equipment, sales and repair						P	P		
Industrial supplies						P	P		
Jewelry stores		P	P	P	P				
Junk yards and auto salvage yards surrounded by either a solid wall or fence at least 8 feet high or a buffer strip as specified in the definition of "buffer strip" in Article 14: Definition of Terms .							P		
Kennels								P	P
Laundries, laundromats and dry-cleaning establishments			P	P					
Laundromats	P	P	P						
Leather goods					P				
Libraries, museums and art galleries					P				
Light industrial uses			C						
Livestock sales								C	C
Lumber mills and open storage of building materials							P		
Machine tool manufacturing						P	P		
Manufacturing and related uses not otherwise named herein which come within the spirit and intent of this zoning district.							C		
Manufacturing incidental to a retail business, where articles are sold at retail on the premises				C					
Medical equipment					P				
Metal fabrication plants						P	P		
Mini storage buildings		C	C						
Mini storage units						P	P		
Mobile home sales			P						
Motels			P	P					
Neighborhood markets	P	P	P						
Novelty shops				P					
Office supplies					P				
Offices, business, professional/public				P	P				
Paint and wallpaper supplies					P				
Park and Sell Lots			C						
Pet shops	P	P	P	P					
Pharmaceutical manufacturing						P	P		
Photographic studios					P				
Planned neighborhood shopping center limited to five acres in lot size	P	P	P						
Planned shopping centers			P	P					
Poultry raising, hog raising, goat farming and similar uses of a commercial nature									P
Printing, publishing, graphic reproduction establishments						P	P		

Table 4-1: Uses Allowed in Nonresidential and Mixed-Use Zoning Districts

Use	R-O	B-1	B-2	B-3	B-4	M-1	M-2	AG-1	AG-2
Private clubs, lodges, summer camps								P	P
Professional office in a residential setting	P								
Public and semi-public uses and structures		C	P	P					
Public utility structures and uses								C	C
Public works and public utility substations and storage yards						P	P		
Radio and television studios					P				
Recreation and amusement enterprises of a commercial basis								C	C
Repair or service shops			P	P					
Repair shops other than auto					P				
Restaurants, including drive-in restaurants			P	P		P	P		
Restaurants, not including drive-in restaurants	C								
Rubber processing plants							P		
Sanitariums, convalescent and nursing homes								P	P
Service stations		P	P	C					
Sheet metal and roofing shops						P	P		
Shoe repair	P	P	P						
Sporting goods stores	P	P	P	P					
Sports arenas								C	C
Tailor, dressmaking and millinery shops					P				
Tattoo/Piercing Shops		C	C						
Textile, furniture and electronics industries						P	P		
Theaters, indoor					P				
Tire, recapping and retreading establishments		P	P			P	P		
Title/Payday Loan Companies		C	C						
Toy stores					P				
Truck terminals						P	P		
Uses customarily accessory to permitted uses.					P				
Volatile uses and volatile industries such as oil, gas and other refineries provided no residential structures are located less than 500 feet.							C		
Warehouses						P	P		
Welding and machine Shops						P	P		
Wholesale business, excluding volatile uses			P	P					

Section 4-2 Site Development Standards for Nonresidential and Mixed-Use Zoning Districts

4-2-1 This section establishes basic site development standards for all nonresidential and mixed-use districts. Additional standards may be identified under the provisions of each of the district regulations found in [Section 4-3](#) through [Section 4-12](#).

4-2-2 [Table 4-2](#) establishes the minimum lot area, lot width, and setbacks for each lot in the nonresidential and mixed-use zoning districts. The table also establishes the maximum building height and maximum building area coverage for buildings on such lots.

4-2-3 The site development standards for the AP Airport District are located in [Section 4-12](#).

Table 4-2: Site Development Standards in Residential Zoning Districts

District	Minimum Lot Area	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)			Maximum Building Height	Maximum Building Area Coverage
			Front Yard	Rear Yard	Side Yard (Total for All Side Yards)		
R-O	12,000	85	35	35	10	2 Stories	None
B-1	20,000 Square Feet	None	20	15	20 [1]	2 Stories	50%
B-2	None [2]	None	25	15	10 [1]	10 Stories	None
B-3	None [2]	None	35	15	10 [1][3]	10 Stories	None
B-4	None [2]	None	0	0	10 [1]	3 Stories	None
M-1	None [2]	None	0 [4]	8	0 [5]	3 Stories	None
M-2	None [2]	None	0	10 [1]	10 [1]	3 Stories	None
AG-1	5 Acres	100	40	30	10	2.5 Stories	35%
AG-2	5 Acres	100	40	30	10	2.5 Stories	25%

NOTES:

[1] In no case shall any side yard setback be less than five feet from an existing building.

[2] It is the intent of this ordinance that lots shall be of a sufficient size to accommodate the use of the land and building, in addition to all required parking spaces, loading spaces, landscaping, and other space required for the other normal operations of the business or service.

[3] Where a lot has a side lot line that adjoins a lot in a residential zoning district, the minimum side yard setback shall be increased to 15 feet.

[4] No front yard setback is required except where nearby existing nonresidential establishments are set back from the street, in which case, any new structure shall be set back no less than the average of the front yard setbacks of the existing establishment within 100 feet on each side of the proposed establishment.

[5] No side yard setback is required unless the lot is adjacent to a residential zoning district, in which case, there shall be a minimum side yard setback of 10 feet.

4-2-4 All new utilities shall be placed underground, to the maximum extent practicable.

4-2-5 Off-street parking shall be provided in accordance with [Section 7-3](#).

4-2-6 Signs are permitted in accordance with [Article 8: Sign Compliance](#).

Section 4-3 R-O Residential and Office District.

4-3-1 Purpose.

The purpose of the R-O district is to accommodate areas where the principal use of land is for single-family dwellings and professional offices located in buildings that are similar in appearance to residential dwellings, with both public water and sanitary sewer and electrical service provided. This district is intended to function as a transitional zoning district between existing residential and commercial by preserving the residential scale and intensity of use. It allows for the conversion of existing residences to office use and the development of vacant parcels with new office buildings designed to be compatible with existing adjacent residential dwellings. This district is intended for use in older developed areas.

4-3-2 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in the R-O District.
- (B) In addition to the standards established in [Section 4-2](#), above, the provisions of this section shall apply to development in the R-O District:
 - (1) Parking in this district is allowed in the side and rear yards only.
 - (2) Corner lots shall have sufficient extra width to permit establishment of a building line at least 15 feet from the side street property line.
 - (3) All parking shall be off-street and provided that a sufficient number of parking spaces shall be available to accommodate the number of employees and visitors normally present.
 - (4) No parking shall be permitted in any front yard.
 - (5) Fencing allowed in rear and side yard only. No fencing allowed past the front corner. No farm type fencing allowed.
 - (6) Vegetable gardens allowed in rear and side yard only.

(C) Landscaping Requirements.

Every lot on which there is a permitted nonresidential use shall be landscaped in the following manner:

- (1) A buffer strip, as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#), shall be planted and maintained along all side and rear lot lines that abut residential districts.
- (2) All required front yards shall be planted with turf grass or an evergreen ground cover and shall be maintained so as to present an attractive, neat and healthy appearance. At least one shade tree and three shrubs for each fifty feet of street frontage or fraction thereof shall be planted and maintained in the required front yard.
- (3) Every effort shall be made to retain and protect existing mature trees that are healthy and not hazardous to person or property.

Section 4-4 B-1 Neighborhood Shopping District.

4-4-1 Purpose.

The purpose of the B-1 Neighborhood Shopping District is to provide for the most frequent daily needs of an immediate residential neighborhood. The district regulations are designed to protect the character of the area and to encourage further appropriate development with a mixture of existing residential units and light commercial uses. The goal is to encourage the location and growth of small-scale businesses. It is the intent of these regulations that neighborhood business be limited in size in order to best serve their intended purpose; to minimize the impact of noise, light, traffic and trash and encourage pedestrian use. Mobile homes, manufactured housing, mass produced or factory-made housing which in whole or part are transported to the site on wheels are prohibited in a B-1 zoning district.

4-4-2 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in the B-1 District.
- (B) In addition to the standards established in [Section 4-2](#), above, the provisions of this section shall apply to development in the B-1 District:
 - (1) The maximum floor area of any building shall be 2,500 square feet.
 - (2) Accessory buildings shall only be located in the rear yard and shall be set back a minimum of 10 feet from the rear and side yard lot lines.

- (3) Dumpsters should be located at the rear of the building to the maximum extent possible. Dumpsters that cannot be placed in the back may be located in the side yard behind an opaque fence to avoid view from the public. Fencing must be of approved fencing materials. Dumpsters must sit on a hard surface.
- (4) A paved parking lot with curb is required for all new construction.
- (5) A buffer strip, as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#), shall be planted and maintained along all side and rear lot lines that abut residential districts.

Section 4-5 B-2 General Business District.

4-5-1 Purpose.

The purpose of the B-2 General Business District is to primarily accommodate development of a wider range of mixed commercial, service and light industrial uses compatible with each other. Mobile homes, manufactured housing, mass produced or factory-made housing which in whole or part are transported to the site on wheels are prohibited in a B-2 zoning district.

4-5-2 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in the B-2 District.
- (B) In addition to the standards established in [Section 4-2](#), above, the provisions of this section shall apply to development in the B-2 District:
 - (1) No building shall be placed closer than five feet to any existing building on any adjoining lot. Buildings for this purpose shall be defined as a permanent structure on a permanent foundation exclusive of small storage buildings.
 - (2) A buffer strip, as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#), shall be planted and maintained along all side and rear lot lines that abut residential districts.
 - (3) All accessory structures shall be located in the rear yard.
 - (4) Dumpsters should be located at the rear of the building to the maximum extent possible. Dumpsters that cannot be placed in the back may be located in the side yard behind an opaque fence to avoid view from the public. Fencing must be of approved fencing materials. Dumpsters must sit on a hard surface.
 - (5) A paved parking lot with curb is required for all new construction.

Section 4-6 B-3 Highway Business District.

4-6-1 Purpose.

The purpose of the B-3 Highway Business District is to primarily encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance, ample parking and be designed to minimize traffic congestion. Mobile homes, manufactured housing, mass produced or factory-made housing which in whole or part are transported to the site on wheels are prohibited in a B-3 zoning district.

4-6-2 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in the B-3 District.
- (B) In addition to the standards established in [Section 4-2](#), above, the provisions of this section shall apply to development in the B-3 District:
 - (1) All accessory structures shall be located in the rear yard.

- (2) Dumpsters should be located at the rear of the building to the maximum extent possible. Dumpsters that cannot be placed in the back may be located in the side yard behind an opaque fence to avoid view from the public. Fencing must be of approved fencing materials. Dumpsters must sit on a hard surface.
- (3) A paved parking lot with curb is required for all new construction.
- (4) A buffer strip, as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#), shall be planted and maintained along all side and rear lot lines that abut residential districts.

Section 4-7 B-4 Central Business District.

4-7-1 Purpose.

This purpose of the B-4 Central Business district is to provide a central core of retail, services, business, financial, general and professional offices and related services. Mobile homes, manufactured housing, mass produced or factory-made housing which in whole or part are transported to the site on wheels are prohibited in a B-4 zoning district.

4-7-2 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in the B-4 District.
- (B) In addition to the standards established in [Section 4-2](#), above, the provisions of this section shall apply to development in the B-4 District:
 - (1) All accessory structures shall be located in the rear yard.
 - (2) Dumpsters should be located at the rear of the building to the maximum extent possible. Dumpsters that cannot be placed in the back may be located in the side yard behind an opaque fence to avoid view from the public. Fencing must be of approved fencing materials. Dumpsters must sit on a hard surface.
 - (3) A paved parking lot with curb is required for all new construction.

Section 4-8 M-1 Light Industrial District.

4-8-1 Purpose.

The purpose of the M-1 Light Industrial District is to establish areas of the City where the principal use of land is for light industrial activities which by their nature are not obnoxious, offensive or detrimental to surrounding properties by reason of dust, smoke, gas, fumes, fire, vibration, noise, odor or effluents.

4-8-2 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in the M-1 District.
- (B) In addition to the standards established in [Section 4-2](#), above, the provisions of this section shall apply to development in the M-1 District:
 - (1) A paved parking lot with curb is required for all new construction.
 - (2) A buffer strip, as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#), shall be planted and maintained along all side and rear lot lines that abut residential districts.

Section 4-9 M-2 General Industrial District.

4-9-1 Purpose.

The purpose of the M-2 General Industrial District is to establish areas of the City where the principal use of land is for industrial activities which by their nature are not obnoxious, offensive or detrimental to any surrounding properties and would not cause objectionable conditions which would affect a considerable portion of the City.

4-9-1 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in M-2 District.
- (B) In addition to the standards established in [Section 4-2](#), above, the provisions of this section shall apply to development in the M-2 District:
 - (1) A paved parking lot with curb is required for all new construction.
 - (2) A buffer strip, as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#), shall be planted and maintained along all side and rear lot lines that abut residential districts.

Section 4-10 AG-1 Agricultural District.

4-10-1 Purpose.

The purpose of the AG-1 Agricultural District is to protect agricultural land from the encroachment of urban type land uses and to permit development of a rural nature. It is designed to preserve the rural character of the areas which are most suitably located outside the urbanized portion of the City by promoting agriculture-related uses which, by their nature, are not obnoxious offensive or detrimental to surrounding properties.

4-10-2 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in the AG-1 District.
- (B) Any structure used for the housing of livestock of any kind shall set back a minimum of 100 feet from any adjacent lot line not located in an AG-1 or AG-2 Districts.
- (C) In addition to the standards established in [Section 4-2](#), above, the following shall apply to mobile homes and single-family residences in both the AG-1 and AG-2 Districts. These regulations are designed to ensure protection of health, safety and welfare of both the residents of the mobile homes and residents of the neighboring property.
 - (1) No mobile home shall be occupied for dwelling purposes unless it is located in a mobile home park; except, that an individual mobile home shall be allowed as a permitted use in the AG-1 and AG-2 Districts if in compliance with the provisions of this section.
 - (2) A permit must be obtained from the Building Department before any mobile home is placed inside the City limits.
 - (3) The mobile home shall be in compliance with all the codes of the City of Albertville.
 - (4) The mobile home shall not be older than 10 years of age
 - (5) The minimum lot size shall be 5 acres and no mobile home shall be placed within 200 feet of any other residential district.
 - (6) All mobile homes must be underpinned with a material designed and approved for that purpose.
 - (7) All mobile homes in AG-1 and AG-2 Districts must be occupied by the owner of the property on which the mobile home is located.
 - (8) The lot must have access to a public road.
 - (9) The mobile home shall be inspected by the Building Inspector before it is occupied by the standards set forth by the City of Albertville and The State of Alabama Manufactured Housing Commission.

