NORTHPORT
ZONING ORDINANCE

ADOPTED: APRIL 2, 2012

NORTHPORT, ALABAMA

AS AMENDED THROUGH: DECEMBER 2020

NORTHPORT
ZONING ORDINANCE

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Jay Logan, District 2
William Tunnell, District 3
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Bob Hale
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Bruce Higginbotham
Rex Veron
Emanuel Jenkins
Jerry Pruitt
Bart Harper

ADMINISTRATION

Scott Collins, City Administrator
Charles Swann, City Engineer
Brooke Starnes, Assistant City Engineer
Larry Ingram, Director Public Works
Ron Davis, City Attorney
Katherine E. Ennis, Director Planning & Inspections

SPECIAL THANKS TO

Brandi Hambright, Administrative Assistant
Flora Gay, Zoning Administrator
Josh Cameron, Mapping
Rex Veron, Graphics

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ORDINANCE NO. 1779

AN ORDINANCE in pursuance of the authority granted by Title 11, Chapter 52, Articles 1 through 4 inclusive, of the Code of Alabama 1975, As Amended, to provide the establishment of districts within the corporate limits of the City of Northport, Alabama; to regulate within such districts the height, bulk, number of stories and size of buildings and other structures, the percentage of lot that may be developed, the size of yards and other open spaces, the density and distribution of population and the use of buildings, and structures. Further regulated is the use of land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, water supply, sanitation, protection against floods, public activities, and other purposes, creating districts for said purposes and establishing the boundaries thereof. Provisions are further provided for changes in these regulations, restrictions and boundaries for above mentioned districts.

Said Ordinance shall repeal all existing Zoning Ordinances and provide methods for administration 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 Northport, as follows:

ARTICLE I. TITLE, PURPOSE AND JURISDICTION.

Section 100. Title. This Ordinance shall be known as and may be referred to as the "Northport Zoning Ordinance," and includes maps of the City that depict the boundaries of zoning districts.

Section 101. Legislative Intent.

In enacting the Zoning Ordinance, special notice has been taken of the fact that the goals of citizens and landowners of Northport often conflict or compete. In the light of this situation, the first consideration has been to devise technical solutions, which minimize or eliminate conflicts.

This Ordinance has been designed to protect and accommodate both competing interests. This has inevitably, and properly, led to some form of compromise. In arriving at these compromises, every possible consideration has been given to the public interest, individual property rights, and externalities. While compromise implies mutual concessions or losses, it also implies – and this Ordinance has been designed to provide – mutual gains and benefits. It is the goal of this Ordinance that both the burdens and the benefits it implies are rationally and fairly distributed among the citizens and property owners of Northport.

Every effort has been made to make uses a matter of right subject to performance criteria capable of nondiscretionary, objective administrative evaluations, thus reducing the number of times that rezoning decisions need be made. This greatly increases the potential uses or choices available to individual property owners. The rezoning decisions that conventional zoning ordinances frequently necessitate appear to reduce the certainty of protection to neighbors and to increase the potential for adverse impacts to Northport. This Ordinance contains performance criteria intended to insure that neighbors are protected from adverse impacts. The Ordinance also contains performance criteria to protect the community's general welfare. Zoning districts are few in number, and each has a clearly different purpose. The districts are sized to be adequate to handle Northport's long-term needs and must be regularly updated as time passes. Where performance criteria severely limit the use of properties, the Ordinance has gone to considerable extremes to provide the landowners with a range of choices, flexibility, and options for development.

Section 102. Purpose.

The purpose of this Ordinance is the promotion of the health, safety, and general welfare of the present and future inhabitants of Northport by:

A. Providing methods to preserve and maintain a healthful environment for the benefit of present and future generations by providing standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.

B. Controlling and regulating the growth of Northport, concentrating development in areas where adequate sewerage facilities, roads, and schools can be provided, and limiting development in areas where these facilities are not and should not be provided.

C. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.

D. Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the region's housing needs.

E. Lessening the danger of congestion of traffic on the roads and highways, limiting excessive numbers of intersections, driveways, and other friction points, minimizing other hazards, and insuring the continued usefulness of all elements of the existing highway system for their planned function.

F. Securing safety from fire, panic, flood, and other dangers.

G. Providing adequate privacy, light, and air.

H. Securing economy in local governmental expenditures.

I. Conserving property values throughout Northport.

J. Protecting landowners from adverse impacts of adjoining developments.

K. Dividing the incorporated area of Northport into districts according to the use of land and buildings, the intensity of such uses (including bulk and height), and surrounding open space.

Each purpose listed above serves to balance the interest of the general public of Northport and those of individual property owners. Decisions made through the application of this Ordinance shall be made in conjunction with the Northport Comprehensive Plan.

Section 103. Jurisdiction.

This Ordinance shall apply to all areas within the corporate limits of the City of Northport, Alabama.

ARTICLE II. DEFINITIONS

Section 200. Purpose. It is the purpose of this Article to define words, terms, and phrases contained within this Ordinance.

Section 201. Word Usage.

In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

A. Words used or defined in one tense or form shall include other tenses and derivative forms.

B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.

C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

D. The word "shall" is mandatory.

E. The word "may" is permissive.

F. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.

G. The word "Northport" means The City of Northport, Alabama.

H. The words "governing body" refer to the City Council of Northport.

I. The words "Planning Commission" shall mean the Northport Planning Commission.

J. The word "Board" refers to the Board of Zoning Adjustment of the City of Northport.

K. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

L. The word "permitted" refers to uses with the designation "P" as shown in Table 4-1.

M. The word "conditional" refers to uses with the designation "C" as shown in Table 4-1.

N. The words "Planning Director" or "Director" shall refer to the Director of Planning & Inspections.

Section 202. Abbreviation.

The following abbreviations are used in this Ordinance and are intended to have the following meanings:

FAR:	Floor Area Ratio
ISR:	Impervious Surface Ratio
OSR:	Open Space Ratio
ADT:	Average Daily Traffic
AC:	Acre
LUI:	Land Use Intensity

Section 203. Definitions.

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

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

Access: Any means of ingress/egress to a parcel of property for pedestrians and/or vehicles.

Access, Legal: The form of access which qualifies a development site for a building permit or certificate of occupancy, attesting that such property is legally accessible from a public street by means of direct road frontage, or a recorded easement across one (1) or more intervening properties. (See Section 1006).

Accessory structure: A detached subordinate structure or building, located on the same lot as the principal structure, the use of which is clearly incidental to that of the principal structure. ***(See Figure 1)***

Accessory use: A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot, in the same zoning district and under the same ownership in all respects.

Alcoholic Beverages: Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquors, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes which contain one-half of one percent of alcohol by volume and shall include liquor, beer, and wine, both fortified and table wine.

Alley: A thoroughfare either used or shown on any recorded description of the subject parcel(s) which is at a minimum not more than 20 feet wide and which affords only a secondary means of access to abutting property.

Alteration/Altered: Any addition to the height, width, or depth of a building or structure; or any change in the location of any of the exterior walls. A building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of 50 percent of its fair market value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

Antenna: Electronic devices, whose purpose is to receive or transmit signals directly from ground-based sources, which are freestanding or mounted on a structure.

Apartment: A building designed for occupancy by three (3) or more families living independently of one another.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Section 1109.

Applicant: One (1) individual who is duly authorized to submit development plans for review, request variances or changes in zoning classification, and apply for any form of development approval with respect to a development site. An applicant may be the property owner(s), or any person having written authority from the property owner(s). This written authority shall be provided in any form that the Planning Director determines to be appropriate.

Arterial Roadway: A roadway which typically has a relatively high traffic volume with traffic signals at major intersections. The primary function of arterials is rapidly moving traffic.

Assisted Living Facility: A special combination of housing, support services, and personalized health care designed to assist individuals needing help with daily living activities

Attic: The non-habitable part of a building immediately below, and wholly or partly within, the roof framing.

Basement: The lowest habitable story of a building usually below, or partially below, ground level.

Bed and Breakfast Inn: A private, owner-occupied business with 4 to 20 guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business.

Bedroom: A room marketed, designed, or otherwise likely to function primarily for sleeping.

Bufferyard: A unit of land, together with a specified type and amount of planting thereon, and any fence, wall, or berm which may be required between land uses to eliminate or minimize conflicts between them.

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, plant materials, or property of any kind. The term is inclusive of any part thereof.

Building, Accessory: See Structure, Accessory.

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

Building Envelope: Designated area within a lot, as shown on a subdivision plat for zero lot line, single family attached, and twin house development, wherein all principal and accessory structures (including swimming pools) will be built, except fences and/or walls enclosing yards or patio areas.

Building Frontage: The exterior wall of a building that faces a front lot line of the lot.

Building Height: See Height of Structure.

Building Line: A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or this Ordinance.

Building Line, Front: A line, generally parallel to the front lot line, which passes through the most forward point of the principal structure.

Canopy: A roof-like cover extending over a pedestrian way or right-of-way as a shelter or shield. This definition shall include the term "awning" and shall apply regardless of the materials used in its construction.

Carport: An unenclosed and covered space for the private use of the owner or the occupant of a principal building and situated on the same lot as the principal building, intended for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature.

Carrier/Provider: See Wireless Communication Service Provider.

Cellar: An uninhabited room used for storage, usually beneath the ground or under a building.

Certified Survey: Scaled drawing of a parcel or lot, showing property lines, dimensions, building locations, and other features of the property, which has been signed and sealed by a professional surveyor licensed in the State of Alabama.

Church: See Place of Worship.

City: The City of Northport, Alabama.

City Council: Elected City Council of Northport, Alabama.

Collector Road: A road which serves as feeders between arterials as well as provides access to the local streets. These are typically lower volume roadways that accommodate short distance trips.

Conditional Use: A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity

Condominium: Property ownership arrangement in which a buyer receives a percentage interest in a development on an undivided parcel of land, resulting in the right to exclusive use of a specific dwelling unit or portion of the undivided parcel, such as a mobile home or recreational vehicle site. Common areas of the site which are not assigned to a specific owner, such as pools, clubhouses, parking areas and other amenities, are the collective responsibility of all owners or members of the condominium development.

Corner Lot: See Lot, Corner.

Curb Cut: Vehicular entrance onto a public right-of-way.

Day Care Center: A commercial or non-profit facility whose purpose is to care for children in a group setting, where education may be involved and meals may be served. Such facility shall be licensed by the State of Alabama.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Density, Gross: The quotient of the total number of dwelling units divided by the gross site area of the site, expressed as dwelling units per acre.

Developer: The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease.

Development: The division of a parcel of land into two (2) or more parcels (See Subdivision); the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to this Ordinance or other regulations, codes and ordinances of the City. (See Also: Article V “Landscape & Bufferyard Requirements” Section 504 Definitions)

Development Site: One (1) or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of development shown on a site plan or subdivision plat. The development site must include all land needed for required open space, bufferyards, landscaping, parking (except as provided for in Sections 610.03 & 610.04), internal access roads or driveways, and other physical design features needed to serve the proposed development.

Drainage: The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

Drainageway: Minor watercourses, natural or man-made, that are defined either by soil type or the presence of intermittent or perennial streams.

Drive-In Restaurant: See Restaurant, Fast Food.

Duplex: Residential structure, divided horizontally or vertically, and designed for or occupied by two (2) dwelling units, contained entirely under one (1) roof on one (1) lot.

Dwelling: Any building or portion thereof which is designated or used for residential purposes.

Dwelling, Single-Family Detached: See Single Family Detached Dwelling Unit.

Dwelling Unit: A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family except as otherwise provided by this Ordinance. All rooms within the dwelling unit shall have internal access, and the unit shall have no more than one electrical meter.

Easement: Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property. No easement shall be recognized under this Ordinance which has not been created through a valid legal instrument and recorded in the Office of the Judge of Probate of Tuscaloosa County and those established by the City through continuous historic use.

Eave Height: The distance as measured from grade level to the top of the fascia.

Erosion: The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

Exterior Storage: Outdoor storage of fuel, raw materials, vehicles, products and equipment. In the case of lumberyards, exterior storage includes any impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Family: One (1) or more persons related by blood, marriage, adoption or guardianship plus one (1) unrelated person occupying a dwelling unit and living as a single housekeeping unit; or not more than three (3) unrelated persons occupying a dwelling unit and living as a single housekeeping unit in zoning districts where residential uses are permitted

Family Child Care Home: A child care facility which is a family home, and which receives not more than six (6) children for care. Such facility shall be licensed by the State of Alabama. Said child care facility may be administratively approved by the Planning Director, subject to meeting all requirements of Section 608.02.

Filling: The depositing of sand, gravel, earth, or other materials to alter the elevation of a given site.

Floodplain: For the purposes of this Ordinance, "Floodplain" shall mean areas adjacent to a river, stream, or other drainageway which lie within the 100-year flood elevation contour, as established by Flood Insurance Rate Maps or by certified survey. ***(See Figure 2)***

Floor Area: The sum of the gross floor area for each story of a building measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area meets the current building code standards of the City of Northport for habitable floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Floor Area Ratio (FAR): An intensity measure expressed as a ratio derived by dividing the total floor area of a building by the base site area. Where the lot is part of a larger development and has no buffer, that lot area may be used instead of the base site area. ***(See Figure 3)***

Forestry: A premises, or portion of a premises, occupied by an establishment primarily engaged in the commercial operation of timber tracts, forest nurseries and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap and other forest products.

Garden Center: A place of business where garden-related products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, bring in most items offered for sale from other locations. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

Garage: A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Gasoline Service Station: Buildings and premises where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with private operation), where no part of the premises is used for paint spraying, body or fender repair, or the storage of dismantled or wrecked vehicle parts, and also where minor services are rendered; such as, sale and servicing of spark plugs, batteries, and distributors; tire repair and servicing, but no recapping; replacement of minor items of equipment such as mufflers, and tail pipes, water hoses, fan belts, brake fluid, etc.; radiator cleaning and flushing; minor servicing and replacing of carburetors; car washing and waxing.

Gross Density: See Density, Gross.

Group Home: Any home in which three (3) or fewer disabled persons, including their caretaker, reside who may or may not be related to one another. (See Section 409.E.3)

Group Child Care Home: A child care facility which is a family home and which receives at least seven (7), but no more than 12, non- resident children for care where there are at least two (2) adults present and supervising the activities. Such facility shall be licensed by the State of Alabama.

Height of Structure: For the purposes of this ordinance, the height of a building shall be measured from the average finished ground elevation at the base of the structure to eave height. Spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment or other such structures, unless otherwise specified by this ordinance, placed above the roof levels and not intended for human occupancy shall not be subject to the height limitations.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hotel: A building, or portion of a building, containing sleeping units, which are occupied on a daily or short-term basis. A hotel may include a restaurant and banquet or ballrooms, and one (1) self-contained dwelling unit for the use of a resident manager.

Impervious Surface: A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt are impervious surfaces. For the purpose of this Ordinance, impervious surface measurements shall exclude the water surface area of swimming pools.

Impervious surface ratio (ISR): A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a development site by the site area. ***(See Figure 4)***

Internal Access: Physical design of a dwelling unit in which the kitchen, bathrooms, and all other rooms intended for human habitation, are connected internally.

Junkyard: Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage and/or sale and salvage of two (2) or more unlicensed, inoperative vehicles.

Kennel: Any place in or at which any number of dogs, cats or other domestic animals are kept for the purpose of sale or in connection with boarding, care or breeding, for which any fee is charged.

Kindergarten (private): See Day Care Center.

Lakes and Ponds: Natural or artificial bodies of water which retain water year round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

Liquor: Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations, or mixtures intended for beverage purposes, which contain more than one-half of one percent of alcohol of volume, except malt or brewed beverages as defined herein.

Local Street: A street the sole function of which is to provide access to the land uses that are immediately adjacent to the roadways.

Lot: Refers to a single undivided portion of land that is either legally recorded in the office of the Tuscaloosa County Probate Judge, or is being proposed in good faith by well-prepared plan drawings for the purpose of being legally recorded. It is the responsibility of the property owner (or his/her agent) to insure that the property is legally recorded with the office of the Tuscaloosa County Probate Judge.

Lot Area: The area contained within the boundary lines of a lot.

Lot, Corner: A lot abutting two (2) or more streets at their intersection. If the two (2) streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot. ***(See Figure 5)***

Lot Depth: The distance between the midpoints of the front and rear lot lines.

Lot, Double Frontage: A lot, other than a corner lot, which has frontage on more than one street. ***(See Figure 5)***

Lot Frontage: Lot width measured at the street lot line.

Lot Line: A line bounding a lot which divides one lot from another or forms a street or any other public or private space.

Lot Line, Front: In cases where the lot fronts on only one street, the lot line adjacent to the street; for corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one (1) as the front lot line for the purposes of front setback and placement of accessory structures. ***(See Figure 6)***

Lot Line, Rear: That lot line which is opposite to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. ***(See Figure 6)***

Lot Line, Side: Any lot line other than a front or rear lot line. ***(See Figure 6)***

Lot Line, Street: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of the two opposing yards shall be a rear yard. ***(See Figures 5 & 6)***

Lot of Record: Any validly recorded lot meeting current requirements for size and/or width.

Lot Width: The horizontal distance between side lot lines measured at the required front setback.

Lounge: Any place or premises in which alcoholic beverages of all types may be offered for sale, but does not meet the requirement for a Restaurant-Lounge, Restaurant-Pub, or Private Club Lounge.

Malt or Brewed Beverages: Any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent (.5) or more of alcohol by volume and not in excess of four (4) percent alcohol by weight and five (5) percent by volume, by whatever name the same may be called.

Manufactured Home: A dwelling, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any dwelling which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary (HUD). For mobile homes built prior to June 15, 1976, a label certifying compliance to NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

Manufactured Home Park: A parcel of land under single management which has been planned and improved for the provisions of services for manufactured homes for transient and/or non-transient use. A manufactured home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and bufferyards, are privately owned or owned in common by residents of the park.

Marina: An establishment for mooring, servicing, and storing recreation boats, as well as for providing supplies, provisions, and fueling facilities. A marina may include a restaurant and/or boat and motor sales store. Boat building or facilities for the dry docking or repair of watercraft exceeding two towns in weight are not included.

Master Development Plan: A conceptual plan, meeting the requirements of Section 604 and depicting a mixture of land uses, showing an entire development site and all component stages or phases which express the overall development concept for the site at build-out.

Minimum Floor Elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

Mini-Warehouse: A building, or group of buildings, in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers for the "dead" storage of a customer's goods or wares. (See Section 409.M.7)

Mixed-Use Development: The development of a tract of land and/or structure with two (2) or more uses of different land use categories. Such developments include, but are not limited to, combinations of residential, office, retail, public entertainment, and/or manufacturing uses in a compact urban form such as an office or research park.

