CITY OF SMITHS STATION

ZONING ORDINANCE 2011-075

UPDATED
AUGUST 2011

This update reflects Ordinance Number 2006-029 and 2006-032 and amendments by Ordinance Number 2006-032.1, adopted in 2006; and Ordinance Number 2006-032.2, adopted in 2007; Ordinance 2006-032.3, 2006-032.5, 2006-032.6, adopted in 2009; Ordinance Number 2006-032.7, 2006-032.8, adopted in 2010; Ordinance Number 2006-032.9, 2006-032.10, adopted in 2011.

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ZONING ORDINANCE 2011-075

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CITY OF SMITHS STATION
ZONING ORDINANCE NO. **2011-075**

An ORDINANCE in pursuance of the authority granted by Title 11, Chapter 52, Articles 1 through 4 inclusive, of the code of Alabama, 1975 compilation, as amended, to provide for the establishment of districts within the City of Smith Station, Alabama; to regulate within such districts the height, number of stories, size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards and other open spaces, the density of population; and the use of buildings, structures, and land; and to provide methods for the administration and enforcement of this Ordinance and penalties for the violation thereof.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of the City of Smith Station, Alabama as follows:

ARTICLE I. AUTHORITY, PURPOSE, AND SCOPE.

Section 1.01. Statutory Authority

This ordinance has been drafted, subjected to public review, recommended by the Smith Station Planning Commission, and adopted by the Smith Station City Council under the authority of Title 11, Chapter 52, Articles 1 through 4 inclusive, of the Code of Alabama, 1975 Compilation, as amended.

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Section 1.02. Short Title

This Ordinance shall be known as the *Smith Station Zoning Ordinance,* and the Zoning Map which is a part of this Ordinance shall be known as the *Smith Station Zoning Map.*

Section 1.03. Purpose

The specific purpose of this ordinance is to influence the use of property within the City of Smith Station in accordance with Title 11, Chapter 52, Article 1 through 4 inclusive of the Code of Alabama, 1975 Compilation; and generally to implement and support the developmental policies of the City Council of the City of Smith Station, Alabama.

Section 1.04. Applicability and Compliance

The provisions of this ordinance shall apply to all property located within the Corporate boundary of the City of Smith Station. All uses, structures, sites, lots and parcels must be in compliance with the provisions of this Ordinance.

Section 1.05. Minimum Requirements

The provisions of this Ordinance shall be considered minimum requirements to promote the public health, safety, and welfare.

Section 1.06. Conflict With Other Regulations

In any situation in which there is a conflict between the provisions of this ordinance, and those of any statute, or any local law or regulation, the most restrictive of such provisions shall apply and be enforced.

Section 1.07. Severability

If any clause, portion, provision, or section of this Ordinance is held to be invalid by any court of competent jurisdiction, such holding shall not render invalid any other clause, portion, provision, or section.

Section 1.08. Repeal of Conflicting Ordinances

On the effective date of this Ordinance, all other local ordinances or parts of ordinances in conflict or inconsistent with this Ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

ARTICLE II. DEFINITIONS

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Section 2.01. Generally

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and directory

Words and phrases used in this ordinance are defined as follows:

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

Accessory Use. A use customarily incidental to the principal use of a building site or to a building and located upon the same building site with the principal use.

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

Agriculture. The growing or cultivation of crops and/or the raising of animals as a commercial venture or for profit.

Airport. Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft and any accessory structures or uses.

Alley. A public way affording a secondary means of access to the rear or sides of a lot.

Alteration, Altered. Any change, addition or modification in construction in type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girder, or any change which may be referred to as herein as "altered" or "reconstructed".

Amendment. A local legislative act changing a zoning ordinance to make alterations to correct errors or clarify the zoning ordinance.

Animal Hospital. A place where pets are given medical or surgical treatment and short term boarding of pets.

Apartment. A room or suite of rooms used as a dwelling for one family, which does it's cooking therein.

Apartment Building. A building used or intended to be used as a dwelling by four (4) or more families, or as an apartment house.

As-built Drawing. A site plan prepared after completion of construction/installation of the finished project, incorporating field modifications that were made or discovered during construction. The as-built is required to be certified by an engineer or professional surveyor.

Assisted Living Facility. (See Domiciliary Care)

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Auto Repair. A commercial establishment engaged in a wide range of auto mechanical services.

Bank or Financial Service. A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, or similar businesses.

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

Basement. A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities or dwelling purposes.

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

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

Boarding House. A building where, for compensation and by prearrangement, five or more persons other than occasional or transient customers are provided with meals.

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

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

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

Building Inspector. The officially designated building inspector of Lee County, or the authorized representative appointed by the City of Smiths Station.

Building, Office. (*See Office Building*).

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

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

Building Site. The land occupied or to be occupied by a principal building and its accessory buildings and including such open spaces, yards, minimum area, off-street parking facilities and off-street truck loading facilities as are required by this ordinance; every building site shall abut upon a dedicated street for at least thirty (30) feet. Any building site established after the effective date of this ordinance, which occupied only a portion of a lot of record, may be established only in accordance with the requirements of the Subdivision Regulations.

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

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

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

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

Car Lot. A business establishment that deals in the sales of new and used automobiles.

Car Wash. A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory building, and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic, dental or medical. A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery.

Club, Night. The term "night club" shall pertain to and include restaurants, dining rooms or other similar establishments where floorshow or other form of lawful entertainment is provided for guests after eleven o'clock pm E. T.

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

Commercial District (C-1). This District is designed for any retail or commercial venture with the exception of Light Industrial (I-1) or Heavy Industrial (I-2).

Commercial Retail, Enclosed. (*See Retail, General Enclosed*).

Community Center. Buildings arranged for community gathering for social, cultural, or community service purposes, including museums, galleries, and community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of 5,000 sq. ft. or less.

Council. The City Council of Smiths Station, Alabama.

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

Cul-de-sac. A local street, one end of which is closed and consists of a circular turn around.

Day Care/Home. Any place, home or institution which receives six (6) or less young children, conducted for cultivating the normal aptitude for exercise, play, and observation.

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

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

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

Entertainment Indoor. A facility providing indoor amusement or entertainment activities for the payment of a fee or admission charge, including theaters, studio theaters, bowling alleys, dance halls, music and meeting halls, ice rinks, swimming pools, tennis clubs, and other similar uses; excluding adult amusement or entertainment facilities.

Entertainment Outdoor. A facility providing outdoor amusement or entertainment activities for the payment of a fee or admission charge, including ice rinks, swimming pools, tennis clubs, miniature golf, music concerts, driving ranges, and other similar uses; excluding adult amusement and entertainment facilities.

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

Family. Any persons living together related by blood, marriage, adoption or guardianship "plus one". A maximum of 5 unrelated individuals may occupy a single dwelling unit in the same manner and to be the same as any family unit as defined herein provided the occupants are handicapped and defined in Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act Amendments of 1988 and the Alabama Fair Housing Law, Code of Alabama 24-8-1, et seq., or if they are disabled.

Farm. A platted or un-platted parcel of land more than ten (10) acres in area.

Farming. A ten acre or larger tract of land used for the production, keeping or maintenance, for sale or for lease, of plants and animals useful to man, including the following farm activities:

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-Forages and sod crops;
-Grains and seed crops;
-Poultry, including egg production but excluding poultry processing;
-Livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;
-Nursery operations involving the raising of plants, shrubs and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
-Forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting timber growth on the same premises but excluding lumber yards, mills and similar activities;
-Bees and apiary products;
-Fisheries, excluding fish and seafood processing;
-Fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables but excluding food processing

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

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

Foundation/Footprint (Building). The area that falls directly beneath and shares the same perimeter and area of a structure; often slab or grade and enclosed within exterior walls and a roof. This would include all attached apparatus, equipment, and fixtures that cannot be removed without cutting into ceiling, floors, or walls.

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

Funeral Home. A commercial establishment engaged in funeral and undertaking services for human remains. Such building may contain space and facilities for:

a. embalming and the performance of other services used in preparation of the dead for burial;
b. the performance of autopsies and other surgical procedures;
c. the storage of caskets, funeral urns, and other related funeral supplies; and
d. the storage of funeral vehicles.

Funeral homes shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, Public. A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Garage, Private. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garden Center. Retails sales of plants, tree, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools, and equipment and seeds.

Gasoline Service Station. Any building, structure, or land used for retail sales and dispensing of automobile fuels, or oils, may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.

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Grade. The slope of a street, or other public way, specified in percentage (5) terms.

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

Greenhouse. A structure in which temperature and humidity can be controlled for the cultivation or protection of plants.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site, measured the same way.

Health Department. The Lee County Health Department.

Home Improvement Center. A place of business providing building, appliance, yard, and garden materials, tools, and supplies at retail and wholesale.

Home Occupation. An activity conducted for gain within a residential structure that does not alter the residential character of such structure or neighborhood. The business may only employ members of the family residing in the dwelling unit. The exception is when the work is to be done off premises a total of three (3) employees are allowed. The occupation shall be incidental to the residential use of the dwelling unit. The business shall not occupy more than twenty-five percent (25%) of the gross floor area in the dwelling. If the business is found to be in violation of the City of Smiths Station Zoning Ordinance, Business License Ordinance, or any other ordinances, the license shall be revoked and civil and/or criminal penalties may apply. (*Incorporating Zoning Ordinance Amendment 2006-032.5*)

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Hospital. An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient department, training facilities, central service facilities, and staff offices.

Hotel. A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both; the term includes "motel", "tourist home", and "rooming house".

I-1, Light Industrial. This District is intended for a wide range of uses and would accommodate manufacturing, processing, and assembly operations that are relatively small in terms of employment and space requirements and which do not adversely affect surrounding property by generating noise, dust, odor, or glare. Operating and storing within enclosed structures; and, generating little industrial traffic and no nuisances. (*See Manufacturing, Light Page 11*)

I-2, Heavy Industrial. This District is intended for a wide range of uses, including but not limited to, larger scale manufacturing and assembly operations, which tend to rely on substantial inputs of raw materials and components and the subsequent shipment of finished goods. (*See Manufacturing, Heavy Page 11*).

Impervious Surface. A surface that does not absorb or allow for the percolation of water, such surfaces include all buildings, parking areas, driveways, roads, sidewalks, any areas of concrete, asphalt, lumber stacks or similar uses.

Junk Yard. Junk yards shall include any lot or parcel of land on which is kept, stored, bought, or sold articles commonly known as junk, including scrap paper and metal, automobile bodies from which the motors have been removed, and automobiles and parts thereof which are valuable only as junk. One year from the date of adoption of this ordinance, all junk yards, auto salvage or scrap yards shall be surrounded by either a solid fence at least six feet or buffer strip at least five feet wide and six feet high of solid screen

planting within the building lines so that the yard cannot be seen from any public street, and the yard may not be located within 1,000 feet of any residential structure.

Kennel. Any lot or premises on which three (3) or more dogs, four (4) months or older, are kept either permanently or temporarily.

Liquor Store. A commercial establishment for the sale of liquor and other adult beverages for off premises consumption.

Livestock. Domestic animals, such as cattle or horses, raised for food or other products, or kept for home use or for profit, especially farm animals such as meat and dairy cattle, pigs, and poultry. Domestic animals also include sheep, goats, and other such animals.

Loading Space. An off street space on the same parcel of property with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A single unit or parcel of land in the same ownership throughout, with ascertainable boundaries and individual by a street.

Lot Area. Means the extent in square feet of the surface of a lot, but not including any party of the street right-of-way upon which the lot fronts or abuts.

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

Lot Coverage. The percentage of the lot occupied by building or structure, including accessory buildings or structures.

Lot Depth. That means horizontal distance from the front street line to the rear lot line, including front, rear, side, street, or alley lot line.

Lot, double frontage. A lot, which is an interior lot, extending from one street to another and abutting a street on two ends.

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

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Lot, interior. A lot other than a corner lot.

Lot lines. The lines bounding a lot and dividing the lot from other lots, streets, land, or water.

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

Lot lines, rear. Any lot line other than a front or side lot line as defined herein.

Lot lines, side. Any lot line other than a front or rear lot line as designed herein.

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

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

Manufacturing, Heavy. The manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of potentially flammable, toxic or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include concrete plants, brick and tile manufacturing; automobile, truck, and tire assembly; metal casting or foundries; slaughtering of animals; and wood and lumber processing. (*Also see I-2 Heavy Industrial Page 9*)

Manufacturing, Light. The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include but are not limited to: electronic goods, food and bakery products, non-alcoholic beverages, paper imprinting, household appliances, leather products, jewelry and clothing apparel. (*Also see I-1 Light Industrial Page 9*)

Mean. The quantity of measurement having a value midway between two extremes and being near the average where more than two quantities or measurement are involved.

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Medical Facilities:

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

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

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

Mobile Home. A manufactured single-family dwelling unit with or without an undercarriage, axle(s) and wheels, capable of being towed or transported in any manner on a public street, whether or not axle(s) on wheels have been removed, and which meets

the National Manufactured Home Construction and Safety Standards Act (42 USC Section 5401). This definition excludes self-propelled motor homes, recreational vehicles and transport trucks or vans equipped with sleeping space for a driver or drivers.

Mobile Home Park. Any plot of ground on which two or more mobile homes are located for long-term occupancy (for periods of thirty (30) days or more) for use as dwellings. Travel trailers shall not occupy mobile home parks.

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

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

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

New Construction. Any development for which an application for a building permit must be made prior to the initiation of any improvements. Also, in the case of vehicular use paving, any preparation or pavement (asphalt or concrete) of a site intended for any type of vehicular use begun after the effective date of this ordinance.

Nonconforming structure. A building or part thereof lawfully existing on the effective date of this ordinance and which does not conform to all of the regulations of the district in which it is located. A lawful structure is one, which was not illegal pursuant to any comprehensive zoning ordinance heretofore adopted by the City of Smiths Station.

Nonconforming use. A use which lawfully occupies a building or land on the effective date of this ordinance and which does not conform to the regulations of the district in which it is located. A lawful use is one, which was not illegal pursuant to any comprehensive zoning ordinance heretofore adopted by the City of Smiths Station.