Section 4-11 AG-2 Agricultural District.

4-11-1 Purpose.

The purpose of the AG-2 District is to preserve the rural character of the areas which are most suitably located outside the urbanized portion of the City by promoting agriculture-related uses which, by their nature, are not obnoxious offensive or detrimental to surrounding properties. This district is established to protect agricultural land from the encroachment of urban-type land uses and to permit development of a rural nature.

4-11-2 Additional District Standards.

- (A) [Table 4-1](#) establishes how uses are permitted or permitted as a conditional use in the AG-2 District.
- (B) In addition to the standards established in [Section 4-2](#), above, any mobile home or single-family residences in the AG-2 Districts shall comply with the requirements of Section [4-10-2\(C\)](#), above.

Section 4-12 AP Airport District.

4-12-1 Purpose.

This purpose of the AP Airport District is to provide a mix of retail, storage, airport related educational facilities and others to promote the stability and growth of the regional airport. This district is divided into sub districts to accommodate a variety of uses. The AP District is divided into two sub-districts.

4-12-2 Uses Allowed in the AP District

- (A) [Table 4-3](#) establishes how uses are allowed in each residential zoning district.
- (B) Uses are either permitted where marked with a "P" in the table, under the applicable district column, or are only permitted when approved as a conditional use where marked with a "C" in the table, under the applicable zoning district column.
- (C) Towers of any kind are expressly prohibited within two miles of the RSA (Runway Safety Area).
- (D) Uses that are not listed as expressly permitted in the districts identified in [Table 4-3](#), but which are similar in nature to a listed use, may be authorized by the Zoning Board of Adjustments as a conditional use in the applicable district if the Board find the similarity between uses is within the spirit or intent of this zoning district.

Table 4-3: Uses Allowed in AP District Sub-Districts

Use	AP Sub-District 1	AP Sub-District 2
Agricultural Supplies		P
Airport complete with hangar and accessory structures	P	
Aviation repair/overhaul or manufacturing	P	P
Bakeries		P
Bottling plants		P
Building materials (open storage)		P
Cold storage facilities		P
Eating and drinking establishments with the exception of drive-in facilities	P	
Electrical appliance industries	P	
Electronics industries	P	
Farm machinery assembly		P
Fire stations	P	
Food processing		P
Freight terminals and warehouses	P	

Table 4-3: Uses Allowed in AP District Sub-Districts

Use	AP Sub-District 1	AP Sub-District 2
Furniture manufacturing		P
Hotels and motels with or without lounges and restaurants	P	
Industrial equipment sales and rental		P
Industrial supply companies	P	
Machine tool manufacturing		P
Metal fabrication		P
Pharmaceutical manufacturing		P
Printing and publishing		P
Public utility structures and uses	P	
Textile manufacturing		P
Trade schools and training facilities	P	
Welding and machine shops		P
Any tower within 2 miles of the Airport Runway must obtain conditional use approval from the Board of Adjustment.	C	C

4-12-3 Site Development Standards for the AP District

The following site development standards shall apply to development in the AP District:

- (A)** It is the intent of this ordinance that lots shall be of a sufficient size to accommodate the use of the land and building, in addition to all required parking spaces, loading spaces, landscaping, and other space required for the other normal operations of the business or service.
- (B)** A buffer strip, as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#), shall be planted and maintained along all side and rear lot lines that abut residential districts.
- (C)** Off-street parking shall be provided in accordance with [Section 7-3](#).
- (D)** Signs are permitted in accordance with [Article 8: Sign Compliance](#).

Article 5: D-B-D Downtown Business District.

Section 5-1 Purpose.

This district is intended to create a stable urban core that will preserve and enhance the many historic buildings while adding new buildings that will expand and contribute to the small town, urban environment that makes the downtown attractive for pedestrians. Every effort should be made to preserve and renovate the historic structures and to create new infill construction that is compatible with the old in terms of scale, proportion, materials, design and function without being imitative. The Downtown Business District is perceived as being a very specialized sector of the City, one that combines private and governmental businesses with entertainment and tourism.

This district is described as beginning at the corner of East McKinney Avenue and Glover Street then south to Miller Street, south to East Main Street, Southeast to Baltimore Avenue, south to Jackson Street, west to South Hambrick Street, north to West McKinney Avenue and east to the corner of Glover Street.

The Downtown Business District is divided into Sub-Districts A to F.

Section 5-2 Uses Allowed in the D-B-D Downtown Business District Sub-Districts

- 5-2-1 [Table 5-1](#) establishes how uses are allowed in each sub-district of the D-B-D Downtown Business District.
- 5-2-2 Uses are either permitted where marked with a "P" in the table, under the applicable district column, or are only permitted when approved as a conditional use where marked with a "C" in the table, under the applicable zoning district column.
- 5-2-3 Any regulations specific to an individual sub-district are found in the applicable sub-district regulations in [Section 5-5](#) through [Section 5-10](#).
- 5-2-4 Uses that are not listed as expressly permitted in the districts identified in [Table 5-1](#), but which are similar in nature to a listed use, may be authorized by the Zoning Board of Adjustments as a conditional use in the applicable district if the Board find the similarity between uses is within the spirit or intent of this zoning district.

Table 5-1: Uses Allowed in Downtown Business District Sub-Districts

Use	Sub-Districts					
	A	B	C	D	E	F
Antique stores	P	P	P		P	
Appliance stores			P		P	P
Art stores	P	P	P			
Art supply stores	P	P	P		P	P
Auditoriums		P				
Auto parts stores			P		P	P
Bakeries	P	P	P		P	P
Banks		P	P		P	P
Barber shops	P	P	P		P	P
Beauty shops	P	P	P		P	P
Bicycle shops			P		P	P
Book stores	P	P	P		P	
Bridal shops	P	P	P		P	
Building, electrical, plumbing and heating supply		C	C		C	C
Card shops	P	P	P		P	
City Hall		P				
Clothing stores	P	P	P		P	P

Table 5-1: Uses Allowed in Downtown Business District Sub-Districts

Use	Sub-Districts					
	A	B	C	D	E	F
Community centers		P	P	P		
Computer stores		P	P	P	P	P
Convenience Stores	C	C	C		C	C
Craft stores	P	P	P		P	P
Dance studios			P			P
Dance/Gymnastics studios		P		P		
Delicatessens	P	P	P		P	P
Drug stores	P	P	P		P	P
Dry Cleaning					P	
Electronic stores	P	P	P		P	
Fire stations		P				
Florist shops	P	P	P		P	P
Furniture stores	P	P	P		P	P
Game rooms			P			P
Garden shops	P	P	P	P	P	P
Gift shops	P	P	P		P	P
Grocery Stores	C		P			P
Hardware stores	P		P		P	P
Hobby shops	P	P	P		P	P
Ice cream parlors	P	P	P		P	
Interior design shops	P	P	P		P	
Jewelry stores	P	P	P		P	P
Launderettes/Coin-operated					P	
Leather goods	P	P				
Libraries		P				
Light Manufacturing incidental to a retail business provided the goods are to be sold at retail on the premises.	C	C	C		C	C
Loft Apartments	P					
Medical equipment stores	P	P	P		P	P
Mini-Storage						P
Municipal jails		P				
Museum and art galleries		P	P	P	P	
Music stores	P	P	P	P	P	P
Novelty stores	P	P	P		P	P
Office supply stores	P	P	P		P	P
Offices						P
Offices, including business and professional					P	
Offices, including business, professional and governmental		P	P			
Opticians		P	P		P	
Paint and decorating stores			P		P	P
Parking lots and parking structures	P	P	P	P	P	P
Parks			P	P		

Table 5-1: Uses Allowed in Downtown Business District Sub-Districts

Use	Sub-Districts					
	A	B	C	D	E	F
Parks						
Personal fitness establishments			P			P
Pet stores			P			P
Photo supply and developing stores	P		P		P	P
Photographic studios	P	P	P		P	P
Physical therapists		P	P		P	
Playgrounds			P	P		
Police stations		P	P			
Post Offices		P	P			
Public utility facilities		P				
Recycling Centers			P			
Repair shops for small appliances and similar services			P		P	P
Restaurants, except drive-in restaurants	P	P	P		P	P
Schools			P	P		
Shoe repair shops			P		P	P
Shoe stores	P	P	P		P	P
Sporting goods stores	P	P	P		P	P
Tailor, dressmaking and millinery stores	P	P	P		P	P
Theaters				P		
Theaters, indoor	P	P	P		P	
Tobacco shops	P		P		P	P
Toy stores	P	P	P		P	P
Travel agents	P		P			
Uses customarily accessory to permitted uses	P	P	P	P	P	P

Section 5-3

Section 5-4 Site Development Standards for the D-B-D Subdistricts

5-4-1 This section establishes basic site development standards for all the sub-districts within the D-B-D District. Additional standards may be identified under the provisions of each of the district regulations found in [Section 5-5](#) through [Section 5-10](#).

5-4-2 [Table 5-2](#) establishes the minimum lot area, lot width, and setbacks for each lot in the D-B-D sub-districts. The table also establishes the maximum building height and maximum building area coverage for buildings on such lots.

Table 5-2: Site Development Standards in the Downtown Business District Sub-Districts

Sub-District	Minimum Lot Area [1]	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)			Maximum Building Height	Maximum Building Area Coverage
			Front Yard	Rear Yard	Side Yard (Total for All Side Yards)		
A	None	None	0	0	0	2 Stories	None
B	None	None	0	0	10 [2]	2 Stories	None
C	None	None	0	0	10 [2]	2 Stories	None
D	None	None	0	0	10 [2]	2 Stories	None
E	None	None	0	0	10 [2]	2 Stories	None
F	None	None	0	0	10 [2]	2 Stories	None

NOTES:

[1] It is the intent of this ordinance that lots shall be of a sufficient size to accommodate the use of the land and building, in addition to all required parking spaces, loading spaces, landscaping, and other space required for the other normal operations of the business or service.

[2] In no case shall any side yard setback be less than five feet from an existing building.

[3] No front yard setback is required except where nearby existing nonresidential establishments are set back from the street, in which case, any new structure shall be set back no less than the average of the front yard setbacks of the existing establishment within 100 feet on each side of the proposed establishment.

[4] No side yard setback is required unless the lot is adjacent to a residential zoning district, in which case, there shall be a minimum side yard setback of 10 feet.

5-4-3 There shall be no outside storage of vehicles, equipment, or materials in any of the sub-districts.

5-4-4 All accessory structures and dumpsters shall be located in the rear yard and adequately screened to the maximum extent practicable, so as not to be visible from any street or by pedestrians.

5-4-5 A buffer strip, as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#), shall be planted and maintained along all side and rear lot lines that abut residential districts.

5-4-6 All exterior mechanical equipment, trash facilities and loading areas shall be adequately screened as well as practicable so as not to be visible from any street or by pedestrians.

5-4-7 The front facade of all new buildings shall be oriented toward a public street as shall the principal entrances.

5-4-8 Off-street parking shall be provided in accordance with [Section 7-3](#). Where parking is required, a paved parking lot is required for all new construction.

5-4-9 Signs are permitted in accordance with [Article 8: Sign Compliance](#).

Section 5-5 D-B-D Sub-District A – Downtown Core District.

5-5-1 Purpose.

The purpose of Sub-District A is to continue the development of the downtown in such a way as to provide a strong sense of continuity with the past by continuing those characteristics that created its identity; a dense concentration of low-scale buildings, a pedestrian rather than car orientation, high-quality materials and design, a diversity of uses including street level retail and services uses and landscaping to soften the street scape and buffer as needed. The streets in the downtown area are the networks of public open space that set the tone for the district. Because visual continuity is an important aspect in creating an identity for the downtown, a consistency in streetscape design should extend throughout the area. A two-story height limit assures that new construction will be compatible with historic structures; minimizes the wind tunnel effect between buildings; assures the penetration of sunlight to ground level enhances the pedestrian street scape; and is conducive to small scale retail and service establishments.

5-5-2 Additional District Standards.

- (A) [Table 5-2](#) establishes how uses are permitted or permitted as a conditional use in D-B-D Sub-District A.
- (B) In addition to the standards established in [Section 5-3](#), above, the provisions of this section shall apply to development in D-B-D Sub-District A:
 - (1) To maintain consistency with the existing historic streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, recast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.
 - (2) Windows located at street level shall be transparent.
 - (3) All power, communication, and other wiring shall be located underground.
 - (4) Each building may contain along with an operating business a maximum of one single-family dwelling.
 - a) The maximum occupancy of a one-bedroom or studio apartment shall be two people.
 - b) The minimum square footage of a studio apartment shall be 400 square feet. The minimum square footage of a one-bedroom apartment shall be 500 square feet. The minimum square footage of a 2-bedroom apartment shall be 800 square feet.
 - c) Single-family dwellings are prohibited on the first floor of buildings with more than one story.
 - d) Single-family dwellings in one story buildings shall be located in the rear of the building with outside access in the rear of the building. The dwelling shall not encompass more than 30 percent of the first-floor area.
 - e) All single-family dwelling shall be constructed to comply with the applicable building and fire codes.

Section 5-6 D-B-D Sub-District B – Civic District.

5-6-1 Purpose.

This purpose of the Sub-District B is to maintain an area comprised of a higher concentration of government and municipal activities. The majority of the commercial uses are financial and professional offices scattered throughout. The density is lower in this area and the style of the buildings is more modern.

5-6-2 Additional District Standards.

- (A) [Table 5-2](#) establishes how uses are permitted or permitted as a conditional use in D-B-D Sub-District B.

(B) In addition to the standards established in [Section 5-3](#), above, the provisions of this section shall apply to development in D-B-D Sub-District B:

- (1) To maintain consistency with the existing historic streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, recast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.
- (2) Windows located at street level shall be transparent.
- (3) All power, communication, and other wiring shall be located underground.

Section 5-7 D-B-D Sub-District C – Railroad District.

5-7-1 Purpose.

This purpose of the Sub-District C is to maintain an area that contains a high concentration of multiple community and cultural uses. The district possesses some of the most important historic and cultural assets of the City.

5-7-2 Additional District Standards.

(A) [Table 5-2](#) establishes how uses are permitted or permitted as a conditional use in D-B-D Sub-District C.

(B) In addition to the standards established in [Section 5-3](#), above, the provisions of this section shall apply to development in D-B-D Sub-District C:

- (1) To maintain consistency with the existing streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, recast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.
- (2) Windows located at street level shall be transparent.
- (3) All power, communication, and other wiring shall be located underground.

Section 5-8 D-B-D Sub-District D – Education District.

5-8-1 Additional District Standards.

(A) [Table 5-2](#) establishes how uses are permitted or permitted as a conditional use in D-B-D Sub-District D.

(B) All development shall be subject to the standards established in [Section 5-3](#), above.