Mobile Home: See Manufactured Home.

Modular Building: (Also known as a "manufactured building.") A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for other than residential purposes, including without limitation commercial and industrial purposes, and which bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission. Modular buildings must be constructed to meet the requirements of the city's building code and construction regulations as well as any other design standards the city may adopt which apply to conventional construction.

Modular Home: (Also known as a "manufactured home" and a "modular home.") A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission. Modular panelized homes must be constructed to meet the requirements of the city's building code and construction regulations as well as any other design standards the city may adopt which apply to conventional construction.

Motel: See Hotel.

Nonconforming/Nonconformity: See Article IX.

Nonconforming Lot of Record: Any lot, validly recorded in the public records of Tuscaloosa County, which complied with all applicable laws, ordinances, and regulations in effect on the recording date. See also Lot of Record.

Nursery for Children: See Day Care Center.

Nursery: An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

Nursing home: A building in which nursing care and related medical facilities are provided for individuals who because of illness, disease, injury or physical or mental infirmity need such care.

Office-Warehouse: A facility combining office and warehouse functions in a single structure, for the primary purpose of wholesale trade, display, and distribution of products. Said facility is characterized by occasional truck deliveries and does not create nuisances such as dust, noise, or odors. Any warehouse activity with heavy trucking activities or nuisances shall be considered under the term “warehousing or wholesaling” (See Section 409.M.8)

On-Site: Located within the boundaries of the development site.

Open Space: Any parcel or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

Open Space Ratio: The proportion of a site consisting of open space as defined by Section 417.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Package Store: Any place or premise for the principal purpose of selling, at retail, alcoholic beverages by the bottle, can, pack, or case, for off-premise consumption. Should gross receipts from the sale of distilled alcoholic beverages exceed gross receipts from other sales and activities on the premises during any one (1) month, it shall be prima facie evidence that the principal purpose of the establishment is the sale of alcoholic beverages.

Parcel: See Lot, Development Site.

Parking Lot or Garage: An open area or a structure used exclusively for the temporary off-street storage of motor vehicles. Such area or structure may be an independent business or may be used in conjunction with any other business or commercial use. A fee may be charged.

Perennial stream or **Perennial River:** is a stream or river (channel) that has continuous flow in parts of its bed all year round during years of normal rainfall.

Place of Worship: A building used for regular religious worship, by the congregation or parts thereof, of an organized religion.

Planned Development: A land development project comprehensively planned as an entity via a master development plan in the Planned Development District (PDD).

Pond: See Lakes and Ponds.

Principal Building: See Structure, Principal.

Principal Use: See Use, Principal.

Private Club: A corporation or an association organized or formed in accordance with the Code of Alabama.

Provider/Carrier: See Wireless Communication Service Provider.

Public Improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Rain Garden: See Article V "Landscape and Bufferyard Requirements"

Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes. (See Section 409.I.b.4)

Recreational Vehicle Park: A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership; however, the sale of memberships and assignment of campsites on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and bufferyards are privately owned or owned in common by members of a condominium association.

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

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the restaurant building, or within a motor vehicle parked on the premises or off the premises as a carry-out order; or (2) to be served through a drive-up window, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Restaurant Lounge: Any place or premise in which foods, refreshments, and liquor are offered for consumption within the building in which the establishment is located, which is operated by a responsible person of good reputation and which meets the requirements of Section 409.F.3.

Restaurant-Pub: Any place or premise in which foods, refreshments, and malt or brewed beverages and/or table wines (but not liquor) are offered for sale for consumption within the building in which the establishment is located, which is operated by a person of good reputation and which meets the requirements of Section 409.F.3.

Re-subdivision: See Subdivision.

Right-of-way: An area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.

Satellite Dish Antenna: Parabolic or spherical antenna whose purpose is to receive and/or transmit audio and/or television signals to or from satellites.

Setback: The required minimum distance between a structure and the front, side, or rear lot line.

Shopping Center: A group of commercial-retail establishments planned, developed, and managed as a unit, under single ownership or control, and built in accordance with a unified architectural plan and with off-street parking provided on the property.

Shopping Center, Neighborhood: A mixture of uses or structures on the same lot designed and built to contain commercial uses compatible with residential neighborhoods, including but not necessarily limited to variety stores, hardware stores, grocery stores, etc.

Shopping Center, Regional: A shopping center having in excess of 500,000 square feet of gross floor area.

Shrub: For the purpose of meeting landscape-planting requirements under this Ordinance, any species listed in Table 5-1 as either a deciduous or evergreen shrub.

Sign: See Article VIII.

Single-Family Detached Dwelling Unit: Freestanding structure, completely separate from all other structures, designed to house one (1) family as a single housekeeping unit. Single-family detached units may be constructed in subdivisions pursuant to Section 603.

Site Plan: A plan, drawn to scale by a licensed engineer or other qualified professional, showing uses, structures, and all other physical features proposed for the development site, including but not limited to, bufferyards, parking, landscaping, drainage facilities and utilities, in accordance with the requirements of Section 1002. Site plans shall include, in written form, all information necessary to determine whether the proposed development meets the requirements of this Ordinance, such as proposed use(s) of the site, impervious surface and floor area, number of employees, hours of operation, and calculations of parking requirements.

Steep Slopes: Land area where the inclination of the land's surface from the horizontal is 30 percent or greater. Slope is determined from on-site topographic surveys prepared with a two-foot contour interval.

Stream, Perennial: A natural watercourse which contains flowing water, year around.

Stream Management Zone (SMZ): An area or distance around a perennial stream within which clearing and/or grading is limited or prohibited.

Street: Any public or private way dedicated or set aside for public travel.

Street Centerline: That line surveyed and designated by the City as the centerline of a street.

Structure: Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, walls and fences; but not including telephone and other utility poles, overhead wires, retaining walls and terrace walls, wire fences, and any other object less than three (3) feet in height.

Structure, Accessory: A subordinate structure, detached from but on the same development site as the principal structure, the use of which is incidental and secondary to that of the principal structure. (See Section 607.03; See Also Accessory Structures/Accessory Uses)

Structural Alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls. Also, see Alteration/Altered.

Structure, Principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located. There shall be internal access to all interior portions of a single family detached dwelling unit. An outlying structure shall be considered an accessory building unless connected to the principal building by fully enclosed living space. ***(See Figure 1)***

Subdivision: Any division or re-division of a tract, parcel, or lot of land into two (2) or more parts by means of platting of boundaries in accordance with the City of Northport Subdivision Regulations.

Tavern: Any place or premise in which malt or brewed beverages and/or table wines (but not liquor) are offered for sale for on-premise consumption, but which does not meet the requirements for a Restaurant-Lounge, Restaurant-Pub, or Private Club-Lounge.

Telecommunications Facilities, Wireless: Any and all buildings, structures, fixtures or other accessories (such as electrical boxes, equipment sheds, guy wires, etc.) Installed, used or intended for use in conjunction with any of the following:

A. Cellular Communications facilities – low power transmitters used to transmit signals in a cell of cellular radio-telephone services (cellular phones), personal communications services (PCS), enhanced specialized mobile radios (ESMR), trunk mobile cellular radios, paging services and similar cellular-based communications to the general public.

B. Commercial Satellite facilities – satellite earth stations which are greater than two (2) meters in diameter, and are used to send and/or receive satellite signals and similar communications.

C. Microwave Relay facilities (Repeater) – used to transmit radio signals between two or more fixed points by microwave antennas and similar transmission services.

Telecommunications Tower: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more Communications Antennas. Communications Towers shall include:

A. Monopole Towers – cylindrical self-supporting towers constructed as a single spire.

B. Self-Supporting or Lattice Towers – self-supporting towers with multiple sides of open-frame supports.

C. Guyed Towers – towers anchored with guy wires.

D. Camouflaged Towers – self-supporting towers concealed such that they blend with their surroundings. Such towers may be constructed to resemble objects, such as a tree or a street light, or may be concealed within another structure, such as a clock tower, church steeple or lamp post.

Temporary Use: See Use, Temporary.

Town House: A single residential unit sharing a common wall with at least one other unit in a structure consisting of not less than three (3) or more than six (6) dwelling units and having no other dwelling unit directly above or below. Such units shall be developed under Performance Residential standards set forth in Section 603.03.

Twin House: Residential dwelling units sharing a common side wall with one (1) other unit, and located in a structure containing no more than two (2) units. Such units shall be developed under Performance Residential standards set forth in Section 603.03.

Travel trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use. For purposes of these regulations, the term includes pick-up campers, camping trailers, pop-up-trailers, and motorized home living facilities constructed as integral parts of self-propelled vehicles. ***See Also Recreational Vehicle***

Understory Tree: For the purpose of meeting landscape planting requirements under this Ordinance, any species listed in Appendix A as either a deciduous or evergreen understory tree.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same development site as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. See Section 607. See also Accessory Structures/Accessory Uses above

Use, Principal: The specific primary purpose for which land is used.

Use, Temporary: A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance: Permission to depart from the literal requirements of this Ordinance granted pursuant to Section 1108.

Warehouse: A building intended for the storage, wholesale, and distribution of manufactured products supplies, and equipment.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. (Wetlands generally include swamps, marshes, bogs, and similar areas).

Wine: All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors and like products. Fortified Wine – Any wine containing more than 14 percent alcohol by volume, but not more than 24 percent. Table Wine – Any wine containing not more than 14 percent alcohol by volume.

Wireless Communications Service Provider: Any private company, corporation or similar such entity providing two-way interactive communications services to the general public by way of Cellular Communications facilities.

Woodland: An area of natural vegetation or planted material, at least 50 feet in depth, covering one (1) acre or more and consisting substantially of canopy trees.

Yard: The open space between a lot line and building line.

Yard, Front: A yard extending the full width of the front of a lot between the front (street) right-of-way line and the front building line. ***(See Figure 6)***

Yard, Rear: A yard extending the full width of the lot in the area between the rear lot line and the rear building line. ***(See Figure 6)***

Yard, Side: The yard extending along a side lot line, from the front yard to the rear yard, between the side building line and a side lot line. In the case of corner lots, the yard along all established or future street lines shall be termed a front yard and shall meet requirements herein for such. ***(See Figure 6)***

Zoning Certificate: A permit, license, certificate of occupancy or other form of approval issued or signed by the Planning Director or his/her designee after all Zoning Ordinance requirements, as stipulated in Section 1004, have been met, which permits a requested use at a specific location.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

Section 300. Establishment of Zoning Districts.

The City of Northport, Alabama is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the Official Zoning Map of Northport, and to serve the other purposes of this Ordinance, which are detailed in Article I.

Section 301. Zoning Districts.

For the purpose of this Ordinance, all land and water areas in Northport are hereby divided into six (6) "General" zoning districts, as follows:

Agricultural	AG
Residential "Single Family":	RS-1 through RS-4
Residential "Multi-Family":	RM-1, RM-2, RM-3
Office-Institutional:	O-I
Commercial:	C-2 "Neighborhood Commercial" C-3 "General Commercial" C-6 "Highway Commercial"
Manufacturing:	M-1 "Light Industrial" M-2 "Heavy Industrial"

Additionally, two (2) "Overlay" zoning districts have been established, as follows:

Special District:	SD
Flood Protection Areas:	FP, FW

Several "Carryover" zoning districts will also be address by this ordinance, they are:

Planned Development: PD-1, PD-2, PD-3

Appropriate RS district have been assigned to existing PDs and a Special District "SD" designation has been assigned to signify the requirement of a master plan for these districts. All special district standards will be applied as of the affective date of this ordinance.

Mobile Home Park MHP

This is a "carryover" zone which will be shown on the map for existing mobile home parks; however, no new areas will be created in this district. Existing parks may continue as they exist, but may not be enlarged. All new manufactured home developments will fall under the criteria for Manufactured Home Subdivisions covered as a Conditional Use in an appropriate Residential District.

Downtown/Riverfront Districts: The zoning criteria for the areas of Northport described in the Northport Downtown/Riverfront Master Plan and its associated Northport Core City Zoning & Design Standards are a separate and distinct document adopted by Ordinance #1688. For ease of access, the Zoning & Design Standards are depicted in this document as Article VII. If desired, the entire Downtown/Riverfront Master Plan document may also be acquired separately.

Section 302. Map of Zoning Districts.

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

Section 303. Interpretation of District Boundaries.

In the event of uncertainty with regard to their location, it is the duty of the Planning Director, or his/her designee, to interpret the location of the zoning district boundaries. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this ordinance, the Planning Commission shall determine, based on findings of fact from the Planning Director, the disposition of said boundary line.

The following rules shall be used to determine the precise location of any zone boundary shown on the Official Zoning Map of Northport:

303.01. Boundaries shown as following, or approximately following, the limits of any municipal corporation shall be construed as following such limits.

303.02. Boundaries shown as following, or approximately following, streets shall be construed to follow the centerlines of such streets.

303.03. Boundary lines which follow, or approximately follow, platted lot lines or other property lines as shown on the Northport Tax Maps shall be construed as following such lines.

303.04. Boundaries shown as following, or approximately following, section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

303.05. Boundaries shown as following, or approximately following, railroad lines shall be construed to lie midway between the main tracks of such railroad lines.

303.06. Boundaries shown as following, or approximately following, shorelines of any lakes shall be construed to follow the mean high waterlines of such lakes, and, in the event of change in the mean high waterline, shall be construed as moving with the actual mean high waterline.

303.07. Boundaries shown as following, or approximately following, the centerlines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zone boundary shall be construed as moving with the channel centerline.

303.08. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs 303.01 through 303.07 above shall be construed to be parallel to, and at such distances from, such features as are shown on the map.

Section 304. Maintenance of Official Copy of Zoning Map.

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

The City Planner may distribute copies of the zoning map to the general public and other officials, for reference purposes. However, the official copy of the zoning map maintained in the office of the City Planner, plus official records of the City Administrator/Clerk regarding actions of the City Council to amend district boundaries shall constitute the only official description of the location of zoning district boundaries, and persons having recourse to this ordinance for any purpose are hereby so notified.

Section 305. Statement of Purpose and Intent of Zoning Districts.

The following sections specify the purpose and intent of the zoning districts established by this Ordinance.

305.01. Agricultural District (AG). This District is intended to protect and preserve areas of Northport which are presently rural or agricultural in character and use. The standards developed for these areas are designed to permit development compatible with the preservation of their rural character and agricultural use, while not permanently foreclosing future development.

305.02. Residential Single Family Districts (RS). These Districts are intended to preserve the character of existing neighborhoods and developments under construction at the time of adoption of this Ordinance. It is designed to prevent these neighborhoods and subdivisions from becoming nonconforming under the terms of this Ordinance. This District is also intended to provide for future development of land where a Residential District is deemed the most appropriate zoning classification, and a preliminary or final plat for development of the land has been approved by the Planning Commission. It is also intended to provide for in-filling of existing neighborhoods on vacant lots with dwellings of like kind as defined in Section 203 of this Ordinance.

Occupancy in RS zones is limited to "Family" as defined in Section 203.

Certain structures and uses required to serve governmental, educational, religious, noncommercial, recreational, and other needs of such areas may be permitted as outright or as conditional uses within such districts, subject to restrictions and requirements intended to preserve and protect the single-family residential character of the districts.

305.03 Residential Multi-Family (RM). These districts are intended as medium and high density residential areas permitting progressively higher population densities, characterized by single-family detached, two-family detached, multiple-family structures, garden type apartments, and high-rise apartments. Certain structures and uses required to serve governmental, educational, religious, noncommercial, recreational, and other needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the district.

305.04. Commercial Districts (C). Northport has three (3) Commercial District designations: C-2 Neighborhood Commercial; C-3 General Commercial; C-6 Highway Commercial.

The regulations for theses Districts permit future development consistent with the existing character of commercial development within each. Such fixed and stable areas will be allowed to continue to exist, and develop further, under the general regulations governing the design, and construction of an approved site plan.

305.05. Office-Institutional District (O-I). This district is intended to provide areas for the development of public, semi-public and private offices; schools, healthcare and child care facilities; places of worship and special residential development. Such uses are supportive of the surrounding residential community and should gain access via an arterial or major collector road.

305.06. Manufacturing District (M). This District is intended to accommodate commercial areas that must be segregated, because of negative impacts that cannot be made compatible with other uses through the application of performance standards. The creation of this separate District for manufacturing/industrial use recognizes not only nuisances, but also infrastructure and operational incompatibilities between its permitted uses and those of other districts. Accordingly, the standards for this District are designed to accommodate intensive industrial uses that generate nuisances, which either cannot be handled by technology or which are nearly impossible to police. Location criteria for this district focus on transportation, requiring that sites have access to a railroad, an airport or a major highway.

305.07. Special District. Special districts are hereby authorized for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems and provide for a mixture of uses and density of uses with associated open space and amenities. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The special districts authorized by this Article are also intended to provide means for the establishment of uses, which are generally considered to be incompatible with most other land usage.

305.08. Flood Protection Areas. It is the intent of the flood protection area to provide protection in the floodway and flood fringe from the hazards and losses caused by flooding to residences, businesses, industries and public uses and to protect the natural flood environments that might be increased or significantly altered by improper use or development.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its “Flood Insurance Study” and the “Flood Insurance Rate Map” and any revision thereto are adopted by reference and declared to be a part of this Ordinance.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard, or uses permitted within such areas, will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Northport or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

305.09. Downtown/Riverfront Districts.

The Downtown/Riverfront Master Plan was developed to provide a collective vision for how the areas within its boundaries should develop in the future. The preservation of natural and historic resources as well as the compatibility of future development with historic development patterns is crucial to maintaining the overall character and charm of Downtown Northport.

The Plan's Zoning & Design Standards are depicted in this document as Article VII for ease of access. These Zoning & Design Standards are intended to help implement the Plan for the "Core City". Six (6) districts and fourteen (14) sub-districts, or zones, which reflect the plan's intended primary land uses, physical form and development character are created by the Standards.

305.10. Carry Over Zones.

Mobile Home Park (MHP). This is a "carryover" zone which will be shown on the map for existing mobile home parks; however, no new areas will be created in this district. Existing parks may continue as they exist, but may not be enlarged. All new manufactured home developments will fall under the criteria for Manufactured Home Subdivisions covered as a Conditional Use in an appropriate Residential District.

ARTICLE IV. GENERAL REGULATIONS

Section 400. Introduction.

The purpose of the regulations contained 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 Northport into various zoning districts and permitting specified land uses within each, provided that a use meets all the additional criteria specified in this Ordinance. This regulatory approach has been termed "performance zoning," because it permits a use to be developed on a particular parcel only if that use meets "performance" standards, which have been enacted to insure against the use causing, or having the potential to cause, the negative impacts mentioned above.