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

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

Outdoor market. Any retail business where goods are sold outdoors or under an open structure. Items sold may include vegetables, new and used household goods, personal effects, art work, handicrafts, and antiques, in small quantities on a temporary or limited basis. This use includes indoor flea markets and farmer's markets. Spaces or booths may be rented or leased to individuals for the sale of products.

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

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

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

Patio Home. A detached, single family dwelling, constructed on-site in accordance with the Standard Building Code, which occupies a small lot and has an enclosed yard area with a porch or patio.

Pawn Shop. Any Retail Business which receives goods or merchandise on pawn, holding such commodities for a reasonable term pending repayment, which these goods may be offered for sale.

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Permitted structure. A structure meeting all the requirements established by this ordinance for the district in which the use is located.

Permitted use. A use meeting all the requirements established by this ordinance for the district in which the use is located.

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

Planning Commission. The Smiths Station Planning Commission.

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

Public Land Uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices, and similar land uses; and Federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

Radio Station. Any facility used for the production and transmission of radio broadcasts.

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Recreation Inside A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, fitness centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

Recreation Outside. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities.

Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this Ordinance, is assumed to include also campers and camping trailers capable of being towed by a passenger motor vehicle and motor homes.

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

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

Residential Mobile/Manufactured Single Family Dwelling. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling completed and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Residential Multi-Family Dwelling. A building designed for or occupied exclusively by three (3) of more families living independently and separately of each other, provided that the number of families does not exceed the number of units provided. A building comprised of attached single family units is a multi-family dwelling.

Multi-Family, Duplex. A building designed for or occupied exclusively by two families, with the units sharing a single party wall common to both.

Residential, Single-Family. A detached building so designed and arranged to provide sleeping, cooking and kitchen accommodations, and toilet facilities for occupancy by one family only, together with such domestic help as is necessary to service and maintain the premises and their occupants, can be attached by vertical part wall or detached and separated from any other building except accessory buildings.

Residential Unit. One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

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Retail, General Enclosed. Any commercial business engaged in retail sales of goods and services, including but not limited to rental operations, food sales, department stores, home furnishings sales, appliance stores, gift shops, specialty stores, jewelry stores, cosmetics sales, tobacco stores, drug stores, and similar retail businesses inside an enclosed building. (A Certificate of Occupancy shall be submitted from the Lee County or City of Smiths Station Building Inspector before a business license can be issued).

Restaurant, automobile oriented. Any establishment that is principally involved in the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state and whose method of operation includes one or both of the following characteristics:

(1) The product(s) is normally served in edible containers, paper, plastic, or other disposable containers.
(2) The product may be consumed inside the building, or inside a motor vehicle parked on the premises, or removed from the premises.

Restaurant, Conventional. Any establishment that is principally involved in the sale of food, frozen desserts, or beverages to the customer in a ready to consume state, and whose method of operation includes one or both of the following characteristics:

(1) Customers are normally provided a printed menu, are served by an employee of the restaurant at a table, or counter; the product is served in reusable containers and is consumed inside the building.

(2) A cafeteria-style operation where the food is served in reusable containers and the product is consumed inside the building. The area devoted to food preparation shall be no more that forty-five (45) percent of the total floor area.

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

Right-of-Way. A strip or area of land occupied or intended to be occupied by a crosswalk, railroad, utilities, private, or public ways of access, or other special uses.

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

Salvage Yard. A place of business engaged in the storage, sale, dismantling, or other processing of used or waste materials, such as a junk or automotive salvage yard.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools..

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Self-Storage Facility. A building or group of buildings that contain varying size of individual, compartmentalized, controlled access storage units for purposes of dead storage service to the general public.

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

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

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

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

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

Story, Upper. This term means any story above the first or ground story.

Street. A public right-of-way more than twenty (20) feet in width which provides vehicular access to adjacent properties.

Street Line. The line or boundary separating the public right-of-way from the land or property adjoining.

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Strip Mall. A shopping complex containing a row of various stores, businesses, and restaurants, which usually open onto a common parking lot.

Structure. Anything constructed or erected which requires fixed location on the ground or attached to something having a fixed location on the ground.

Subdivision. The division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale, rent, lease condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

Subdivision Regulation. Regulations governing the subdivision of land providing for the procedure for the preparation of filing of plats, tentative approval of preliminary plats, subdivision of record of final plats, approval of the plat by the Planning Commission, providing for platting regulations and requirements in regard to conformity to the City's Comprehensive Plan, as to streets, alleys, easements, blocks, and lots, to provide penalties for the violation thereof, as promulgated and created by the Planning Commission of the City of Smiths Station.

Television Station. Any facility used for the production and transmission of television broadcasts.

Temporary Structure. A structure without any foundation or footings and that is to be removed in a time period not to exceed thirty (30) days after the designated time period, activity, or use for which it has been approved through the Site Plan Certificate process.

Thoroughfare. Any street, road, expressway, freeway, or highway located within the City of Smiths Station.

Transmission Towers. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, and is intended for use in connection with the transmission or reception of radio or television signals or any other electromagnetic spectrum-based transmission/receptions.

Trailer/RV Park. Any plot of ground on which two (2) or more travel trailers are located for short-term (less than thirty (30) days) occupancy during travel, recreational, or vacation use. Trailer parks shall not be occupied by any travel trailer for thirty (30) days or more or by any mobile home.

Travel Trailer. A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet. For purposes of these regulations, the term includes pickup campers, camping trailers, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles).

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

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

Yard. A required open space unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the building site upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility contained herein, and further provided that:

(1) Ordinary projections of sills, belt courses, cornices, buttresses, eaves and similar architectural features, and necessary mechanical features may project not more than two (2) feet into any yard and;
(2) Open fire escapes may extend not more than three and one-half (3) feet into any yard.

Yard, front. A yard extending the full width of the building site across its front, with required depth measured at right angles to the front street line of the building site.

Yard, rear. A yard extending the full width of the building site across its rear, with required depth measured at right angles to the rear line of the building site.

Yard, side. A yard extending from the rear line of the front yard to the front line of the rear yard, with required width measured at right angles to the adjacent side line of the building site. If no front and/or rear yard is provided, the front and/or rear lines of the building site shall be construed as front and/or rear boundaries of the side yard.

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

ARTICLE III. ZONING AND BOUNDARIES

Section 3.01. Establishment of districts.

In order to carry out the intent and purpose of this ordinance, the City of Smiths Station is hereby divided into the following districts; the location, boundaries, and area of which are and shall be as shown and depicted upon the zone map:

A	Agriculture
R-1	Residential-Single Family
R-2	Residential-Multi Family
R-3	Residential-Single-Family High Density District
R-4	Residential-Mobile/Manufactured Single Family
R-5	Residential-Multi-Family High Density
C-1	Commercial–General
I-1	Light Industrial
I-2	Heavy Industrial

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Section 3.02. Zone Map (See Exhibit A and B)

The Map or maps which are identified by the title "Zoning Map of the City of Smiths Station, and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this ordinance and shall be known as the "zone map" throughout this ordinance.

Section 3.03. District boundaries.

The district boundary lines on the zone map are intended to follow either natural boundaries, streets or alleys or lot lines, and where the districts designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary lines shall be determined by use of the scale appearing on the zone map.

Section 3.04. Purpose and Intent of Zoning Districts.

Agriculture District (A). This district is intended to protect those areas which are agricultural in character and use, and to provide areas for the development of extremely low density residential uses. Development in these areas will be limited to acreage tracts and customary agricultural uses.

Residential – Single Family (R-1) and Residential – Multi Family (R-2) Districts. Both of these districts are low density residential and are intended to provide areas for development of single family dwellings and duplexes, respectively. It is desirable that development in these districts be compatible with the character, scale, and density of the existing neighborhood.

Residential – Single Family High Density District (R-3). These areas are for various types of residential developments, including single family detached, duplexes, cottages, townhouses, patio homes and cluster homes in developments not exceeding six (6) units per acre. Developments in this district should be served by public water and sanitary sewer. These developments should be in context with the scale and character of the existing neighborhood.

Residential, Mobile/Manufactured Single Family (R-4). To allow placement of a mobile/manufactured home on a lot within the city limits.

Residential Multi Family High Density District (R-5). These areas are for densities not to exceed nine (9) units per acre with a minimum lot size of two (2) acres. Developments in this district should be served by public water and sanitary sewer and would include apartment complexes and townhouse communities.

Commercial – General District (C-1). This district is characterized by a broad range of retail wholesale and service uses. This excludes any business that would be determined as industrial in nature.

Light Industrial (I-1). This District is intended for a wide range of uses and would accommodate manufacturing, processing, and assembly operations that are relatively small in terms of employment and space requirements and which do not adversely affect surrounding property by generating noise, dust, odor, or glare. Operating and storing within enclosed structures; and, generating little industrial traffic and no nuisances.

Heavy Industrial (I-2). This District is intended for a wide range of uses, including but not limited to, larger scale manufacturing and assembly operations, which tend to rely on substantial inputs of raw materials and components and the subsequent shipment of finished goods.

Section 3.05. Annexed Property.

Unless otherwise initially classified, any property hereafter annexed to the city shall be classified as A Agriculture.

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ARTICLE IV. GENERAL REGULATIONS

Section 4.01. Generally

The general regulations contained in this Article shall apply in all districts except as specifically provided.

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Section 4.02. Use of land.

No land shall be used except for a use permitted in the district in which the land is located.

Section 4.03. Use of structures.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or structure be used, except for a use permitted in the district in which such building is located.

Section 4.04. Height of structures.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

Section 4.05. Dimensional regulations.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations in the district in which such structure is located.

Section 4.06. Encroachment on or reduction of open spaces, etc.

The minimum yards, parking spaces, and open space, required by this ordinance for each structure existing at the time of passage of this ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this ordinance for the district in which such lot is located.

Section 4.07. Off-street parking and loading

No building shall be erected, converted, enlarged, reconstructed or moved except in conformity with the off-street parking and loading regulations of this ordinance.

Section 4.08. Certificate of Occupancy required

No land or building or other structure or part thereof hereafter erected, enlarged, moved, converted, reconstructed or structurally altered shall be used until the Lee County or Municipality Building Inspector shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of the International Building Code. Within three (3) days after the owner or his agent has notified the Planning and Zoning Administrator or the Municipality, that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Lee County or Municipality Building Inspector to make a final inspection thereof and is found to conform with the provisions of this ordinance, or if such certificate is refused, to state the refusal in writing with the cause.

Before the City of Smiths Station issues a business license, proof that a Certificate of Occupancy has been obtained will need to be provided. No business shall be conducted outside of an enclosed building structure or temporary structure without prior approval from the Smiths Station Planning Commission. If it is discovered that business is being conducted within or outside of any structure that has not been issued a Certificate of Occupancy, the business license can be revoked immediately in the interest of public life and safety.

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Section 4.09. Accessory/Storage buildings.

No accessory/storage building shall be used for dwelling purposes. Accessory/storage buildings shall maintain a setback from the rear and side property lines of a minimum of three (3) feet.

Section 4.10. More than one main building on one lot.

More than one main building may be erected on one lot if the dimensional regulations for each structure or use are met.

Section 4.11. Building material storage.

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in an Agricultural, Residential, or Business Zone District more than one month prior to the commencement of construction.

Section 4.12. Parking or storage of major recreational vehicles.

Major recreational vehicles including house boats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other like vehicles shall not be stored or parked on any required front yard on any lot in a residential district for more than seven (7) days.

Section 4.13. Parking and storage of certain vehicles.

(a) Automotive vehicles without current license plates. *See Ordinance 2008-051 Non-Operating Motor Vehicles.*

(b) Commercial and construction vehicles exceeding 15,000 lbs. G.V.M. shall not be parked or stored in recorded residential subdivisions.

(c) Only one commercial vehicle, not to exceed 15,000 G.V.M., currently licensed and operating is permitted to be parked or stored on the owner/operators property in a recorded residential subdivision.

Section 4.14. Lot width at street line.

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All lots shall have access to a public street.

Section 4.15. Mobile/Manufactured homes and trailers.

(a) Mobile/manufactured homes or trailers may be used for sales offices for outside sales of merchandise such as mobile homes, camping trailers, or automobiles.

(b) The use of mobile/manufactured homes or trailers for other business or industrial uses may be allowed temporarily by special permit issued by the Smiths Station Planning Commission. Said permit to be for a period not exceeding one year,

(c) Compatibility Standards for Manufactured Homes meeting the definition of Dwelling, Single-Family are as follows: Manufactured Homes qualifying as Dwelling, Single-Family shall be compared to site-built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding that the Manufactured Home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to: (1) site-built or other forms of housing which may be permitted in the same general area under this Ordinance or (2) existing development or (3) proposed development in the same zoning district or area. Items subject to compatibility comparison will include the following:

(1) Minimum width. The general shape and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to insure compatibility of site-built houses and manufactured housing.

(2) Roof pitch. Roof overhang: Roofing materials. The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations. The minimum roof pitch shall be 3-12. Any roofing material may be used that will be compatible with other housing in adjacent or nearby areas.

(3) Exterior Finish. Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.

4) Site orientation. Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.

(5) Garages, carports. Garages and/or carports for manufactured homes shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or nearby locations.

(6) Towing devices. All towing devices, wheels, axles, and hitches must be removed, if designed to be removed.

(7) Landings and stairs. At all exit doors, landings and stairs must be provided that meet the minimum International Building Code standards in effect at the time the manufactured home is sited.

(8) Underpinning. The type of material and method used for underpinning shall be consistent with and compatible to the underpinning for site-built houses in adjacent or nearby locations.

Section 4.16. Home repair and remodeling.

All home remodeling, repair, and modification shall be permitted provided that the minimum yard requirements are met for the district involved.

Section 4.17. Keeping of animals.

(a). The keeping of animals, such as household pets, shall be permitted in any district provided that compliance with all State and County law including State and County Health Regulations are maintained.

(b). The keeping of livestock or hoofed animals will be permitted in any zone with a minimum lot size of five (5) acres. The number of animals permitted will be one (1) animal for the minimum five (5) acre base lot size and one (1) animal for each additional acre over the minimum lot size.