Section 5-9 D-B-D Sub-District E – North Broad District.

5-9-1 Purpose.

The purpose of the Sub-District E is to establish the gateway from U.S. Highway 431 into the Downtown Core Business Area. It is important because it gives the first impression of the downtown area as well as establishes the identity of the City. There is a mixture of many types of commercial use throughout the district.

5-9-2 Additional District Standards.

(A) [Table 5-2](#) establishes how uses are permitted or permitted as a conditional use in D-B-D Sub-District E.

(B) In addition to the standards established in [Section 5-3](#), above, the provisions of this section shall apply to development in D-B-D Sub-District E:

- (1) To maintain consistency with the existing historic streetscapes, new construction shall utilize natural materials for the exterior cladding of all visible wall surfaces. Acceptable materials include, but are not limited to, brick, stone, concrete stucco, terra cotta, recast concrete and glass. Synthetic and imitation materials as well as metal, aluminum, vinyl and plastic materials are not acceptable.

- (2) Windows located at street level shall be transparent.
- (3) All power, communication, and other wiring shall be located underground.

Section 5-10 D-B-D Sub-District F – Warehouse District.

5-10-1 Purpose.

The purpose of the Sub-District F is to maintain an area comprised of freestanding structures such as storage units, mini-warehouses, warehouses and lower density development which accommodates light industrial activities.

5-10-2 Additional District Standards.

- (A) [Table 5-2](#) establishes how uses are permitted or permitted as a conditional use in D-B-D Sub-District F.
- (B) In addition to the standards established in [Section 5-3](#), windows located at street level shall be transparent.

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Article 6: Regulations for Mobile Home Parks

Section 6-1 Purpose.

The purpose of this article is to provide requirements for the development of mobile home parks while improving appearances, compatibility of uses, optimum service by community facilities, and adequate vehicular access and circulation.

Section 6-2 Procedure.

No mobile home park shall hereafter be developed, redeveloped, altered, or expanded without a Conditional Use Permit and in conformity with the regulations of this ordinance. An application for a Conditional Use Permit shall be made on forms furnished by the Building Department. The application shall be accompanied by a copy of a preliminary site plan of the mobile home park showing the following, either existing or as proposed:

- 6-2-1 The name of the project along with the owner's name, engineer or designer;
- 6-2-2 The north arrow point, scale and date. The scale of the site plan shall be not less than 1 inch = 50 feet;
- 6-2-3 Vicinity map showing the location of the project in relation to the surrounding community;
- 6-2-4 Existing zoning and zoning district boundaries;
- 6-2-5 The boundaries of the property involved, the general location of all existing easements, section lines, property lines, existing street, building and other physical features in or adjoining the project;
- 6-2-6 Names and addresses of all adjacent land owners;
- 6-2-7 The approximate location and sizes of sanitary and storm sewers, water mains, culverts and other underground facilities in or near the project;
- 6-2-8 Acreage in total project; acres to be developed;
- 6-2-9 Roadways and driveways including the width and the type of surface treatment, curbs and other physical characteristics;
- 6-2-10 Location of mobile homes on stands and dimensions of each stand. Location and number of sanitary conveniences including toilets, washrooms, laundries and utility rooms to be used by the occupants of units;
- 6-2-11 A typical stand detail showing the patio, if any, and mobile home with the location of utility connections including gas, water, sewer and electrical;
- 6-2-12 Location and type of buffer strip;
- 6-2-13 Location and size of recreation areas;
- 6-2-14 Any area within or adjacent to the proposed mobile home park subject to periodic inundation by storm drainage, overflow or ponding shall be clearly shown and identified on the plan; and
- 6-2-15 Any and all other physical improvements as specified in [Section 6-4 Requirements](#).

Section 6-3 License Required.

It shall be unlawful for any person to establish, operate, maintain, or permit to be established, operated, or maintained upon any property owned, leased, or controlled by them, a mobile home park without having first secured a license for each such park from the City pursuant to this article. The license shall expire on December 31 of each year, but may be renewed under provisions of this section for additional periods of one year. The annual license fee shall be in accordance with the ordinance that sets the license fees.

Section 6-4 Requirements.

Any development, redevelopment, alteration or expansion of a mobile home park within the City of Albertville shall be done in compliance with the requirements of this section.

6-4-1 Location.

A mobile home park shall be located only in designated zoning areas and with a Conditional Use Permit for that purpose as provided in this ordinance.

6-4-2 Basic Minimum Requirements.

- (A)** The minimum size of a mobile home park shall be two acres.
- (B)** Mobile homes shall be less than ten years of age when placed in the mobile home park.
- (C)** Each stand for a mobile home shall provide a minimum area of 3,500 square feet per mobile home. However, no stand shall average less than 40 feet in width nor less than 80 feet in depth.
- (D)** There shall be constructed and maintained a permanent screening device as specified in the definition of "buffer strip" in [Article 14: Definition of Terms](#).
- (E)** The minimum front yard setback shall be 15 feet from the nearest corner of the mobile home to the front line of the stand. The minimum distance between mobile homes shall be 20 feet on the sides and 15 feet on the rear.
- (F)** The height limit for any mobile home in the park shall be 18 feet. The height of the mobile home frame above the ground elevation, measured at 90 degrees to the frame, shall not be greater than three feet.
- (G)** Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
- (H)** The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.
- (I)** Storage facilities with a minimum capacity of 200 cubic feet per stand shall be provided on a stand, or in compounds located within one hundred feet of each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry porcelain steel, baked enameled steel or other material equal in fire resistance, durability and appearance, or of an equal material approved by the Building Inspector.

6-4-3 Access and Traffic Circulation.

Internal streets shall be privately owned, built and maintained and shall be designed for safe and convenient access to all stands and parking spaces and to common use of park facilities.

- (A)** An internal street or common access route shall be provided to each stand. The street shall be a minimum of 30 feet in width. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of 60 feet. No internal street ending in a cul-de-sac shall exceed 400 feet in length.
- (B)** All streets shall be constructed to meet the minimum specifications for streets within the City of Albertville, except the curbing. A concrete lay-down curb or acceptable substitute shall be used as approved by the Building Inspector.
- (C)** Every mobile home stand shall have two off-street parking spaces. Off-street parking shall be hard surfaced with all-weather material.
- (D)** Internal streets shall be maintained free of cracks, holes and other hazards at the expense of the licensee.
- (E)** All streets within each park shall be numbered or named in an approved manner with Marshall County 911.
- (F)** Interior streets shall intersect adjoining public streets at ninety degrees and at locations which will eliminate or minimize interferences with the traffic on those public streets.
- (G)** At each entrance to the park where the access into the park is a private street, a sign with a maximum sign area of four-square feet shall be posted stating "Private Drive, No thru Traffic."

6-4-4 Park Lighting.

Adequate lighting shall be provided in a manner approved by the City of Albertville Municipal Utilities Board. All electrical and telephone lines should be placed underground when possible.

6-4-5 Recreation Area.

All mobile home parks shall have at least one recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than 10 percent of the gross park area shall be devoted to recreational facilities. Such space shall be maintained in a useable and sanitary condition by the licensee.

6-4-6 Utility Requirements.

Each mobile home shall be connected to the municipal water system and to the municipal sewage disposal system. The design and specifications of the utility systems shall meet city specifications and shall be approved by an Engineer approved by the City. If the municipal utility system is not available, then a private central system shall be required until such time as the municipal systems become available. The design and specifications of such systems shall meet Health Department specifications and shall be installed under inspection of the appropriate City Department.

6-4-7 Mobile Home Standards.

To protect the health and safety of the public and assure quality construction, all mobile home units shall conform to standards approved by the American National Standards Institute (ANSI) in its standards for Mobile Homes.

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Article 7: General Development Standards

Section 7-1 Application of Regulations.

The regulations set by this ordinance, within each zoning district, shall be the minimum regulations and shall apply uniformly to use of a structure or land, and to each class or kind of structure, except as provided below:

- 7-1-1** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located.
- 7-1-2** No building or other structure shall hereafter be erected or altered:
 - (A)** To exceed the maximum height or bulk of the applicable zoning district;
 - (B)** To accommodate or house a greater number of families or dwelling units than allowed by the applicable zoning district;
 - (C)** To occupy a greater percentage of lot area than allowed in the applicable zoning district; or
 - (D)** To have narrower or smaller rear yards, front yards, side yards, or other open spaces than required; or in any other manner contrary to the provisions of this ordinance.
- 7-1-3** No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard open space, or off-street parking or loading space similarly required for any other building.
- 7-1-4** No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- 7-1-5** All territory which may hereafter be annexed to the City shall come in under current use, and is decided by the City Council.
- 7-1-6** No fence, wall, landscaping feature, or any other permanent structure shall be placed, erected or built on any city right of way, city street, alley, or easement. Fences should be erected on the property line and constructed of approved standard fencing materials.
- 7-1-7** No manufactured housing unit, or any other structure not approved by the building codes of the City of Albertville, shall be used as an office or accessory structure in a nonresidential or mixed-use zoning district. This does not include construction trailers used during construction on the premises. All on-site storage buildings must be approved by the Building Inspector.

Section 7-2 Home Occupations

Where home occupations are allowed, such uses shall be subject to the following standards:

- 7-2-1** No person other than immediate members of the family residing on the premises shall be engaged in such occupation.
- 7-2-2** 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.
- 7-2-3** There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- 7-2-4** No home occupation shall be conducted in any accessory building.
- 7-2-5** No traffic shall be generated by such home occupation in greater volumes 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 or side yard.

Section 7-3 Off-Street Parking Requirements.

In all zoning districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles in accordance with the requirements specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by a structure or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.

7-3-1 Plans and Specifications

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Building Inspector for the review at the time of application for a building permit for the erection or enlargement of a building.

7-3-2 Location of Off-Street Parking Areas.

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet except that this distance shall not exceed 150 feet for a single-family or two-family dwelling. This distance specified shall be measured from the nearest point for the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

7-3-3 Parking in Residential Districts.

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed one ton shall be permitted per dwelling unit. All campers, boats, boat trailers, recreational vehicles and other like devices shall be parked at the rear of the property. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zoning district.

7-3-4 Off-Street Parking Area Design.

- (A)** Each off-street parking space for automobiles shall be not less than nine feet by 18 feet (162 square feet) in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- (B)** There shall be provided a minimum access drive of 10 feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- (C)** Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
 - (1)** For 90-degree, or perpendicular parking, the aisle shall not be less than 22 feet in width.
 - (2)** For 60-degree parking, the aisle shall not be less than 18 feet in width.
 - (3)** For 45-degree parking, the aisle shall not be less than 15 feet in width.
 - (4)** For parallel parking, the aisle shall not be less than 12 feet in width.
- (D)** All off-street parking spaces shall not be closer than five feet to any lot line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- (E)** All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- (F)** Any lighting fixtures used to illuminate any off-street parking areas shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- (G)** All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two- family dwellings.

7-3-5 Collective Parking.

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

7-3-6 Determining Requirements.

Where the floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, ventilators and heating systems, and similar uses.

7-3-7 Schedule of Off-Street Parking Spaces.

The minimum required off-street parking spaces shall be set forth in [Table 7-1](#). Where a use is not specifically mentioned, the parking of a similar or related use shall apply. If there is a conflict with the City of Albertville Building Code regarding parking spaces the stricter requirement shall apply. For parking spaces for disabilities, the City of Albertville Building Code will apply.

Table 7-1: Minimum Off-Street Parking Space Requirements

Use	Minimum Off-Street Parking Space Requirement
Automobile Sales and Repair	1 parking space for each two employees on a single shift plus two spaces for each 300 square feet of repair and maintenance space.
Automobile Car Wash	1 space for each two employees on a single shift. Reserve spaces equal to five times the capacity of the facility at the location of both ingress and egress.
Bowling Alleys	2 spaces for each lane plus 1 additional space for each 2 employees.
Camps for Tents and Camping	1 parking space for each site provided for tents and camping trailers plus ten additional spaces
Churches, Places of Worship	1 space for each 4 seats
Fueling Station	2 spaces for each gas pump plus 3 spaces for each grease rack
Hospitals	1 space for each 4 patient beds plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees
Hotels and Motels	1 space for each guest room plus 1 additional space for each 5 employees
Kindergartens, Nurseries and Day Care Facilities	1 space for each employee and 4 spaces for off-street drop off and pick-up
Libraries	1 space for each 4 seats provided for patron use
Funeral Homes	1 space for each 4 seats provided in the assembly room or chapel whichever is larger
Offices: Professional, Business or Public	1 space for each 400 square feet of gross floor area
Medical Offices and Clinics	6 spaces for each doctor practicing at the clinic plus 1 for each employee
Mobile Home Parks	2 spaces for each stand
Places of Public Assembly (According to the Building Code)	1 space for each 4 seats provided for patron use plus 1 space for each 100 square feet of floor or ground area used for the amusement or assembly but not containing fixed seats
Residential Dwellings	2 spaces for each dwelling unit. Dwelling units exceeding 3 requires 2 spaces per unit
Restaurants	One space for each two seats
Retail Business/Shopping Centers	1 space for each 300 square feet of gross floor area
Rooming/Boarding Houses	1 space for each two guest rooms, plus 1 additional space for the owner
Sanitariums, Nursing Homes and similar institutions	1 space for each 4 patient beds, plus 1 space for and each employee or visiting doctor
Elementary Schools, Public/Private	2 spaces for each classroom and administrative office

Table 7-1: Minimum Off-Street Parking Space Requirements

Use	Minimum Off-Street Parking Space Requirement
High Schools and Colleges	1 space for each 10 students, for whom the school was designed, plus 1 space for each classroom and administrative office
Wholesale and Industrial uses	1 space for each 2 employees at maximum employment on a single shift

7-3-8 Exception.

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Board of Adjustment shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Board of Adjustment to a minimum of the greatest number of spaces required for any of such contiguous land uses.

Section 7-4 Off-Street Loading and Unloading Requirements.

7-4-1 In connection with every building, structure, or use hereafter erected, except residential structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

7-4-2 Plans and specifications showing required loading and unloading spaces including the means of egress and ingress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a building permit.

Section 7-5 Location of Accessory Buildings.

Accessory buildings may be erected on any lot; however, such buildings shall be located so as to comply with the following requirements:

7-5-1 No accessory building shall be erected in any required front or side yard and shall not occupy more than 30 percent of any required rear yard.

7-5-2 Requirement for setbacks for accessory buildings are established for each zoning districts in [Article 3: Residential Zoning Districts](#) through [Article 5: D-B-D Downtown Business District](#).

7-5-3 In the case of a corner lot the set-back requirement shall be 15 feet. If an easement is present on the lot the structure may be built on the easement line.

Section 7-6 Site Plan Review and Approval.