The format of the regulations in this Ordinance, and particularly in this Article, differs somewhat from that of traditional zoning ordinances, because performance zoning requires that consideration be given to site parcel characteristics and the range of impacts that any land use may have.

Section 401. Use Regulations.

Section 402 specifies which uses are permitted in each zoning district and defines the use categories used in this Ordinance. The purpose of this Section is to indicate which land uses may locate in each zoning district and which uses may not locate therein. A further distinction is made between uses that may locate in a given district only upon obtaining a conditional use permit to do so. The uses generally described in Section 402 are specifically listed in Sections 404 through 408.

Section 402. Uses Permitted by Right, Uses Permitted with Conditional Use Permits, 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. The general use categories specified by Table 4-1 are defined in Sections 404 through 408.

Uses permitted by right or as a conditional use shall be subject, in addition to use regulations contained in this Ordinance, to all performance criteria and other regulations governing yards, lot size, lot width, building area, easements, provisions of off-street parking and loading, and to such other provisions as are specified in other Articles herein. In particular, the laws of the State of Alabama and the regulations of the Tuscaloosa County Department of Health regarding water supply and waste disposal shall be adhered to. Further, no permits shall be issued until approval is obtained from the Tuscaloosa County Department of Health for water supply and sewage disposal, unless the premises are served by public water and/or sewage facilities.

All permitted uses and uses requiring conditional use approval pursuant to Section 1003 are listed in Table 4-1. In addition, the table notes uses for which special development standards apply, regardless of whether such uses are designated as permitted or conditional. Special development standards are listed in Section 409.

A use listed in Table 4-1 in any district denoted by the letter "P" 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 X. A use listed in Table 4-1 denoted by the letter "C", may be permitted as a Conditional Use in any district, provided that the requirements of Article X have been met.

Table 4-1
TABLE OF PERMITTED USES

USE CATEGORY	ZONING DISTRICTS											
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Agricultural Uses:												
Agricultural/Farming		P										
Forestry	x	P										
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Agricultural Support :												
Farm Equipment sales/repair		C						P	P	C		
Farm produce sales		P						P				
Farm produce supply		P						P	P	C		
Farm product processing		C							C	C		
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Nurseries:												
Wholesale		C						C	C	C		
Retail							P	P				
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Residential Uses:												
Single Family Detached		P	P	P								
Multi-Family	x			P		C	C					
Manufactured /Modular Home Subdivision	x	C		C								
Manufactured Home Park	x	C		C								
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Institutional Uses:												
Schools – Public/Private			C	C	P	P						
Cemetery		P		C	P	P	P					
Place of Worship	x	P	C	P	P	P	P					
Community Center	x		C	P	P	P	P					
Daycare	x			C	P	P	P					
Group Homes	x		C	C	P	P	P					
Nursing Home/ Assisted Living Facility	x			C	P	P	P					

USE CATEGORY	ZONING DISTRICTS											
	SDS	AG	RS	RM	O-I	C-2	C-3	C-6	M-1	M-2		DTR*
Office Uses:												
Business/Professional Office					P	P	P	P	C	C		
Bank or Financial Svs.					P	P	P	P	C			
	SDS	AG	RS	RM	O-I	C-2	C-3	C-6	M-1	M-2		DTR*
Commercial & Entertainment Uses:												
Auto Accessory Store	x						P	P				
Barber/Beauty Shop					P	P	P	P				
Building Material Sales	x						C	P	P	P		
Commercial or trade school					C	C	P	P	P	P		
Convenience Store *(no fuel)*	x					P	P	P				
Dance/Gymnastics Studio					C	P	P	P				
Entertainment, Indoor						C	P	P				
Entertainment, Outdoor								C				
Garden Center or Nursery						C	P	P	P	P		
General Retail, Enclosed						P	P	P				
Greenhouse/Farm Produce Sales		P						P	C			
Home Improvement Ctr.							C	P	P			
Pawn/Smoke/Tattoo Shops[1]								P				
Recreation, Indoor						C	P	P				
Restaurant, Eat-In	x					P	P	P	P	C		
Tavern							P	P	P	C		
Shopping Center						P	P	P				
Veterinary Office/kennel	x	P			C	P	P	P	P			
Payday Loan/ Title Loan/We Buy Gold/Check Cashing[1]								P				

[1]Ordinance 1814 established a 1,500 foot radius separation between payday loan, title loan, pawn shops, we buy gold businesses, check cashing businesses. Ordinance 1814 also established a 3,000 foot radius separation for Tattoo Shops. All existing business at the time this ordinance was enacted is allowed a one time relocation within a C-6 zone without compliance with the density limits contained in this ordinance. See Appendix C. Ordinance 1975 amended Ordinance 1814

USE CATEGORY	ZONING DISTRICTS											
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Road Service Uses												
Auto repair, paint/body	x						P	P	P	P		
Car Wash	x					P	P	P	P	P		
Flea market							C	C	C			
Gasoline/service station							C	P	P	P		
Hotel/Motel							P	P				
Outdoor/Drive-In Theatre	x	C						C	C			
Restaurant, Fast Food						C	P	P	P			
Small Engine Repair							P	P	P			
Vehicle Sales or Rental							C	P	P			
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Shopping Center												
Regional Shopping Ctr. 500,000+ sf. Floor area							P	P				
Neighborhood Shopping Ctr.	x					P	P	P				
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Commercial Support:												
Bottling plant/bakery	x							P	P	P		
Contractor storage yard	x							C	P	P		
Printing/publishing	x							P	P	P		
Recycled materials collection/storage	x							C	P	P		
Sales/minor storage of gaseous fuels	x							P	P	P		
Sales/repair of heavy equipment								C	P	P		
Veterinary Office/kennel w/outdoor pens		C							C			
Warehouse								C	P	P		
Mini-warehouse	x							C	P			
Office Warehouse	x							C	P			
Wholesale distributor								C	P	P		

USE CATEGORY	ZONING DISTRICTS											
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Commercial Recreation Uses	x											
Miniature Golf/driving range		C						C	C			
Amusement Park									C			
Fairground		C							C			
Amphitheater									C			
Race track		C							C	C		
Stadium/arena									C	C		
Skate Rink		C					C	P	C			
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Recreational Rental Dwellings	x											
Campground		C							C	C		
Cottages/cabins		C							C	C		
Recreation vehicle park		C							C	C		
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Recreational Uses:												
Golf Course		P										
Park		P	P	P	P	P	P	P	P	P		
Tennis Court			P	P								
Swimming Pool			P	P								
	SDS	**AG**	**RS**	**RM**	**O-I**	**C-2**	**C-3**	**C-6**	**M-1**	**M-2**		**DTR***
Public Service Uses:												
Communication Tower	x	P			P		C	P	P	P		
Hospital	x				C	C	C	C	C			
Municipal Office/Facility		C			P	C	P	P	P			
Public Utility			C	C	P	P	P	P	P	P		
Utility service yard or garage		C				C	C	P	P	P		
Solid waste disposal facility										P		

USE CATEGORY	ZONING DISTRICTS											
	SDS	AG	RS	RM	O-I	C-2	C-3	C-6	M-1	M-2		DTR*
Industrial Uses:												
Bulk storage of chemicals or fuels	x								C	C		
Commercial incinerator	x								C	C		
Food processing/packing	x								C	C		
Freight/trucking terminal									C	C		
Manufacture of building materials									C	P		
Manufacture/storage of explosives	x								C	C		
Manufacturing									C	P		
Outdoor storage of machinery									C	P		
Recycled materials processing									C	C		
Scientific testing/research laboratory									C	P		
Slaughterhouse	x								C	C		
Storage of sand/gravel/blocks	x								C	P		
Salvage Yard (Auto,etc)	x								C	C		
Mine/quarry	x	C							C	C		
Warehouse, Distribution									C	P		

Downtown/Riverfront – See Core City Zoning & Design Standards (Article VII)

In addition to Table 4-1, the following regulations regarding permitted uses are established:

A. Existing garage apartments in the Residential (RS), Residential/Commercial/Institutional (RCI), and Historic Neighborhood (HN) Districts are permitted uses and may be improved within the existing structure, but there shall be no increase in the number or size of dwelling units in the structure. No new garage apartments are permitted in any district in the City. When existing garage apartments are improved, off-street, paved parking spaces shall be provided and any required bufferyards shall be installed.

B. Uses not listed in Table 4-1 or Section 402 are not permitted in any district except pursuant to Article XI, which provides for interpretation of uses, or Article IX, which provides for nonconformities.

C. Although a use may be indicated as permitted or conditionally permitted in a particular district, it does not follow that such a use is permitted or permissible on every parcel in such district. No use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the performance standards and other regulations of this Ordinance applicable to the specific use and parcel in question.

Section 403. Use Categories Defined.

The categories of uses utilized by this Ordinance are defined in Sections 404 through 408. The uses not enumerated in these sections are not necessarily excluded. Article XI empowers the Planning Director to make interpretations of use.

Section 404. Agricultural Uses.

404.01. Agriculture. Agricultural uses include farms (and farm residences); fish or poultry hatcheries; fur-bearing animal ranches; orchards; raising of livestock, horses, or poultry; truck farming; and all other agricultural uses. It does not include uses that may be accessory to agriculture, such as retail stores, nor does it include industries or businesses that support or are supported by agriculture.

404.02. Forestry. This use includes commercial logging and pulping operations, clearing or destruction of forested or woodland areas, selective cutting or clearing for commercial or other purposes, clearing for agriculture or other prospective land uses, and clearing of vegetation in reserved open space or resource protection areas. This does not include authorized clearing in accordance with plans approved pursuant to this Ordinance, removal of sick or dead trees, or removal of trees on non-contiguous lots of one (1) acre or less.

Section 405. Residential Uses.

405.01. Conventional residential. Conventional residential uses consist of all single-family detached dwelling units. All conventional residential development approved after enactment of this Ordinance shall conform to the requirements of Section 603.01.

405.02. Performance residential. Performance residential uses consist of all residential developments, including manufactured home parks approved after enactment of this Ordinance, except those included within the conventional residential use category. This use category permits the residential builder considerable freedom by allowing varied types of dwellings, lot sizes, and design. It also insures adequate open space in each development.

Section 406. Recreational, Institutional, and Special Residential Uses.

406.01. Outdoor recreational. Outdoor recreational uses include arboretums; areas for cycling, hiking, and jogging; commercial stables; golf courses; nature areas; parks (private); picnic areas; play fields; playgrounds; outdoor swimming pools; tennis courts; wildlife sanctuaries; and all other outdoor recreational uses. Specifically excluded are outdoor movie theaters, miniature golf courses, and golf driving ranges. This use is basically an open-space use.

406.02. Indoor recreational. Indoor recreational uses include aquariums, community or recreation centers; gymnasiums; indoor skating rinks (ice or roller); arcades or billiard parlors; indoor swimming pools; tennis, racquetball and handball courts.

406.03. Institutional and Special Residential Uses. These uses include boarding houses; day or youth camps; cemeteries; churches; convents or monasteries; dormitories; day care centers; group child care homes; day or nursery schools; group homes; private libraries or museums; nursing homes; or private schools; schools or facilities for the physically or mentally handicapped and all other institutional and special residential uses.

These uses are all supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship, as well as cultural facilities, group quarters for religious groups and the infirm or elderly. Some uses may be operated for private profit.

Section 407. Commercial Uses.

407.01. Office. Office uses include governmental offices, business or professional offices, medical offices or clinics, and all other office uses.

407.02. Commercial and entertainment. This use category includes general retail commercial uses, primarily occurring indoors and serving a wide range of customers and requiring high-visibility locations. These uses include veterinary offices with indoor kennels; auto parts/accessory stores (no repairs); auto detailing; banks and other financial institutions (without drive thru windows); blueprint and copy stores; bowling alleys; commercial or trade schools

(e.g., dance studios, schools for martial arts); currency exchanges; funeral homes; mortuaries; grocery stores and supermarkets (excluding convenience stores, e.g., "7-Eleven" stores); ice cream stores or stands; laundries and/or dry cleaners; light mechanical repair stores (e.g., watch, camera, bicycle, TV); stores selling liquor, or beer (in sealed containers, not for consumption on premises); lodges for fraternal orders; package stores; taverns, lounges and private clubs; restaurants (standard sit-down, not fast food); restaurant-lounges; restaurant pubs; retail sales or stores; service businesses or stores (e.g., catering, duplicating, photography, shoe repair, tailoring, travel agency, upholstering); shopping centers; theaters and auditoriums (indoor); upholstery stores; building materials sales (excluding asphalt or concrete mixing) with no outdoor storage; carpet and rug cleaning plants; extermination shops; equipment rentals (no outdoor display); automated free-standing walk-up facilities; barbershops and beauty shops; hotels and motels; and all other commercial and entertainment uses.

407.03. Commercial recreational use. These uses include amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-kart, harness, horse, motorcycle), archery ranges, sport arenas, stadiums, and all other commercial recreation uses. This group includes recreational uses that are greater nuisances than conventional outdoor recreational activities, because of their size and scale, traffic volumes, noise, light, or physical hazards such as flying objects or use of weapons.

407.04. Recreational rental dwelling uses. These uses include travel trailer parks, recreational vehicle parks, camps or campgrounds with overnight camping or vacation cottages, rental cabins, vacation cottages, and all other recreational rental uses. These uses are all short-term rental facilities oriented toward leisure activities for the vacationer or organized activities such as summer camps. The maximum length of stay for any user shall be 60 consecutive days.

407.05. Road service. This use category includes commercial uses having a high degree of customer turnover, outdoor activity or outside storage of merchandise. These uses include boat rental and/or storage facilities; body shops; convenience stores (e.g., "7-Eleven" stores); gasoline service stations; hotels or motels; retail sales with small engine repair as an accessory use, such as lawn mower stores; fast-food restaurants and any bank with drive thru tellers; parking garages/lots; vehicle rentals; vehicle repair (body) shops; vehicle sales, supplies, and service (new or used auto, boat, bus, equipment, motorcycle, truck); and all other road services.

407.06. Public service. These uses include hospitals, emergency services (e.g., ambulance, fire, police, rescue), service buildings or garages, utility or broadcasting stations or towers, utility service yards or garages, public schools, public libraries/museums/art centers, public parks, public animal shelters, and all other public utility and public service uses.

407.07. Agricultural support. These uses include farm equipment sales and repair, farm produce sales and supply (feed, grain, fertilizer), farm product processing (cider mill, dairies, poultry, or meat processing), and all other agricultural support uses.

407.08. Nurseries. This category includes nurseries with or without retail sales or greenhouses. A nursery is basically an open-space use, which generates little traffic and has few nuisances,

such as late hours or customer or truck noise, associated with it. Nurseries are distinguished from more intensive garden center uses.

407.09. Regional shopping center. This category includes commercial land development consisting of 500,000 or more square feet of gross floor area.

407.10. Commercial support. This use category includes uses, which support the City's retail economy by providing merchandise distribution, storage, and repair services. These uses include beverage distributors; blacksmith shops; bulk materials or machinery storage (fully enclosed); large equipment rental/sales/service; contractors' offices and equipment storage yards; dry cleaning and laundry plants serving more than one (1) outlet; fuel, oil, ice, coal, and wood sales; furniture cleaning plants; furniture refinishing shops; manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with less than 30,000 square feet of floor area or fewer than 100 employees on every shift); mirror supply and refinishing shops; monument works; ornamental iron workshops; printing plants; publishing plants; trade shops (including cabinet, carpentry, planing, plumbing, refinishing, and paneling); small engine repair as a principal use; veterinary offices with open or partially enclosed runs, yards, pens; and/or kennels; wholesale business and storage; warehouses, office-warehouse, and mini-warehouses; and all other commercial support uses.

407.11. Neighborhood Shopping Center. A commercial development site containing one or more commercial buildings, together with all required parking, landscaping, buffering, signs, drainage facilities, and other design features to accommodate the uses permitted on the site. The purpose of the neighborhood shopping center is to serve the limited commercial needs of nearby residential development. It is not intended to provide commercial services to customers from other areas of the City.

Permitted uses shall include branch banks; small garden supply stores; grocery stores or supermarkets; ice cream stores; laundries and/or dry cleaners; light mechanical repairs such as cameras, watches, or televisions; barber or beauty shops; standard sit-down restaurants (no fast food establishments); gasoline service stations; and similar retail stores and service businesses.

Section 408. Industrial Uses.

408.01. Industry. This use category includes asphalt or concrete mixing plants; bulk material or machinery storage (unenclosed); fuel generation plants; grain elevators; meat packing plants or slaughterhouses; recycling facilities; truck, motor, or rail terminals; dyeing plants; food processing and packing plants; lumber yards; pilot plants; scientific (e.g., research, testing, or experimental) laboratories; also, those uses listed above as commercial support, any industrial use having 30,000 or more square feet of floor area or having 100 or more employees on any shift, and all other industrial uses.

This group contains uses that have severe potential for negative impact on any uses that would locate relatively close to them. This group differs from commercial support uses in that it includes uses that require enclosed structures, which are large, tall, and unsightly, such as

concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage; because of their scale, they are likely to have a regional impact.

408.02. Extraction and junkyard uses. This category includes junk, scrap, or salvage yards and all extraction uses. These uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated. None of these uses are an acceptable neighbor in an urban environment.

408.03. Airports, Landing Strips and Heliports. This category includes any facility used for take-off, landing, storage, maintenance, and/or repair of aircraft. It also includes aviation-related activities, such as radar and communications facilities, flight schools, and cargo loading and storage areas.

409.00. Special Development Standards.

Certain uses have unique characteristics that require the imposition of development standards beyond those minimum standards which may pertain to the general group of uses encompassing the use. These uses are listed below, together with the specific standards that apply to the development and use of land for the specified activity. These standards shall be met in addition to all other standards of this Ordinance, unless specifically exempted. In all instances the use of loud, garish colors on exterior building facades shall be prohibited. (See Section 1002 Site Plans for additional information)

A. Agricultural Uses.

Forestry:

1. Subject property shall not be located within the area bounded by U.S. Highway 82 on the north, Black Warrior River on the South, and the Northport City Limits on the east and west.

2. Minimum lot size shall be 25 acres.

3. No trees shall be harvested within 50 feet of the perimeter of the site.

4. Harvesting activities shall conform to the Best Management Practices of the Alabama Forestry Commission.

B. Conventional Subdivision. See Section 603.01.

C. Performance Residential Development. See Section 603.03.

D. Manufactured Housing. See Section 603.02.

E. Institutional, & Special Residential Uses.

1. All new institutional uses must front on a road with a functional classification of Collector or Arterial, as designated in Appendix A.