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ARTICLE V. USE REGULATIONS

Section 5.01. Introduction.

The Purpose of the regulations in this article is to allow maximum utilization of land while insuring against detrimental impacts on the environment, neighboring properties, and the public interest. This insurance is provided by separating the incorporated area of the City of Smiths Station into zoning districts and permitting specified uses within each, provided that a use meets all additional criteria specified in this ordinance. All permitted, conditional, and non-permitted uses for all the zone districts are shown in the Table of Permitted Uses.

Section 5.02. Use limitations.

Although a use may be permitted according to specified procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all the standards of this ordinance and other applicable codes, ordinances, and regulations.

Section 5.03. Classification of uses.

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This ordinance recognizes the limitations of a finite list of use classifications as utilized in the Table of Permitted Uses. Therefore, the city clerk (or authority designated by the city clerk or planning commission) is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. Appeals of such interpretations may be made to the Board of Zoning Adjustment per Article XIII.

Section 5.04. Unclassified uses.

In the event the City of Smiths Station receives an application requesting the permitting of a use that is not listed or that cannot appropriately fit in a district listed in the Table of Permitted Uses the following procedure shall apply:

A. If compatible with the existing use district intent, the unclassified use may be permitted.

B. If the unclassified use would not be compatible with the intent of the existing use district, the Smiths Station Planning Commission shall make a determination of the most appropriate use district and require the applicant have the property rezoned.

C. Following final action of the unclassified use per above paragraphs, the Smiths Station Planning Commission may initiate an amendment to this ordinance to include the newly permitted use in the Table of Permitted Uses.

Section 5.05. Permitted uses, conditional uses and uses not permitted

Except as otherwise provided by law or in this Ordinance, no building, structure or land shall be used or occupied except in the zoning districts indicated and for the purposes permitted in this section.

A. A use in the Table of Permitted Uses in any district denoted by the letter "Y" is a use permitted by right, provided that all other requirements of state law and this Ordinance have been met and provided that a zoning certificate has been issued in accordance with Article XII.

B. A use listed in the Table of Permitted Uses may be permitted as a conditional use in any district denoted by the letter "C" provided that the requirements of Article XII have been met.

C. If not noted in the Table of Permitted Uses, the use is not allowed.

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Section 5.06. Table of permitted uses (See Section 5.05)

USES	A	R1	R2	R3	R4	R5	C1	I1	I2
Airport	C								
Animal Hospital							Y		
Apartment Building						Y			
Auto Repair							Y		
Bank or Financial Service							Y		
Bar or Saloon							C		
Bed and Breakfast		C	C	C	C	C	Y		
Boarding House							Y		
Camper/Campsite							C		
Campground							C		
Car Lot							Y		
Car Wash							Y		
Cemetery							C		
Church	C	C	C	C	C	C	Y	C	C
Clinic, Dental or Medical							Y	C	C
Club, Night							C		
Club, Country/Private		C	C	C	C	C	C		
Community Center		C	C	C	C	Y	Y		
Convenience Store							Y	C	Y
Day Care/Home	C	C	C	C	C	C	Y	C	

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USES	A	R1	R2	R3	R4	R5	C1	I1	I2
Day Care/Kindergarten						C	Y	C	C
Day Care/Nurseries		C	C	C	C	C	Y	C	C
Entertainment/Indoor							C		
Entertainment/Outdoor							C		
Farming	Y								
Flea Market							C		
Funeral Home							C		
Garden Center							Y		
General Retail Enclosed							Y		
Greenhouse – Commercial	Y						Y		
Heavy Industry									Y
Home Improvement Center							Y		
Home Occupation	C	C	C	C	C	C	C	C	C
Hospital							C		
Hotel/Motel							C		
Junk Yard									C
Kennel	C						C		
Liquor Store							C		
Livestock	Y	C					C		
Manufacturing, Heavy									Y
Manufacturing, Light							C	Y	Y
Medical Facilities, Dental/ Medical							Y		
Medical Facilities, Nursing Home							Y		
Medical Clinic							Y		
Mini-Warehouse							Y	Y	Y
Mobile/Manufactured Home	Y				Y		C		
Mobile/Manufactured Home Park					C			C	
Nursing Home							C		
Office Building							Y		
Outdoor Market							C		
Parking Lot			Y				Y	Y	Y

USES	A	R1	R2	R3	R4	R5	C1	I1	I2
Patio Home		C	Y	C	C	Y			
Pawn Shop							Y		
Public Facility	Y	C	C	C	C	C	Y	Y	Y
Pawn Shop							Y		
Public Facility									
Radio Station							Y	C	C
Recreation Inside	C	C	C	C	C	C	C	C	C
Recreation Outside	C	C	C		C	C	C	C	C
Recreational Vehicle Park							C		
Residential, Mobile/Manufactured Home	Y	C	C		Y		C		
Residential, Multi-Family			Y						
Residential, Single Family	Y	Y	Y	Y	Y	Y	Y		
Restaurant Fast Food						C	Y		
Restaurant Standard Conventional						C	Y		
Salvage Yard									C
School	Y	C	C	C	C	C	C		
Self Storage Facility							Y	C	C
Service Station						C	Y	C	C
Shopping Center			C				Y		
Strip Mall						C	Y		
Television Station							Y	C	C
Transmission Tower	C						Y	Y	Y
Trailer/RV Park							C		
Utilities	C	C	C	C	C		Y	C	C

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ARTICLE VI. AREA AND DIMENSIONAL REGULATIONS

Section 6.01. Introduction

Setbacks, height restrictions, and minimum lot size and width are useful tools in zoning to help maintain standards and separate land uses. Except as provided by Articles XII, and XIII, the area and dimensional regulations set forth in the following table shall be observed.

1.) Lot Coverage-residential: main and accessory buildings shall not cover more than forty (40) percent of the lot area.

Zone	Max. Height Structure		Minimum Yards		Yards Side Yards		Minimum Lot Size	Minimum Lot Width
	Stories	Feet	Front	Rear	Each Side	Total		
Ag	3	50	50	50	50	100	10 Acres	250
R-1	2	30	30	30	10	20	½ Acre	80
R-2	2	50	30	30	10	20	½ Acre	80
R-3	2	30	30	25	8	16	7,500 sq ft.	60 *
R-4	2	30	30	30	10	20	½ Acre	80
R-5	4	50	30	30	10	20	2 Acres	80
C-1	2	50	40	10	10	20	1/2 Acre	60
I-1	4	50	40	10	10	20	1 Acre	60
I-2	4	60	40	10	10	20	1 Acre	80

* *At building line*

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Note: See Section 2 Buffer Requirements.

(a). If public water and sewer are provided the minimum lot size shall be 1/3rd of an acre (14,520 square feet) in area. Where public water is provided and sewer is not, the minimum lot size shall be 1/2 of an acre (21,780 square feet) in area.

Section 6.02. Buffer requirements.

a) Buffers shall be located along all zoning district boundaries or property lines which separate property which is zoned to permit or is currently used for the uses stipulated in the following table. When the zone in the column is developed adjacent to the zone in the row, the zone in the column shall provide the required buffer.

(b) The property owner shall be responsible for maintenance and replacement of all landscaping materials and irrigation systems required by this article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds refuse and debris.

(c) All required buffers shall be irrigated with automatic irrigation systems; except those buffers which are approved as natural buffers shall not require irrigation.

Table 1 Bufferyard Requirements in feet

From / To	A	R-1	R-2	R-3	R-4	R-5	C-1	I-1	I-2
A-Agriculture	0	0	0	0	0	20	0	0	40
R-1 Residential Single Family	0	0	0	0	0	30	20	20	40
R-2 Residential Multi-Family	0	0	0	0	0	20	20	20	40
R-3 Residential Single Family High Density	0	0	0	0	0	30	20	20	40
R-4 Residential Mobile/Manufactured Single Family	0	0	0	0	0	20	20	20	40
R-5 Residential Multi-Family High Density	0	10	10	10		20	20	20	40
C-1 Commercial – General	0	10	10	10		20	0	0	0
I-1 Light Industrial	0	10	10	10		20	0	0	0
I-2 Heavy Industrial	0	10	10	10		20	0	0	0

Section 6.03. Family care and emergency care home.

A. The use shall be conducted within a single family residence.

B. The building shall maintain the exterior appearance of a single family residence, with no separate outside entrances to individual bedrooms.

C. The home shall be sponsored by a public or non-profit organization; all state licensing requirements shall be met.

Section 6.04. Mini-warehouse.

A. No storage space shall exceed 400 square feet in area and one story in height.

B. Each storage space shall be served by a paved driveway with a minimum width of 15 feet for each direction of travel.

C. The entire site shall be enclosed by security fencing of eight feet minimum height and be kept lit with security lighting throughout.

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Section 6.05. Townhouses

A. Subdivision of lots for townhouses shall be restricted to tracts with a minimum site area of at least 9,000 square feet. The maximum density shall be fourteen dwelling units per acre. Not more than eight dwelling units per building shall be permitted.

B. Each townhouse lot shall meet the following dimensional requirements:

- Minimum lot area--interior unit: 2,500 square feet
- Minimum lot area--exterior unit: 4,500 square feet
- Minimum lot width--interior unit: 22 feet
- Minimum lot width--exterior unit 45 feet
- Minimum side yard--end unit: 20 feet
- Minimum rear yard: 20 feet

C. A 300 square-foot fenced or walled private yard area shall be provided on lots of less than 7,000 square feet. Townhouses on lots adjacent to the rear or sides of the development may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.

ARTICLE VII. SITE PLAN REVIEW

Section 7.01. Purpose

Site Plan Review is designed to work in conjunction with the underlying zoning district(s) to conserve and enhance the natural beauty adjacent to and along the City of Smiths Station's roadways, to discourage unsightly development which may tend to mar or detract from the City of Smiths Station's natural beauty; and to exercise such reasonable control over the land within the town as may be necessary to accomplish this objective.

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Section 7.02. Authorization

(a) Site Plan Review neither replaces nor restricts the range of uses allowed in the underlying zoning district or conditional use approval for any property, but provides additional development requirements and standards which must be met by any development on the property. Site plan approval as hereinafter set forth is required prior to the issuance of any building permit for all land uses subject to these regulations where any of the following exists:

(1) A parcel of land proposed for a nonresidential use.

(2) A parcel of land proposed for multi-family residential, condominium, townhouse, or hotel/motel use.

(3) A parcel of land devoted to a nonresidential use or a parcel of land devoted to multi-family, condominium, townhouse or hotel/motel units which use of land or building is proposed to be expanded by twenty-five (25) per cent or more of lot area or building floor area.

(4) A parcel of land where, due to the unique characteristics of the land, surrounding use(s), proposed use or other features of the development, the Smiths Station Planning

Commission determines it to be in the interest of the public health, safety or welfare that such project be subject to the site plan review process.

(b) In accordance with site plan review, notwithstanding the underlying zoning district, no land shall be developed and no building shall be erected or structurally altered except in conformance with the provisions of this Article. The provisions of this Article shall apply in addition to other requirements of these regulations. In case of conflict, the most restrictive provisions shall govern except as otherwise provided in this Article.

(c) Integration of other review procedures. Any development involving the following related provisions of these regulations shall be coordinated as set forth below. 2384 224
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(1) Rezoning. Those developments requiring an action to rezone the property shall have the rezoning approved prior to consideration of a site plan. A rezoning request shall go before the Smiths Station Planning Commission and if the Commission makes a recommendation to approve, the request would then go before the City Council.

(2) Variances. Those developments requiring a variance from any applicable regulation shall have the variance acted upon by the Board of Zoning Adjustments prior to consideration of a site plan by the planning commission.

(3) Conditional Uses. Those developments requiring conditional use approval shall have the conditional use approved by the Smiths Station Zoning Board of Adjustment prior to consideration of a site plan.

(d) Submission requirements. No request for site plan approval shall be considered complete until all of the following has been submitted to the City Clerk:

(1) Application form. The application shall be submitted to the city on forms to be provided by the city. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

(2) Plans and specifications. Each application shall be accompanied by a site plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. A site plan cannot be approved unless adequate information is depicted on the submittal to ensure compliance with the standards of this article and the entire zoning ordinance.

(3) Application Fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the city for the particular category of application. This fee shall be non-refundable irrespective of the final disposition of the application.

(e) Review and Approval. Site plans submitted to the City Clerk fifteen (15) days before the regularly scheduled planning commission meeting will be considered for approval at that meeting.

Section 7.03. Site development requirements.

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(a) Maximum Impervious Surface. The maximum impervious surface of development shall not exceed 70% of the gross area of the site.

(b) Utilities. All on-site utilities shall be located underground unless required by the utility to be otherwise located.

(c) Building Materials. Buildings should be designed to utilize, to the greatest extent feasible, natural building materials such as rock, stone, brick, and wood, which are compatible with the environment. Although building colors are not specified, bright, garish colors are discouraged. Pigmented surfaces should be of earth-tone or natural coloration. No mirrored glass with a reflectance greater than twenty percent (20%) shall be permitted.

(d) Off-Street Parking. Off-street parking shall be determined by the requirements of the underlying zoning district with the further requirement that there shall be allowed only one (1) double-loaded bay of off-street parking parallel to the street. Peninsulas and islands in parking areas shall be as uniformly distributed as practicable to subdivide large expanses of parking area, regulate traffic flow, protect pedestrians, and permit access by emergency vehicles. Landscaped peninsulas and islands shall be placed at ends of parking rows or between the circulation drives and parking rows throughout the development. Other off-street parking may be located at the sides and/or rear of structures. The Smiths Station Planning Commission may vary this requirement as part of site plan approval.

(e) Service Yard. A service yard for the handling of wastes and garbage and loading and unloading of vehicles shall be provided for development subject to this Article. Such service yard shall provide a concrete loading pad, have access to a street or alley, be located to the side or rear of the main structure and be enclosed on three sides with a permanent wall or fence at least six (6) feet tall and adequate to conceal the service yard from visibility.

(f) Exterior Lighting. The intensity, location and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or the public right of way. Light fixtures shall be designed to cast light downward where necessary cutoff devices shall be used to minimize glare off premises. Maximum height for poles on-site shall be sixteen (16) feet for pedestrian ways and plazas and twenty-four (24) feet for parking lots, driveways and roadways.