7-6-1 It is recognized by this ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, and there are benefits to the public in conserving natural resources. Every site plan submitted shall include information as established in the City of Albertville Subdivision Regulations, and shall be reviewed as part of the standard zoning and building permit review by the Building Inspector.

7-6-2 Buildings, structures, and uses requiring site plan. The Building Inspector shall not issue a building permit or certificate of occupancy for the construction of the buildings and structures identified in this section unless a detailed site plan has been reviewed and approved by the Building Inspector and such approval is in effect for the following uses:

- (A)** Any conditional use excluding home occupations;
- (B)** Townhouses and condominiums;
- (C)** A multi-family building containing three or more dwelling units;
- (D)** More than one multi-family building on a lot, parcel or tract of land, or in combination of lots under one ownership;
- (E)** Any gasoline station or similar facility abutting any residential district;

- (F) Any Planned Unit Development; and
- (G) Any commercial or industrial development

7-6-3 Every site plan submitted to the Building Inspector shall be in accordance with the requirements for a preliminary plat in the City of Albertville Subdivision Regulations.

Section 7-7 Visibility at Intersections.

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2.5 feet and 10 feet in a triangular area formed by a diagonal line between two points on the right of way lines, 20 feet from where they intersect. This regulation does not apply in the B-4 District.

Section 7-8 Searchlights and Beacons

Permanent beacons and searchlights are prohibited in the City. Temporary beacons and searchlights are permitted for up to three times per year, for a period of no more than two weeks.

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Article 8: Sign Compliance

Section 8-1 Purpose.

8-1-1 The purpose of this article is :

- (A) To provide guidelines for orderly and harmonious display of signs;
- (B) Encourage the effective use of signs as a means of communication in the City of Albertville;
- (C) Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- (D) Improve pedestrian and traffic safety;
- (E) Avoid the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment; and
- (F) Promote the mental and physical health, safety and welfare of the public.

8-1-2 The provisions of this article are intended to be an exercise of the City's police powers to promote and protect the public health, safety, morals, convenience, order, prosperity, and general welfare (collectively "public welfare"), within the framework of constitutional freedoms of speech and expression, as protected by the First Amendment to the United States Constitution and Section 4 of the Alabama Constitution (Ala. Const. Art. I, § 4). All regulations in this article are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

Section 8-2 Sign Compliance.

8-2-1 No premises within the City shall be used to construct, erect, post, repost, place, hang, paint, repaint, or maintain a sign that does not meet the requirements of this article, and it shall be unlawful for any person to use premises in the City to construct, erect, post, repost, place, hang, paint, repaint, or maintain a sign that is not in conformity with the requirements of this article.

8-2-2 This article is not intended to regulate signs inside buildings. Unless otherwise stated, this article shall apply to any sign, in any zoning district, that is visible from a public right-of-way or from an adjacent property.

Section 8-3 Coverage

8-3-1 Nothing in this article shall be construed to affect the franchise authority of the City.

8-3-2 Nothing in this article shall be construed to allow or give permission to any person to install a sign on private property without the consent of the owner of the property or the person otherwise in possession or control of the property. Where a sign has been placed on premises without proper consent, the sign shall constitute a trespass.

8-3-3 Nothing in this article shall be construed to exempt from or except the application of the building and other technical codes of the City to the installation of signs.

Section 8-4 Administration and Enforcement.

The Building Inspector, or any other official designated by the Mayor, shall be charged with the administration and enforcement of this article. They shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections necessary to carry out prescribed duties in this article.

Section 8-5 Vertical Clearance

8-5-1 The lowest member of all signs that are supported or suspended from a building shall have a clearance of not less than 10 feet between the finished grade of a sidewalk or other pedestrian way and the bottom-most portion of the sign.

8-5-2 If a sign is located over a pavement used for vehicular traffic or within 18 inches of the vertical projection of the edges of such pavement, the lowest member of the sign shall not be less than 15 feet above the finished pavement.

Section 8-6 Definitions.

The following sign terms, when used in this article, shall have the meanings defined by this section. Terms not defined in this section but defined in the zoning ordinance or subdivision regulations of the City shall be given the meanings set forth in such ordinance or regulations. All other terms used in this article shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Abandoned Sign

A frame, framework or posts that no longer include signage or is in a state of continuous disrepair and no effort is being made to return it to its intended purpose.

Attached Sign

Any sign that is directly attached to a building or that is attached to a non-structural element, such as an awning or canopy, which is affixed to the building. For the purposes of this article, attached signs include "wall signs," "awning signs," "marquee signs," canopy signs," and "projecting signs."

Awning

A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework. See alternatively the definition of "canopy."

Awning Sign

A permanent, attached sign that is painted on, applied to, or otherwise is a part of a fabric or other non-structural awning, of which said awning is affixed to a structure. An awning sign is considered a "attached sign."

Banner

A flexible substrate of fabric, plastic, paper, or other light, pliable material on which copy or graphics may be displayed. A banner is one type of temporary sign. This can include pennants, panels, or other similar signs. A banner may also be referred to as a banner sign.

Billboard

An off-premises freestanding sign owned by a person, corporation or other entity that engages in the business of selling or donating the display space on that sign.

Building Frontage

The width of a building measured at the two outermost limits of the plane or elevation. In the case of attached units with separate exterior entrances, building frontage shall be apportioned to each unit.

Building Unit

A stand-alone building or a building divided into separate units or spaces that are individually owned or leased by different enterprises, businesses, firms, or people, subject to the provisions of Section [8-7-4](#).

Canopy

A permanent structure made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.). See also the definition of "awning."

Canopy Sign

A sign that is attached or made an integral part of a canopy. For the purposes of this chapter, a canopy sign falls under the regulations of attached signs.

Changeable Copy Sign

A sign designed so that the sign copy can be changed or rearranged manually or electronically (electronic message sign, digital sign, etc.), without altering the sign display surface. May also be known as readerboards.

Driveway Sign

A small permanent sign that is located near driveway access points and/or at the intersection of internal access drives.

Enforcement Official

Any official of the City designated by the Mayor as the Code Enforcement Official which is to include the Building Inspector for the City or any police officer of the City, or any other person designated to enforce the provisions of this article by the Mayor. The Building Inspector shall be responsible for issuing any permits related to this article.

Erect

To build, construct, attach, hang, place, suspend, paint, enlarge, alter or affix a sign (except the alteration of a message on a changeable copy sign).

Externally Illuminated Sign

A sign where the source of the illumination is reflected off the surface of the sign from an external artificial lighting source.

Facade

The exterior wall on the front, side, or rear elevation of the building, regardless of whether the building side faces a street.

Freestanding Sign

Any sign affixed to or supported upon the ground by a monument, pedestal, pole, bracing, or other permanent structural element and not attached to any building. See definitions of "monument sign," "pole sign," and "post and arm sign."

Illuminated Sign

A sign lighted by or exposed to artificial lighting either by lights on or inside the sign face or by lights directed towards the sign. Illuminated sign. A sign lighted by or exposed to artificial lighting which is further distinguishable as follows:

Internally Illuminated Sign

A sign where the source of the illumination is inside the sign and artificial light emanates through the message of the sign, including illuminated neon and exposed bulbs.

Monument Sign

A permanent freestanding sign, not attached to a building, that is placed upon or supported by the ground independently of any other structure. A monument sign, unlike a pole sign or post and arm sign, is placed on a monument or pedestal structure constructed of finished material such as brick, stone, or wood. Monument signs shall have a landscaped area of no less than twice the square footage of the monument ground sign.

Noncommercial Message

Any sign, wording, logo or other representation that does not, either directly or indirectly, name, advertise or call attention to a business, product, service, or other commercial activity. This type of speech includes, but is not limited to, political messages, personal messages or opinions, art, religious messages, etc.

Nonconforming Sign

Any sign that was erected legally prior to the adoption of this ordinance, or amendment thereto, but which does not comply with subsequently enacted sign restrictions and regulations, or a sign which does not conform to the regulations of this chapter.

Off-Premises Sign

A permanent sign which directs attention to or conveys information about a business, profession, service, commodity, accommodation, attraction or other activity that exists or is conducted, sold, offered, maintained or provided at a location other than on the premises where the sign is located.

On-Premises Sign

A permanent sign which directs attention to or conveys information about a business, profession, service, merchandise, accommodation, attraction or other activity that exists or is conducted, sold, offered, maintained or provided on nonresidential premises where the sign is located. It may also communicate noncommercial messages.

Permanent Sign

A sign permitted by this ordinance to be located on the premises and designed to be permanently attached to a structure or the ground. Such signs are typically constructed of rigid, non-flexible materials or may be constructed of durable fabric or similar materials if intended to be attached to a permanent structure (e.g., an awning sign made of fabric) and which is not specifically defined as a temporary sign.

Portable Sign

Any sign not attached to a building or the ground that is designed to be movable or relocatable, or signs designed so they can be transported utilizing wheels or other means. This definition shall not include "sidewalk sign" or other defined temporary sign types.

Projecting Sign

A permanent sign that is affixed perpendicular to a building or wall and extends more than 12 inches beyond the face of such building or wall.

Roof Sign

A permanent on-premises sign affixed to the roof of a building or extending above the roof line.

Sidewalk Sign

A temporary sign that may be placed on a private sidewalk/walkway, during business hours in accordance with this chapter, and which may include an "A-frame sign" or a "T-frame sign" as defined below:

- A-Frame Sign means a detached temporary sign that is ordinarily in the shape of an "A" or some variation thereof, which is readily movable, and is not permanently attached to the ground or any structure.
- T-Frame Sign means a detached temporary sign that is ordinarily in the shape of an upside-down "T" or some variation thereof, which is readily movable, and is not permanently attached to the ground or any structure.

Sign

Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway 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, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area

The entire display area of a sign that includes the message and sign copy surface located on one or more sign faces and any framing, trim, and molding, but not including the supporting structure as measured pursuant to Section [8-7-3](#).

Sign Copy

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign Face

The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign Height

The vertical distance of a sign, from top to bottom, as measured in accordance with Section [8-7-2](#).

Sign Height

The average distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Sign, Advertising

A sign which advertises goods, services, facilities, events or attractions available on or off the premises where located.

Sign, Identification

An identification sign is one which depicts only the name and/or address of a building or establishment as a means of identifying the building or establishment.

Temporary Freestanding Sign

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles that is not attached to any building.

Temporary Sign

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display. See definitions for "banner," "temporary freestanding sign," and "sidewalk sign."

Vehicle Sign

Any sign attached to a vehicle or trailer that is used in the normal day-to-day operation of the business.

Wall Sign

A permanent sign attached directly to an exterior wall of a building and which does not extend more than a certain distance from the facade, as established in this article, nor above the roof line or beyond the limits of the outside wall. The exposed face of the sign is on a plane parallel to the building wall.

Window Sign

A sign painted on or attached to a window or the glass paneling of any door or opening. A window sign shall include any sign that is installed inside a building within three feet of the window.

Section 8-7 Measurements and Calculations

8-7-1 Sign Setback

All required setbacks for signs shall be measured as the distance in feet from the lot line or right-of-way, whichever is applicable, to the closest point on the sign structure.

8-7-2 Sign Height

- (A) The height of a sign shall be measured from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berthing, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of the sign.
- (B) The filling of a hole, depression, or other low area to create an average grade the same level as that surrounding the hole, depression, or lower grade is permitted, provided such filling is allowed by other ordinances.
- (C) In cases where the normal grade is below grade at street level, sign height shall be measured from the elevation of the adjacent roadway crown. See [Figure 8-A](#).

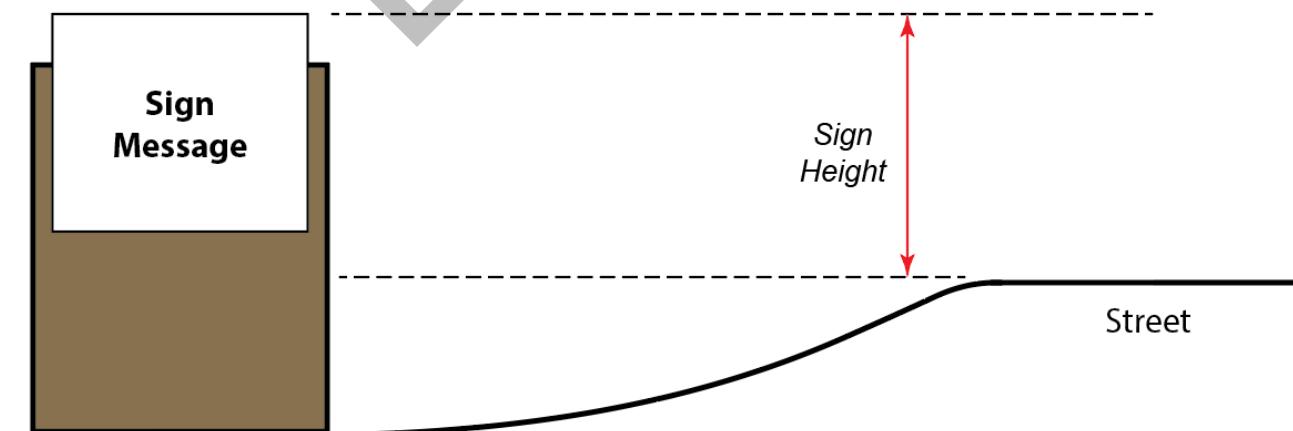


Figure 8-A: Illustration of the measurement of sign height when the grade at the bottom of the sign is below grade of the adjacent street.

8-7-3 Sign Area

The surface of a sign to be included when computing the maximum allowable square footage of sign area shall be calculated as established in this section.

(A) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be the entire area within the largest single continuous perimeter enclosing the extreme limits of a sign face, but not passing through or between any element of the sign. See [Figure 8-B](#) and [Figure 8-C](#).

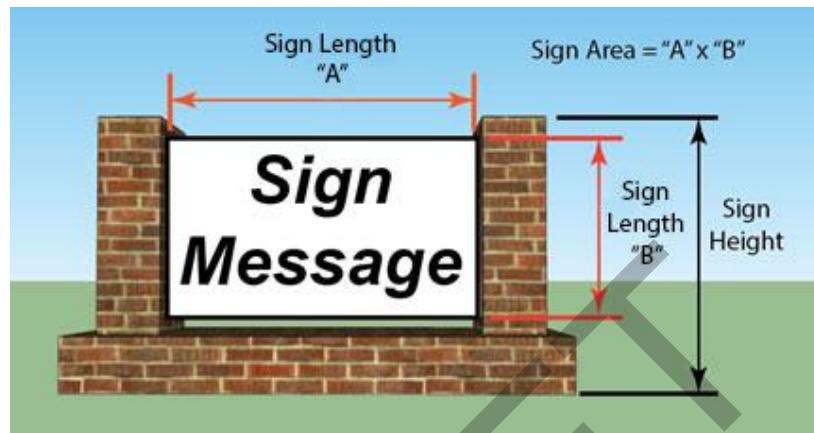


Figure 8-B: Illustration of sign area calculation for a ground sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure 8-C: Illustration of computing the sign area for wall signs with a background panel or cabinet.