2. *Place of Worship:*

   a) Any new principal structure shall be set back no less than 50 feet from any adjoining property under different ownership.

   b) Related accessory uses, such as student centers, day care centers, dormitories, boarding houses, and recreation centers, shall be prohibited in Residential (RS) Districts.

   c) For existing places of worship in Residential (RS) districts, uses are limited to sanctuaries, educational buildings and fellowship halls. The addition of such uses shall require the installation of all required bufferyards and landscaping, as well as compliance with all other applicable regulations.

   d) *Except for places of worship in downtown Northport*, all required parking shall be located on the development site, and not separated from the site of the principle structure by any public right-of-way.

3. Group Homes:

Group Homes proposed to be located in residential zoning districts shall provide documentation of the following criteria to the Department of Planning & Inspections prior to being issues a business license in the City of Northport:

   a) An approved license or authorization from the State of Alabama, or other authorizing agency, to operate a group home facility must be presented along with an application for a Northport business license.

   b) No more than three (3) unrelated persons may reside in the home; however, non-resident caretakers will be permitted.

   c) A parking plan showing sufficient off-street parking to accommodate residents and caregivers must be provided and approved by the Planning Department. A garage may be counted toward off-street parking.

   d) When the applicant for a group home use is not the owner of the subject property, a letter from the property owner approving the operation of a group home on their property shall be provided.

   e) Waivers, exceptions or modifications of these standards may be requested through a request to the Board of Zoning Adjustment.

F. Commercial and Entertainment Uses.

1. *Auto accessory store*: no repair work to be done on premises.

2. *Building material sales/home improvement centers*: all building materials shall be kept within an enclosed structure or completely surrounded by a wood stockade or other opaque fence at least six (6) feet in height.

3. *Restaurant-pub and restaurant-lounge*:

   a) Must meet licensing requirements of the Municipal Code of Northport, Alabama.

   b) Shall comply with all applicable regulations of the State of Alabama.

4. *Veterinary office/kennel*: no outdoor pens, runs or cages shall be permitted. Outdoor exercise areas will be allowed and shall be designated as such on the site plan.

G. Road Service Uses. Any outside display of vehicles, equipment or other merchandise for sale, lease or storage shall be on a paved surface. No display of merchandise shall be allowed on the right-of-way or in any required bufferyard.

1. *Auto repair, paint/body work:*

   a) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.

   b) Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.

   c) All parts, including body parts, shall be stored within a completely enclosed structure.

2. *Flea Market:*

   a) Flea markets shall be permitted only on property fronting on an arterial road, as designated in Appendix B with all major points of ingress/egress connecting to that road.

   b) At least one enclosed building of 300 square feet or more in size shall be constructed on the property.

   c) Minimum lot size shall be five (5) acres, with a minimum width of 200 feet and a minimum depth of 300 feet.

d) No merchandise shall be sold or displayed less than 100 feet from adjoining residential property or 50 feet from non-residential property.

e) Parking shall be provided at the rate of one (1) space per 50 square feet of sales area, as designated on an approved site plan. Parking areas shall have a smooth, stabilized and dustless surface; provided that no more than 50 percent of the required parking spaces may be grass or other suitable material in overflow and remote locations. Unpaved spaces and driving aisles shall be organized for efficient traffic flow, using tire stops, railroad ties, or other objects approved by the City Engineer. Parking spaces within 150 feet of any structure on the development site shall be paved with asphalt, concrete or other rigid paving material.

f) A bufferyard shall be provided along all property lines. General and parking lot landscaping shall be required.

3. *Gasoline and/or auto service station:*

a) Site. The minimum frontage on an arterial street shall be 150 feet.

b) Service Area. Pits, hoists, and all lubricating, washing, and repair equipment and workspace shall be enclosed within a building.

c) Bulk Storage. Liquid petroleum fuels shall be stored in underground tanks.

d) Structures. Structures shall conform to the following standards:

1. Vehicular canopy structures shall abide by applicable building setbacks. Accordingly, the maximum height of all such structures shall be noted on the site plan. The area under such canopies shall not count against the permissible Floor Area Ratio (FAR) allowed for such developments but shall count toward the allowable Impervious Surface Ratio (ISR)

2. Pump islands and underground fuel storage tanks shall be set back a minimum of 20 feet from any property line.

4. *Hotel/motel:* Permitted only as a conditional use on property fronting on an arterial roadway, or on a collector road, as designated in Appendix A. ***Exception:*** As permitted in the Downtown & Riverfront Master Plan

5. *Outdoor/Drive-in theatre:* Accessory uses permitted shall be limited to a refreshment stand or booth, a souvenir stand or booth, and/or a children's playground, which are for the exclusive use of patrons of the drive-in theater.

6. *Small Engine Repair:* Equipment under repair or not operational shall be screened from public view or stored indoors at all times.

H. Commercial Recreational Uses. All commercial recreational uses shall be subject to the following requirements:

1. No commercial recreational use shall be located within 300 feet of existing residential development.

2. Minimum lot size shall be 40,000 square feet or as required in Table 4-3.

3. No building, trailer, vehicle, or mechanical equipment supporting the use shall be located within 50 feet of any property line.

4. For a golf driving range, the following standards shall be met:

   a) The site plan required pursuant to Section 1002 shall show the layout of the property and indicate the location of all driving ranges, putting greens, fences, and structures.

   b) Accessory uses permitted shall be limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.

I. Recreational Rental Dwellings.

1. Recreational vehicle park: All recreational vehicle parks shall be developed according to the following standards:

   a) Minimum lot requirements.

      1. Minimum size for development site: 100,000 square feet.

      2. The development site shall have at least 50 feet of frontage on an arterial road, as shown in Appendix A.

   b) Vehicle Site Requirements.

      1. The minimum vehicle site area shall be 1,200 square feet, with a minimum width of 20 feet and a minimum depth of 40 feet. All RV sites shall be shown on the site plan for the park.

      2. The minimum distance between recreational vehicles shall be 10 feet. The minimum distance between a recreational vehicle and any structure shall be 20 feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features.

3. The addition or attachment of any accessory structures such as awnings, porches, carports, or individual storage facilities not specifically designed and included as a standard part of the original RV shall be expressly prohibited.

4. The removal of wheels and/or the installation of skirting materials around the base of a RV shall be prohibited. A recreational vehicle shall not be permanently affixed to the ground or any structure.

c) Allowable Accessory Uses.

1. Clubhouse, bathhouse, camp store, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.

2. No more than one (1) dwelling unit of conventional construction, at least 600 s.f. in size, for the use of a resident manager.

d) Bufferyards. There shall be a bufferyard along all property lines where the park adjoins a road, vacant property, or a different land use. (See Article V)

e) Parks shall not exceed the following performance criteria:

Maximum gross density:	10 RV sites/acre
Maximum I.S.R for entire park:	.25
Maximum I.S.R. for any RV site:	.60
Maximum building height (for conventional structures):	35 feet

For purposes of site plan review, it shall be assumed that impervious surfaces cover 60 percent of each designated RV site unless the site plan specifies a lesser amount. An open space area shall be provided which meets the requirements of Section 415 and which is easily accessible from all vehicle sites. The minimum size of such open space area shall be 20 percent of the entire tract area or 20,000 square feet, whichever is greater.

f) Other Regulations:

1. Site Plan. Any applicant for the required permits to establish, construct, alter or extend a recreational vehicle park in Northport shall prepare and submit a detailed site plan in accordance with the requirements of Section 1002.

2. Access and Internal Streets. RV sites within the park shall be served by internal roads and shall not have direct access to public streets. Maintenance

of private roads within the park shall be the responsibility of the developer and/or owner of the property.

3. Off-Street Parking and Maneuvering Space. The internal circulation system of a RV park shall be designed so that parking, loading or maneuvering of vehicles shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the designated parking area. Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle.

4. Duration of Stay. Vehicle sites shall be rented by the day or week only. No RV shall remain in a park longer than 60 consecutive days.

5. Ground Cover. Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be grassed, paved, or covered with gravel to prevent soil erosion.

6. Drainage Requirements. Surface drainage plans for the entire tract shall be reviewed by the City Engineer, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City, prior to issuance of building permits.

7. Ownership. RV parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. The City of Northport shall not be responsible for maintenance and/or repair of common facilities within any recreational vehicle park.

8. No RV shall be permanently affixed to the ground or any structure, whether in an approved RV Park or otherwise located.

J. Public Service Uses.

1. *TV Broadcast/TV/Radio and Telecommunications Towers:* See Section 602.

2. *Hospital:* Development site shall have ready access to an arterial road, as designated in Appendix A.

K. Agricultural Support Uses.

1. *Farm equipment sales/repair*: All structures and equipment storage areas shall be located at least 200 feet from the nearest residential structure under different ownership. All repairs shall be performed within a fully enclosed structure.

2. *Farm produce sales:* Limited to sales of produce grown on the same property.

3. *Farm product processing in Agricultural (AG)*

   a) All such uses must front on a road with a functional classification of Arterial, as designated in Appendix A.

   b) Minimum lot size: five (5) acres

   c) The total floor area of all nonresidential structures shall be limited to 10,000 square feet. All machinery shall be kept within a fully enclosed structure.

   d) Outdoor pens or cages for animals shall be shall be set back 150 feet from all property lines.

   e) Processing facilities shall not operate between the hours of 11 p.m. and 7 a.m.

L. Nurseries.

1. *Retail sales of gardening supplies in AG district*:

   a) Property must front on a road with a functional classification of arterial, as designated in Appendix A.

   b) Bufferyards shall be provided along all property lines as required.

M. Commercial Support Uses.

1. *Bottling plant/bakery*:

   a) Minimum lot size shall be 80,000 square feet.

   b) Structures shall be set back 50 feet from all lot lines.

2. *Contractor storage yard*:

   All equipment and building materials shall be screened from outside view by an opaque fence no less than six (6) feet in height.

3. *Printing/publishing*:

   a) Minimum lot size shall be 80,000 square feet.

   b) Structures shall be set back 50 feet from all lot lines.

4. *Recycled materials collection/storage*:

   a) Materials collected for recycling purposes shall be limited to inert solids such as plastic, glass, paper and metal. No liquids, or objects containing liquids, shall be stored on the site. Toxic chemicals or hazardous materials of any kind shall be prohibited.

   b) All materials collected for recycling purposes shall be stored within a completely enclosed structure.

5. *Sales/minor storage of gaseous fuels*: No more than 500 gallons shall be stored on the site at any time.

6. Sales/rental/repair of heavy equipment:

   a) All repair work shall be performed within a completely enclosed structure.

   b) Equipment or vehicles under repair or not operational shall be screened from public view or stored indoors at all times.

7. *Mini-Warehouse*:

   a) After receiving conditional use approval, the mini-warehouse shall be the sole use of the structure(s) in which it is located. Other activities in place of or in addition to the mini-warehouse shall not be permitted within those structures. No sales, service, or repair activities, other than the rental of dead storage space, are permitted on the premises.

   b) Where an applicant proposes additional uses on the same development site, the mini-warehouse use shall be physically separated from all other uses. The conditional use approval shall be assigned to a specific portion of the site, established by an internal boundary shown on the site plan. Within that area, no use other than mini-warehouses shall be permitted.

   c) No storage bay or unit in a mini-warehouse shall be used as a place of business, and no business license shall be approved for the property other than that of the mini-warehouse owner/operator.

   d) No storage bay shall contain plumbing or more than one (1) electrical outlet.

   e) A minimum of three (3) and maximum of five (5) spaces shall be provided in the vicinity of the office and a 27 foot minimum drive aisle to all storage unit doors.

   f) The mini-warehouse facility shall be completely surrounded by a fence at least six (6) feet in height, such that access to the site can be restricted. A masonry wall or wood

stockade fence shall be provided where required under Article V; otherwise, chain link may be substituted.

8. *Office-Warehouse*:

a) The office/showroom component of this use must comprise at least 25 percent of the total floor area of the use

b) No single building shall contain more than five (5) units.

c) No equipment other than standard (2 axle) vehicles shall be parked long term in required parking and/or in front of the units.

d) There shall be no exterior display or storage of equipment and materials. All equipment and materials shall be housed inside the structure, or behind an eight (8) foot privacy fence to the rear of the structure.

N. Neighborhood Shopping Center, Up to 100,000 Square Feet.

1. *Gasoline station in a neighborhood shopping center*: See Gasoline and/or Auto Service Station under Road Service Uses.

2. *Neighborhood Shopping Centers shall meet the following requirements*:

a) A neighborhood shopping center shall be located only on an arterial roadway or at the intersection of an arterial road and a collector street, as designated in Appendix A. For this purpose each quadrant of such an intersection shall be considered a separate location.

b) The total site area of a neighborhood shopping center shall be not less than three (3) acres.

c) A combination of two or more natural materials such as wood, brick, stone, stucco shall be used on the exterior surface of all structures.

d) Shall consist of multiple structures or if less than 15,000 sq. ft. in size may be one structure, either of which shall have articulated roof lines and varying façade elevations. ***(See Figure 7)***

e) All utility meters, ground-mounted air conditioning and similar mechanical units shall be screened so as not to be visible beyond the boundaries of the site.

f) A master signage plan for the overall proposed development shall be submitted and approved in conjunction with the required site plan.

O. Industrial Uses.

1. *Bulk storage of chemicals or fuels*:
   a) Minimum lot size shall be 100,000 square feet.

   b) Storage tanks or structures shall be at least 100 feet from all property lines.

2. *Commercial incinerator*:

   a) Minimum lot size shall be 100,000 square feet.

   b) Structures shall be at least 100 feet from all property lines.

3. *Food processing/packaging*:

   a) Minimum lot size shall be 100,000 square feet.

   b) Structures shall be at least 100 feet from all property lines.

4. *Manufacture of explosives*:

   a) Minimum lot size shall be 150,000 square feet.

   b) Structures shall be at least 150 feet from all property lines.

5. *Slaughterhouse*:

   a) Minimum lot size shall be five (5) acres.

   b) Structures shall be at least 150 feet from all property lines.

   c) No outdoor pens, cages or runs shall be permitted.

   d) No structure shall be located within 500 feet of any property on which residential uses are permitted.

6. *Storage of sand/gravel/blocks*: Stored materials shall be completely surrounded by an opaque fence no less than ten (10) feet in height. Said fence may be constructed along property lines, but shall be set back no less than 25 feet from the right-of-way of any abutting public roads.

7. *Auto Salvage yard, junkyard or storage area*:

a) Storage of Materials

1. Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.

2. In no case shall material that is not salvageable be buried or used as fill.

3. Any items, which can be recycled or salvaged, shall be accumulated in bins or containers to be sold to a recycling firm.

4. Recyclable material, which cannot be stored in bins or containers, may be stored in the open.

5. Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site.

6. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one- half (1.5) cubic feet or more, from which the door has not been removed.

7. Facilities not having conditional use approval as a Junkyard Use will not be allowed to accumulate materials for more than 30 days.

b) Screening. All auto salvage yards, junkyards and storage areas shall comply with the following screening requirements:

1. All outdoor storage facilities shall be completely surrounded by a continuous fence or wall of masonry, wood or other opaque material, which shall be a minimum of six (6) feet in height without openings of any type, except for one entrance and/or one exit which shall not exceed 25 feet in width.

2. Gates at entrance or exit shall be of a material without openings.

3. The screen shall be constructed of the same type of material throughout.

4. No screen shall be constructed of metal that will rust.

5. Screens shall be maintained and in good repair at all times.

8. *Mine/quarry*:

   a) Minimum parcel size shall be 100 acres.

   b) A 300-foot buffer zone shall be established around the perimeter of the property. Within this area, the natural or existing vegetation shall be maintained or improved, and no digging, dredging, blasting, storage of tailings, or other mining-related activities shall be allowed. Where no natural vegetation exists the Planning Director or his/her designee may require additional buffering as deemed necessary.

   c) No structures, vehicles, equipment, or parking areas shall be located within 100 feet of a property line.

Table 4-2: Standards for Nonresidential Uses by District					
District	**Uses**	**Maximum FAR**	**Maximum ISR**	**Minimum Site Area[3]**	**Minimum Lot Width[4]**
Agricultural (AG)					
	Agriculture/Nurseries	na	0.05	3 ac.	none
	Recreation Rental	0.01	0.10	3 ac.	none
	Recreation	0.02	0.40	3 ac	none
	Public Service[2]	0.20	0.50	3 ac	none
	Agriculture Support	0.25	0.50	40,000 sf.	none
	Conditional Use	0.12	0.30	3 ac	none
	All Other Uses	0.15	0.30	3 ac	none
Office-Institutional (O-I)					
	Institutional	.75	.85	40,000 sf.	100’
	Office	.75	.85	40,000 sf.	100’
	Commercial & Entertainment	.40	.60	None	75’
	Recreational	.10	.40	10,000 sf.	none
	Public Service[2]	.35	.60	7,500 sf.	75’
	Conditional Use	.50	.70	40,000 sf.	100’
	All Other Uses	.70	.65	20,000 sf.	100’
Neighborhood Commercial (C-2)					
	Institutional	.50	.60	20,000 sf.	75’
	Office	.50	.60	20,000 sf.	75’
	Commercial & Entertainment	.40	.70	None	75’
	Road Service	.35	.70	30,000 sf.	100’
	Shopping Center	.40	.60	3 ac.	100’
	Recreational	.10	.40	10,000 sf.	none
	Public Service[2]	.35	.60	7,500 sf.	75’
	Conditional Uses	.50	.70	40,000 sf.	100’
	All Other Uses	.70	.65	20,000 sf.	100’
General Commercial (C-3)					
	Nurseries	.05	.50	80,000 sf.	none
	Institutional	.60	.70	30,000 sf.	75’
	Office	.60	.70	30,000 sf.	75’
	Commercial & Entertainment	.40	.80	None	75’
	Road Service	.35	.80	30,000 sf.	100’
	Shopping Center	.40	.70	3ac.	100’
	Commercial Support	.50	.70	40,000 sf.	100’
	Recreational	.10	.40	15,000 sf.	none

	Public Service[2]	.35	.70	7,500 sf.	75’
	Conditional Uses	.50	.80	40,000 sf.	100’
	All Other Uses	.70	.75	20,000 sf.	100’

Table 4-2: Standards for Nonresidential Uses by District

District	Uses	Maximum FAR	Maximum ISR	Minimum Site Area[3]	Minimum Lot Width[4]
Highway Commercial (C-6)					
	Agricultural Support	.40	.70	None	None
	Nurseries	.05	.50	None	None
	Road Service	.35	.90	None	None
	Recreational	.10	.40	None	None
	Public Service[2]	.35	.80	None	None
	Conditional Uses	.50	.90	None	None
	All Other Uses	.35	.90	None	None
Industrial (M-1) & (M-2)					
	Agricultural Support	.80	.90	40,000 sf.	100’
	Nurseries	.05	.50	80,000 sf.	None
	Office	.80	.90	40,000 sf.	100’
	Road Service	.35	.90	30,000 sf.	100’
	Commercial Support	.80	.90	10,000 sf.	100’
	Commercial Recreation	.40	.90	40,000 sf.	100’
	Recreational	.10	.40	10,000 sf.	None
	Public Service[2]	.50	.80	10,000 sf.	100’
	Industrial	.80	.90	40,000 sf.	100’
	All Other Uses	.40	.90	80,000 sf.	100’
Special District (SD)[5]					

[1] No minimum lot size/width is required for public service distribution facilities for sewer, water, telephone, gas and electricity; minimum lot area for communication towers shall be determined by setbacks requirements as set out in Section 602.