(g) Storm water Management. Provision shall be made to manage the 1 -year storm event on site through the use of detention/infiltration basins, infiltration strips, and buffers and landscaping.

Section 7.04. Landscaping requirements

(a) Front Yards. A planting screen consisting of a minimum of two (2) staggered rows of evergreen shrubs shall be installed in a landscape strip (10 foot minimum width) between the street and the parking lot. Such shrubs may include, but are not limited to, Ligustrum, Burford Holly, Elaegnus, Boxwood, or Juniper with a minimum height of three (3) feet installed and a maximum spacing suitable to the particular plant used but yet forming an effective visual screen. This planted screen shall, at driveway and roadway intersections, meet adequate sight distance visibility requirements.

(b) Parking Area/Storm water Detention Screening. All parking areas and stormwater detention/retention ponds shall use existing vegetation or installed landscape planting to screen pavement, vehicles and ponds from the roadway and from adjacent properties. This screening may include dense massing of trees in addition to existing native under story vegetation, or shrubs, massing or berms. Topographic changes shall be considered in reviewing this provision.

(c) Interior Parking Area. Any parking area of five (5) or more spaces shall be provided with interior landscaping covering not less than five (5) percent of the total parking area. Such landscaping shall be in addition to all planting within six (6) feet of the building. The primary landscaping materials used in parking lots shall be shade trees. Shrubs and other planting material may be used to complement the shade tree planting, but shall not be the sole component of the landscaping. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

(d) Maintenance. The property owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials, barriers, and irrigation systems as required by the provisions of this Article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse, and debris.

Section 7.05. Traffic requirements.

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(a) Access. Access shall be limited to one driveway per street frontage unless otherwise permitted by the planning commission.

b) Driveway Location. Maximum practical spacing between driveways shall be required. Unless otherwise approved by the planning commission, No driveway shall be located:

(1) Closer than three hundred feet (300') from the nearest adjacent driveway, unless no other access is available to a parcel of land;

(2) Where the sight distance is less than ten times the posted speed limit on the corridor roadway;

3) On the inside radius of a curve; or

(4) Where the roadway grade exceeds seven and one-half percent (7.5%).

(c) Intersections. Minimum spacing between local streets arterial roadways shall be six hundred feet (600') and between collector streets shall be thirteen hundred and twenty feet (1,320'). Improvements to intersections with arterial roadways will be based upon a review of a competent professional traffic analysis.

(d) Median Breaks. The number of median breaks on arterial roadways should be minimized. Future connecting streets should align with median breaks to the greatest extent practicable.

ARTICLE VIII. SIGN REGULATIONS

Section 8.01. General Provisions

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Purpose:
The City of Smiths Station recognizes that signs perform an important function in Identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Article to:

A. Set standards and provide controls that permit reasonable use of signs and enhance the character of the City of Smiths Station.

B. Support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City of Smiths Station, to express the history and character of the City of Smiths Station, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes.

C. Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.

D. Protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City of Smiths Station.

E. Encourage sign design that builds on the traditional town image and visual environment the
City of Smiths Station seeks to promote.

This Article is not intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment of the United States Constitution.

These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and/or installed in every zoning district in the City of Smiths Station, which are designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Article.

Section 8.02. Definitions:
Words and phrases used in this article shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning regulations shall be given the meanings as set forth in such regulations. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Advertising. Sign: A copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Animated or moving sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Awning Sign: A sign copy of logo attached to or painted on an awning.

Banner: Any sign of lightweight fabric or similar material that is temporally mounted to a pole or building at one or more edges. National flags, state or municipal flags or the official flag of any nationally or internationally recognized organization are exempt.

Bench Sign: Copy painted on a portion of a bench.

Billboard: A large sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Building Frontage: See "Main or Entry Façade" definition.

Building Marker: Any sign indicating the name of a building date of construction and incidental information which is cut into a masonry surface or made of bronze or other permanent material.

Building Sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty- five (45) degrees or steeper.

Canopy Sign: Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Copy Sign: A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

City: City of Smiths Station.

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Commercially Developed Parcel: A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Occupant: A commercial use, i.e., any use other than residential or agricultural.

Commission: The City of Smiths Station Planning Commission.

Commercial Sign: When describing the content of a sign, a sign advertising, identifying, directing attention to, or otherwise relating to commerce and to property, goods or services for sale, lease, exchange or any other transaction where value is given or received by any party to the transaction.

Copy: The linguistic or graphic content of a sign.

Development Sign: Any sign, of a temporary nature, used at the entrance to a subdivision, office park, or similar development that indicates lots being sold, the name of the developer, financial institution or other development parties.

Display Area: The area of a sign or advertising device that can be enclosed or measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it, **(See Section 006.04 - Calculation of Display Area).**

Electric Sign: Any sign containing electric wiring.

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Entry Façade: See "Main or Entry Façade" definition.

Erect a Sign: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message (on a reader board) or maintain the sign.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

Frontage: The length of the property line of any one parcel along a street on which it borders.

General Business Sign: Freestanding sign on any individual development site.

Grade Level: The finished elevation of the lot or development site upon which the sign is located.

Illegal Sign: A sign that includes any of the following:

a. A sign erected without first complying with all regulations in effect at the time of its construction or use;

b. A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days.

c. A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rending the display conforming has expired and conformance has not been accomplished;

d. A sign that legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;

e. A sign which is a danger to the public or is unsafe;

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f. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City of Smiths Station; or

g. A sign that pertains to a specific event, and seven (7) days have elapsed since the occurrence of the event.

Illuminated Sign: A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back- lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Main or Entry Façade: Generally the façade or side of the building that faces the public street, road or highway. In cases where the building is oriented in a manner not parallel to the street, the primary entrance façade is used as the main façade.

Marquee: A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Menu Board: A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on site, and is part of a drive-through service, (i.e. fast food restaurants).

Monument Sign: A monument sign is a freestanding sign, a wall with a sign permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick or wood and surrounded with additional landscape plantings. A monument sign shall be no more than twelve (12) feet in height except where further restricted and shall have the lowest portion of its sign face no more than three (3) feet above the ground.

Noncommercial Sign: A sign which is **not** a commercial sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

Nonconforming Sign: An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations.

Off-Premise Sign: A sign containing a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

On-Premise Sign: A sign containing a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Open Letter Sign: A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property, **(See Section 006.04 "Calculation of Display Area").**

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Parapet: That portion of a wall which extends above the roof line.

Painted Graphics: Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks, or other references to the premises or products and/or services offered for sale on the premises.

Pennant: Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

Permanent Sign: A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Pole Sign: A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

Political Sign: A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames; menu or sandwich board signs: balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Projecting Sign: A sign affixed to a building or wall in such a manner that the leading edge extends more than six (6) inches beyond the surface of the building or wall.

Reader Board: Permanent sign containing messages in the form of removable letters or changeable copy. A reader board may be a building sign or an integral part of a freestanding sign.

Real Estate Sign: A sign indicating that a property or any portion thereof is available for inspection, real estate sale, lease, rent, or directing people to a property, but not including temporary subdivision signs. (May not be placed on Right-0f Way).

Roof Line: A horizontal line intersecting the highest point or points of a roof.

Sign: Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "buildings" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign Face Area: The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Subdivision Identification Marker: A sign marking an entrance to a residential subdivision, office park, or industrial park.

Temporary Sign: A sign designed and displayed for a seasonal or brief activity such as, but not limited to, sales, specials, promotions, holidays, auctions, business grand openings, and signs advertising the lease or vacancy of rental units in multiunit residential developments. Symbols, figures, balloons, and other similar items shall be considered temporary signs.

Vehicle Sign: Any sign affixed to a vehicle.

Wall Sign: See Building Sign

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Wind Sign: Any signs, pennants, flags (other than official flags), ribbons, spinners, streamers, captive balloons or inflatable figures, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind and drawing attention to a business, product, service or activity whether it contains a message or not.

Window Sign: Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

Section 8.03. Exempt Signs
Exempt signs are allowed without a sign permit and are not to be included in determinations of the allowable numbers, type and area of signs that require a sign permit. (Nothing in this Section shall exempt an individual, who desires to erect a sign from the necessity of obtaining a building permit, should such be required by the adopted building code.) Signs exempted in this Section must conform to the standards enumerated herein and shall not be placed or constructed so as to create a hazard of any kind.

Address Numbers.
Address numbers used for the purposes of identifying the E-911 address of a residential or non-residential property are exempt providing they are not part of a building or freestanding sign with other commercial or non-commercial messages or images. An address shown as part of a building or wall sign on a non-residential property shall be counted toward the maximum allowable display area. Incidental signs on residential property identifying the house number, street name and resident's name are also exempt.

Banners.

A. Non-commercial Banners. Banners may be utilized for special community events open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations provided:

At least five business days before signs are to be posted, the designated representative of the sponsoring group shall provide a sign installation and removal plan for review by the City Clerk and/or the designee of the Mayor, who shall grant written permission for signs to be posted if the following standards are met:

1. Signs or banners shall be located outside of the public right-of-way of any public street and outside of the sight distance triangle of any intersection.

2. Signs or banners may be posted up to fifteen (15) days before the event and must be removed within seven (7) days following the event.

3. No more than one banner shall be permitted per lot or premises, and in no case shall any banner or sign be located closer than 200 feet from another such sign on the same side of the street.

4. Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.

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B. Commercial Banners. *(See Permitted Signs)*

Community Event Displays.
Temporary decorations, and/or non-commercial signs associated with school activities, school elections, celebrations or commemorations that have significance to the entire community. All displays shall be removed within seven (7) days of the event's completion.

Construction Signs.
Signs used to identify contractors, financial institutions or developers on a site under construction or undergoing modification. Signs are limited to two (2) signs per site and thirty-two square feet in size each. All construction signs shall be removed within 14 days after the Certificate of Occupancy has been issued. In the case of minor modifications not requiring a certificate of occupancy, i.e. tree removal, painting, landscaping, signs are limited to a display period of 30 days. Routine lawn/landscape maintenance is not considered construction activity.

Signs.
Signs used at the entrance to subdivision, office park, or similar development that indicates lots for sale, the name of the developer, financial institution or other development parties. Signs are limited to 32 square feet in size and no more than one sign per development entrance. Signs are to be removed when the original developer sells all lots in the development or phase.

Directional Signs.
A sign that is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property for which its use is intended. No such sign shall display the name of a product, establishment, service or any other advertising other than a logo. Signs identifying public telephones, trash receptacles, first aid facilities, and shopping cart corrals are considered directional signs. No directional sign shall exceed five (5) square feet.

Directory Signs.
A wall-mounted sign, which is not designed or located so as to be legible from any street or adjoining property, listing the businesses, tenants, or activities conducted within a building or group of buildings. Directory signs are limited to one per building and shall not exceed 20 square feet in size.

Hazard/Prohibition/Warning Signs.
Signs warning of construction, excavation, or similar hazards. Signs such as "No Trespassing" and "No Parking" as long as they do not contain logos or text advertising a commercial product or activity.

Help Wanted Signs.
Signs advertising job vacancies for employment opportunities with the business or activity on the property on which the sign is located. Signs are limited to six (6) square feet in size and only one (1) sign shall be allowed per business.

Historic District Celebration Signs.
Signs mounted to light poles or similar upright structures in historic Smiths Station, depicting historic district events or activities and containing no commercial message. Said signs shall be mounted in such a manner that a minimum of eight (8) feet of vertical clearance is provided, and line of sight at intersections and/or driveways entering the roadway is provided.

Holiday Decorations.
Temporary holiday decorations used to celebrate a single holiday or season.

Internal Signs.
Signs not intended to be viewed from public right-of-way and located not to be visible from public right-of-way or adjacent properties, such as signs interior to a shopping center, commercial buildings and structures, ball parks, stadiums and similar uses of a recreational or entertainment nature.

Menu Boards.
A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on site (i.e. fast food restaurants) such as a drive-through menu service. **(See Section 005.02)**

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Nameplates.
A non-electrical sign identifying only the name and occupation or profession of the occupant of a non-residential property on which the sign is located. A nameplate shall not exceed two (2) square feet in size.

Official Signs.
Official federal, state or local government traffic, directional and informational signs and notices issued by any court, person, or officer in performance of a public duty. Also, any sign erected by a federal, state, or local government agency for identification purposes at any office, institutional, recreational, historical or other publicly owned or recognized site.

Official Flags.
Official federal, state, or local government flags. Also, any flags or insignia of a religious, charitable, fraternal, academic, corporate or civic organization shall be allowed as well. Official flags must be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner will be a violation of this Ordinance.

Political Signs.
Political signs are subject to the following requirements:

A. Political signs shall not be erected earlier than sixty (60) days prior to the election date and must be removed within seven (7) days after the election.

B. Political signs are limited in size to no more than thirty-two (32) square feet.

C. Such signs are confined wholly to placement on private property.

D. Pursuant to Section 23-1-6 of the Code of Alabama, it is unlawful to erect or display political signs on any property owned or controlled by the City of Smiths Station property. This shall include public rights-of-way, trees, light poles, sidewalks, streets, benches, fire hydrants, public parks or playgrounds, libraries, fire stations, City Hall, and schools.

E. The regulations of this section do not prohibit the purchase of advertising space on permitted advertising signs in addition to the signs permitted by this section.

F. It is the candidates' responsibility to ensure that the volunteers and sign contractors who distribute and erect political signs during an election are doing so in compliance with this regulation. **Candidates will be held responsible for violations.**

Real Estate Signs.

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A. For Sale Signs.
Temporary signs indicating the property on which the sign is located is for sale, rent or lease. Only one (1) sign is permitted to face each street adjacent to the property.

Maximum allowable sign display area for real estate signs:	
Residential	6 square feet each or a maximum of 12 square feet
Non-Residential	32 square feet
NOTE: All real estate signs shall be located only on the property that is for sale, lease or rent.	

B. Model Homes/Open House.
Temporary signs attracting attention to a model home and/or open house viewing, provided that the aggregate area of such signage is not to exceed 32 square feet.