(B) For sign copy where individual letters or elements are mounted on a building facade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the entire area within the largest single continuous perimeter enclosing the extreme limits of the sign copy, but not passing through or between any element of the sign. See [Figure 8-D](#).



Figure 8-D: Illustration of sign area calculation for two differently shaped wall signs with individual letters.

(C) In cases where there are multiple elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See [Figure 8-E](#).

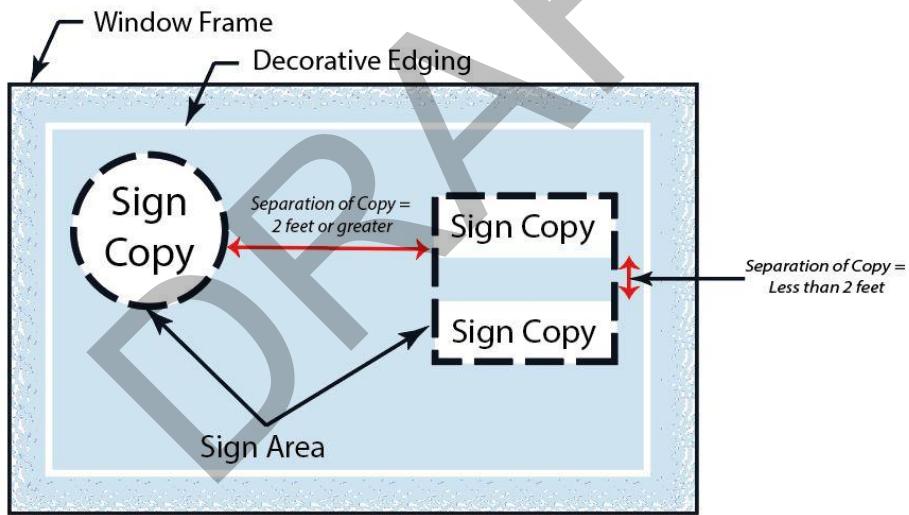


Figure 8-E: Illustration of sign area calculations for multiple sign areas on a window sign.

(D) Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this article. See [Figure 8-E](#).

(E) The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of any form of sign copy, as determined by the Enforcement Official. See [Figure 8-B](#).

(F) When two flat sign faces are placed back-to-back and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.

(G) For three-dimensional signs or signs with more than two faces, the sign area shall be calculated by the largest total sign area visible from any direction.

8-7-4 Building Unit Types

Where signage is assigned by building units, such term shall be individually defined as follows:

- (A) A stand-alone, nonresidential building that contains one tenant or occupant shall be considered a single building unit.
- (B) Where a building is divided into individual spaces for nonresidential uses, and the primary entrance or access point for each space is from outside of the building, then each individual space shall be considered a building unit. For example, in the case of a shopping center or strip mall with multiple tenant spaces that each have a separate exterior entrance, each of the tenant spaces shall be considered a building unit.
- (C) Where a building contains individual spaces that are all accessed from the interior through a joint entry, such building shall be considered one building unit. For example, in the case of an office building where all of the office spaces are accessed internally, the entire office building shall be considered one building unit. Similarly, where apartments are located above nonresidential uses, the apartments as a whole shall be considered one building unit.
- (D) The term "building unit" shall not be used to define an apartment building or similar residential-only building that is divided into individual dwelling units.
- (E) Where a lot contains multiple principal buildings, each principal building shall be considered a building unit based on the above provisions.
- (F) For mixed-use buildings that contains residential and nonresidential uses, or for multi-story buildings with separate uses on the upper floors, the number of building units on any given lot shall be determined by the number of nonresidential enterprises, businesses, firms, or other nonresidential occupants where the spaces are accessed from the exterior of the building on the ground floor. All upper-floor uses and activities shall be considered one building unit, regardless of the number of occupants. For example, a building with three tenant spaces on the first floor, with exterior entrances, and apartments or office spaces on the upper floors, shall be considered to have four building units. One building unit for each of the three ground-floor tenants and one building unit total for all upper-level tenants. See [Figure 8-G](#).



Figure 8-F: The above image shows how the upper floors of buildings only represent one building unit each, regardless of the number of tenants in those spaces or whether occupied by residential or nonresidential uses. The first/ground floors have several building units based on the number of nonresidential businesses, tenants, etc., with the primary access from the exterior of the building.

Section 8-8 Prohibited Signs.

The following types of signs are specifically prohibited within the City of Albertville:

- 8-8-1** Signs that employ any parts or elements that revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This shall not include changeable copy signs, including digital/electronic signs as allowed in this article;
- 8-8-2** Signs that interfere with, obstruct the view of, or are similar in appearance to any authorized traffic sign, signal, or device because of its position, shape, use of words, or color;
- 8-8-3** Signs located in any public right-of-way, to include sidewalks, or attached to a public utility pole, or attached to any traffic type pole and will be subject to immediate confiscation by the authorized representative of the City;
- 8-8-4** Portable signs with the exception of sidewalk signs, as allowed in Section [8-13-3](#);
- 8-8-5** Permanent freestanding signs on a vacant lot;
- 8-8-6** Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
- 8-8-7** Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign;
- 8-8-8** Illuminated signs are prohibited where the light source is not confined in or directed to the surface of the sign. No sign shall be erected or illuminated which displays intermittent light and/or light of such brightness that it constitutes hazardous conditions to motorists or simulates lights customarily associated with those used by police, fire, ambulance or other emergency vehicles. No blinking illuminated signs are allowed. All lighting must be directed or pointed to the sign;
- 8-8-9** Signs attached to the building that project more than four feet above the roof line of a building;
- 8-8-10** Non-professional hand painted signs;
- 8-8-11** Signs that emit audible sounds, odor or visible matter such as smoke or steam;
- 8-8-12** Signs that involve the use of live animals;
- 8-8-13** Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way except as otherwise specifically provided for in this article;
- 8-8-14** Signs with support structure or poles that are unfinished or unprotected by an exterior finish and are not constructed with building materials that reflect the materials used in the building design and surrounding architecture;
- 8-8-15** Signs should be maintained in a condition that is not unsafe, incomplete, declared a public nuisance, or a danger to the public, as determined by the Enforcement Official. In the event a sign is deemed unsafe, incomplete, declared a public nuisance, or becomes abandoned, the Building Inspector shall order the sign be replaced or removed within 30 days after proper notification to the person, firm or corporation owning or using the sign or advertising structure;
- 8-8-16** Signs that are in violation of the building code or electrical code adopted by the City;
- 8-8-17** Inflatable signs, tethered balloon signs, and objects used for signs that are animated by forced air.
- 8-8-18** A vehicle, which includes a motor vehicle, boat, trailer or similar equipment, used as a support structure for a sign;
- 8-8-19** Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists or pedestrians; and
- 8-8-20** Any sign not specifically allowed by this article.

Section 8-9 Application For A Sign Permit.

- 8-9-1** No sign regulated by this article, except those listed in [Section 8-10](#), shall be erected without a sign permit obtained from the Building Inspector. Each application for a permit shall be accompanied by a fee according to the schedule of permit fees with plans showing the following:

- (A) Indicate the proposed site by identifying the property owner, location, present use, and zoning district;
- (B) Show location of the sign on the lot in relation to property lines and existing signs and structures as well as zoning district boundaries;
- (C) Show complete structural specifications including anchoring and support;
- (D) Any additional information needed to determine if such sign is to be erected in conformance with this ordinance; and
- (E) Submit a graphic rendering of all proposed signage.

8-9-2 A sign permit shall be valid for a period of 180 days after issuance. Failure to fully construct the sign within the allotted time period shall void the permit and necessitate reapplication including payment of applicable fees. Any sign erected after 180 days from the original issuance of the permit for which a new permit has not been issued for an additional 180 days shall be considered an illegal sign and be subject to removal.

Section 8-10 Signs Not Requiring A Sign Permit.

The following signs are subject to the requirements of this article, but do not require a sign permit or related fees. Exempt signs may still require permits, reviews, or approvals under the building code or other applicable codes:

- 8-10-1** Temporary signs as regulated by [Section 8-11](#), except for sidewalk signs as allowed by [Section 8-13-3](#);
- 8-10-2** Any signs located on umbrellas, seating, or similar patio furniture, provided they are located outside of the right-of-way;
- 8-10-3** A single wall sign placed on the facade of an individual dwelling unit that is not illuminated and does not exceed two square feet in area;
- 8-10-4** Changes of copy on signs with changeable copy, including digital/electronic signs;
- 8-10-5** The exchanging of sign panels when a sign is designed to have replaceable sign faces;

8-10-6 Signs Not Visible

- (A) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines (ATMs), drive-through signage, or similar devices that are not to be visible from a public or private street;
- (B) Any sign that is located completely inside a building that is not visible from the exterior or that is not classified as a "window sign;"
- (C) Signs that are located within a stadium, open-air theater, park, arena, or other outdoor use that are not intended to be visible from a public right-of-way, private street, or adjacent property, and can be primarily viewed only by persons within such stadium, open-air theater, park, arena, or other outdoor use; and
- (D) Ground signs and markings located completely within the interior of a lot used for a cemetery where such signs are not designed to be visible from a public street.

8-10-7 Government or Public Agency Signs

- (A) Signs and/or notices issued by any court, officer, or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- (B) Any warning signs or traffic safety signs required by public utility providers;
- (C) Any address numbers required by the City of Albertville, Marshall County, or the State of Alabama; and
- (D) Signs installed or required by a governmental agency, including the City of Albertville, Marshall County, the State of Alabama, or the United States, including local and regional transit agencies.

8-10-8 Pennants, banners and fluttering signs. Pennants, banners or fluttering signs that are in use shall not be allowed to become an eyesore due to shredded, ragged, torn, faded, or worn material that is neglected for maintenance. This neglect of their appearance or the ropes, cords or cables that provide support such that the appearance may become unsuitable for the intended purpose may result in a removal order by the City; and

8-10-9 Signs fixed or mounted directly on or over windows are permitted provided that such signs do not cover more than 20% of the total window area.

Section 8-11 Temporary Signs

8-11-1 Standards Applicable to All Temporary Signs

Unless provided for otherwise, each of the following conditions shall apply to all temporary signs:

- (A)** Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
- (B)** Temporary signs shall not be illuminated.
- (C)** No temporary sign shall be installed that requires a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (D)** Temporary signs shall not contain any changeable copy.
- (E)** All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.
- (F)** Mobile signs on wheels, runners, casters, parked trailers, parked vehicles, or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this article.
- (G)** Temporary signs shall be constructed of durable fabric, plastic, paper, or other light pliable material. Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is a deteriorated sign.
- (H)** Temporary signs shall be located outside the public right-of-way, which shall be presumed if the sign is located at least 10 feet from the back of curb or the edge of pavement if there is no curb.
- (I)** No part of any temporary sign shall be erected closer than ten feet to any overhead electric, cable, telephone or other transmission line nor closer than five feet to any property line.
- (J)** Temporary signs may be located in a required yard provided that they do not create a visibility obstruction.
- (K)** Temporary signs shall not be placed on utility poles, light poles, or other similar structures.

8-11-2 Temporary Freestanding Signs

- (A)** The total combined sign area of all temporary freestanding signs on any lot shall not exceed 40 square feet. No individual temporary sign shall exceed 20 square feet in sign area.
- (B)** On vacant lots that are five acres or larger, the total combined sign area may be increased to a total of 40 square feet of temporary sign area along each street frontage and no individual temporary sign shall exceed 40 square feet.
- (C)** The maximum height of any sign shall be six feet.

8-11-3 Temporary Banner Signs

Banner signs shall be allowed on any building unit that contains a nonresidential use:

- (A)** For residential uses, each dwelling may have banner signs with a maximum total combined sign area of 12 square feet. Up to two banner signs are permitted at any one time.
- (B)** For nonresidential uses, each building unit may have banner signs with a maximum total combined sign area of 32 square feet. Up to four banner signs are permitted at any one time.

(C) Banner signs shall be attached or fixed to the building at all corners, or to flags that are attached to posts, attached to the building.

8-11-4 Temporary Sign Removal

A temporary sign shall be removed when the sign has deteriorated, as determined by the Enforcement Official.

Section 8-12 On-Premise Permanent Signs for Residential Uses

Permanent wall signs or permanent freestanding signs may be permitted for any subdivision or multi-family dwelling development that contain 10 or more dwelling units or lots, provided that the signs meet the following requirements:

8-12-1 General Standards

(A) For subdivisions or multi-family dwellings with fewer 10 to 25 dwelling units or lots, only one permanent wall sign or one permanent freestanding sign is permitted for the entire development in accordance with this section. The sign shall have a maximum sign area of 16 square feet.

(B) For subdivisions or multi-family dwellings with 25 or more dwelling units or lots, a maximum of two permanent wall signs or one permanent freestanding sign is allowed at each entrance to the subdivision or development from a collector or arterial street, as determined by the Enforcement Official. No more than two freestanding signs shall be permitted for any subdivision or development.

(C) The maximum sign area of each sign shall be 32 square feet.

(D) The signage shall be an on-premise sign with the entire subdivision or lot counting as the premises.

(E) If the sign is to be illuminated, it shall only be illuminated through an external light source.

(F) Changeable copy signs that are digital or electronic are prohibited in residential zoning districts.

8-12-2 Freestanding Sign

(A) A freestanding sign may include a monument sign or a post and arm sign.

(B) No such sign or any portion of the structure shall exceed six feet in height.

(C) The freestanding sign shall be set back a minimum of 10 feet from any right-of-way or adjacent lot lines.

(D) The freestanding sign may be located on the center island of a boulevard entrance on a private street subject to the following additional standards:

- (1) Sign faces must be back-to-back (i.e., no sign faces at an angle to one another).
- (2) The sign shall be set back a minimum of three feet from the edge or curb of the boulevard or street island edge.
- (3) Sign placement must be approved by the appropriate review body during the platting process or sign permit process, whichever includes the details of the sign placement, to ensure safety and visibility at the sign location.

(E) If an applicant proposes to use a freestanding sign, no wall signs, as allowed in Section [8-12-3](#) below shall be permitted.

8-12-3 Wall Signs on Entry Fences, Walls, or Features

(A) The signs shall be mounted to a decorative wall, fence, or architectural feature adjacent to the entrance street.

(B) The placement of wall signs on architectural features shall only be permitted by the appropriate review body during the platting process or development plan review, whichever includes the details of the sign place, to ensure safety and visibility at the sign location. See [Figure 8-G](#).



Figure 8-G: Example of an architectural feature at the entrance of a subdivision.