[2] For lots not meeting the minimum size requirement in any district, see Article IX.

[3] In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

a. Curved right-of-way: 75 percent of normal width requirement
b. Subdivision cul-de-sac: 50 percent of normal width requirement

Width at road frontage shall be measured along a straight line connecting the foremost points of side lot lines.

[4] See Section 605.

Table 4-3: Table of Dimensional Standards – Non Residential Uses.

Zoning District	Maximum Height Of Structure (feet)	Minimum Setbacks (in feet)			
		Front Yard	Rear Yard	One Side[1]	Total Side
AG[2]	35[3]	50	50	50	100
O-I	50	25	25	10	20
C-2	40	20	20	10	20
C-3	40	20	20	10	20
C-6	50	40	25	10[5]	20[5]
M-1	60	[4]	[4]	[4]	[4]
M-2	60	[4]	[4]	[4]	[4]

[1] Side Yard on Street shall be equal to Front Yard setback
[2] See Table 6-2 and Section 603.03 "Performance Residential Developments" for Residential Setbacks
[3] Inhabited Structures Only
[4] Equal to Height of Structure
[5] May be reduced to zero (0) feet by Special Exception

Section 410. Resource Protection Standards

A. All development shall be preceded by the identification of any environmental or natural feature described below and shall meet the specified standards for environmental protection.

B. Site alterations, re-grading, filling and clearing or planting vegetation prior to approval of the plans for development shall be a violation of this Ordinance. Reference in this section to "open space" is intended to mean the term as it is defined by Article II and described in Section 415.

C. Perennial Streams – 50' from top of stream bank on either side shall remain undisturbed unless otherwise permitted by the City Engineer.

D. Steep slopes.

1. Areas with slopes of 33 percent (3:1) or greater: not more than 15 percent of such areas shall be developed and/or re-graded and/or stripped of vegetation with the exception that no more than five (5) percent of such areas may be disturbed in the case of erosion-prone soils, as defined by the Natural Resources Conservation Service.

2. When identifying "steep slope" areas of a development (rise/run $\geq$ 33%) the engineer shall use a topographic map or site plan having a contour interval of not less than 2 feet to determine changes in elevation (rise). Unless otherwise approved by the Planning and Engineering staff a length (run) of not more than 100 feet shall be used to calculate the approximate slope of the area under consideration.

3. When a proposed development will not meet the standards of Section 410.D.1. above, a development plan must be submitted for the review of the City Engineer and approval of the Planning Commission. Approval of this development plan shall be based on its consistency with the intent of this Ordinance.

Section 411. Reclamation of Undeveloped Land.

In the event that construction of a development has not been completed within one year of date of approval of the preliminary plat or development plan; said development shall be reviewed by the Planning and Engineering staff to determine if reasonable progress toward completion of the development is being made. Evidence of reasonable progress may include, but shall not be limited to, installation of streets, utility lines and stormwater management facilities; laying structural foundations; and completion of any stage of a development approved under a staging plan pursuant to Section 1002.09. However, the clearing and grubbing of land, in the absence of other improvements, shall not by itself constitute evidence of reasonable progress.

Upon a determination that reasonable progress is not being made, the Planning Commission may require the owner of the development site to restore the land to the same condition that existed prior to the initiation of the development, and place a time limit on completion of said restoration.

If such restoration is not feasible, the City Engineer and the Planning Director shall work with the property owner to determine an acceptable condition or degree of reclamation; at the very least, the site shall be sodded or planted in grass, and appropriate measures shall be taken to prevent or eliminate soil erosion. In all cases, restoration activities shall be consistent with appropriate Best Management Practices as recommended by the Alabama Forestry Commission, the Alabama Department of Environmental Management (ADEM) and/or the Natural Resources Conservation Service (NRCS).

Section 412. Areas Subject to Flooding.

The boundaries of special flood hazard areas shall be identified by referencing the most current FEMA Flood Insurance Rate Maps (FIRM), an approved Letter of Map Revision (LOMR) or an approved Letter of Map Amendment (LOMA).

The boundaries of any special flood hazard area shall be clearly denoted on all development plans for parcels subject to flooding. Said boundaries shall be determined using a site specific, topographic survey of the parcel and the appropriate FIRM, LOMR, or LOMA.

On those parcels for which no base flood elevation (BFE) has been developed, it shall be the responsibility of the owner to have a registered professional engineer or hydrologist to establish a BFE.

On-site topographic surveys shall be performed to locate the precise floodplain line on a parcel prior to any development. The survey shall use the flood profile contained in the sources listed above or, if no such profile exists, by performing standard runoff calculations such as those contained in Standards and Specifications for Soil Erosion and Sediment Control, prepared by the Natural Resources Conservation Service.

412.01. Flood Damage Prevention Ordinance. All provisions of the Flood Damage Prevention Ordinance #1368, as amended, shall be applicable to development in the floodplain. See Appendix B

412.02. Permanent open space. All such areas shall be permanent open space. No uses or improvements other than those permitted herein shall be permitted in any area consisting of floodway as defined by this Ordinance.

412.03. Permitted uses. The following uses are permitted within the floodway fringe as a matter of right:

A. All uses that are permitted in designated open spaces.

B. All uses that are classified as agriculture, nurseries, and outdoor recreation.

C. Piers, bridges and bridge approaches, picnic shelters, and stormwater detention facilities, so long as the building permit application shows that a licensed engineer has certified that such structures are designed to withstand the forces exerted by the 100-year flood event at that location.

412.04. Building Elevation. All other buildings or any residential, institutional, office, commercial and entertainment, commercial recreation, recreational rental dwelling, or nursery uses (other than those specifically named in this Section) may be permitted as conditional uses pursuant to Section 1003, provided that all habitable floor area shall be raised so that no floor, or its structural supports, or any utility line has less than one (1) foot of clearance between its lowest point and the 100-year flood elevation. Any reduction of cross-sectional area due to vertical supporting members shall be offset by compensatory storage. Vehicular access to such structures shall be at or higher than the 100 year base flood elevation (BFE).

Exceptions to 412.04 *above may be as follows subject to the approval of the City Engineer:*

A. A non-residential building may have its finished floor elevation below the BFE as long as it fully complies with FEMA requirements.

B. A non residential building may have parking or parking access below BFE as long as it fully complies with FEMA requirements.

Note: *Evidence of full compliance with FEMA requirements must be provided at time of submission.*

412.05. Installation of fill materials. Fill may be placed within the floodway fringe only when allowed as a conditional use pursuant to Section 1003. An application for such conditional use shall be accompanied by detailed fill plans, showing existing and proposed conditions. If a structure is to be placed on the fill, the plans shall show the structure as well. In considering the application, the Planning Commission shall determine whether the proposed fill meets the general standards set forth in Section 1003, and the following additional standards:

A. The cross-sectional area of a riverine floodplain shall not be reduced by more than two and one-half (2 ½) percent on either side of the centerline of the watercourse; an inland depressional floodplain may have its location and contours altered through cut and fill over 30 percent of its surface area.

B. Compensatory storage shall be provided to offset the storage lost through the filling.

C. All changes in velocity, depth of flood elevation, or storage shall be limited to the property owners who have been granted flood or flow easements, provided that in no event shall an increase in flood elevation be permitted if it would affect any existing building or bring any building to within one (1) foot of the flood elevation.

D. In no instance shall the depth of fill in a riverine floodplain exceed five (5) feet, nor shall any fill be placed within 50 feet of the top of the stream bank or in a location which might be endangered by or accelerate a meander. In an inland depressional floodplain the depth of fill measured from the natural grade to the new surface shall not exceed five (5) feet.

E. Fill shall consist of soil or rock materials only; sanitary landfills shall not be permitted in the floodplain. Further, all fill areas shall be stabilized with material that will insure and protect against erosion hazards, undercutting, and undermining.

412.06. Filling in Floodway. ***See Section 1003.***

412.07. Structural anchoring. Any structure placed in the floodplain shall be anchored firmly to prevent floodwaters from carrying it downstream. Such anchoring shall be sufficient to withstand a flood velocity of six (6) feet per second. The Planning Commission shall require the applicant to submit the written opinion of a registered professional engineer that the proposed structural design meets this standard.

Section 413. Lakes and Ponds.

All such areas that serve a stormwater or flood retention purpose shall be permanent open space maintained by the developer, property owner or other legally bound and authorized agent. No development or diverting of these bodies of water shall be permitted without a development plan approved by the City Engineer. Alteration of lakes and ponds shall be permitted only if surface area and flood retention volumes remain unchanged or are enlarged.

Lake Shorelines: The shorelines of lakes [two (2) acres or greater in size], consisting of the area within 100 feet from the shorelines, shall contain no more than 15 percent impervious surfaces. At least 75 percent of all such areas shall be permanent open space.

Pond Shorelines: The shorelines of ponds [less than two (2) acres in size], consisting of the area within 50 feet from the shorelines, shall contain no more than 15 percent impervious surfaces. At least 75 percent of all such areas shall be permanent open space.

Section 414. Drainageways.

Re-grading, stripping of vegetation, or filling in drainageways is permitted only after review and written approval by the City Engineer, provided that the resultant drainageway has less velocity than existed previously or reduces stream bank erosion through the provision of erosion control measures.

Section 415. Open Space.

Land that is required by this Ordinance to remain as open space may be used for the recreation, agriculture, resource protection, amenity and other purposes specified in this Section. Open-space land shall be freely accessible to all residents of a development, with the exception that agricultural land uses shall be permitted to restrict access to that land to those solely engaged in agricultural pursuits.

Open space shall have qualities making it useful to residents of the development for either passive or active recreation, and will be developed to serve that purpose. Open spaces shall serve an important environmental/resource protection or visual role in separating the development from existing public ways or from other existing or potential developments; or shall be of value in dividing the development into coherent sub-areas. Non-recreational buildings, except those related to agricultural uses permitted under Section 415.01(C) shall not occupy open-space land.

415.01. All developments required by this Ordinance to provide open space shall meet the following requirements.

A. Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed, and no structures shall be built on such land, except as provided below. All such properties shall be owned and maintained by the developer, owner of the development site, homeowners association, or other private entity approved by the City Attorney.

B. An open-space plan shall be submitted as a part of the application for a site plan or subdivision approval. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

1. designate areas to be reserved as open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site.

2. designate the type of open space, as established in this Section, to be provided.

3. specify the manner in which the open space shall be perpetuated, maintained, and administered in accordance with Section 415.02.

4. include proof of a mandatory and functioning Home Owners Association and contact information for same. The Northport Department of Planning & Inspections shall be provided an annual update of said contact information

C. The types of open space that may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:

1. *natural areas* are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter the base flood elevation.

2. *agricultural uses* specified in Section 404.01.

3. *garden plots* are the division of open space into plots for cultivation as community gardens. Any change of use for the open space must be with the approval of the adjoining land owners and the Home Owners Association.

4. *recreational areas* are areas designed for specific, active recreational uses having minimal requirements for structures, such as tennis courts, swimming pools, softball fields, and golf courses. An enclosed structure shall be permitted in a recreational area only where it directly supports a specific facility and does not require off-street parking. Recreational areas shall be accessible to all residents of the development.

5. *greenways* are linear green belts linking residential areas with other open-space areas. These greenways are encouraged to designate developed bicycle paths, footpaths, bridle paths, fitness trails, or other similar development. Inter-connecting the greenway system between residences and recreational areas is encouraged.

D. Open space shall be appropriately located and large enough to address the open space characteristics cited throughout Section 415.

1. No dwelling unit shall be located more than 750 feet from designated open space. The Planning Commission may waive this distance requirement where the developer proposes a major recreational facility which will occupy at least 50

percent of the required open space for the development. No more than ten (10) percent of the dwelling units in the development may be occupied before this facility is completed and available for use.

Where intervening non-recreational properties separate a dwelling unit from an open space area, the Planning Director may require an easement or other means of access for non-motorized traffic to avoid the need for pedestrians to cross or travel on roads carrying vehicular traffic.

2. No parcel of property, or portion thereof, less than 40 feet wide and 7,500 square feet in size shall be counted toward the designated open space requirement. Open space areas containing paved or stabilized paths for pedestrians and/or bicycles shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving a portion of the development or are included in connecting Greenways.

3. All open space shall be easily visible and freely accessible.

4. The following shall not count toward fulfillment of designated open space requirements:

   a) platted lots for residential use or designated sites for manufactured homes or recreational vehicles;

   b) easements for roads, driveways or any other use which is not consistent with the purposes of open space as established in this Section;

   c) parking areas, including adjacent areas containing required landscaping;

   d) public or private right-of-way;

   e) private roads and driveways;

   f) areas of required spacing between structures, manufactured homes or recreational vehicles;

   g) Commonly owned lawns consisting of grass with or without trees. (i.e. condominiums, townhouses, patio homes, etc.)

   h) areas which have been cleared of vegetation, excavated, filled, or otherwise altered from their natural state unless such alteration is consistent with the proposed use of the open space parcel approved as part of an overall development plan;

   i) any development site (as established by a site plan) containing a clubhouse or a non-recreational use including, but not limited to, office, restaurants, gift shops, and groundskeeper storage buildings;

k) any other areas which the Planning Director finds to be inconsistent with the intent of this Section.

In addition, no lake, pond, or other permanent water body shall constitute more than 25 percent of the total open space required for the development. No golf course shall constitute more than 60 percent of the total open space required for the development.

415.02. Preservation of open space. Open-space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Where open space is to be provided within a subdivision, such areas shall be designated by creating separate parcels within the perimeter of the plat. These parcels shall be given a sequential lot number, labeled as to their intended use, and the plat shall note the entity or entities having ownership and maintenance responsibility.

Where open space is provided within a development site, which is the subject of a site plan, and is under different ownership than the rest of the site, it shall nevertheless remain part of the development site pursuant to Section 1002.11. Unless the site plan is modified or terminated in accordance with Section 1002.08, the open space areas shall be used only as provided in Section 415. The site plan shall note the entity or entities having ownership and maintenance responsibility.

Open-space areas may be owned, preserved, and maintained as required by this Section by any of the following mechanisms or combinations thereof:

A. Common ownership of the open space by a homeowner's association, which assumes full responsibility for its maintenance.

B. Deed-restricted private ownership that shall prevent development and/or subsequent subdivision of the open-space land and provide the maintenance responsibility. This arrangement shall be noted on the site plan and/or subdivision plat. Full and proper legal documentation shall be submitted to the Planning Director Full and proper written legal documentation of said ownership and maintenance responsibilities shall be submitted to the Planning Director and be approved by the City Attorney prior to commencement of development activities.

Section 416. Transportation Impact Report.

416.01. Purpose. The transportation impact report shall identify the traffic impacts of a proposed use. The report shall show improvements required to: insure safe ingress to and egress from a proposed development; maintain adequate street capacity, and eliminate hazardous conditions. The report also will be used to determine whether the proposed development is consistent with transportation-related policies of the City of Northport.

416.02. Applicability. The City Engineer, particularly in the following cases, may require a transportation impact report:

A. Any development that proposes to take direct access to any collector or arterial road.

B. Any residential development that proposes the construction of 30 or more dwelling units.

C. Any use that will generate in excess of either 100 trips per acre per day or 250 trips per day. Trip generation rates for proposed uses shall be determined by consulting the latest edition of Trip Generation published by the Institute of Transportation Engineers, and/or the City Engineer.

416.03. Contents of transportation impact report. The transportation impact report shall contain, as a minimum, the following data and information:

A. General site description. A detailed description of the highway network within one (1) mile of the site, a description of the proposed land uses, the anticipated stages of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (a) all major intersections, (b) all proposed and existing ingress and egress locations, (c) all existing roadway widths and rights-of-way, (d) all existing traffic signals and traffic-control devices.

In addition, any changes to the highway network within one-half (1/2) mile of the site, proposed by any governmental agency, shall be described. This description shall include the above items, as well as any proposed construction project that would alter the width and/or alignment of the present highway. Such information can be obtained from the City Engineer, County Engineer and Office of the Division Engineer, Alabama Department of Transportation.

B. Description of existing traffic conditions. A report based on the following shall be provided: A 24-hour traffic count shall be conducted for a period of five (5) weekdays (Monday – Friday) on all roadways that have direct access to a proposed development site. The existing average daily traffic (ADT) volume and the highest average peak hour volume for any weekday hour between 3 PM and 6 PM shall be recorded. These traffic volumes shall be averaged to determine the average hourly peak traffic volume for the five days Monday through Friday.

C. Transportation impact of the development. The average weekday trip generation rates (trip ends) and the highest average hourly weekday trip generation rate between 7 AM and 9 AM and between3 PM and 6 PM for the proposed use shall be determined from the latest edition of Trip Generation published by the Institute of Transportation Engineers, or from figures provided by a qualified traffic

engineer. A report shall be made detailing the nature and extent of the trip generation expected to result from the proposed development.

D. Analysis of transportation impact. The projected total future peak hour traffic demand shall be calculated for all roads fronting on a proposed site and all major intersections within one-half (1/2) mile of the site. This demand shall consist of the anticipated traffic that will be generated by the proposed development, plus an assumed normal increase of traffic volume of one (1) percent per year, unless traffic-engineering studies indicate a different rate of change. An analysis shall be undertaken to determine if roadways and intersections will operate at the appropriate level of service following completion of the development given the future peak hour traffic that will be generated by the proposed development.

416.04. Traffic control devices. Whenever, as the result of additional traffic generated by a proposed development, it is determined that there is a need for a traffic signal, a regulatory sign, additional right-of-way or acceleration/deceleration lanes, the developer shall make such planned improvements a part of his development plans and shall propose a schedule to the Planning Commission for making such improvements Anticipated improvements required by future development, and the developer share in those improvements, are listed in the following paragraphs.