Vehicle Sign.
Any sign attached to a vehicle or trailer that is used in the normal day to day operation of the business advertised on the vehicle. The primary use of any vehicle or trailer, which contains a vehicle sign, must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work. A vehicle or trailer primarily used for advertising shall not be considered a vehicle or trailer used in the conduct of business and is prohibited.

Section 8.04. Prohibited Signs
It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The signs listed below are expressly prohibited in the City of Smiths Station.

A. Signs that are in violation of the building code or electrical code adopted by Lee County.
B. Beacons and searchlights. (Except on a temporary basis not to exceed seven (7) consecutive days, one time, in a ninety (90) day period.)

C. Flags on commercial property other than official flags.

D. Wind signs consisting of one (1) or more flags, pennants, ribbons, spinners, streamers, captive balloons, inflatable figures or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind (whether the sign contains a commercial message or not). Wind signs exclude holiday or community decorations.

E. Inflatable signs and tethered balloons. (Except on temporary basis not to exceed seven (7) consecutive days, one time, in a ninety (90) day period).

F. A sign that, in the opinion of the City Clerk and/or the designee of the Mayor, does or may constitute a safety hazard.

G. Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic.

H. Any signs, other than official traffic control devices, highway identification markers, warning signs, and other official signs, which are erected within the right-of-way of any street or alley. Any sign that is erected or maintained outside the right-of-way and obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering a street, road, or highway. The Manual on Uniform Traffic Devices for Streets and Highways 2003 edition, standards for sight-distance triangles utilized by Lee County, shall be utilized to determine if a sign is creating an obstruction.

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I. Freestanding signs which project into the public right-of-way.

J. Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and traditional barber poles.

K. Any sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than sixty (60) days, does not maintain a current business license or pertains to a time, event or purpose which no longer applies, shall be deemed abandoned. The removal of a frame of an abandoned sign shall not be required, if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

L. 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, in the event 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

M. Strips or strings of lights outlining property lines, sales area, rooflines, doors, windows, wall edges or other architectural features of a building. This prohibition does not include holiday decorations and community decorations. This prohibition does not include neon lighting on buildings.

N. Signs on public land, other than those erected at the direction or with the permission of a public authority.

O. Signs that emit audible sound, odor, visible matter such as smoke or steam, or involve the use of live animals.

P. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipes, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the City of Smiths Station.

Q. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians; or that illuminate adjacent residential development.

R. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.

S. Signs placed upon light poles, benches, bus shelters, waste receptacles or shopping cart corrals except those which identify the use of the object on which they are placed, i.e. "Cart Return," "Bus Stop."

T. Signs erected on public utility poles, even if they are located on private property other than signs erected by a public authority for public purposes.

U. Signs, other than historical markers or those identifying a natural feature, painted on or attached to trees, rocks, or other natural features.

V. Signs visible from a public right-of-way that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping, caution, the existence of danger, or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.

W. Any sign mounted to the structural roof or applied to the roof including painted signs.

X. Signs projecting above the building roof or parapet line.

Y. Signs that have become deteriorated or damaged to such an extent that the cost of the reconstruction or restoration of said signs is in excess of 50 percent of its replacement value exclusive of foundations.

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Z. Signs lettered in a crude or amateurish fashion.

AA. Signs on any broadcasting or telecommunications tower or any antenna other than appropriate hazard/warning signs.

BB. Vehicles or trailers (operable or inoperable) which contain advertising and are not used in the daily conduct of business.

Section 8.05. Permitted Signs

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Freestanding Signs.
All freestanding signs shall consist of or be covered entirely in masonry, stone, wood, or other decorative surface treatment such that metallic structural elements, including poles, are not visible. For the purpose of this Section, paint of any kind including textured or rubberized paint shall not qualify as a cladding material.

The height of freestanding signs on property lying below the grade of the street shall be taken from the adjacent curb elevation or in the absence of a curb, the street centerline elevation. All other sign heights shall be measured from grade.

Any berming or filling solely for the purpose of locating the sign shall be computed as a part of the sign height. All monument style signs much have a minimum base of one foot (1') in height, covered as described above.

A. General Business Signs.
Freestanding General business signs may be of the monument or pole (elevated) style, and one hundred (100) square feet in area. Elevated signs may be up to thirty (30) feet in height, and monument style signs up to twelve (12) feet in height, on any individual development site, unless specifically allowed or further limited by this Section.

Freestanding signs are limited to one (1) per parcel, unless otherwise allowed by this Section. Such signs shall have a minimum setback of ten (10) feet from any side lot line. (Measured from the edge of the sign face) Reader boards shall be integrated into the structure of the general business sign and count toward the maximum allowable display area. Corner or double frontage lots shall be allowed two (2) signs the combined area of which shall not exceed one hundred-sixty (160) square feet. The area of the two signs may be distributed in any combination not to exceed one hundred (100) square feet on any individual sign.

A summary of the sign requirements for Freestanding General Business signs is shown below

Permitted Sign Area (One Sign)	**Sign Area on Corner Lots (Two Signs)**	**Permitted Sign Height**	**Side Lot Line Setback**
Pole:			
100 sq. ft.	160 sq. ft.	30'	10'
Monument:			
100 sq. ft.	160 sq. ft.	12'	10'

B. Shopping Center Signs.
For the purposes of this Section, the term "Shopping Center" shall be inclusive of "Shopping Centers" and "Neighborhood Shopping Centers". Additionally, for the purposes of this Section, a development site must consist of at least four (4) individual businesses and a minimum of 10,000 square feet of gross building area to be considered a shopping center.

Shopping Centers consisting of between 10,000 and 20,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed one-hundred (100) square feet. Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed 160 square feet.

Shopping Centers consisting of at least 20,000 square feet and less than 65,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 150 square feet. Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed 200 square feet.

Shopping Centers consisting of greater than 65,000 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 250 square feet. Said Shopping Centers lying on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed 350 square feet.

The combined height of the base and sign shall not exceed 30 feet in height for Shopping Centers less than 65,000 square feet of gross building area and shall not exceed 35 feet in height for Shopping Centers greater than 65,000 square feet of gross building area.

All Shopping Center signs shall be set back a minimum of ten (10) feet from any lot line. All shopping center signs shall be supported by a structure constructed of brick, stone or other masonry material, unless otherwise approved by the Planning Commission.

A summary of the sign requirements for Shopping Centers and Large Com Buildings is shown below:

Shopping Center Gross Building Area (sq. ft)	**Permitted Sign Area (One Sign)**	**Permitted Sign Area on Corner Lots (One Sign)**	**Permitted Sign Height**	**Side Lot Line and ROW setback**
10,000 to 20,000	100 sq. ft	160 sq. ft	30 ft.	10 ft.
20,000 to 65,000	150 sq. ft	200 sq. ft.	30 ft.	10 ft.
65,000 and over	250 sq. ft.	350 sq. ft	35 ft.	10 ft.

C. Billboards.
Off-premise signs with a maximum display area of 672 square feet.

Area and Dimensional Requirements: The following area and dimensional regulations shall apply to all billboards:

Minimum Lot Area: Determined by setback requirements

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Minimum Setbacks: Determined by district setback requirements. All billboards must meet the setback requirements of the zone in which they are to be located. No part of the sign, including the sign face, shall extend over a building setback line. In no case shall any billboard sign be less than 10' from any property line measured from edge of sign face.

Movement: Except for the change of messages on a digital billboard there shall be no movement (i.e. video copy etc.) involved with the messages displayed.

Lighting: All lighting of Billboards shall be done in a manner that will not interfere with commuters' vision. The light intensity of Digital Billboards shall be adjusted for daylight and dark so as not to impair commuters' nighttime vision.

Height and Location Restrictions. In regard to the height and citing of all billboard signs, the following regulations shall be observed:

No billboard shall be located closer than 600 feet to any residence.

No billboard shall be located within a 2000 foot radius from another billboard

No billboard shall exceed 45 feet in height as measured from grade. *(See standards above)*

No billboard may be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically to use as a billboard.

No billboard shall be located on or project over any public property, right-of-way, utility easement or drainage easement.

Exposed backs of signs, poles and other support structures must be painted black, dark green or dark brown to blend with natural surroundings and present a more attractive appearance.

Billboards shall only be permitted in areas along the following Roadways:
Highway 431 and 280

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D. Menu Boards.
A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on site (i.e. fast food restaurants) and is part of a drive-through service. Menu boards must be shown on the site plan and noted on the sign permit, but the size does not count against the allowable square footage of a freestanding sign.

E. Subdivision Identification Marker.
A sign marking an entrance to a residential subdivision, office park, or industrial park. A subdivision marker shall contain no advertising other than the name of the residential subdivision, office park, or industrial park and/or the developer. Subdivision markers must be within the perimeter of the subdivision and shall not be located within the public right of way, except for those located in a landscaped traffic island. Subdivision Markers shall meet the following standards:

- Maximum Number: 1 per street front (entrance); 2 sign faces may be used (on either side of entrance) with a wall, fence or other architectural entrance feature.
- Maximum Area: 36 sq. ft. (sign face)
- Maximum Height: 8 ft. (overall structure)
- Permitted for all-residential, mixed use, and non-residential projects of 10 acres or more.
- Limited to name and/or logo.

For subdivision markers located in traffic islands as mentioned above, the following criteria shall apply:

A. The sign must be placed in a designated curbed median.

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B. The sign must be constructed of a durable material such as brick.

C. The developer must indicate the location of sign on a site plan and provide construction details for review and approval.

D. Any utilities involved with construction of the sign, shall be permitted through the Lee County Building Inspections Office.

E. If the sign is ever damaged by natural or human causes, the sign will not be repaired or replaced at the expense of the City, nor shall it be allowed to remain in a damaged condition.

G. The developer's engineer must certify that site distance around the sign meets minimum requirement established by the City.

Maintenance: All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

F. Building (Wall) Signs.

A. Projecting Signs - Projecting signs shall not project into the public right-of-way. Signs projecting over pedestrian ways shall provide a minimum of eight (8) feet vertical clearance. Signs projecting over public alleyways shall provide a minimum of sixteen (16) feet of vertical clearance

B. Shopping Center - When determining the allowable exterior sign area for Shopping Centers and Neighborhood Shopping Centers, where it cannot be determined which facade is the main or entry facade, the longest single exterior elevation of the structure shall be used.

When determining the allowable exterior sign area for an individual business in a shopping center or neighborhood shopping center, where it cannot be determined which facade portion of the individual business is the main or entry facade, the longest single exterior entry facade of the individual business shall be used

When determining the allowable exterior sign area of individual mall shops or other businesses without exterior facades, the interior or entry facade width or the allowable minimum shall be used.

G. Multi-Family Residential Signs.
Permits are required for all signs located on multi-family residential properties. The following requirements apply to multi-family residential sites:

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A. Wall Sign - 32 square feet.
B. Freestanding Sign - 32 square feet.
C. Allow one sign of either type at each entrance from a public street.

H. Home Occupation Signs.
One non-illuminated sign shall be permitted for each approved home occupation provided that the display surface area of such sign does not exceed two square feet in area and that such sign is mounted flat against the wall of the building in which such home occupation is conducted or flat against the wall of the principal structure.

I. Commercial Banners.
Banners may be utilized by commercial establishments provided: At least five business days before signs are to be posted, the designated representative of the business or commercial establishment shall provide a sign installation and removal plan for review by the City Clerk and/or the designee of the Mayor, who shall issue a permit for signs to be posted if the following standards are met:

A. Signs or banners shall be located outside of the public right-of-way of any public street and outside of the sight distance triangle of any intersection.

B. Signs or banners may be posted up to thirty (30) days.

C. Each banner shall require a separate permit, and no more than four (4) permits per calendar year shall be issues for any one commercial establishment.

D. In no case shall any banner be located closer than 100 feet from another such banner on the same site.

E. Exemptions: Each new business shall be allowed one exempt "Grand Opening" banner for up to 30 days from the date of opening, in the place of or in addition to their permanent business sign.

F. Nothing in this provision shall be construed to authorize the posting of such banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.

Section 8.06. Design, Construction, and Maintenance of Signs

Compliance with Building and Electrical Code Requirements.
All permanent signs and the illumination thereof, shall be designed, constructed and maintained in conformity with the applicable provisions of the adopted building code and electrical code of

Lee County. Wherever there is inconsistency between this Ordinance and the building or electrical code, the more restrictive requirement shall apply.

Illumination Standards.

A. Sign lighting shall not be designed or located to cause confusion with traffic signals.

B. Devices that illuminate a sign or signs shall be placed and shielded so that direct light shall not be cast into the eyes of pedestrians, cyclists or motorists entering or using a street, road or highway.

Placement and Clearance Standards.

A. Signs shall be located such that there is at every intersection and driveway clear sight distance for pedestrians, cyclists, and motorists traveling on or entering any street, road, or highway. The Manual on Uniform Traffic Device for Streets and Highways 2003 edition, standards for sight-distance triangles utilized by the Lee County, shall be applied to determine if a sign is creating an obstruction.

B. No sign structure shall be erected that impedes use of any fire escape, emergency exit, or ventilation opening.

C. No freestanding sign shall project into a public right-of-way.

D. No building sign shall project into a public right-of-way.

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Calculation of Display Area.

The display area of a sign or advertising device is measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it.

Where a sign is double facing and only one face can be viewed from a single location on a roadway, the display area shall be the area of one sign face. Where a sign has two (2) or more faces that can be viewed from a single location, the display area of all such faces shall be included in determining the total display area of the sign.

Open Letter sign display area shall be measured by the number of square feet in the smallest rectangle, within which all letters, logos, symbols or other elements of the sign can be enclosed.

When a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, triangle, circle or combination thereof, which will encompass the projected image of the sign and multiplying that area by two (2). The "projected image" is that image created by tracing the largest possible two-dimensional outline of the sign.

Maintenance.

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City of Smiths Station. All signs and their components shall be maintained in good repair, free of rust, peeling, fading, broken or cracked panels, and broken or missing letters. Vegetation must be properly maintained and no condition shall be allowed that would constitute a fire or health hazard. The general area in the vicinity of any sign shall be kept free and clear of any unnecessary or discarded sign materials.