(C) The signs sign shall be set back a minimum of 10 feet from any right-of-way or adjacent lot lines. If an applicant proposes to use wall signs, no freestanding sign, as allowed in Section [8-12-2](#) above, shall be permitted.

Section 8-13 On-Premise Permanent Signs for Nonresidential Uses.

The following on-premise permanent signs may be permitted on lots containing nonresidential uses, including buildings that are mixed-use with nonresidential and residential uses in the same building. This signs allowances shall also apply to any nonresidential use in a residential zoning district. All such signs shall comply with the following:

8-13-1 On-Premise Permanent Signs for Nonresidential Uses in All Other Zoning Districts

For all other zoning districts (B-1, B-2, B-3, B-4, D-B-D, M-1, M-2, AG-1, AG-2, and AP), all permanent on-premise signs shall conform to the following provisions:

(A) Attached Signs

- (1) Attached signs shall include any sign attached to the principal building, including, but not limited to, wall, canopy, awning, marquee, or projecting signs.
- (2) All attached signs shall be subject to the specific sign type standards in Section [8-13-1\(B\)](#).
- (3) The total amount of attached sign area allowed shall be equal to two square feet for each linear foot of facade width of an individual building unit. Attached signage is permitted on any facade, however the amount of attached signage allowed on any individual facade shall not exceed the two square feet for each linear foot of facade width for that individual facade.
- (4) When calculating the permitted sign area based on the width of any facade, such calculation shall be based on viewing the facade from a 90-degree angle (i.e., straight on), regardless of facade insets, offsets, or angles.

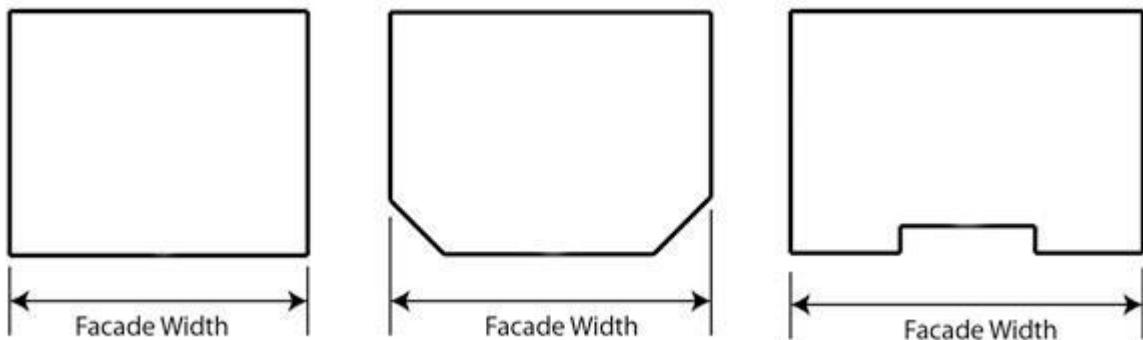


Figure 8-H: Illustration of facade width measurement on varied facade shapes

(B) Attached Sign Type Standards

The following standards shall apply to the individual types of attached sign types:

(1) Wall Sign Standards

Any wall sign shall comply with the following standards:

- a) Wall signs shall be mounted on or flush with a wall and shall not project more than 18 inches from the wall or face of the building to which it is attached.
- b) A wall sign may be mounted on the facade wall or mounted on a raceway or wireway.

(2) Awning Signs

- a) Awnings must project a minimum of 36 inches from the building.
- b) Long expanses of awning should be broken into segments that reflect the door or window openings beneath them.
- c) Retractable or operable awnings are acceptable.
- d) Awnings must be constructed of durable protective and water repellent material.
- e) In the D-B-D District, awnings cannot extend across multiple storefronts and/or multiple buildings. Additionally, plastic or fiberglass awnings or backlighting or illuminating awnings are not allowed.

(3) Canopy or Marquee Sign Standards

Any canopy or marquee sign shall comply with the following standards:

- a) Signage may be mounted above any canopy or marquee provided it does not extend above the height of the building.
- b) Changeable copy signs, including digital/electronic signs, may be included on a marquee.

(4) Projecting Sign Standards

Any projecting sign shall comply with the following standards:

- a) Only one projecting sign shall be permitted for each building unit.
- b) A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than two feet from the facade wall to which it is attached.
- c) The maximum sign area for a projecting sign shall be six square feet.
- d) Projecting signs must be suspended from brackets or other supports approved by the building code and contain no exposed guy wires or turnbuckles.

(C) Freestanding Signs

- (1) [Table 8-1](#) establishes the maximum sign height and maximum sign area, per sign, for freestanding signs.
- (2) Only one freestanding sign is permitted per lot unless the lot is a double frontage or corner lot, in which case, one freestanding sign is permitted along each frontage, with a maximum of two freestanding signs per lot.
- (3) Where a freestanding sign serves a building that contains multiple building units, it shall be the responsibility of the property owner to determine the messaging on the sign. No more than two freestanding signs are permitted on any lot, regardless of the number of building units or tenants.
- (4) Changeable copy signs, including digital/electronic signage, shall be allowed as part of any freestanding sign allowed by these provisions. However, the total area of the changeable copy sign shall not exceed 50 percent of the total sign area.
- (5) Changeable copy signs that are digital or electronic are prohibited in residential zoning districts.

Table 8-1: Maximum Freestanding Sign Area and Height				
Number of Building Units on the Lot	Total Building Floor Area (Square Feet)	Maximum Freestanding Sign Height (Feet)	Maximum Sign Area for Freestanding Sign (Square Feet)	
			Any Single Sign	Maximum Combined Sign Area [1]
1 or 2 Building Units	Under 15,000	60	160	320
	15,000 or more	70 [2]	160	320
3 or More Building Units	15,000-29,999	20	120	150
	30,000-64,999	20	200	250
	65,000-99,999	30	350	450
	100,000-499,999	45	500	625

NOTES:

[1] This is maximum sign area permitted on any single lot where two freestanding signs are permitted (i.e., corner or double frontage lots. In no case can any single sign exceed the maximum sign area permitted in the "any single sign" column.

[2] The maximum height for signs on lots where the principal buildings are within 250 feet of the centerline of the U.S. Highway 431 Corridor shall be 60 feet.

8-13-2 Driveway Signs

- (A) Driveway signs shall not be permitted in a residential zoning district except when accessory to an approved nonresidential use. In all other districts, driveway signs shall be permitted provided each sign complies with the standards of this section.
- (B) Driveway signs shall only be permitted near driveway entrances to a public street.
- (C) A maximum of two driveway signs is permitted per individual driveway.
- (D) Driveway signs shall be located within 50 feet of the right-of-way. There shall be no minimum setback from a right-of-way or lot line, but such signs shall not encroach into a right-of-way.
- (E) Each driveway sign shall not exceed four square feet in area and 3 feet in height in every district except the M-1 and M-2 District.
- (F) In the M-1 and M-2 District, each driveway may have two driveway signs that comply with the standards established in this section or may have one driveway sign with a larger maximum sign area of 12 square feet and a maximum height of six feet.
- (G) Driveway signs may be mounted on a post or pole provided the post or pole does not exceed one foot in height.
- (H) Driveway signs may be internally or externally illuminated provided that any illumination shall not glare onto an adjacent right-of-way.

- (I) Driveway signs shall not count toward any other sign allowance in this article.

8-13-3 Sidewalk Sign

- (A) Sidewalk signs shall be placed in front of the building or leased space during business hours respective to the use in the building or leased space.
- (B) The placement of a sidewalk signs shall require the maintenance of a clear area adjacent to the sign to allow for pedestrian movement.
- (C) Sidewalk signs shall be set back a minimum of 20 feet from any other sidewalk sign.
- (D) There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- (E) A sign permit shall be required for the initial use of a sidewalk sign when it will be placed on a public sidewalk. No additional permit shall be required unless a new occupant or tenant wishes to utilize a new sign.
- (F) There shall be a maximum number of sidewalk signs permitted in association with any single lot or building equal to the number of building units on the ground floor.
- (G) Only one sidewalk sign is allowed for any one business establishment (building unit) at one time and shall be located within 10 feet of such business establishment provided that:
 - (1) It shall not reduce any sidewalk width, as measured perpendicular to the curb, to less than four feet to allow for continuous unobstructed pedestrian traffic; and
 - (2) It shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the business or shopping center.
- (H) Such signs shall not exceed a maximum sign area of eight square feet and four feet in height.
- (I) Must be painted and/or stained to reflect a professional finish.
- (J) The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas or on pavement used for vehicles (e.g., driveways and parking lots).
- (K) The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- (L) The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
- (M) The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- (N) The sign shall be internally weighted so that it is stable and windproof.
- (O) Where a sidewalk sign is to be placed upon a public sidewalk each of the following shall apply:
 - (1) The City of Albertville shall be held harmless from any liability resulting from accident or injury caused by the placement or maintenance of such sign;
 - (2) The right to place a sign upon the public sidewalk may be revoked or suspended by the Enforcement Official if the sign is being maintained contrary to the provisions of this section, or if the sign becomes a hazard to the public safety.
- (P) If the provisions of this section are amended or repealed, the signs allowed hereunder shall be removed or altered to conform to said action.

Section 8-14 Large-Scale Off-Premise Signs (Billboards).

Large-scale, off-premise signs, also known as billboards) shall conform to the following standards:

8-14-1 Maximum height: 35 feet.

- 8-14-2** Maximum sign face area: 720 square feet for double sided and 360 square feet for single-sided sign.
- 8-14-3** No large-scale off-premise sign which exceeds 300 square feet in sign face area shall be located closer than 1,000 feet to any other large-scale off-premise sign.
- 8-14-4** Large-scale off-premise signs shall not be stacked or erected side by side on the same support structure.
- 8-14-5** Large-scale off-premise signs may contain digital or electronic messages and signage.

Section 8-15 Nonconforming Signs.

Any sign legally established prior to the effective date of this article, or amendments thereto, and which sign is rendered non-conforming by the provisions herein, shall be subject to the following nonconforming sign regulations:

- 8-15-1** No changes are to be made to remove, relocate, expand, modify or alter the sign face area, or advertising structure to which the sign is attached. Once a sign is removed it is required to conform to the current regulations. However, in the event the business establishment is required by its franchisor, or the sign panel is damaged, or the sign panel is faded and unsightly, then a new sign panel shall be allowed to be installed by a variance granted by the Zoning Board of Adjustment. This provision applies only to interior lit cabinet signs, and in no event shall any non-professional wooden or hand painted sign or grandfathered sign that would not be considered for acceptance by variance, be allowed to be replaced. Should the sign be substantially damaged to the extent a new sign will be installed, the new sign shall comply with the provisions of this ordinance.
- 8-15-2** There are no additions to the existing sign.
- 8-15-3** The sign is to be maintained in a condition that is not unsafe, incomplete, declared a public nuisance or a danger to the public. Normal maintenance, such as changes to the faces of the sign, is not subject to these requirements. Nonconforming permanent signs that are totally replaced as a part of future maintenance shall fully comply with these regulations. When a non- conforming permanent sign is damaged or destroyed beyond 50% of the surface area or structure, including natural acts, or becomes obsolete for any cause, any replacement sign shall fully comply with these regulations. A Nonconforming permanent sign that has changes to either the height or surface area shall fully comply with the applicable regulations after the modification.
- 8-15-4** In the event of an unsafe, incomplete or nuisance sign, the Building Inspector shall order that the nonconforming sign be replaced or removed within 30 days after proper notification to the person, firm or corporation owning or using the sign or advertising structure.
- 8-15-5** No permits for additional signs will be issued for the premises on which there are non- conforming signs. Nonconforming permanent signs that are relocated on the same property or moved to a different lot shall fully comply with these regulations.
- 8-15-6** Relocation of the business to which the Nonconforming sign is dedicated.
- 8-15-7** When a change in use, occupancy or ownership occurs that necessitates the changing of a non- conforming permanent sign, the replacement sign shall fully comply with these regulations.
- 8-15-8** Nonconforming temporary and non-durable signs shall be brought into compliance with these sign regulations by taking the following actions:
- 8-15-9** All Nonconforming signs made of paper, cloth or other non-durable material shall be removed within 60 days.
- 8-15-10** All other nonconforming temporary signs shall be removed within 120 days.

Section 8-16 Maintenance.

8-16-1 All signs shall be maintained in safe condition, free from damage or the results of excessive weathering. At any time the Building Inspector or Code Enforcement Personnel find that a permitted sign is in a bad state of repair, is in danger of falling, presents a hazard from electrical shock or fire, or in such bad state of repair or maintenance as to adversely affect the property values in the surrounding neighborhood, they shall make and enter an order directed to the owner or person in charge of the sign commanding its removal or its repair or maintenance. Any orders issued under this section shall be subject to an appeal to the Board of Adjustment in the same manner as other appeals are taken to the Board. The Board of Adjustment is empowered to hear said appeal and to make and enter an order directing the repair or maintenance of the sign upon a finding by the Board that the condition of the sign, due to lack of maintenance, or disrepair, is a nuisance and adversely affects the property values in the surrounding neighborhood. Appeals from the Board of Adjustment shall lie to the Circuit Court in the same manner as all other appeals. It shall be unlawful for any person to continue to maintain any sign contrary to the orders of the Building Inspector under this section, except during the time that such order is under appeal to the Board of Adjustment or the Circuit Court as provided here.

8-16-2 Signs that advertise a terminated activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located are prohibited. Where premises are temporarily vacant, such signs may remain in place for not more than 120 days from the date of the vacancy.

8-16-3 Any sign structure, which supported or supports an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, when a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

Section 8-17 Confiscation And Removal of Signs – Notice to Remove.

8-17-1 Except in conformance with the requirements of this chapter, any sign installed or placed on a public right of way, or any illegal sign will be subject to confiscation by the building inspector or any other designated city official. In addition to other remedies provided for under this article, the City shall have the right to recover from the owner or person placing the sign the full cost of removal and disposal at a fee per sign as established in the most recent fee schedule on file with the Building Department. At that time, the sign becomes the property of the City.

8-17-2 After receiving written notice from the Building Inspector or other designated official, if the owner or lessee of either the site or the sign fails to correct the violation, it shall be considered a violation and subject to the remedies, penalties and any other action as prescribed by law with a maximum of \$500.00 for each and every separate offense.

Article 9: Aesthetics Compliance

Section 9-1 Design and Applicability.

No building or structure may be altered, and no material change in appearance or color on any property or structure within the area of the D-B-D District unless an application is submitted to and approval is given by the Building Inspector. The approval will be given before a building permit is issued. Any structure within the D-B-D District shall conform in design and building material with the original historical appearance.

Section 9-2 Maintenance of Property.