A. Traffic signs. Include the normal stop, yield, caution, and street signs, but also may include special signs such as “watch for traffic entering”, “blind hill” and “pedestrian crossing”, may also be required. Such signs will be placed by the developer entirely at the developers’ expense. These signs shall be specified, installed, and maintained in accordance with the Manual on Uniform Traffic Control Devices.

B. Traffic signals. Include any and all lighted signals. Such installations will be placed at the direction of the agency having jurisdiction. This paragraph also applies to signalization and improvement of railroad crossings. Because of the timing of the actual installation of signals by authorized agencies, the developer will be required to post a bond guaranteeing the estimated cost of improvements covered by this paragraph.

Section 417. Clear View of Intersection Streets.

To provide a clear view of intersection streets to the motorist, there shall be a triangular area of clear vision formed by the two intersecting streets. The size of this triangular area is a function of traffic volume and speed and is depicted for right-angle intersections in ***Figure 8***. At oblique intersections, in which two roads form an angle of 60 degrees or less, required clear areas shall be determined by the City Engineer, based on design criteria set forth in the most recent edition of A Policy on Geometric Design of Highways and Streets, prepared by the American Association of State Highway and Transportation Officials (AASHTO).

Where, in the opinion of the Planning Commission, there are unusual and/or specific circumstances relating to a street intersection such that the application of ***Figure 8*** may not be appropriate, the intersection shall be referred to the City Engineer who shall recommend a triangular area of clear vision using the standards contained in the current edition of the Manual of Uniform Traffic Control Devices.

On any portion of a lot that lies within the triangular area defined according to this section, nothing shall be erected, planted, placed, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2.5) feet and ten (10) feet above the grade at the intersection of the street center lines.

Section 418. Traffic Management.

418.01. Curb Cuts.

Because frequent curb cuts and driveways providing access to numerous adjoining properties are a severe impediment to the proper functioning of major streets, on-site circulation and cross-access agreements between lots are required, to control the problem when land is subdivided. There shall be a minimum spacing of 300 feet for driveways and other curb cuts on arterial streets and 300 feet on collector streets. In areas where single-family detached homes abut collector streets, an average distance of 125 feet shall be allowed between curb cuts.

New single-family residential lots shall not be allowed direct access to collector and arterial roadways without approval of the City Engineer.

The following table summarizes required distances between curb cuts and street corner property lines:

Development Type	**Street Type** *(all districts except Downtown/Riverfront area)*		
	Arterial	***Collector***	***Local***
Non-Residential	125’	100’	100’
Multiple Unit Development per §603.02(e)	125’	100’	100’
All Other Residential	125’	100’	25’

Where an intersection contains a left-turn stacking lane, any driveway opposite such lane shall be designed to permit entrance and exit by right turn only. Such "right turn" entrances shall be constructed with raised islands to prevent left-turn movements. No left turns shall be permitted where such turning motions would cross an acceleration or deceleration lane in proximity to an intersection.

Required distances between curb cuts and between curb cuts and street corner property lines shall be measured from the edge of the curb cut.

418.02. Access For Lots of Record and Redevelopment.

In the interest of public safety, lots of record, as defined by this Ordinance, shall be afforded vehicular access at the direction of the City Engineer and in accordance with the MUTCD. This access may take the form of a curb cut, or shared curb cut, directly onto a public right-of-way or may be limited to cross-access via an adjoining lot (see Section 420.04). The City reserves the right to adopt access plans for thoroughfares in rapidly redeveloping areas in order to facilitate traffic management and public safety. The Planning Commission and City Council shall approve such plans.

418.03. Acceleration/Deceleration Lanes.

Acceleration/deceleration lanes shall be provided by the developer at the direction of the City Engineer. Such improvements must be designed and constructed to city, county or state standards. The cost of such improvements will be borne entirely by the developer.

418.04. Cross-Access Requirements.

Adjoining lots with frontage upon collector or arterial roads may be required to provide cross-access and permanent ingress/egress easements to adjacent properties in the interest of accommodating the curb-cut requirements, public safety and facilitating vehicular traffic. Such access shall be required at the discretion of the City Engineer.

418.05. Median Cuts.

Center medians are designed and constructed both for traffic safety and aesthetic considerations. Such public improvements are constructed at great expense to the public and, therefore, any alteration of the existing or planned roadway medians shall be allowed solely at the discretion of the City Council, and/or ALDOT; and only where such alteration is in the interest of public safety. Where such alterations are allowed, the entire cost shall be borne by the applicant. The improvement of other medians or similar traffic control devices in proximity to the proposed development may be required in consideration for any allowed median alteration.

418.06. Additional Right-of-way.

Additional right-of-way required by a specific governmental plan for the improvement of a given existing or proposed roadway shall, where possible, be divided equally between adjoining property owners on both sides of the existing roadway, and shall be dedicated to the City. Said right-of-way may be required at the time of subdivision or site plan review.

ARTICLE V. LANDSCAPE AND BUFFER REQUIREMENTS

Section 500. Introduction.

This article recognizes the importance of trees and landscaping throughout the city and their relationship with the economic, ecological and cultural processes that give Northport its tradition and identity. Through preservation, replacement, and maintenance of the urban forest, this ordinance will provide a better quality of life for the citizens of Northport.

Urban landscaping aids in preventing soil erosion, siltation of streams and reservoirs and flood damage. Trees are essential in providing shade and natural cooling, preventing air and noise pollution, as well as preserving community character.

501. Purpose.

The purpose of this chapter is to:

- protect the public health, safety and welfare by mitigating incompatibility between adjacent uses through the establishment of buffers between non-compatible land uses;
- improve the quality of life for Northport citizens through the reduction of noise, glare, heat and air pollution;
- preserve, protect and maintain the healthy existing vegetation and encourage, where possible, the incorporation of native plant materials and ecosystems into landscape design and discourage the proliferation of invasive plant species;
- establish and maintain sustainable amounts of tree canopy on public and private lands in the City;
- improve community character by encouraging aesthetically pleasing sustainable design practices, while allowing innovative, diverse and cost conscious approaches for design, installation and maintenance of landscaping;
- promote the conservation of local waterways and aquifers by encouraging the planting of native species, or site specific species;
- provide means for natural aquifer recharge and prevent excess runoff through the provision of landscaping and bufferyards;
- facilitate compliance with Local, State and Federal legislation relative to water and air quality, including, but not limited to, the Clean Air Act (Title 42, Chapter

85 of the U.S. Code) and the Clean Water Act (Title 33, Chapter 26 of the U.S. Code).

502. Scope.

This article does not contain all the regulations and requirements for development activities, design and construction for the City of Northport. Approval of a landscape plan pursuant to the provisions herein does not serve as a substitute for obtaining and complying with all other applicable city ordinances, regulations, building and other related codes, zoning restrictions, subdivision and other applicable regulations.

The provisions of this ordinance shall have applicability to all site and land development projects and development activities within the corporate limits of the City, including the development of subdivisions (but not individual lots within subdivisions).

503. Applicability.

This ordinance shall apply to all land located within the Corporate Limits of the City of Northport, Alabama as well as land to be annexed if developed prior to annexation.

(1) The provisions of this ordinance shall apply to all new construction, redevelopment, or change of use for any multifamily residential, commercial, or industrial use and shall become applicable to any property for which any land development permit is required. The requirements shall remain applicable at all times once land has become subject to these provisions.

(2) All development for which this ordinance is applicable shall provide a detailed landscape plan along with all other required submission materials.

Prior to any development on any property in the City, the developer or person in charge or control thereof shall make application to the Department of Planning and have a landscape plan approved as part of the overall development approval process. A landscape plan must be submitted, along with the Land Development Plan, and approved by the Director of Planning or his/her designee prior to the issuance of any land development permits, (i.e. z*oning certificate, building permit, etc.)*

The Land Development Plan shall be in conformance with Section 1002 of this Ordinance and, in accordance with the provision of this ordinance, shall adequately and sufficiently address traffic, parking, stormwater, sanitary sewer, erosion, use of BMPs, etc.

If setbacks are requested to be reduced as provided through a special exception, alternative landscape designs that accomplish the intent of this ordinance must be approved by the Planning Director.

504. Definitions.

The following definitions are provided for clarification of terms used in Article V.

Application: A form provided by and submitted to the Department of Planning by a developer desiring a landscape plan to engage in development as herein defined.

Applicant: A developer as herein defined, including applicant or developer's representative, who is applying for approval of a landscape plan.

Bioswale: Vegetated surfaces that are designed to treat sheet flow from adjacent surfaces. Bioswales function by slowing runoff velocities and filtering out sediment and other pollutants, and by providing some infiltration into underlying soils.

Buffer: An area of land, including landscaping, berms, walls, fences and building setbacks, or any combination thereof, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

Caliper: The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

Canopy Trees: See Tree

City: The City of Northport, Alabama, whose address is 3500 McFarland Boulevard, Northport, Alabama 35476.

Critical Root Zone: An area on the ground around a tree that is within the drip line of a tree.

DBH (diameter at breast height): refers to the diameter of a tree four and one-half feet above ground level.

Developer. Any person, firm, partnership, corporation or other legal entity engaged in or seeking to engage in development activity as herein defined.

Development: For the purposes of this article only, any manmade or earth change to property including, but not limited to, preparation of land for the construction of buildings or other structures, mining, dredging, filling, grading, regarding, paving, clearing, excavating, or drilling operations. This definition also includes changes or improvements to any property subject to these regulations such as curb and gutter, storm drainage structures, streets, drainage facilities, sidewalks, and related public or private roads and the installation of utilities.

Director: refers to the Director of Planning and/or his/her designee.

Drip Line: A vertical line extending downward from the outermost tips of the tree branches to the ground.

Erosion: The wearing away of land by the action of wind, water, gravity or a combination thereof.

Evapotranspiration: loss of water from the soil both by evaporation and by transpiration from the plants growing thereon.

Grading: Altering the shape of the ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling & shaping or any combination thereof and shall include the land in its cut or filled condition.

Hedge: A row of closely planted shrubs, bushes or any kind of plant forming a boundary or fence.

Land Development Permit or Permit (LDP): A written document which authorizes development in accordance with the provisions in this article and subject to any additional or specific requirements that may be stated therein.

Land Development Plan or Plan: A properly documented written plan, prepared, signed and stamped by a registered professional engineer, licensed in the state, consisting of a completed application with supporting documents demonstrating that development as herein defined will occur upon an identified parcel of land within the area in compliance with all provisions of the City.

Landscape Administrator: The staff member designated by the Planning Director to administer this article.

Landscaping: Refers to the treatment of grade, groundcover, vegetation and ornamentation for a given area; including, but not limited to, plant materials such as trees, shrubs, groundcovers, perennials and annuals; and any other materials such as rocks, water, walls and fences; and any other feature affecting layout and use of the site.

Lot—Parcel—Property: Refers to a single undivided portion of land that is either legally recorded in the office of the Tuscaloosa County Probate Judge, or is being proposed in good faith by well-prepared plan drawings for the purpose of being legally recorded. It is the responsibility of the property owner (or his/her agent) to insure that the property is legally recorded with the office of the Tuscaloosa County Probate Judge.

Low Impact Development (LID): comprises a set of approaches and practices that are designed to reduce runoff of water and pollutants from the site at which they are generated by means of infiltration, evapotranspiration, and reuse of rainwater. LID

techniques manage water and water pollutants at the source and thereby prevent or reduce the impact of development on rivers, streams, lakes, coastal waters, and ground water.

Parking Lot or Garage: An open area or a structure used exclusively for the temporary off-street storage of motor vehicles. Such area or structure may be an independent business or may be used in conjunction with any other business or commercial use. A fee may be charged.

Parking space: a delineated area reserved for the parking of a single vehicle.

Perimeter Planting Strip: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Property Line: A line dividing one lot from another or from a street or any public or private space.

Rain Garden: Vegetated surfaces that are designed to treat sheet flow from adjacent surfaces. Filter strips function by slowing runoff velocities and filtering out sediment and other pollutants, and by providing some infiltration into underlying soils.

Redevelopment: The demolition and/or rebuilding or expansion of a site's physical development.

Right-of-way: A general term denoting public ownership or interest in land, usually in a strip which has been acquired for or devoted to the use of a street or alley.

Runoff: The water from rain or melted snow that flows over the ground.

Shrub: A low growing usually multi-stemmed, woody plant.

Stormwater: The flow of water resulting from precipitation and occurring immediately following rainfall or a snowmelt.

Street Trees: Any existing tree or any tree to be planted on the street right-of-way.

Tree: A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, defined as:

> Canopy (Large Maturing) — Single trunk whose height is greater than 35 feet at maturity, or
>
> Understory (Small Maturing) — Single trunk or multi-stem whose height is less than 35 feet at maturity.

Tree, Understory: See Tree

Utility Easement: A non-possessory interest given to or acquired by a utility, governmental agency, or private agency for the use of real property in the possession of another for a stated purpose such as locating utilities, including all types of pipelines, television cable, telephone and electric cables. Also includes corridors on public rights-of-way occupied by overhead utility lines.

Vegetated: Any ground surface covered with plant life.

Woodland: An area of natural vegetation or planted material, at least 50 feet in depth, covering one (1) acre or more and consisting substantially of canopy trees.

505. Landscape Plan Submittal Requirements.

505.01. Approval. A landscape plan must be submitted and approved by the Planning Director and/or their designee prior to the issuance of a Land Development Permit or Building Permit.

The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor shall certify that the landscape plan submitted meets the minimum landscape and bufferyard requirements of this article.

505.02. Format and materials. The landscaping plan and details shall be drawn to the same standard scale as the development plan or a scale which shows all landscaping accurately. Landscape plans shall be included as part of an application for a Land Development and/or Site Plan approval. All landscape plans must be reviewed and approved by the Director and/or their designee.

505.03. General information.

Complete landscape plans submitted for review and approval shall include the following:

(1) Title block, showing the title of the development, name and address of the owner/developer, name and address of the person or firm preparing the plan, date of preparation, scale, north arrow, and the date of all revisions.

(2) A location map, showing the relative location of the site to the nearest existing public street intersection.

(3) The boundaries of the subject property including the location and description of all adjoining property, the location and names of all adjoining streets and easements. If property is a part, or phase, of a larger development, the location/relationship to the overall development shall be indicated.

(4) The required number of parking spaces and the proposed number of parking spaces of subject property/development.

(5) Location and dimensions of all entrances and exits of the parking lot, the manner in which vehicles will be parked, all traffic circulation patterns, and the location and names of all utility lines, easements or right-of-ways on, or adjacent to, the site.

(6) All details needed to communicate appearance, and methods of construction and/or installation.

(7) A planting schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name,

cultivar or variety if any, quantity of materials, size of materials at planting, plant spacing, and existing trees approved for use.

(8) Location of all existing and proposed buildings, accessory structures and paved areas.

506. General Requirements.

506.01. Site protection and general planting requirements.

(1) *Topsoil.* To the extent needed and practical, topsoil moved during the course of construction shall be preserved and stockpiled for re-use on the site.

(2) *Existing trees.* Preservation of each existing healthy tree of an approved species (See Table 5-1), within required landscape areas, may count toward fulfillment of these requirements.

a. The existing tree to be preserved must be approved by the Planning Director and/or his/her designee to receive credit.

b. Existing trees that are credited towards meeting the requirements of this section shall be subject to the same maintenance and replacement requirements as newly planted trees.

c. Upon approval of the Planning Director and/or his/her designee an existing area of native vegetation meeting the definition of woodland, may be deemed to satisfy planting of a specific area or bufferyard required by this Ordinance regardless of the mix of plant materials otherwise required.

d. Each existing tree that is credited towards meeting the requirements of this article may reduce the number of required parking spaces as specified in Section 511.

(3) *Slope plantings.* Landscaping of all cuts and fills and/or terraces shall be matted or protected until plant cover is adequate to control erosion.

(4) *Utility Easements.* Plantings within Utility Company Easements must comply with the following:

a. Minimum distances measured horizontally from mature trees to overhead utility lines shall be:

Canopy Trees:	30 feet
Understory Trees:	15 feet

b. The location and species of trees proposed for location in utility easements shall be approved before installation.

c. Any part of a tree growing within 15 feet of an overhead utility line will require maintenance by a certified line trimmer approved by any affected utility companies.

d. This article shall not be construed to impair:

1. the right of eminent domain granted by State laws to utilities, whether public or private, or

2. a utilities' right to design, locate, erect, construct, re-construct, alter, protect or maintain utility poles, towers, lines, conduits, pipes or mains reasonably required in the public service or

3. a utilities' right to exercise authority conferred by statute, franchise, certificate of convenience and necessity, license or easement. Maintenance, repair, and extension of any public and private utility lines or related infrastructure are expressly allowed. The preceding will apply to work done by the utility's employees, agents and contractors doing work for the utility.

e. Avoid planting trees and shrubs on underground utility easements. This is due to the fact that the root systems may damage or restrict the installed systems.

(5) *Plant Material Standards:*

Canopy Trees: Shall have an average mature crown spread of at least 25 feet, be a minimum of eight feet in height and have a caliper of at least two inches at planting.

Understory Trees: Shall have an average mature crown spread of at least 15 feet, be a minimum of five (5) feet in height and have a caliper of at least one and one-half inches at planting.
Note: *No more than 30% of plant material may consist of crepe myrtle.*

Shrubs: Shall be a minimum size of three gallon containers and of such species to obtain a height of 24 inches within two years.

(6) Planting strips, buffers and planted islands are to be sodded, seeded, mulched or planted with shrubs or ground cover so as to leave no bare ground after landscape materials have been installed and permitted to grow for two years. Where mulch is used the area must be kept free of weeds.

(7) Stormwater inlets shall be located within a perimeter planting strip and incorporate rain gardens, bioswales or other staff approved stormwater mitigation techniques to promote infiltration and reduce stormwater runoff and non-point source pollution. Rain Gardens shall include at least one (1) tree. Alternative designs that accomplish the intent of this ordinance may also be permitted subject to approval of the Planning Director.

(8) Wherever a required bufferyard overlaps or coincides with a parking area as defined in this Section, the bufferyard shall take precedence; the required parking area planting shall be placed in another location.

(9) The integration of Low Impact Development techniques as part of the landscape plan may be used to meet these requirements.

506.02. Trash Receptacles.

(1) All commercial trash receptacles shall be placed on a pad approved by the City Engineer that allows for pick-up and maintenance as needed.

(2) All commercial trash receptacles shall be enclosed with a fence or wall that is impervious to sight, at a minimum of six (6) feet tall, and is consistent with the architectural materials of the primary structure.

(3) All screens will be completely enclosed with a latching gate.

(4) Trash receptacle sites shall not be located within landscaped areas that are required by this article.