No sign shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds 50 percent of its current replacement cost. Signs which deteriorate to such a condition are deemed to be in violation of this ordinance, and as such must either be removed or improved (if permitted) by the person responsible for maintaining the sign.

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Section 8.07. Permitting and Enforcement/Administration

Permits for Permanent Signs.

A. Applicability. No person shall erect, alter, relocate, repair, replace the face of, or change a sign without first obtaining a permit, except for the following actions which shall not require a permit:

1. Changing the copy, announcement or message on a reader board sign;

2. Cleaning, painting, or comparable maintenance of a sign that does not alter the size, image or message of the sign;

3. Erecting a sign for which a permit is not required in accordance with Section 003. "Exempt Signs" of this Ordinance.

B. Procedure. All sign permits shall be procured in accordance with the following procedure:

1. A written application shall be submitted to the City Clerk and/or the designee of the Mayor for review and processing. The City Clerk and/or the designee of the Mayor, only upon determination that all requisite documentation and fees accompany the application form, will accept the application. The application shall include supplementary information as may be specifically requested by the City Clerk and/or the designee of the Mayor to determine compliance with these regulations.

2. The City Clerk and/or the designee of the Mayor shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.

3. Following review and determination as to conformance with these regulations, the City Clerk and/or the designee of the Mayor shall either approve or deny the application for the sign permit. In case of denial, the City Clerk and/or the designee of the Mayor shall specify the section or sections of these regulations with which the proposed sign is not in conformance.

4. An application may be amended within thirty (30) days of the application date to include additional signs up to the allowable maximum. Additional fees shall be charged if the additional signs exceed the size limitations for fee category. After thirty (30) days, a new sign permit shall be required for any sign constructed and all fees shall be required.

C. Submission Requirements. No request for a sign permit shall be considered complete until all the following has been submitted to the Planning Department.

1. The application form shall be submitted with all required information completed by the applicant. The application form is available at City Hall.

2. Plans and specifications for the proposed sign shall be submitted, drawn to scale, and include the following:

a) Site plan of development site showing location of any freestanding sign(s) including any easements, public rights-of-way, property lines, buildings, sight distance triangles and other signs on the property;

b) Main or entrance façade including linear dimension;

c) Dimensions and elevations (including message) of all signs;

d) Dimensions of any supporting structures;

e) Maximum and minimum height of sign, as measured from finished grade;

f) For illuminated signs, indicate type and placement of illumination;

g) Inventory of number, type, location, and display area of all existing signs on the same property and/or building on which the sign is to be located.

3. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council of the City of Smiths Station for the particular category of application. This fee is nonrefundable irrespective of the final disposition of the application.

4. A sign permit shall be valid for a period of 180 days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

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Section 8.08 Nonconforming, Illegal and Abandoned Signs.

Nonconforming Signs.
A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Smiths Station on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations. A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, however, it shall not be:

A. Structurally changed to another nonconforming sign, but its pictorial content may be changed.

B. Structurally altered to prolong the life of the sign, except to meet safety requirements.

C. Expanded or altered in any manner that increases the degree of nonconformity.

D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Director.

E. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.

F. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

Abandoned Signs.
Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign Structure, which is 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.

Illegal Signs.
The following signs shall be considered to be illegal and a violation of the terms of this article:

A. A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein;

B. A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection;

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C. An abandoned sign.

Upon determination by the City Clerk and/or the designee of the Mayor that a certain sign is illegal, the City Clerk and/or the designee of the Mayor shall act to remedy the violation, which may include:

A. Causing the issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action;

B. The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in

which case the City shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of the City of Smiths Station and shall be subject to the remedies and penalties provided by such ordinance and by state law.

Section 8.09. Variances
It is the explicit intent that this section be enacted to accomplish the purposes as set forth in Section 001 and any variance granted by the Zoning Board of Adjustment (ZBA) would be detrimental to these purposes. Accordingly, the ZBA shall only grant a variance in the case of an extreme hardship. Acts of God and economic conditions shall not be considered hardships for purposes of this section.

ARTICLE IX. OFF-STREET PARKING AND LOADING

Section 9.01. Generally.

After the effective date of this Ordinance, any building erected or enlarged by more than 25 percent of its gross floor area above ground level and any lot used or occupied for any purpose shall comply with the off-street parking and loading requirements set forth herein.

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Section 9.02. Required number of parking spaces

The following number of off-street parking spaces shall be provided on the same lot or on any other parking arrangements would have to be by a special exception approved on a variance.

Type of Use	Number of Required Spaces
Residential	Two (2) spaces per dwelling unit except elderly housing projects have one (1) space per dwelling.
Public and Semi-Public	
Churches and other places of public assembly	One Space for every four (4) seats
Schools	One (1) space for each employee plus one (1) space for each 500 sq. ft. of gross floor space.
Day Care Facilities	One (1) space for each employee plus one (1) space for every five children.
Libraries, Community Center	One (1) space for each center and similar use employee plus one (1) space for each 800 sq. ft. of space.

Clubs, Meeting Halls, etc.	One (1) space for every 100 sq. ft. of gross floor space.
Business Use	
Retail Sales	One (1) space for every 150 sq. ft. of sales area plus one (1) space for every additional 600 sq. ft. of gross floor area.
Outdoor Sales: such as autos, boats , campers	Number of spaces required for retail sales plus one (1) space for every 3000 sq. ft. of exterior area used to display sales items.
Banks, Offices , and Personal Service Businesses	One (1) space for each 150 sq. ft. of gross floor area.
Beauty Parlors, Barber Shops	One and one half (1.5) spaces for each work station.
Doctors Offices, Clinics	One (1) space for each employee (including doctors and dentists) plus three (3) spaces for the patients of each doctor.
Motels, Hotels, Tourist Homes, Lodging Houses, Bed and Breakfast Facilities	One (1) space for each sleeping unit plus one (1) space for each employee on the largest shift.
Restaurants	One (1) space for each table plus one (1) space for each employee on the largest shift.
Service Stations	One (1) space for each pump island.
Auto Repair Facilities, Body Shops	One (1) space for 200 sq ft. of gross floor area plus one (1) space for every 1000 sq. ft. of exterior storage space.
Wholesale Establishments, Warehouses, Storage	One (1) space for every employee plus one One (1) space for every 3000 sq.ft. of gross floor area.
Other Commercial	One (1) space for every employee plus one (1) space for every 300 sq.ft. of gross floor area, but the Planning Commission may require more through site plan review.
Industries	One (1) space for each employee on the largest shift.

Section 9.03. Off-Street Loading/Unloading.
All commercial and industrial uses shall provide adequate off-street space for deliveries, loading and unloading. Such space shall not occupy the yards established by the setback requirements of this ordinance and shall not be the same space used to satisfy parking.

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ARTICLE X. SUPPLEMENTARY REGULATIONS AND MODIFICATIONS.

Section 10.01. Regulations supplemental.
The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this ordinance.

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Section 10.02. Use modifications.

(1) Temporary structures for use incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary building shall be removed upon completion or abandonment of the construction work.

(2) Utility structures, including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distributions of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained or replaced within any district in the City of Smiths Station. This is not to be construed to include the erection or construction of buildings or electric substations.

(3) Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities) needed for operating railroad trains, may be constructed, repaired, maintained or replaced in any district.

Section 10.03. Height modifications.

(1) Chimneys, cooling towers, elevator bulkheads, head houses, fire towers, gas tanks, steeples, penthouses, stacks, tanks, water towers, ornamental towers and spires, or necessary mechanical appurtenances, where permitted may be erected to any height not in conflict with existing or hereafter adopted ordinance of the City of Smiths Station except that where permitted in connection with residential uses such structures shall be limited to a height of twenty feet above the maximum height of structures permitted in that district. The height of wireless telecommunications facilities shall be regulated in accordance with the provisions of Section 9 of this Article.

(2) The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in this district in which located.

(3) Public--semi-public or public service buildings, including but not limited to hospitals, schools and churches, when permitted in a district with height limitations of less than sixty feet, may be erected to a maximum height of sixty feet, provided side yards are increased by one foot for each foot of additional building height above the height limitation for the district in which the building is located.

Section 10.04. Area modifications for lots of record.

Where a lot of record at the time of the effective date of this ordinance had less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Planning Commission to the requirements for the district in which it is located.

Section 10.05. General yard modifications.

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(I) Every part of a required yard shall be open to the sky unobstructed by any structure or part thereof, and unoccupied for storage, servicing or similar use except as provided herein.

(2) Sills, belt courses or ornamental features may project into any yard not to exceed six inches.

(3) Cornices or eaves may project into any required yard not to exceed eighteen (I 8) inches.

(4) Terraces, uncovered porches, underground fallout shelters or ornamental features which do not extend more than five (5) feet above grade may project into a required yard, provided such projections be not closer than two (2) feet to any lot line

(5) More than one multiple dwelling, institutional, commercial or industrial building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations. For multiple dwellings the open space between buildings shall be thirty (30) feet when one or both are two-story buildings, and forty (40) feet when one or both are three or more story buildings.

(6) Where an open space is more than fifty percent surrounded by residential or institutional buildings, the minimum width of the open space shall be at least twenty (20) feet for one story building, thirty (30) feet for two story buildings and forty (40) feet for three or more story buildings.

(7) In a residential district, a private swimming pool shall be enclosed by a fence of not less than four (4) feet in height. No mechanical appurtenance or pool shall be within ten (10) feet of any lot line. Wading pools shall maintain a setback from the foundation of not less than five (5) feet. A diving pool shall maintain a setback from the foundation of any structure of not less than five (5) feet and the setback shall be required to equal the number of feet from the foundation that will equal the depth of the pool. (i.e. a pool with the greatest depth being eight (8) feet shall maintain a setback from the foundation of any structure of eight (8) feet.)

(8) The minimum dimension of a yard upon which any entrance or exit of a multiple dwelling faces shall be twenty (20) feet.

(9) Wherever yards are provided between commercial or industrial structures, they shall have a minimum width of not less than six (6) feet.

Section 10.06. Front yard modifications.

The required front yards heretofore established shall be modified in the following cases:

(1) Where forty percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

(2) Where forty percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:

(a) Where a building is to be erected on a parcel of land that is within one hundred feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings, or

(b) Where a building is to be erected on a parcel of land that is within one hundred feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

(3) Through lots shall provide the required front yard on both streets.

(4) Corner lots shall provide a front yard on each street side. However, the buildable width of a lot of record need not be reduced to less than twenty-eight feet; provided that the side yards shall in no case be reduced to less than that otherwise required for the zone district. No accessory building shall project into the front yard on either street.

(5) Permitted signs attached to buildings may extend into a front yard or the required yard abutting a side street not to exceed eighteen (18) inches.

(6) Service stations pumps and pump islands may be located within a required front yard, but in no case shall the pump centerline be closer than fifteen (15) feet to any street line.

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Section 10.07. Rear yard modifications.

The rear yards heretofore established shall be modified in the following cases:

(1) Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.

(2) Accessory buildings and structures may be built in a rear yard, but such accessory buildings and structures shall not occupy more than thirty (30) percent of the required rear yard and shall not be nearer than three (3) feet to any side or rear lot line, except that when a garage is entered from an alley, it shall not be located closer than seven (7) feet to the alley line.

(3) Where a lot abuts to two (2) streets on either side (not a corner lot) of the property, the driveway or road access used by the resident/owner shall define the front yard – the rear yard setback for accessory structures shall be equal to the side yard setback for the zoning district that the property is located but not less than ten (10) feet.

Note: If a property has established access on both road frontages of the property, the front yard setback for the zoning district shall apply on both sides of the property.

Section 10.08. Walls, fences and hedges.

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A) Purpose
The purpose of this section is to establish standards 1) to encourage the development of visually sensitive functional and pedestrian oriented commercial and residential developments; 2) to recognize that aesthetic and functional design considerations are appropriate in order to protect property values of adjacent properties, enhance property values where development occurs and to ensure that developments contribute to desirable neighborhood and community character.

B) Fences in Residential Zones that are single family and multi-family with four or less dwelling units.

Walls, fences and hedges may be erected, placed, grown, or maintained along the lot line of the property, located within the yards except as provided herein:

(1) No chain link or wire fence shall be allowed in the front yard.
(2) No wall shall be allowed in the front yard except as required for a retaining wall.
(3) No fence or hedge located in a front yard or on a street shall exceed a height of four feet (4).

Exception: Ornamental wrought iron, steel, PVC or aluminum fence that does not obscure view will be permitted to a maximum height not to exceed five (5) feet.

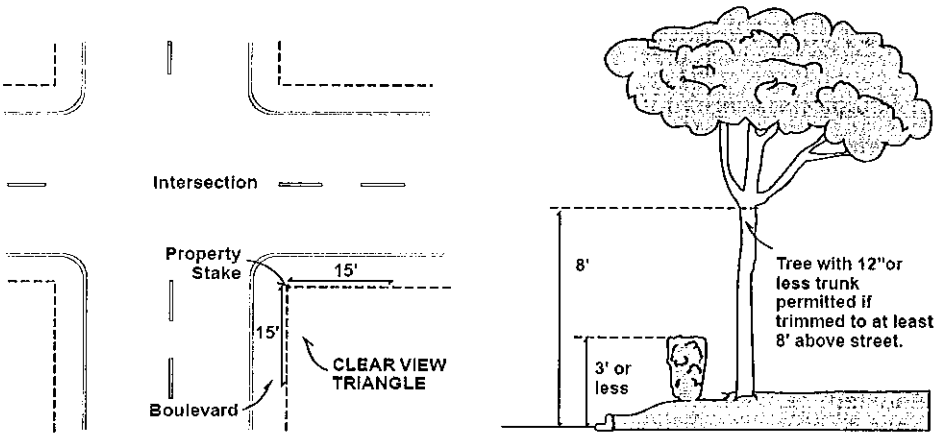
C) Fences in Commercial Zoned Property to include multi-family, condominium and townhouse projects with more than four dwelling units.