- 9-2-1** Routine maintenance to property, buildings, or structures in the applicable area of the D-B-D District shall be required from all property owners. Routine maintenance includes ordinary maintenance or repair of any exterior architectural or environmental feature in or on a property to correct deterioration, decay or damage or to sustain the existing form that does not involve a material change in design, material or outer appearance.
- 9-2-2** No property owner within the applicable area of the D-B-D District shall allow his/her building to deteriorate by failing to provide ordinary maintenance or repair.
- 9-2-3** The Building Inspector shall monitor the conditions of property and existing buildings in the applicable area of the D-B-D District to determine if it is being allowed to deteriorate by neglect.
- 9-2-4** A condition such as a broken window, door or opening that allows the elements, moisture or vermin to enter and the deterioration of an exterior architectural feature shall constitute failure to provide ordinary maintenance or repair.

Section 9-3 District Requirements.

The Downtown Business District is established where the principal character of the structures is retail in nature and is located in the downtown area.

9-3-1 Architectural Standards.

- (A)** Buildings shall have their primary orientation toward the street. Corner lots shall provide orientation and public entrances along both street frontages.
- (B)** Buildings shall incorporate arcades, roofs, alcoves, porticoes and/or awnings at public entrances that protect pedestrians from rain and sun.
- (C)** Any wall adjacent to the street shall have 20 percent in windows, display areas and entrances.
- (D)** Buildings shall incorporate lighting and give emphasis to entrances.

9-3-2 Exterior Materials.

- (A)** Exterior walls shall be finished with permanent materials approved by the current Building Code for the City except the following materials are not allowed:
 - (1)** Metal siding (except for fascia panels and other accent features); and
 - (2)** Vinyl siding (except for soffit, eaves and other accent areas).
- (B)** The property owner or tenant is limited to one building color and two accent colors for trim, doors, etc. All exterior colors chosen must keep with the character of the other buildings in the applicable area of the D-B-D District.
- (C)** **Exterior Lighting.**

- (1)** All exterior lighting shall meet the requirements of the City Electrical Code.
- (2)** Architectural lighting shall be incorporated into the design concept.
- (3)** Facade lighting shall be through the use of down lights or other concealed lighting.
- (4)** The following types of lighting are prohibited:
 - a)** Interior and exterior rope lights.

- b) Christmas lights are only allowed to remain in place from November 15-January 15 while other holiday lights may only remain in place for a total of two weeks. No holiday lights may become a permanent part of the building.

9-3-3 Utilities.

All new utility services shall be located underground. All antenna, microwave disc, satellite dish and/or any other receiving, transmitting or electronic signal equipment shall be located out of public view, including pedestrian traffic in and around the proposed use. Equipment may be placed on the structure's roof, provided it is screened from the street level pedestrian and vehicle traffic and meets appropriate zoning and telecommunication requirements.

9-3-4 Relationship to Adjoining Areas.

Any new building or addition to an existing building adjoining buildings of different character or architectural styles shall be made compatible. Monotony of design in single or multiple buildings should be avoided.

9-3-5 Signs

Signage must comply with [Article 8: Sign Compliance](#).

Section 9-4 Outdoor Storage and Loading Areas.

- 9-4-1** Areas for truck parking and loading shall be screened by a combination of structures or landscaped buffer strip to minimize visibility from adjacent streets and property lines. If visible from adjacent property, screening structures shall be made of similar materials as the principal structure.
- 9-4-2** Non-enclosed areas for the storage and sale of inventory shall be permanently defined and screened with walls, fences or landscaped buffer strip. Materials, colors and design of the screening walls and/ or fences shall conform to those used in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors of the buildings.
- 9-4-3** Enclosed area for storage shall be constructed to conform to the existing building. If an outside mobile unit is used it shall be permanently screened with wall, fence or landscape buffer strip so as not to be visible from the road or from pedestrians. A trailer unit from a tractor trailer truck is not permitted.

Section 9-5 Parking Lots.

All new construction in a business zone is required to have a paved parking area with curbs.

Article 10: Nonconformities

Section 10-1 Purpose.

- 10-1-1** Within the districts established by this ordinance, or amendments thereto, that may be later adopted there may exist lots, structures, or uses of land and structures, which were lawful before this ordinance was adopted or amended, but which area prohibited, regulated differently, or restricted under the terms of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until they are voluntarily removed, or removed as required by this ordinance, but not to encourage their continuance. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- 10-1-2** Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the effective date of this ordinance or its amendment by attachment on structures or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- 10-1-3** To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include placing of construction materials in a permanent position and fastened in a permanent manner after a building permit has been issued by the Building Inspector. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently until the completion of the new construction involved.

Section 10-2 Nonconforming Lots Of Record.

- 10-2-1** Where the owner of a lot at the time of the adoption of this ordinance or his successor in title does not own sufficient land to enable them to conform to the dimensional requirements of this ordinance, such lot may nonetheless be used as a building site, provided that said lot requirements are not reduced below the minimum specified in this ordinance by more than 20 percent. The lot must be in separate ownership and not in continuous frontage with other lots in the same ownership. This provision shall apply even though a lot fails to meet the requirements for area or width, or both that are applicable in the district, provided that yard dimensions (front, rear and side) and requirements other than those applying to area or width, or both of the lots shall conform to the regulations for the district in which the lot is located.
- 10-2-2** The lot requirements for building setbacks shall not be reduced by more than 20 percent.
- 10-2-3** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and for area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance.
- 10-2-4** No portion of the parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this ordinance.

Section 10-3 Nonconforming Uses Of Land.

Where at the effective date of adoption of this ordinance, or amendment thereto, a lawful use of land exists which would not be permitted by the regulations imposed by this ordinance and where the use involves no individual, permanently-fixed structures with a replacement cost exceeding \$1,000 and no combination of permanently-fixed structures with a replacement cost as high as \$4,000 the use may be continued as long as it remains otherwise lawful, provided:

- 10-3-1** No such nonconforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- 10-3-2** If any nonconforming uses ceases for any reason (except when governmental action impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 10-3-3** No land in nonconforming use shall be subdivided, nor shall any structures be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which land is located. Subdivision may be made which does not increase the degree of nonconformity of the use.

Section 10-4 Nonconforming Structures.

Where a structure exists lawfully under this ordinance at the effective date of its adoption, or amendment thereto, that could not be built under this ordinance by reason of restrictions on area, residential densities, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 10-4-1** No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion may be altered to decrease its nonconformity.
- 10-4-2** Should the nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than 50 percent of its physical condition at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- 10-4-3** Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 10-5 Major Structures.

Nonconforming use of major structures or of major structures and premises in combination where, at the effective date of adoption of this ordinance, or amendment thereof, lawful use of structures, or of structures and premises in combination exists involving an individual, permanently-fixed structure with a replacement cost at or exceeding \$1,000 or a combination of permanently-fixed structures with a replacement cost at or exceeding \$4,000, such use may be continued so long as it remains otherwise lawful provided:

- 10-5-1** No existing structure devoted to a use not permitted by this ordinance in the district in which the use is located shall be enlarged, extended, constructed, reconstructed, moved to another location on the property, or structurally altered except in changing the use of the structure to use permitted in the district in which it is located.
- 10-5-2** There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of the nonconforming use.
- 10-5-3** If any nonconforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impeded access to the premises), any subsequent use shall conform to the regulations for the district in which the use was located.
- 10-5-4** Where a nonconforming use status applies to a major structure or structures, or to a major structure or premises in combination, removal, or destruction of the structure shall eliminate the Nonconforming status of the land. Destruction of the structure for the purposes of this subsection is defined as damage to an extent of more than 50 percent of the physical condition at the time of destruction. Upon removal or destruction as set out in this subsection, the use of the land and structures shall thereafter conform to the regulations for the district in which the land is located.

Section 10-6 Nonconforming Structures Unsafe Because of Lack Of Maintenance.

If a nonconforming structure or portion of a structure or any structure containing a Nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, replaced, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 10-7 Special Exceptions.

Uses allowed under a variance or conditional use approval under this ordinance, shall not be considered nonconforming uses in the applicable district, but shall, without further action, be deemed a conforming use in the district.

Section 10-8 Residential Uses Exempted.

- 10-8-1** Nonconforming residential structures (excluding manufactured housing) may be expanded, enlarged, or altered provided no additional dwelling units are created.
- 10-8-2** Destruction of nonconforming structures as provided for in [Section 10-5](#) does not apply to residential structures. Residential structures, excluding manufactured housing, may be rebuilt provided no additional dwelling units are created.

Section 10-9 Nonconforming Manufactured Housing for Residential Uses.

Where a nonconforming manufactured housing structure or structures exists lawfully under this ordinance at the effective date of its adoption or amendment that could not exist under this ordinance by reason of restrictions of the zoning district, area, densities, lot coverage, height, yards, location on the lot or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 10-9-1** If a nonconforming manufactured housing structure or portion of the structure becomes physically unsafe due to lack of repairs or maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, replaced or rebuilt except in conformity with the regulations of the district in which it is located.
- 10-9-2** No existing manufacturing housing structure shall be enlarged, extended, constructed, or moved to another location on the property or structurally altered for any reason.
- 10-9-3** Should such nonconforming manufactured structure or nonconforming portion of the structure be destroyed by any means to an extent of more than 50 percent of its physical condition at the time of destruction, it shall not be reconstructed or replaced.
- 10-9-4** There may be a change in tenancy, ownership, or management of a Nonconforming manufactured housing structure provided there is no such change in the nature or character of such nonconforming use.
- 10-9-5** Manufactured housing for residential uses other than mobile home parks shall not be replaced for any reason.

Section 10-10 Nonconforming Mobile Home Parks.

Where a nonconforming mobile home park exists lawfully and has a current business license from the City it shall be allowed to remain under the following conditions:

- 10-10-1** No additional mobile home stands shall be added to those existing at the time of the effective date of this ordinance.
- 10-10-2** Unsafe because of lack of maintenance. If a mobile home becomes physically unsafe due to lack of repairs or maintenance and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition it shall be ordered to be repaired or replaced within ninety days.
- 10-10-3** No mobile home shall be enlarged, extended, constructed, reconstructed, and moved to another location in the park or structurally altered for any reason.
- 10-10-4** On the effective date of this Ordinance, the existing mobile homes in the park may be replaced but not occupied until the following guidelines are in compliance.
 - (A)** A permit shall be required with a fee as established on the most recent fee schedule on file with the Building Department, per mobile home replaced.
 - (B)** The set up and installation of the mobile home shall be done by a certified installer in accordance with Alabama Manufactured Housing Commission.
 - (C)** A permit shall be required for the electrical service installation with a fee as established on the most recent fee schedule on file with the Building Department.

- (D) A permit shall be required for the water and sanitary sewer service with a fee as established on the most recent fee schedule on file with the Building Department.
- (E) A permit shall be required for the heating and air conditioning with a fee as established on the most recent fee schedule on file with the Building Department.
- (F) Proof of bill of sale and ownership along with the appropriate county license for the mobile home.
- (G) All mobile homes must be underpinned with material approved by the building inspector.

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Article 11: Exceptions and Modifications

Section 11-1 Minimum Required Front Yard For Dwellings.

The minimum required front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on the lots may be less than the required front yard, but not less than the average of the front yards of the mentioned existing buildings.

Section 11-2 Height Limitations.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observations towers, chimneys, smokestacks, conveyors, flag poles, communication and cell phone towers, radio towers, television towers, masts, aerials and similar structures, except as otherwise restricted in the vicinity of airports. See Chapter 6, Buildings and Construction, Article VII: Cellular and other Transmission Towers.

Section 11-3 Planned Unit Development.

- 11-3-1** In the case of a Planned Unit Development, either residential, commercial or industrial consisting of one or more structures designed for occupancy by three or more families or one or more businesses, firms or uses, the developer shall submit to the Planning Commission for approval a plan of development.
- 11-3-2** It is intended to permit, on application and on approval of detailed site, use and building plans, and the creation of new Planned Unit Development (PUD) District where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. Suitably of such tracts for the plans and development proposed for the PUD district shall be determined by the existing and prospective character of surrounding development and by reference to the comprehensive plan.
- 11-3-3** In view of the substantial public advantages of Planned Unit Development, it is the intent of this ordinance to promote and encourage development in this form where appropriate in location and character.
- 11-3-4** Prior to recommending the establishment of a Planned Unit Development , the Planning Commission shall seek the advice and technical assistance of the Building Inspector as to the suitability of such development in the location proposed, and the desired density of dwelling units.
- 11-3-5** A person or firm applying for a zoning amendment to establish a Planned Unit Development District shall be required by the Planning Commission to furnish the following information:
 - (A)** Preliminary plans which include streets, utilities, lots or building sites, site plans, elevations for all major buildings as intended to be located, constructed and used and detailed plans for other uses and improvements on the land as related to the building.
 - (B)** Evidence of provision for operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the development, but will not be provided, operated or maintained at general expense.
 - (C)** A preliminary traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area.

Article 12: Administration, Enforcement, and Penalties

Section 12-1 Administrative Officer.

- 12-1-1 The provisions of this ordinance shall be administered and enforced by the Building Inspector.
- 12-1-2 This official has 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.
- 12-1-3 If the Building Inspector shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for the violations, indicate the nature of the violation and order the necessary corrective action.
- 12-1-4 They shall order discontinuance of illegal uses of land, buildings or structures or of illegal additions, alterations, or structural changes. They may order discontinuance of work being done or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violations of its provisions.

Section 12-2 Building Permit Required.

- 12-2-1 It shall be unlawful to commence the excavation for the construction of any building or other structure, including accessory structures or to store building materials or erect temporary field offices, or to commence the moving, alteration or repair of any structure without the required issuance of a building permit by the Building Department in accordance with the Building Code Ordinance.
- 12-2-2 No building permit shall be issued by the Building Department except in conformity with the provisions of this ordinance, unless a written order is received from the Board of Adjustment in the form of an administrative review, conditional use, or variance as provided by this ordinance.

Section 12-3 Application for a Building Permit.

All applications for a building permit shall be accompanied by a fee according to a fee schedule currently in use by the City and two sets of plans drawn to scale which indicate the following:

- 12-3-1 The shape and dimensions of the lot on which the proposed building or use is to be erected or constructed.
- 12-3-2 The location of the lot with respect to adjacent rights-of-way.
- 12-3-3 The shape, dimensions, and locations of all buildings, existing and proposed on the said lot.
- 12-3-4 The nature of the proposed use of the buildings or land including the extent and location of the use on the lot and existing zoning.
- 12-3-5 The location and dimensions of off-street parking and means of ingress and egress of such space.
- 12-3-6 In the event that a job is started before purchasing a Building Permit, the fee for the project will be doubled.
- 12-3-7 Portable toilets must be placed at the construction site before the time of the first inspection.
- 12-3-8 The requirement of silt fencing will be deemed necessary on a case-by-case basis as determined by the Building Inspector.
- 12-3-9 Any other information which the Building Inspector may deem necessary for consideration in enforcing the provisions of this ordinance.