507. Redevelopment.

Redevelopment of an existing built site which involves the complete removal of existing structures to allow for complete redevelopment shall be required to meet all requirement of this Section. In the event that the site itself is nonconforming by size or has other topographic constraints the Planning Director may authorize the utilization of the standards of Section 514 Alternative Compliance.

When redevelopment involves the expansion of a site's physical development the following increases in building size will trigger compliance with this Article:

Total Original Square Footage	Proposed Expansion
Less than 2,000 s.f.	25% or greater
2,000 – 5,000 s.f.	20% or greater
5,001 – 10,000 s.f.	15% or greater
Over 10,000 s.f.	10% or greater

508. Landscaping Standards.

It shall be the responsibility of the developer and/or property owner to select species from Table 5-1 which are appropriate to the locations in which they will be planted, and to maintain them so as to meet the intent of this Ordinance.

All plant materials shall meet minimum standards of caliper, fullness of form, height, root ball and vigor as described by the American Association of Nurserymen standards published in the current edition of American Standards for Nursery Stock.

508.01. Frontage Landscape Standards.

Except as required in Section 509, "Special Corridors", street frontage buffers shall be, at a minimum, ten (10) feet in depth along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) canopy tree, two (2) understory trees and six (6) shrubs per fifty (50) linear feet of the frontage, or faction thereof. Shrubs are optional in areas where a berm at least four (4) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.

The following additional frontage landscaping standards shall apply:
(See Figure 9)

a) lots with less than one hundred fifty (150) feet of frontage shall have a street frontage buffer depth of ten (10) feet;

b) lots with one hundred fifty (150) to two hundred fifty (250) feet of frontage shall have a street frontage buffer depth of twenty (20) feet;

c) lots with over two hundred fifty (250) feet of frontage shall have a street frontage buffer depth of thirty (30) feet.

For developments of two (2) or more acres with frontage of two hundred fifty (250) feet or more, the street frontage buffer shall be bermed in order to minimize the visual impact of the off-street parking area, unless the Director determines that the natural topography does not require the site to be bermed. The berm shall not have a slope of greater than one (1) foot of rise per three (3) feet of run, and shall not be less than four (4) feet in height at its apex. Landscape material for bermed street frontage buffers shall be in accordance with the requirements outlined above.

Frontage landscaping within the site distance triangle at driveways and street intersections, shall have an area of visibility between the heights of two and one-half (2.5) feet and six (6) feet above the street grade to afford a clear line of sight in the interest of vehicular traffic safety. (***See Figure 8*** for sight distance triangle detail)

Foundation planting shall require as a landscaped bed with a minimum depth of seven (7) feet along the front of the primary structure. The bed shall contain understory trees and shrubs and may contain other greenery or seasonal color. Shrubs shall have a minimum height at planting of twenty-three (23) inches and a maximum spacing of four (4) feet. Understory trees shall be used as accent to shrubbery and may be placed in groups at corners and near building entrances. Landscaping shall be planted within a bed of mulch or ground cover other than turf grass, and be protected by some barrier from damage by vehicles and maintenance equipment. Greenery shall be well distributed through not necessarily evenly space.

508.02. Perimeter Landscape Standards.

Perimeter landscaping must be provided within the property lines between the off-street parking area and adjoining properties. Planting areas existing in the public rights-of-way or on adjoining property shall not count toward the required perimeter landscaping area. Perimeter landscaping areas adjacent to adjoining properties shall be at least ten (10) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb, and shall contain the following plant material:

- One (1) canopy tree; three (3) understory trees; and four (4) shrubs per 100 linear feet of property, or fraction thereof.

Should a commercial/industrial development abut a residential district, a higher perimeter landscaping criteria shall apply. The perimeter landscaping areas along the common property line shall have a twenty (20) foot landscaped buffer area consisting of the following:

- an eight foot (8') fence with landscaping consisting of 4 canopy trees; six understory trees and 10 shrubs per 100 linear feet of property line

Or

- a planted hedge creating a solid unbroken visual screen reaching eight (8) feet in height within two (2) years of planting

It is intended that this bufferyard be of sufficient density to afford protection to the residential district from the glare of lights, blowing paper, dust and debris, visual encroachment and effectively reduce the transmission of noise. ***(See Figure 10)***

The perimeter buffer area shall be maintained in clean and neat condition.

Where topography provides a more effective buffer than the above described buffer, or where topography renders the above described buffer ineffective, the Landscape Administrator may:

A. Reduce the width of the required buffer by no more than fifty (50) percent,
B. Reduce the width or waive the required undisturbed buffer,

C. Allow reforestation with native vegetation in lieu of all or a portion of the required planted buffer,
D. Any combination of the above stated measures.

508.03. Interior/Parking Landscape Standards.

Planted islands and/or peninsulas shall be provided for any off-street parking area of twenty (20) or more parking spaces (not including the areas of perimeter and foundation landscaping) with dimensions and arrangements as follow:
(See Figure 11)

(1) Each island or peninsula, to count toward the total interior landscape requirements, shall be at least two hundred and fifty (250) square feet in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be five hundred (500) square feet.

(2) Island and peninsulas, must be at least eight (8) feet in their least dimension, measured from back of curb to back of curb.

(3) Islands and peninsulas in off-street parking areas shall be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and/or peninsulas shall be placed at the end of rows of parking spaces or between the circulation drives and parking rows, to channel traffic safely around the parking areas and to demarcate parking rows.

(4) The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per one hundred (100) square feet of landscaped area. Each island or peninsula shall contain at least one (1) tree.

(5) There shall be no more than 10 contiguous parking spaces without a landscape island, or peninsula.

(6) *Excavation of parking lot islands.*

a. All parking lot islands, peninsulas, and planting areas shall be excavated to remove all crusher run or parking lot base material and back filled with quality top soil, except those areas where existing vegetation is to be preserved. The top soil shall be high in organic matter and will allow water to percolate. The excavation of these planting areas shall be to a minimum of 24” and will freely allow penetration of hand-held probe to a minimum of 24”.

b. Inspection of these planting areas shall be conducted by engineering and resource protection inspectors during the construction process.

Failure to comply with these requirements can result in a stop work order issued by the inspectors.

508.04. Foundation Planting Standards.

Building foundations shall be required to have a landscaped bed with a minimum depth of seven (7) feet along the front of the primary structure. Beds shall contain both understory trees and shrubs and may also contain other greenery and seasonal color. There shall be a minimum of one (1) shrub for every four (4) feet of façade length with a minimum height at planting of twenty-three (23) inches. Understory trees shall be used as accents to shrubbery and may be placed in groups at corners and near building entrances. Landscaping shall be planted within a bed of mulch or ground cover other than turf grass, and be protected by some barrier, such as curbing or tire stops, from damage by vehicles and maintenance equipment. Plant material shall be well distributed throughout the bed, though not necessarily evenly space.

Summary: Shrubs = 1 per 4' of front façade and 23" in height at planting
Understory = grouped at corners and entrances of building

509. Special Corridor Landscape & Design Standards.

Recognizing the special nature of certain thoroughfares and the direct and indirect impacts of the appearance of these roadways and their importance to the local economy, this Section sets forth regulations that will help insure that development in these critical areas is visually pleasing and economically viable. This Section applies to all land in the corridor, regardless of the underlying zoning district designation, and supersedes base district zoning district regulations in the corridor unless the zoning district requirements are more stringent. In those cases, the base district regulations apply. Henceforth, as parcels are developed or redeveloped along designated corridors, the following bufferyard and landscape requirements shall apply.

509.01. Areas of Applicability. These regulations shall apply to all lots, parcels and tracts that have any frontage upon the following rights-of-way:

- McFarland Blvd (U.S. Highway 82)
- Lurleen Wallace Blvd.
- U.S. Highway 69
- U. S. Highway 43
- Rose Blvd.
- Watermelon Road
- Rice Mine Road
- Martin Luther King, Jr. Blvd.

509.02. Submission Requirements. All design elements required by this Section shall be illustrated or described within the application materials prepared for the review of staff and the Planning Commission. Any submission made without such requirements shall be deemed incomplete. Incomplete submissions shall not be considered for inclusion on Planning Commission agendas.

509.03. Building Materials and Design Review. The Planning Commission shall review submissions for their general compatibility with existing conditions and public improvements according to the process for conditional uses outlined in Article X.

A. Exterior Building Materials. All building cladding materials shall be described in the application or upon the site plan. Building facades and accessory buildings visible to pedestrian and vehicular traffic shall consist of natural materials such as wood, stone, and manufactured products such as brick, stucco, and architecturally decorative concrete block; other such materials may be approved after review by the Planning Commission.

The use of bright or garish colors shall be prohibited on principle and accessory structures and fencing. All structural supports (i.e., columns) for vehicular canopies shall be clad in one or more of the same materials as the building facades.

B. Sign Design. The location of freestanding signs shall be illustrated on the site plan. Sign materials shall be coordinated with the exterior cladding of the structures. Size and height of sign shall conform to the standards set out in Article VIII "Sign Regulations".

509.04. Bufferyards, Setbacks & Landscaping. On all developments, the owner or developer must provide the required setback and the required buffer or minimum buffers described below, whichever is greater

A. *Thoroughfare Frontage Bufferyard.* A 15-foot bufferyard shall be installed along the entirety of thoroughfares listed in Section 509.01. This bufferyard shall contain three (3) canopy trees, ten (10) understory trees, and 15 shrubs per 100 feet of corridor frontage.

B. *General Right-of-Way Setback.* All structures shall be at least 20 feet from the right-of-way line of those thoroughfares listed in Section 509.01.

C. *Garages, Car Washes and Service Bays.* All garages, car washes or other service bays shall be located at least 40 feet from the front property line and all garage/car wash/service bay openings shall be oriented at not less than right angles to the primary public street frontage, or adequate, vegetative screening as outlined in this ordinance or determined by the Director, shall be provided to limit view from the public street.

509.05. Fences and Screening.

A. Lot areas within which repair of vehicles of any type occur shall be screened from public view. Storage areas of vehicles that are visibly damaged or under repair shall be similarly screened.

B. Utility meters, air conditioners and other mechanical units shall not be located on any plane of the primary structure that faces a designated corridor and shall be screened from public view.

C. No type of wire fabric fencing material shall be used forward of the front plane of the primary structure. Fences in the front yards shall not exceed four (4) feet in height.

509.06. Awnings and Canopies. Rigid or fixed awnings and canopies must be maintained and kept free from dirt, mildew and tears. Worn, faded or torn awnings and canopies shall be replaced. Awnings shall not be a continuous line across a building façade, but rather shall be broken or grouped to create visual interest. ***(See Figure 7)***

509.07. Residential Development backing up to corridor roadways.

To provide protection and privacy to residential developments backing up to Highway Corridors as defined above the following Corridor Screening shall be provided:

- An earth berm or bank at least four (4) feet high with a required base width of at least ten (10) feet and covered with an acceptable grass or landscape cover suitable to the slope used.
- Berms shall meet the following standards:
    - The slope of all berms shall not exceed a three-to-one ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of eight feet above the toe of the berm.
    - Berms exceeding four feet in height shall maintain a four-to-one ratio (horizontal to vertical).
    - Berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.
    - Berms along street right-of-ways shall not be permitted within sight distances at intersections.
    - Berms shall in no case damage the roots or trunks of existing healthy vegetation designated to be preserved.

AND

- A planting screen consisting of a minimum of two (2) staggered rows of evergreen shrubs such as, but 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, met adequate sight distance requirements.

Alternative forms of screening may be considered by the Planning Commission subject to detailed drawings supporting said alternative being provided at the time of submission. ***(See Figure 12)***

Example: Berm separating residential development from major roadway

510. Conditional Uses.

The Planning Commission and/or City Council, as part of Conditional Use Approval, may place additional requirements on a Site Development Plan, including but not limited to landscape requirements, above and beyond those specified in this article.

511. Off-Street Parking and Tree Preservation Credits.

In order to encourage the preservation of existing trees and reduce the amount of impervious surface, the following off-street parking reduction may be utilized.

A. Total parking requirements may be reduced by one space for each existing tree meeting the perimeter planting requirements that is preserved.

B. The following criteria only apply to commercial parking lots and in no case shall the combination of all reductions in parking allowed by this Ordinance exceed the following reduction criteria:

10% for parking lots containing 1-74 spaces,
15 % for parking lots containing 75-125 spaces, or
20% for parking lots containing 126 or more spaces.

511.01. Protection of Preserved Trees during Construction

Existing tree(s) shall only be credited where the following management standards are met:

A. During construction, the critical root zone of the tree(s) to be reserved shall be fenced and protected from compaction, trenching, harmful grade changes and/or other injury and be shown on an approved landscape plan.

B. Pavement, building foundations or other impervious surfaces shall not encroach into the critical root zone, unless preservation practices are followed to insure exchange of oxygen, water and nutrients to the root system. Said preservation practices shall be provided in written and/or graphic form to the Planning and Engineering staff for review and approval.

C. Sidewalks or other forms of hard surfaces that do not require soil compaction and are not intended for vehicular use may be located within the critical root zone only if preservation practices are followed to insure exchange of oxygen and water to the root system. Said preservation practices shall be provided in written and/or graphic form to the Planning and Engineering staff for review and approval.

512. Open Space Requirements for High Density Residential Developments.

In an effort to provide for active and/or passive recreational activities, improve the quality of life for residents and increase property values and desirability of high density residential development, standards have been set out, here and elsewhere in this Ordinance, for the provision of open space in these developments.

512.01. Conventional Subdivisions. Conventional residential development, or phases of development, containing lots of 9,000 square feet or less shall have a minimum of twenty percent (20%) open space. (See Table 6-2)

512.02. Performance Residential Developments. Those developments recognized in Section 603.03 as performance residential and indicated as requiring platted open space shall provide a minimum of twenty percent (20%) open space unless otherwise approved as part of a Master Development Plan.

512.03. Open Space Requirements. See Section 415.

513. Compliance.

For any criteria for which this article applies, the architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor must certify, to the Planning Director and/or his/her designee, that the landscaping has been installed to meet the minimum requirements of this article. The site will be inspected before a final certificate of occupancy will be issued.

In the event that inclement weather delays the installation of landscape materials by less than thirty (30) days, the developer may make a written request to the Planning Director for an extension to the time of completion for the planting schedule in the approved landscape plan.. The request must specifically state the reason for the delay as well as an estimated date for completion. Failure to complete the installation within 15 days of specified date will constitute non-compliance.

No certificate of occupancy shall be issued for any new development that has not met the requirements of this article or an approved landscaping plan. Additions or renovations to existing parking areas shall also receive a certificate of occupancy prior to usage. When circumstances preclude immediate planting, the administrator may release the development for a certificate of occupancy after:

A. The owner or developer has completed all curbing, irrigation systems and other non-planting components of the landscaping plan; and

B. Posted a completion bond or certified check in an amount equal to one hundred twenty-five (125) percent of the total cost, including labor, of the remaining landscaping installation.

Required surety shall be made payable to the City of Northport and submitted to the Planning Director or City Engineer. The Director or Engineer shall set the time limit for completion and approval of any guaranteed landscaping, but in no case shall the time period exceed six (6) months after the date the certificate of occupancy is issued.

514. Alternative Compliance.

A. *Intent.* The Landscape Requirements are intended to encourage development practices which are conscious of the character of the City and its ecological processes. Conditions associated with individual sites may under certain circumstances warrant approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the Purpose and Intent of this Article can only be obtained through alternative compliance. It is not the intent of this section to allow alternative compliance on the basis of economic hardship. In the event that such conditions are present, the Planning Director and/or his/her designee shall have authority to adjust the requirements of this article as provided below in accordance with the following:

(1) Request for Alternative Compliance Review. Requests for alternative compliance must be made in writing at the time of application and may be granted for any permit application to which the Landscape Requirements apply, when one or more of the following conditions are met:

(a) Improved environmental quality would result from alternative compliance.

(b) Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.

(c) Spatial Limitations, unusual shaped pieces of land, or unusual servitude requirements may justify alternative compliance.

(d) Public safety considerations make alternative compliance appropriate.

(e) Public Improvement (i.e. streets, water, sewer, etc.) projects make alternative compliance appropriate.

(f) The site is part of a development for which a master plan has been submitted which makes adequate provision for landscaping.

The above conditions must be substantiated as part of the written request for Alternative Compliance.

(2) *Methods of Alternative Compliance*.

(a) Reduction in the amount, or variation in types, of required landscaping

(b) Reduction of buffer widths.

(c) Modification of required structures (i.e. fences, walls, berms, etc.)

(d) Modification in configuration or amount of required parking to accommodate landscaped islands

In all instances, at the discretion of the Planning Director, such requests for alternative compliance may be referred to the Planning Commission for review and approval.

515. Landscaping Requirements for Downtown & Riverfront Areas.

Within the area encompassed by the Northport, Alabama Downtown & Riverfront Plan, all peripheral and internal landscaping shall meet those requirements setout in the Northport Core City Zoning and Design Standards. (See Article VIII) Additionally, unless otherwise specified in said plan, streetscapes shall be developed along Main

Avenue and 1st Street to mimic those already present along Main Avenue in these districts.

516. Ownership & Maintenance.

The owner of property developed in accordance with an approved landscape plan shall be responsible for maintaining all landscaping in good condition. The maintenance required under this section shall include the prompt replacement of all dead or damaged landscaping materials, whether from natural or unnatural causes, so as to insure continued compliance with the requirements of this ordinance.

All landscape and bufferyard materials shall be maintained by the owner of such materials so that the purpose and effect of the landscaping and bufferyards is not diminished. The following minimum maintenance activities are required:

A. Replacement of plant materials destroyed by any cause.

   In the case of any canopy tree removed or otherwise destroyed by the willful act of the property owner, tenant or contractor, a tree of the same or larger caliper must be used as a replacement. Where replacement at the same or larger caliper is not feasible, the Planning Director may provide alternative replacement criteria.

B. Repair and/or replacement of fences and walls that deteriorate or are damaged by any cause.

C. Restoration of berms that are altered by erosion, construction, or other causes.

D. Irrigation of landscape materials is strongly recommended, particularly for larger development sites. Landscaping lost due to lack of rainfall or irrigation shall be required to be replaced by the property owner.

Bufferyards constitute an integral part of a development site, and may not be subdivided, sold, dedicated, or otherwise conveyed separately from the development site of which they are a part. The City shall not approve any development plan in which a required bufferyard or any portion of a required bufferyard lies on land, which is not part of the development site.

517. Legal aspects, other Regulations.

All local, state and federal laws and regulations shall be considered when interpreting provisions of, or technical specifications published pursuant to, this article. In each instance, the more restrictive requirement shall govern unless sound engineering judgment can determine and prove that the more restrictive requirement would be

otherwise unnecessary, In most instances, laws and regulations that are phrased more explicitly shall apply over those items that are not phrased as precisely.