(1) Fences, walls and hedges may be erected, placed, grown or maintained to a height not exceeding eight feet and are subject to a commercial design review and approval by the Planning Administrative Department prior to permit issuance. Extra attention shall be given to proposed developments that are located adjacent to existing single family detached developments. This consideration shall ensure that proposed developments minimize impacts onto adjacent, lower density uses.

D) All fences and walls shall require a fence permit: except that no permit shall be required for a fence on land used for farming or forestry and located within the Agriculture District Zone.

E) Intersections – Clear View Triangle Guidelines – On property located at any corner formed by intersecting streets, it shall be unlawful for the owner or occupant to install, set out, maintain or to permit the installation or maintenance of any sign, fence, hedge, tree, shrubbery, natural growth, building, construction or other obstructions to a clear view to a height greater than three (3) feet above the level of the center of the adjacent intersection with the triangle of land formed on the corner of the lot by measuring a distance of 15 feet along each lot line from the street-property line intersection. It is hereby declared that any such installation or construction within the clear view triangle is hereby considered a public nuisance and encumbrance and obstruction to the public streets.

Clear View Triangle Illustrations:



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Section 10.09. Premise identification/addressing

A) Purpose and scope.

The purpose of this section is to establish a uniform methodology for posting building address numbers, assigned by the Lee County 911 System, for clear identification and emergency purposes of locating premises. Where there are four or more dwelling units or sleeping units in a single structure, the provisions of Chapter 11 of the International Building Code for Group R-3 shall apply.

B) Building owner to post and maintain address signs.

The owner of any building or other structure shall maintain the street number of each building and structure in a conspicuous place over or near the principal street entrance, or in another conspicuous place so that the address may be easily seen from the street.

It shall be the responsibility of the owner of any new or existing structure to obtain and post approved letters and/or numbers required by this section.

Numbers and/or letters shall be of a reflective material that is easily legible and shall have a high contrast with the background color. Letters and numbers shall be a minimum of three (3) inches in height and no less than one and a half (1 ½) inches in width.

These regulations are in addition to any required house number posting that is utilized by the United States Postal Service. It is the responsibility of the building/property owner to contact the local post office to obtain the current regulations and comply with the same.

EXCEPTION: Where there are multiple buildings on a site, the administrative department may waive the requirement for posting an address on appurtenant or accessory buildings that have not been assigned a separate address by the Lee County 911 System and the individual identification of each building is not essential.

Where a property has frontage along more than one named street or for any other property where there may be confusion regarding the address of a building or structure, the department may require the complete address, including street number or name to be conspicuously posted.

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Section 10.10. Wireless telecommunications facilities.

A) Purpose
The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The underlying principles of these standards are to: (1) achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities; (2) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities; (3) ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and (4) discourage the proliferation of towers throughout the City of Smiths Station.

B) Definitions

Accessory structure compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices/auxiliary structures are located. The outline of an accessory structure compound shall be accurately defined on a site plan.

Alternative support structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

Antenna. An electromagnetic device which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically this includes "whips," " "panels" and parabolic "dishes."

Antenna support structure. Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four "legs" (self-support/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (See also *tower)*

Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

Concealment Techniques. Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation. *Example:* A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a monopine).

FAA. Federal Aviation Administration

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FCC. Federal Communications Commission.

Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.

Private telecommunications operation. The use of a telecommunications facility to provide communications services internal to the facility owner or to its affiliates, provided that there is no fee charged for or lease of the communication services and provided further that such communication services are only accessory to the principal use of the owner's property on which they are located.

Temporary telecommunications tower. Mobile wireless telecommunications towers mounted upon trailers, operated temporarily. Also known as "cellulars on wheels" (COWs).

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (See also *antenna support structure.)*

C) Procedures

(a) Permit Requirements. *All* wireless telecommunications facilities are subject to the standards contained in this section and will be required to receive a use permit from the City Clerk prior to being granted a building permit. The following facilities are exempt from these standards and from any requirement to obtain a permit subject to this section:

(1) Amateur radio and receive-only antenna owned and operated by a federally licensed radio station operator or used exclusively for receive-only antennas.

(2) Telecommunications facilities for private communication operation less than or equal to seventy five (75) feet in height or mounted on a structure that is accessory to the principal use of the owner's property on which it is located.

(b) *Temporary installations.* Temporary telecommunications towers shall be allowed for a period not to exceed one year with approval from the City of Smiths Station Planning Commission. Requests for temporary use permits for self-supporting towers shall be accepted only for sites that are already approved for a permanent tower structure. An application for a temporary tower may be made simultaneously with an application for a permanent tower. All portions of the temporary self-supporting towers and its support structures, including guy wires, shall fall within the property or compound boundaries that are approved specifically for wireless telecommunications facility use. A temporary tower shall not exceed the height of a permanent tower approved for a particular site. These regulations shall not apply to portable mobile emergency or test tower facilities.

D) Standards for approval

(a) A permit for a wireless telecommunications facility may be approved by the City Clerk only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met.

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(b) Location and Facility Height.

(1) Location and facility height table.

WIRELESS TELECOMMUNICATIONS FACILITIES	***ZONINGS DISTRICTS***				
	A	*R 1*	*R-2*	*C-1*	*C-2*
Alternative support structures	Permitted	Permitted	Permitted	Permitted	Permitted
Co-location antennas	Permitted	Permitted	Permitted	Permitted	Permitted
Use of concealment techniques (antenna support structures of any height)	Permitted	Permitted	Permitted	Permitted	Permitted
Antenna support structures up to 60' in height	Permitted			Permitted	Permitted
Antenna support structures 61' to 200'in height				Permitted	Permitted
Antenna support structures 201' to 260' in height					
Antenna support structures 261' in height or more					

(2) Towers and/or antennas utilizing alter-native support structures shall not exceed 15 feet in height above the existing structure on which they are placed.

(3) "Whips panels," cornucopia horns, and parabolic "dishes" placed on alternative support structures shall not exceed 100 square feet in size.

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(C) Area and Dimensional Regulations.

(1) Minimum Lot Size.

(a) Lot size must conform to the minimum lot size required for the underlying zoning district.

(b) The minimum lot size for any new freestanding wireless telecommunications facility shall be large enough to allow for the antenna support structure and ground-mounted accessory structures of the applicant and the ground-mounted accessory structures at least one additional co-locating service provider.

(c) If only a portion of a parcel is being leased for a wireless telecommunications facility, the lease parcel must be situated within the parent parcel so that the wireless telecommunications facility complies with the applicable antenna support structure setback requirements.

(2) Setbacks.

(a) Wireless telecommunications towers, guys, and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques does not exempt a wireless telecommunications facility from any minimum yard requirements.

(b) Towers (but not guys and accessory facilities) must adhere to additional setbacks indicated in the following table. Tower setbacks do not apply to alternative support structures.

(c) Towers must be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on any adjacent property.

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(D) Co-location.

(1) No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.

(2) Documentation that reasonable efforts have been made to achieve co-location shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing, sites are available for co-location. If the owner of an approved antenna support structure refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.

(3) Antenna support structures less than or equal to 200 feet In height shall have the ability to accommodate at least one additional antenna, unless they would cause the height of the antenna support structure to be increased. Antenna support structures greater than 200 feet in height shall have the ability to accommodate at least two additional antennas.

(4) Co-location is not required if the use concealment techniques is prohibitive to co-location efforts.

(5) The City of Smiths Station may request of the owner/operator of wireless telecommunications facility permission to place weather warning equipment, such as horns and sirens, on a tower of a wireless telecommunications facility, which request may be refused by the owner/operator should such warning equipment interfere with the operation of the wireless telecommunications facility.

(E) Aesthetics. The aesthetic proper-ties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

(1) Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area.

(a) Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

(b) No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
(c) Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are other types of concealment techniques (see *Concealment Techniques).*

(2) Accessory Structures.

(a) The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
(b) In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided in as much as shall be practical.

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(3) Non-vegetative Screening.

(a) Non-vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood In which it is located. In or adjacent to developed properties, non-vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping, Such screening, as required and subject to site plan review, shall have a minimum height of 8 feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non-vegetative screening shall be properly maintained by the property owner or lessor.
(b) In isolated non-residential areas, alternative non-vegetative screening methods may be accepted, such as the use of earth-toned, vinyl-coated steel security fencing.
(c) In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the non-vegetative screening requirement may be reduced or waived.
(d) Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from any buffer requirements.

(4) Landscaping.

a) Landscaping will be required to reduce the visual impact of a compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.

(b) The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least 4 feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived-
(c) A row of trees a minimum of 8 feet tall and a maximum of 10 feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line.
(d) All landscaping shall be of the evergreen variety. All landscaping shall be irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

(F) Lighting.

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(1) Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
(2) Basic security lighting for the compound may be permitted, but shall not include any flashing lights or lights greater than 20 feet in height. This lighting shall be focused only on the compound itself, and shall be directed away from any adjacent property.

(G) Environmental Impact. All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

(H) Safety.

(1) Radio Frequency. The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.

(2) Structural. A Professional Engineer shall certify that all antenna support structure and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the Standard Southern Building Code and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 222-E "Structural Standards for Steel Antenna towers and Antenna

Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.

(3) Security of Site. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be

incorporated into each facility, as needed, to reduce potential for trespass and injury. A sign shall be discretely placed on the outermost structural element which indicates the name and telephone number of a person responsible for the safety and maintenance of the facility.

(4) Access. Provisions shall be made to provide access clearances for emergency vehicles

(I) Maintenance.

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(1) Towers must be properly maintained. Estimated life of structure must be included in submittal information.

(2) Obsolete towers. In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 consecutive days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Town Clerk who shall have the right to request documentation and/or affidavits from the wireless telecommunications facility owner regarding the issue of telecommunications facility usage. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 1 80 days within which to reactivate the use of the wireless telecommunications facility or transfer the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility. At the earlier of 180 days from the date of abandonment with reactivation or upon completion of dismantling and removal, any variance approval for the wireless telecommunications facility shall automatically expire. The applicant shall sign an affidavit to this effect, to be placed on file with the City of Smiths Station.

ARTICLE XI. NONCONFORMING USES

Section 11.01. When continuance of use permitted; change in use.

The lawful use of a structure or the lawful use of land existing at the time of the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same general classification or to a conforming use.

Section 11.02. Structures or premises vacant for one year.

In the event that a structure or premises occupied by a nonconforming use becomes and remains vacant for a continuous period of one year or more, the use of the same shall thereafter conform to the use regulations of the district in which such structure or premises is located.

Section 11.03. Enlargement, etc., of structure or premises.

No Structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use which conforms to the use regulations of the district in which such structure or premises is located; provided, however, that a structure or premises may be physically enlarged, extended, reconstructed or structurally altered to the extent necessary for compliance with any existing and applicable law or ordinance specifying minimum standards of health or safety.

Section 11.04. Enlargements, etc., of nonconforming use.

Nonconforming use shall not be enlarged, extended or expanded unless such use is changed to a use which conforms to the use regulations of the district in which such use is located.

Section 11.05. Structures conforming to district, but not other, regulations.

A structure or building conforming to the use regulations of the district in which it is located but not conforming to any other provisions of this ordinance, may be enlarged, extended or expanded; provided; that such enlargement, extension of expansion conforms to the provisions of this ordinance.

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Section 11.06. Restoration of damaged buildings.

Any nonconforming building or structure damaged or destroyed by any cause may be rebuilt or reconstructed to its original state of nonconformity provided that such reconstruction shall be commenced within one year after the damage occurs.

Section 11.07. Reestablishment of nonconforming use.

Any nonconforming use discontinued because of damage or destruction of a building or premises may be established at its original level of nonconformity provided that the use is resumed within one year of its discontinuance.

ARTICLE XII. ZONING BOARD OF ADJUSTMENT

Section 12.01. Appointment.

A Zoning Board of Adjustment is hereby established. Such Board shall be appointed as provided by Section 11-52-80, Code of Alabama, 1975, or as such may be amended: and, it shall have all powers granted therein.

Section12.02. Procedure.

The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meeting shall be held at the call of the Chairman or,

in his absence, the acting Chairman. He may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the official records of the Board.

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Section 12.03. Administrative review.

The Zoning Board of Adjustment shall hear and decide appeals where it is alleged that an error exists in any order, requirement, decision or determination made by the Administrative Official in the enforcement of this Ordinance.

Section 12.04. Variances.

To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

Section 12.05. Justification.

Variances to the terms of this Chapter may be granted on an individual case by case basis upon a finding by the Zoning Board of Adjustment that the variance will not be contrary to the public interest; and, where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. Another essential factor is that the spirit of the Ordinance shall be observed and substantial justice done. More specifically, the Board shall determine all of the following criteria have been satisfied:

(1) The Board should make proper adjustment to prevent unnecessary hardship, even to the extent of authorizing non-conforming uses. Where a Board authorizes a non-conforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot reasonably be put to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.

(2) Variances should be permitted only under peculiar and exceptional circumstances.

(3) Variances should be permitted only if the ordinance has created an unnecessary hardship. Alabama Statutes require unnecessary hardship for approval of variances.

(4) Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an unnecessary hardship.

(5) When a hardship is self-inflicted or self-created, there is no basis for a claim that a variance should be granted.

(6) Variances should be granted sparingly and in the spirit of this Chapter, in harmony with the spirit of State Law; should be carefully preserved to the end that the structure of this Section would not disintegrate and fall apart by constant erosion at the hands of the Zoning Board of Adjustment.

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Section 12.06. Application for a variance

An application for a variance shall be filed with the Zoning Board of Adjustment at least twenty-one (21) calendar days prior to the scheduled hearing date before the Zoning Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the property owner on a form made available by the City Clerk and shall include the following:

(1) Name, signature and address of the property owner and agent of the property owner, if any.
(2) Address of the property under consideration and parcel identification number.
(3) Zoning and land use of the property under consideration.
(4) Justification for the variance in accordance with the criteria in Section 5.
(5) A vicinity map showing the location of the subject property.
(6) A site plan, drawn to scale showing all dimensions, property boundaries, recorded easements, public rights-of-way, any existing structures, sight distance triangles and proposed development layout (signs and landscape plans included), with the variance noted or highlighted.
(7) The names and addresses of adjacent property owners to include all owners directly across the street from the subject property, as shown on the most recent records of the Lee County Tax Assessor's Office.
(8) *Application fee.* The applicant shall be required to pay an application fee according to the current schedule of fees established by the City for the particular category of application. This fee shall be non-refundable irrespective of the final disposition of the application, plus the cost incurred in notification and publication.