Section 12-4 Expiration of Building Permit.

If the work described in any building permit has not begun in one year in accordance with the Building Code ordinance, the permit shall expire and be cancelled by the Building Department. Written notice of such expiration and cancellation shall be given to the person(s) affected. These provisions shall also apply if the work authorized by the building permit is suspended or abandoned for a period of one year.

Section 12-5 Zoning Certificate of Occupancy Required.

12-5-1 No land or building or other structure or part erected, moved or altered in its use shall be used until the Building Inspector has issued a certificate of occupancy stating that such land or structure or part is found to be in conformity with the provisions of this ordinance.

12-5-2 Within three days after the owner or his agent has notified the Building Inspector that a building or premises or part is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection and to issue a certificate of occupancy if the building or premises or part is found to conform with the provisions of this ordinance or, if the certificate is refused, to state it in writing with the reasons. If the certificate of occupancy is denied, the applicant may appeal the action of the Building Inspector to the Zoning Board of Adjustment.

Section 12-6 Remedies.

If any building is erected, constructed, repaired, converted, or maintained or any building, structure, or land is used in violation of this ordinance, the Building Inspector or other appropriate authority or any adjacent or other property owner or organization who would be damaged by the violation, may institute an injunction or other appropriate action proceeding to stop the violation.

Section 12-7 Penalties for Violation.

12-7-1 Any person, firm, or corporation who violates the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$50, nor more than \$500 and/or a no more than a six-month jail sentence.

12-7-2 Each day of violation shall be considered a separate offense.

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Article 13: Zoning Board of Adjustment

Section 13-1 Establishment of a Zoning Board of Adjustment.

- 13-1-1** A Zoning Board of Adjustment is established. The board shall consist of five members, each to be appointed for a term of three years except that in the first instance one member shall be appointed for a term of three years, two for a term of two years, and two for term of one year. Thereafter each member appointed shall serve for a term of three years or until his/her successor is appointed.
- 13-1-2** 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.
- 13-1-3** The members of the Board of Adjustment serving on the effective date of this ordinance under a zoning ordinance effective prior to this ordinance shall be considered as the five members to be appointed by the City Council. Each of these members shall serve the balance of the term to which the member was appointed.

Section 13-2 Name

The Zoning Board of Adjustment may be referred to as the Board of Adjustment in this ordinance.

Section 13-3 Meeting, Procedure, and Records.

- 13-3-1** Meetings of the Board of Adjustment shall be held at the call of Chairman and at such other times as the Board of Adjustment may determine.
- 13-3-2** The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- 13-3-3** All meetings of the Board shall be open to the public.
- 13-3-4** The Board of Adjustment shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be public record.

Section 13-4 Appeals, Hearings, and Notices.

- 13-4-1** Appeals to the Board of Adjustment may be taken by any person aggrieved by, or an officer, department, board or bureau of the City of Albertville affected by, a decision of the Building Inspector or any other City officials based on this ordinance.
- 13-4-2** The appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with Building Inspector and the with the Board of Adjustment, a written notice of appeal specifying the grounds.
- 13-4-3** All papers constituting the record upon which the action appealed from was taken shall be transmitted to the Board of Adjustment.
- 13-4-4** An appeal stays all proceedings in furtherance of action appealed from, unless the Building Inspector certifies to the Board of Adjustment after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Building Inspector and on due cause shown.
- 13-4-5** The Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give public notice thereto, as well as due notice to the parties in interest, and decide it within a reasonable time. Upon a hearing, any party may appear in person, or by agent or attorney.

Section 13-5 Powers and Duties of the Zoning Board Of Adjustment.

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

13-5-1 Administrative Review.

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this ordinance.

13-5-2 Variances.

To authorize, upon appeal in specific cases, such variances with 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 practical difficulty or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building or structures in the same district, or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in such individual cases of unnecessary hardship upon finding by the Board of Adjustment that the following conditions exist:

- (A)** There are exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. A personal hardship exists on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the City. A hardship exists only when it is not self-centered, or when is not economic in nature.
- (B)** Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- (C)** A literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- (D)** The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (E)** The special circumstances are not the result of the actions of the applicant.
- (F)** The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- (G)** The variance is not a request to permit a use of land, building or structure which is not permitted in the district involved.

13-5-3 Conditional Uses.

To hear and decide only such conditional uses as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether a conditional use should be granted; and to grant conditional uses with such standards and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the Board of Adjustment unless and until:

- (A)** A written application by the property owner or his/her agent for a conditional use is submitted indicating the section of this Ordinance under which the conditional use is requested.
- (B)** Notice shall be given at least two weeks in advance of public hearing.
- (C)** A public hearing shall be held and a party may appear in person, or by agent, or attorney.
- (D)** The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to grant a conditional use and that the granting of the conditional use will not adversely affect the public interest.
- (E)** The Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangements have been made concerning the following where applicable:
 - (1)** Satisfactory ingress and egress to property and proposed structures with particular
 - (2)** reference to automotive and pedestrian safety and convenience traffic flow and control.

- (3) Provision for off-street parking and loading areas where required, with particular attention to the items in number (1) above and the economic, noise, glare, and odor effects of the special use on adjoining properties in the area.
- (4) Sufficient utilities, with reference to locations, availability and compatibility.
- (5) Buffering with reference to type, location and dimensions.
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- (7) Location, use, plan, elevations and dimensions of each building or structure to be constructed.
- (8) Location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets and sidewalks.
- (9) General compatibility with the adjacent properties and other properties in the district.

Section 13-6 Decisions of the Zoning Board of Adjustment.

- 13-6-1** In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the provisions of this ordinance reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and, to that end, shall have the powers of the Building Inspector.
- 13-6-2** The concurring vote of four members of the Board shall be necessary to reverse the order, requirements, decision or determination of the Building Inspector, or decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

Section 13-7 Appeal from the Decision of the Board of Adjustment.

Appeal from the decision of the Board of Adjustment shall be taken to the appropriate court of record, as provided by law.

Article 14: Definition of Terms

Section 14-1 Purpose

For the purpose of interpreting this ordinance certain words and terms are herein defined. The following words shall, for the purpose of this ordinance, have the meaning herein indicated.

Section 14-2 Interpretation of Commonly Used Words.

- 14-2-1** Words used in the present tense include the future tense.
- 14-2-2** Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
- 14-2-3** The word "person" includes a firm, association, organization, partnership, corporation or trust company as well as an individual.
- 14-2-4** The words "used for" shall include the meaning "designed for".
- 14-2-5** The word "building" shall include the word "structure".
- 14-2-6** The word "lot" shall include the words "plot", "parcel", or "tract".
- 14-2-7** The word "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied".
- 14-2-8** The word "shall" is always mandatory and not merely directory.
- 14-2-9** The word "may" is permissive.
- 14-2-10** The word "map" or "zoning map" shall mean the "Official Zoning Map, City of Albertville.

Section 14-3 Definitions of Commonly Used Terms and Words.

Accessory Use or Structure

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

Administrative Officer

The person appointed by the Governing Body to enforce all provisions of the Zoning Ordinance.

Alley

A public thoroughfare having a narrow right-of-way and affording only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration

- Any addition to the height or depth of a building or structure.
- Any change in the location of any of the exterior walls of a building or structure.
- 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 \$500.00 or when such repairs, renovation, remodeling or rebuilding changes the character of the structure.

Antenna

A device used to transmit and/or receive radio frequency signals.

Assisted Living Facility

A system of housing and limited care that is designed for those who need some assistance with daily activities but do not require care in a nursing home.

Basement

A story partly underground, but having at least one-half of its height above the average level of the adjoining ground.

Bearing Capacity

The safety factor for bearing capacity applies to all structures that have a foundation. A soil bearing capacity is defined as the amount of load a solid can carry without experiencing a shear failure. A minimum safety factor of 3.0 is commonly recommended for bearing capacity.

Boarding House

A building other than a hotel, café, or restaurant where, for compensation, lodging, and meals are provided for three or more persons.

Buffer Strip

A buffer strip consists of a planting strip at least ten feet in width, composed of evergreen trees, spaced not more than ten feet apart, and not less than one row of dense screening shrubs, which are a minimum of 24 inches in height, spaced not more than five feet apart, and are capable of reaching a minimum height of five feet and a minimum spread of five feet within three years of planting. These shall be maintained in a healthy, growing condition by the property owner. If a fence is used as a buffer strip, it must be opaque and ten feet in height.

Building

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

Building Accessory

A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

Building Area

Total building area is the area of the lot covered by all buildings, principal and accessory, but not including the ordinary projections of window sills, belt courses, cornices, eaves, chimneys and other architectural features provided that such features shall not project more than two feet from the building.

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 to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Building Inspector

The person designated by the City to serve as the building inspector for the City of Albertville, who is responsible for the administration and enforcement of this ordinance, unless otherwise noted. Such term shall include the building inspector or their designee.

Building Setback Line

A line parallel to the property line in front of which no structure may be erected.

Building, Principal

A building in which is conducted the main or principal use of the lot on which the building is situated.

Child Care Home

A child care facility which is a family home, which receives on a regular basis not more than six children for care during part of the 24-hour day, and which is licensed and regulated by the Alabama Department of Human Resources.

City Code

The Code of Ordinances of the City.

Conditional Use

A Conditional Use is a use that would not be as appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as conditional uses, if specific provision for such conditional uses is made in the Zoning Ordinance.

Convenience Store

A small-scale retail store that offers for sale a limited line of groceries and household items and may also sell gasoline.

Court

A court is an uncovered outdoor space enclosed on two or more sides by exterior walls of buildings on the same lot. Courts need not be based at or near grade level, depending on their function in buildings, but where a court is overlooked by residential occupancies, limitations on occupancy from the surface of the required court upward shall be provided for in the term "yard."

Development

A parcel of land planned and developed in a unified design, used or set aside and available for use as the site of one or more buildings and accessory buildings, or for any other purpose. A development is not divided by a street, and for the purpose of this article may or may not coincide with a lot of record.

District

Any section of the City of Albertville in which zoning regulations are uniform.

Dog Kennel

A structure used for the harboring of more than three dogs that are more than six months old.

Dwelling

A house, apartment, building or other structure designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling Unit

A building, or portion of a building, designed, arranged and/or used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Dwelling, Multiple-Family

A building arranged to be occupied by three or more families living independently of each other with each unit having separate housekeeping and cooking facilities.

Dwelling, Single-Family

A detached residence arranged to be occupied by one family and having only one dwelling unit.

Dwelling, Two-Family

A residence arranged to be occupied by two families only living independently of each other, the structure having two dwelling units with separate housekeeping and cooking facilities for each.

FAA

Federal Aviation Administration

Garage, Repair

Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

Home Occupation

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

Hotel

A building or group of buildings used by transient guests and containing no cooking facilities in the individual units.

Junk Yard

The use of more than six hundred square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

Launderette

A business premises equipped with individual clothes washing machines for the use of retail customers.

Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot

A lot is a parcel of land. A portion of a subdivision or any parcel of land intended as a unit for transfer of ownership or for development, or both. The word "lot" includes the word "plot" or "parcel."

Lot Area

The area contained within the property of the individual parcels of land shown on a subdivision plat or survey or by county tax records.

Lot Depth

The depth of a lot is the mean distance of the side lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot of Record

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Probate Judge of Marshall County, or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width

The distance between side lot lines measured at the building setback line.

Lot, Corner

A lot which occupies the interior angle at the intersection of two street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which the front is.

Mobile Home

A single-family dwelling unit constructed on a chassis and which has been so designed that it may be occupied and used with or without a permanent foundation. It is intended for year-round occupancy and is equipped with appliances and electrical and sanitary systems that function independently of auxiliary facilities so that only simple utility connections are needed. Removal of wheels or chassis and placing such a structure on the ground, piers or other foundation shall not remove such a unit from this definition.

Mobile Home Park

A parcel of land under single ownership, designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes for non-transient use. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Motel

A building or group of building used by transient guests.

Nonconforming Use

A legal use of a building and/or land that antedates the adoption or future amendment of these regulations and does not conform to the regulations for the district in which it is located.

Offices

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

Open Storage

Storage areas without a roof, whether fenced or not.

Parking Space

A storage space of not less than 9 feet by 18 feet for one automobile, plus the necessary access space. It shall always be located outside the street right-of-way and required side yards.

Planned Unit Development

A tract of land under single, corporation, firm, partnership or association ownership planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

Portable Storage Structure

A transportable storage structure that is designed and used primarily for the storage of household goods, personal items and other materials for use on a limited basis on residential property. Such structures are uniquely designed for their ease of loading to and from a transport vehicle. For the purpose of this ordinance, the trailer portion of a tractor trailer, boxcars and shipping containers shall not be considered portable storage structures.

Professional Office in a Residential Setting

A building or portion of a building that was formerly used as a dwelling or that is designed to resemble a residential dwelling unit, wherein services are performed involving predominately administrative, professional or clerical operations, and wherein no retail trade is carried on and no stock of goods for retail sale are maintained on the premises. This may include medical, optical, and dental offices (excluding overnight care), offices for lawyers, accountants, engineers, surveyors, architects, landscape architects, consultants, professionals whose clientele normally visit on an appointment basis, home child care, or other similar administrative or general offices where there is no retail or wholesale sales, no storage of products, no display of merchandise, and no storage of company vehicles or equipment.

Rooming House

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

Seating Capacity

Number of seats or occupancy permitted in any area as established by the Albertville Fire Marshal in accordance with relevant safety codes.

Sign

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;
- Flags and insignia of any government except when displayed in connection with commercial promotion;
- Legal notices, identification, informational or directional signs erected or required by governmental bodies;
- Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

Stand

An area within the mobile home park which has been improved for a single mobile home as provided in this ordinance.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half

A top floor in which the floor area with eight feet or more of head clearance is less than 50 percent of the floor area of the story next below.

Street

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

Structure

Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings and signs

Use

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

Variance

A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district.

Vehicle

Any device in, upon or by which any person or property is or may be transported, carried or drawn from one place to another, and shall include but not be limited to, motor vehicles, boat trailers, boats, campers, utility trailers, horse trailers, bicycles, carts, tractors or other similar devices.

Yard

An open space other than a court, 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. Ordinary projections of window sills, belt courses, chimneys, cornices, eaves and similar architectural features, and air conditioners or similar appliances, shall not project more than two feet into any required yard, and no support for a roof shall be based in any required yard.

- **Front Yard:** The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building including covered porches and the right-of-way line.
- **Rear Yard:** The yard extending across the entire width of the lot between the main building including covered porches and the rear lot line.
- **Side Yard:** The yard extending along a side lot line, from the required front yard to the required rear yard, between the main building, including covered porches and carports, and such lot line.