Section 12.07. Public notice required.

At least fifteen (15) days prior to the public hearing, the Planning Commission shall give written notice of the request to all citizens by way of posting the public hearing notice in four (4) conspicuous locations within the city.

At least seven (7) calendar days prior to the scheduled Zoning Board of Adjustment public hearing, the Chairman of the Zoning Board of Adjustment shall give written notice of the variance request to all adjacent property owners, to include all owners directly across the street from the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class, postage prepaid, addressed to such property owners at the addresses as submitted with the variance application by the applicant. Any error in the address of such notices shall not invalidate the giving of notice, provided that no more than five percent (5%) of the total number of notices given contain any such error.

Such notice shall state the following:

(1) The name of the applicant.
(2) The location of the property.
(3) The nature of the variance and applicable zoning provisions.
(4) The time, date and location of the Zoning Board of Adjustment public hearing at which said application is to be heard and considered.

Section 12.08. Application for a conditional uses.

An application for a conditional use shall be filed with the Chairman of the Zoning Board of Adjustment at least twenty-one (21) calendar days prior to the scheduled hearing date before the Zoning Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the property owner on a form made available by the City Clerk.

(a) *Purpose.* It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as conditional uses in these regulations in order to determine the appropriateness of a particular conditional use in a given location.

(b) *Authorization.* The Smiths Station Zoning Board of Adjustment may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the city council reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

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(c) Procedures.

(1) The City Clerk shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Smiths Station Zoning Board of Adjustment.

(2) The Smiths Station Zoning Board of Adjustment shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

(d) *Submission requirements.* No request for conditional use approval shall be considered complete until all of the following has been submitted to the City Clerk:

(1) Name, signature and address of the property owner and agent of the property owner, if any.
(2) Address of the property under consideration and parcel identification number.
(3) Zoning and land use of the property under consideration.
(4) Justification for the conditional use.

(5) A vicinity map showing the location of the subject property.
(6) A site plan, drawn to scale showing all dimensions, property boundaries, recorded easements, public rights-of-way, any existing structures, sight distance triangles and proposed development layout (signs and landscape plans included), with the variance noted or highlighted.
(7) The names and addresses of adjacent property owners, to include all owners directly across the street from the subject property, as shown on the most recent records of the Lee County Tax Assessor's Office.
(8) *Application fee.* The applicant shall be required to pay an application fee according to the current schedule of fees established by the City for the particular category of application. This fee shall be non-refundable irrespective of the final disposition of the application, plus the cost incurred in notification and publication.

(e) *Standards for approval.* A conditional use may be approved by the Smiths Station Zoning Board of Adjustment only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

(1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the City of Smiths Station Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of the City of Smiths Station;

(2) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;

(3) The proposed use shall not unduly decrease the value of neighboring property; and

(4) The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

(f) Conditions and restrictions on approval. In approving a conditional use, the Smiths Station Zoning Board of Adjustment may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any conditional use, the Smiths Station Zoning Board of Adjustment may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Zoning Board of Adjustment may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Zoning Board of Adjustment shall constitute a violation of these regulations. Those conditional uses which the Zoning Board of Adjustment approves subject to conditions shall have specified by the Zoning Board of Adjustment the time allotted to satisfy such conditions.

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Section 12.09. Public notice required.

At least fifteen (15) days prior to the public hearing, the Zoning Board of Adjustment shall give written notice of the request to all citizens by way of posting the public hearing notice in four (4) conspicuous locations within the city.

At least seven (7) calendar days prior to the scheduled Zoning Board of Adjustment public hearing, the Chairman of the Board will give written notice of the conditional use request to all adjacent property owners, to include all owners directly across the street from the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class, postage prepaid, addressed to such property owners at the addresses as submitted with the request by the applicant. Any error in the address of such notices shall not invalidate the giving of notice, provided that no more than five percent (5%) of the total number of notices given contain any such error.

Such notice shall state the following:

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(1) The name of the applicant.
(2) The location of the property.
(3) The nature of the nature of the conditional use requested.
(4) The time, date and location of the Zoning Board of Adjustment public hearing at which said application is to be heard and considered.

Section 12.10. Violations and Penalties

Any person violating any provision of this Ordinance shall, upon conviction, be punished by the imposition of a fine of not more than **$500.00**, or by imprisonment in the acting place of incarceration for not more than six (6) months, or by both such fine and imprisonment, plus costs of court for each offense. Each day a violation continues after notification of such violation has been given shall constitute a separate offense. The conviction for a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

If any building or other structure is constructed, erected, reconstructed, altered, repaired, converted, or maintained; or if any building, structure or land is used in violation of any provision of this Ordinance; the City shall seek an injunction, writ of mandamus, or take other appropriate action or initiate proceedings to stay or prevent occupancy of such building, structure or land.

Action on Appeals.

In exercising the above-mentioned powers, the Zoning Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm (wholly or in part) or modify the order requirement, decision, or determination as to what should be made and, to that end, shall have powers of the Administrative Official from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement decision or determination of the City Clerk or

other administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.

Section 12.11. Appeals - How Taken.

Appeals to the Zoning Board of Adjustment may be filed by any person aggrieved by any officer, department board or bureau of the City affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board by filing with the City Clerk or other administrative official and the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action was appealed.

The Zoning Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

Section 12.12. Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed, unless the City Clerk or other administrative official certifies to the Zoning Board of Adjustment (after the notice of appeal is filed by him) that, by reason of facts stated in the certificate, a stay would, in his opinion, caused imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application, on notice to the City Clerk or other administrative official from whom the appeal is taken and on due cause shown.. Any party aggrieved by any final judgment of the Zoning Board of Adjustment may appeal therefrom to the Circuit Court or court of like jurisdiction as provided by Section 11-52-81, Code of Alabama, 1975, or as same may be amended, within fifteen (15) days from the date of the Board hearing.

Section 12.13. Appeals From The Action Of The Board.

Any party aggrieved by any final judgment of the Zoning Board of Adjustment may appeal therefrom to the Circuit Court or court of like jurisdiction as provided by Section 11-52-81, Code of Alabama, 1975, or as same may be amended, within fifteen (15) days from the date of the Board hearing.

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ARTICLE XIII. ADMINISTRATION

Section 13.01. Enforcement.

The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the Zoning Official, Administrator, or other such official designated by the Smiths Station Planning Commission.

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Section 13.02. Site Plan Certificate.

A Site Plan Certificate shall be required for the construction of any building or for the alteration of any building where such alteration will cause an increase in land coverage or expand an existing building foundation. Any applicant for a site plan certificate shall submit to the Smiths Station Planning Administrator a site plan showing the location of all existing and proposed structures to include their proximity to the property lines so that the zoning official may determine that the construction or alteration conforms to the dimensional and use regulations of the district in which it is located. Also required to be included on the site plan is the location of any on-site septic or propane tanks, driveway access and easements.

Application for a Site Plan Certificate: Major shall require a certified or surveyed site plan prepared by a licensed engineer or professional surveyor. This would include any residential dwelling new construction, addition to existing residence foundation and in ground swimming pools.

An as-built drawing will be required thirty (30) days after completion of the construction.

This Site Plan Certificate shall be required before any building permit application can be approved and permit issued by the Lee County Building Department.

ARTICLE XIV. AMENDMENTS AND CHANGES

Section 14.01. Requirements for change

Whenever public necessity, convenience, general welfare or good zoning practice warrants such action, the City Council may amend, supplement, modify or repeal the regulations or zoning district boundaries herein established, however no amendment shall be considered unless it is first submitted to the Smiths Station Planning Commission for review and recommendation.

Section 14.02. Petition for or initiation of change

A proposed change of the zone district boundaries or of the regulations may be initiated by the Smiths Station Planning Commission, or by petition of one or more owners or authorized agents of such owners of property within the area proposed to be changed.

Section 14.03. Action on petition and/or Request for Re-Zoning

Any proposed amendment, supplement, modification, or repeal shall be submitted to the Smiths Station Planning Commission for its consideration at least twenty-one (21) calendar days before the regularly scheduled Planning Commission meeting

Section 14.04. Public Notice.

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Request for Re-Zoning:

At least fifteen (15) calendar days prior to the scheduled Smiths Station Planning Commission public hearing, the Chairman of the Planning Commission shall give written notice of the proposal to all citizens by way of posting the public hearing notice in four (4) conspicuous locations within the city.

At least seven (7) calendar days prior to the scheduled Smiths Station Planning Commission public hearing, the Chairman of the Planning Commission shall give written notice of the proposal to all adjacent property owners as well as those property owners within two hundred (200) feet of the subject property in the case an application for a Request for Rezoning is received. Such notice shall be deemed given when deposited in the United States Mail, first class, postage prepaid, addressed to those property owners at their addresses submitted by the applicant at the time application was made. Any error in the address of such notices shall not invalidate the giving of notice, provided that no more than five percent (5%) of the total number of notices given contain any such error.

Such notice shall contain the following:

(1) Name of the applicant.
(2) The location of the subject property.
(3) The current zoning of the property and the proposed zoning.
(4) The time, date and location of the Smiths Station Planning Commission public hearing.

Posting Notice on Property. A public notice sign(s) will be provided by the City. It will be the responsibility of the applicant to erect and maintain the notice for not less than fifteen (15) calendar days prior to the date of the public hearing. The public notice sign must be placed on all street frontages within ten (10) feet of the property line for proper notification of adjacent property owners. Tabled applications shall be required to post notice before being heard by the Planning Commission.

Petition or initiation of Change: At least fifteen (15) calendar days prior to the scheduled Smiths Station Planning Commission public hearing, the Chairman of the Planning Commission shall give written notice of the proposal or any proposed amendment to the existing and approved Zoning Ordinance to all citizens by way of posting the public hearing notice in four (4) conspicuous locations within the city.

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Section 14.05. City Council Action on Amendments.

Planning Commission Recommendation to City Council: Should the Planning Commission recommend the rezoning amendment or any proposed amendment to the existing and approved Zoning Ordinance to the City Council, the proposed ordinance (in its entirety) and notice of the scheduled City Council Public Hearing will be published in four (4) conspicuous locations within the city at least fifteen (15) calendar days prior to the public hearing before the City Council. Such notice shall further state that, at such public hearing, all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment. However, if there is no newspaper of general circulation published within the City, the City Council must cause the synopsis only to be posted in four (4) conspicuous locations within the City. Until these publication requirements have been met, no adoption of a zoning ordinance or amendment thereto shall be valid.

At least seven (7) calendar days prior to the scheduled City Council public hearing for a request for rezoning, the City Clerk shall give written notice to all adjacent property owners of the second public hearing date. Such notice shall be deemed given when deposited in the United States Mail, first class, postage prepaid, addressed to those property owners at their addresses as submitted by the applicant at the time application for rezoning was made. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five percent (5%) of the total number of notices contain any such error.

Upon passage by the City Council, the approved and adopted ordinance must again be published in the same manner as all municipal ordinances, subject to the provisions of Section 11-45-8 of the Code of Alabama. It will be legally advertised in its entirety to all citizens by way of posting the ordinance in four (4) conspicuous locations within the city for a period of five business days, certified by the City Clerk before recording in the Office of the Probate Judge of Lee County. However, if the City Council makes substantial changes in the Ordinance as first advertised, the City Council should hold another public hearing after giving notice as described herein.

Section 14.06. Limitations on Rezoning Requests.
Should the City Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Smiths Station Planning Commission, until a period of six (6) months has elapsed from the date of such action by the City Council. Further, a withdrawal of the application for rezoning after the hearing held by the Smiths Station Planning Commission, but prior to the public hearing held by the City Council, shall also require a six (6) month time period before another application may be submitted.

Section 14.07. Fees.
A schedule of applicable fees for site plan and subdivision approvals, zoning certificates, and other permits and public hearings required under the terms of this Ordinance shall be established by the City Council by separate resolution. Such fee schedule shall be computed so as to recover all of the costs incurred by the City in reviewing and processing such actions, and shall be subject to revision as deemed necessary by the City Council.

Section 14.08. Severability Clause
If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter.

Section 14.09. Zoning Ordinance 2006-029 and 2006-032 and amendments by Ordinance Number 2006-032.1, adopted in 2006; and Ordinance Number 2006-032.2, adopted in 2007, 2006-032.3, 2006-032.5, 2006-032.6, adopted in 2009; Ordinance Number 2006-032.7, 2006-032.8, adopted in 2010; Ordinance Number 2006-032.9, 2006-032.10, adopted in 2011 are hereby repealed and any references to these ordinances in the City Code shall be considered as references to Ordinance Number 2011-075.

NOW THEREFORE the City Council adopts and approves this Zoning Ordinance on the 9th **day of** August**, 2011**

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Mayor LaFaye Dellinger

ATTESTED:

Jerry Bentley, City Clerk

(SEAL)

CITY OF SMITHS STATION, ALABAMA CITY SEAL

City of Smiths Station, Alabama

ORDINANCE 2011-075

CERTIFICATION

I, Jerry F. Bentley, City Clerk of the City of Smiths Station, Alabama hereby certify the attached to be a true and correct copy of the ordinance adopted by the City Council of Smiths Station, Alabama at the regular meeting held on **August 09, 2011** as same appears in minutes of record of said meeting, and published by posting copies thereof on **August 10, 2011** at the public places listed below, which copies remained posted for five business days (through **August 17, 2011**).

City Hall	2336 Lee Road 430	Smiths Station, AL 36877
Rainbow Foods	2461 Lee Road 430	Smiths Station, AL 36877
Terry's Grocery,	9309 Lee Road 246	Smiths Station, AL 36877
U.S. Post Office,	2720 Lee Road 430	Smiths Station, AL 36877

Jerry F. Bentley, City Clerk

(SEAL)

CITY OF SMITHS STATION, ALABAMA CITY SEAL

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