Nothing herein contained shall authorize a person to engage in development or earth changes in a manner inconsistent with current zoning or subdivision regulations or other applicable codes or ordinances. All development or earth changing activity shall be in conformity with current zoning or subdivision regulations and all other applicable codes or ordinances.

A landscape plan does not authorize any person or developer to engage in any activity that would violate any other applicable code, ordinance, regulation or state or federal laws nor substitute for obtaining any licenses or permits otherwise required.

518. Penalty for Violation.

Failure to comply with the requirements of this Article shall be deemed a violation of the Ordinance and subject to penalties as set out in Section 1110 of this Ordinance. Violators will be given written notice of the violation and permitted 15 days to correct the violation before a citation is issued. Thereafter, each day shall be considered a separate offense and shall be punishable by the maximum fine established by the City Council of Northport.

Table 5-1: Approved Tree List

Trees contained in the following list are preapproved for use and meet the requirements of this article. Any tree which is not on this list may be submitted for approval to the Planning Director and/or his/her designee, prior to the approval of a Land Development Permit. Tree which exhibit poor health characteristics, are not native to the climate range in Northport or are considered invasive will not be approved for installation.

Scientific Name	Common Name
CANOPY TREES:	
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Acer freemanii	'Autumn Blaze'
Acer x freemanii	Freeman Maple
Betula nigra	River Birch
Carpinus caroliniana	American Hornbeam
Carya ssp.	Hickory
Cedrus deodora	Deodor Cedar
Celtis laevigata	Sugarberry
Celtis occidentalis	Hackberry
Cornus x 'Rutican'	Constellation Dogwood
Cryptomeria japonica	Japanese Cedar
Fagus grandifolia	American Beech
Fraxinus americana	White Ash
Fraxinus pennsylvanica	Green Ash
Ginkgo biloba	Ginkgo; Maidenhair
Liquidambar styraciflua 'Rotundaloba'	Fruitless Sweetgum
Liriodendron tulipifera	Tulip Tree; Tulip Poplar; Yellow Poplar
Magnolia grandiflora	Southern Magnolia
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Black Tupelo (Black Gum, Sour Gum)
Ostrya virginiana	Hophornbeam
Pinus elliotii	Slash Pine
Pinus glabra	Spruce Pine; Walter's Pine
Pinus palustris	Longleaf Pine
Pinus taeda	Loblolly Pine
Pinus virginiana	Virginia Pine
Pistacia chinensis	Chinese Pistache
Platanus occidentalis	Sycamore
Quercus spp.	Oak Tree
Salix babylonica	Weeping Willow
Sequoia sempervirens	Redwood
Taxodium distichum	Bald Cypress
Tsuga candensis	Eastern Hemlock; Canadian Hemlock

CANOPY TREES: (cont.)	
Ulmus alata	Winged Elm
Ulmus parvifolia	Chinese Elm; Lace Bark Elm
Zelkova serrata	Japanese Zelkova
UNDERSTORY TREES:	
Acer barbatum	Florida Maple
Acer buergeranum	Trident Maple
Acer palmatum	Japanese Maple
Amalanchier x 'Autumn Brilliance'	Autumn Brilliance Serviceberry
Cercis canadensis	Eastern Redbud
Cornus florida	Flowering Dogwood
Cornus kousa	Kousa Dogwood
Crataegus phaenopyrum	Washington Hawthorn
Ilex latifolia	Lusterleaf Holly
Ilex x attenuate fosteri	Foster Holly
Ilex x 'Emily Bruner'	Emily Bruner Holly
Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly
Ilex x attenuate 'Savannah'	Savannah Holly
Ilex x attenuate 'East Palatka"	East Palatka Holly
Ilex verticillata	Winterberry; Holly; Black Alder
Juniperus virginiana	Eastern Red Cedar
Juniperus virginiana 'Idylwild'	Idylwild Juniper
Lagerstroemia indica	Crape Myrtle
Magnolia grandiflora 'Claudia Wannamaker'	Claudia Wannamaker Magnolia
Magnolia grandiflora 'Bracken's Brown Beauty	Bracken's Brown Beauty Magnolia
Magnolia grandiflora 'Little Gem'	Little Gem Magnolia
Magnolia grandiflora 'D.D. Blanchard	D.D. Blanchard Magnolia
Magnolia grandiflora "Margaret Davis"	Margaret Davis Magnolia
Magnolia stellata	Star Magnolia
Magnolia x soulangiana	Saucer Magnolia
Magnolia virginiana	Sweet Bay Magnolia
Malus spp.	Crabapple
Myrica cerifera	Southern Wax Myrtle
Osmanthus fortunei	Fortune's Osmanthus
Osmanthus fragrans	Tea Olive
Oxydendrum arboreum	Sourwood; Lily of the valley tree; Sorrell tree
Prunus serrulata	Japanese Flowering Cherry
Prunus subhirtella	Higan Cherry
Prunus x yedoensis	Yoshino Cherry
Thuja occidentalis	Eastern White Cedar
Vitex agnus-castus	Lilac Chaste Tree

DECIDUOUS SHRUBS:	
Abelia x grandiflora	Glossy Abelia
Aesculus parviflora	Bottlebrush Buckeye
Berberis thunbergii atropurpurea ‘Crimson Pygmy’	Crimson Pygmy Barberry
Buddleia davidii	Butterfly-Bush
Chaenomeles speciosa	Common flowering quince
Cotinus coggygria	Common Smokebush
Euonymus alatus compactus	Burning Bush; winged euonymus
Exochorda racemosa	Pearlbush
Forsythia xintermedia	Border Forsythia
Hibiscus syriacus	Shrub althea; Rose of Sharon
Hydrangea macrophylla	Big Leaf Hydrangea
Hydrangea quercifolia	Oakleaf Hydrangea
Jasminum floridum	Showy Jasmine
Jasminum nudiflorum	Winter Jasmine
Kerria japonica	Japanese kerria
Kolkwitzia amabilis	Beautybush
Lagerstroemia indica/fairiei	Crape Myrtle
Magnolia stellata	Star Magnolia
Spiraea x bumalda ‘Anthony Waterer’	Anthony Waterer Bumalda Spirea
Spiraea cantoniensis	Reeves Spirea; Double Reeves Spirea
Spiraea prunifolia	Double Bridalwreath Spirea
Spiraea thunbergii	Thunberg Spirea
Spiraea x vanhouttei	Vanhoutte Spirea
Viburnum x burkwoodi	Burkwood Viburnum
Viburnum carlesii	Korean Spicebush
Viburnum dentatum	Arrowwood viburnum; Southern arrowwood
Viburnum prunifolium	Blackhaw Viburnum
Viburnum plicatum	Japanese Snowball
Viburnum plicatum var. tomentosum	Doublefile viburnum
Vitex agnus-castus	Lilac Chastetree
Weigela florida	Old Fashioned Weigela
EVERGREEN SHRUBS:	
Berberis sargentiana	Sargent Barberry
Berberis julianae	Wintergreen Barberry
Buxus microphylla japonica	Japanese Boxwood
Buxus microphylla koreana	Korean Boxwood
Buxus microphylla cultivars	Wintergreen boxwood
Eaeagwus ebbengai	Ebbengei elaeagnus
Elaeagnus pungens reflexa	Bronze Eaeagnus
Ilex x ‘Nellie R. Stevens’	Nellie R. Stevens Holly
Ilex x aquipernyi	Brillian Holly
Ilex x attenuate ‘Savannah’	Savannah Holly

EVERGREEN SHRUBS: (cont.)	
Ilex attenuate ‘Fosteri’	Foster Holly
Ilex cassine	Dahoon
Ilex cornuta ‘Burfordii’	Burford Chinese Holly
Ilex cornuta ‘Carissa’	Carissa Holly
Ilex cornuta ‘Needlepoint’	Needlepoint Holly
Ilex cornuta ‘Rotunda’	Rotunda Chinese Holly; Dwarfed horned holly
Ilex cornuta ‘Burfordii Nana’	Dwarf Burford Holly
Ilex crenata ‘Hetzii’	Hetz Japanese Holly
Ilex crenata ‘Rotundifolia’	Roundleaf Japanese Holly
Ilex crenata ‘Helleri’	Heller Japanese Holly
Ilex crenata ‘Compacta’	Compacta Japanese Holly
Ilex crenata ‘Convexa’	Convexleaf Japanese Holly
Ilex glabra	Inkberry
Ilex latifolia	Lusterleaf Holly
Ilex vomitoria	Yaupon Holly
Ilex vomitoria ‘Pendula’	Weeping Yaupon
Ilex vomitoria “nana’	Dwarf Youpon Holly
Illicium parviflorum	Small Anise-tree
Juniperus chinensis spp.	Juniper
Juniperus conferta ‘Blue Pacific’	Shore Juniper; Blue Pacific Juniper
Juniperus horizontalis ‘Bar Harbor’	Bar Harbor Juniper
Juniperus horizontalis ‘;Plumosa compacta’	Andorra juniper
Juniperus horizontalis ‘Wiltoni’	Blue Rug Juniper
Juniperus parsoni	Parsons Juniper
Leucothoe populiforia	Rainbow Leucothoe
Ligustrum japonicum	Japanese Privet
Ligustrum japonicum ‘Rotundifolium’	Curlyleaf Ligustrum
Lonicera fragrantissima	Winter Honeysuckle
Mahonia bealei	Leatherleaf Mahonia
Michelia figo	Banana Shrub
Myrica cerifera	Southern Waxmyrtle
Nandina domestica	Nandina
Osmanthus heterophyllus	Holly Osmanthus; Holly Tea Olive; False Holly
Osmanthus x fortunei	Fortunes Osmanthus/Tea Olive

ARTICLE VI. DETAILED USE REGULATIONS

Section 600. Purpose.

The purpose of this Article is to specify the detailed regulations, including bulk, layout, setbacks and lot area, which apply to specific land uses. Standards over and above those imposed by other sections of this Ordinance are necessary for certain land uses which, although permitted as of right in certain districts, have characteristics that might have negative impacts on nearby uses without these additional regulations. This Article also specifies the regulations applicable to temporary and accessory uses, and it details the off-street parking and loading requirements of permitted land uses.

Section 601. Standards Applicable to Certain Uses.

In addition to compliance with other regulations imposed by this Ordinance, the following standards are required of the specific uses enumerated below.

601.01. Renovation, Adaptive Reuse, and Preservation of Structures.

Because there may be value to the community in the renovation, reuse and preservation of structures, and because these actions serve the public interest, renovation, reuse, and preservation of structures are encouraged in all zoning districts.

A. In addition to a site plan required pursuant to Section 1002, each proposed renovation, reuse or preservation of an existing structure shall include a floor plan showing the internal use of the structure.

B. It is anticipated that the renovation, reuse, and preservation of existing structures will involve difficulties with maximum densities in some zoning districts, bufferyard requirements and off-street parking. Where these conditions occur, the Planning Director may impose such standards as fencing, screening, and planting as he/she deems appropriate to buffer existing adjacent properties. The Planning Director shall, in the case of higher densities and off-street parking, make such recommendations to the Planning Commission as he/she deems reasonable in supporting the concepts of renovation, reuse, and preservation of structures in the City of Northport.

601.02. Exceptions to Minimum Yard Requirements. The following structures shall be allowed to project into or be constructed in any minimum required yard as follows:

- awnings and canopies, roof overhangs and balconies not to exceed three (3) feet;
- bay windows, not to exceed two (2) feet;
- clotheslines; driveways and their curbs, fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this Ordinance.

- Uncovered decks of no more than 30 inches in height may extend to within five (5) feet of the property line.

Nothing contained in this Section shall be construed to allow encroachment of any feature into a required bufferyard.

601.03. Voluntary Dedication of Property for a Public Purpose. No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Ordinance, except that when a lot is reduced in dimension or total area by 20 percent or less by the voluntary dedication by the owner and acceptance of a portion of such lot by the City for a public use, the lot shall be considered to contain the dimensions and area it contained prior to such dedication. However, for purposes of measuring compliance with setback requirements of this Code, the dimensions and area of such lot as it exists after the voluntary dedication shall apply.

601.04. Limitations on Animals. – See Chapter 14 of the City of Northport, Alabama Code of Ordinances.

601.05. Moving of Buildings. No structure shall be moved from one development site to another unless such structure shall, at the new location, comply with all applicable provisions of this Ordinance.

602. Broadcast/TV/Radio and Telecommunication Tower Use Regulations.

Except where otherwise stated herein, the following standards shall apply to all types of broadcast and communication towers within the City of Northport.

A. *General Regulations and Requirements.* All requirements for site plan approval, as set out in Article X, shall be met at the time of application for site of new towers.

B. *Safety/Structural Design of Towers.* All broadcast towers must comply with requirements as set out in the latest edition of the EIA-222 code "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

C. *Security.* A chain link fence shall be installed around the perimeter of the compound, with a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable). Such fence is to be located on the perimeter of the compound unless otherwise approved as part of the site plan submitted with the application of site plan approval. Guy anchors may be fenced separately from the main compound. Climbing pegs shall be removed from the lower 20 feet of all broadcast towers.

D. *Lighting Restrictions*. There shall be no lighting on any tower except when required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application.

Any security lighting used at the facility shall be of low intensity, shall not be directed or reflected away from the site, and must not illuminate any portion of the site higher than ten (10) feet.

E. *Maintenance.* The owner of a broadcast tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Northport or its authorized representatives, in perpetuity for as long as said tower remains on a site.

F. *Landscaping.* Broadcast towers constructed in conjunction with a principal structure (i.e. radio/TV station) shall comply with all bufferyard and landscape requirements as set out in Article V.

G. *Abandoned Facilities.* Any broadcast facility that ceases to be used for its original communications purpose shall be removed at the owner's expense. The owner of the facility shall provide the Planning Director with a copy of the notice to the FCC of the intent to cease operations, and shall have 120 days from the date of such ceasing to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice will still be required from each provider as to their cessation of operations, and such provider will be required to remove its facilities within the one hundred and twenty (120) day period prescribed above. At such time as all providers sharing use of a tower cease operation of their facilities located thereon, the owner of the tower shall complete the removal and restoration process as set forth herein.

H. *Area and Dimensional Requirements.* The following area and dimensional regulations shall apply to all facilities covered by this Section:

1. *Minimum Lot Area:* Determined by setback requirement.

2. *Minimum Setbacks:* Each tower shall be set back from all property lines a distance equal to 50 percent of its height (when site is a leased portion of a larger parcel, setbacks shall be measured from the property lines, not the leased site). Maintenance/equipment buildings must meet the setback requirements as specified for the zoning district in which they are to be constructed.

3. All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. Guy anchors may be fenced separately from the main compound.

4. *Bufferyard Requirements:* See Article V

I. *Height and Location Restrictions.* In regard to the height and sitting of all broadcast facilities and their associated structures the following regulations shall be observed:

1. No broadcast tower site boundary shall be located closer than 200 feet to any residence.

2. No tower shall be located less than a distance equal to its height, as measured from the base of the tower, from any Residential (RS) District zoning boundary. Any new towers so located shall further be restricted to a monopole or self-supporting design.

3. No tower shall exceed a height of 300 feet.

4. Where such facility is constructed in conjunction with a principal structure it shall be sited behind the front plane of said structure. Property located in the Agricultural District (AG) shall be exempt from this provision.

602.01. Telecommunications Towers.

In addition to the standards set out in Section 602 above; the following standards shall apply specifically to telecommunication towers.

A. *Application and Justification.* All requirements for site plan approval, as set out in Article X, "Development Approval Process", shall be met at the time of application for siting of new telecommunications towers. In addition to meeting the general requirements for site plan approval, the following information shall be provided when applying for approval of a communication tower:

1. A current U.S.G.S. quadrangle map (1:24,000), or equivalent, showing the proposed site location and at least a two (2)-mile radius around the site;

2. A scaled elevation diagram of the facility, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location;

3. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility and its relationship to the next nearest adjacent cell(s) and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g. buildings, billboards, water towers, or

other structures that could be used for support in lieu of a new tower) considered within a two (2)-mile radius of the proposed location.

4. An inventory of all the provider's existing telecommunications towers and communications antenna sites in Tuscaloosa County (including those located in municipalities within Tuscaloosa County). This inventory must include:

a) The location, parcel identification number, and ownership of the telecommunications tower.

b) Name of co-locators.

c) Height of tower.

d) Type of tower or nature of other structure where antenna is located.

e) Name of Wireless Communication Service Provider co-location coordinator.

f) Copy of Wireless Communication Service Provider's FCC license.

In the event such inventory has already been provided, each successive application must include an update such that said inventory will be completely current and accurate.

5. Written documentation justifying the need for a new telecommunications tower site to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:

a) a list, description and map of the potential co-location, nonresidential use or alternative location sites that are located within the geographic service area of the proposed site;

b) documentation that requests for co-location have been made at least 30 days prior to the filing of application for site plan approval

c) a detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;

d) an analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the countywide network;

6. Certification that the proposed telecommunications tower is structurally and technically designed and capable, and will be so constructed, to meet the co-location requirements set forth in this Section. Immediately upon completion of construction, as-built certifications of same shall be submitted as well.

B. *Co-location Requirements.* All towers constructed subsequent to the adoption of this Section, and their associated compounds, shall be designed and built to accommodate additional wireless communication service providers based on the height of the tower as follows:

1. Towers 80 to 159 feet in height shall accommodate a minimum of two (2) providers.

2. Towers 160 to 209 feet in height shall accommodate a minimum of three (3) providers.

3. Towers of 210 to 300 feet in height shall accommodate a minimum of four (4) providers.

Carriers wishing to co-locate on an existing tower may receive administrative approval of their request.

C. *Maximum Utilization of Existing Sites.* No new telecommunications tower shall be constructed if space is structurally, technically, and economically available for the proposed telecommunications antenna(s) and related facilities on an existing tower; or on an alternative site (e.g. building or other structure), where such alternative location would cover the required service area without creating undue signal interference.

D. *Pre-Existing Towers.* Any telecommunications tower or telecommunications antenna for which a permit has been properly issued shall hereafter be considered a non-conforming use subject to the provisions of Article IX of this Ordinance. The purpose and intent of this Section is to minimize the proliferation of new towers and promote the co-location of new antennas onto existing towers. Any communications antenna locating on a pre-existing properly permitted telecommunications tower subsequent to adoption of this Section shall be exempt from the restrictions of Article V of this Ordinance when the provisions below are met:

1. If structural strengthening is necessary to accommodate co-location, the tower type shall remain the same as previously permitted.

2. There will be no increase in the total height or type of lighting of the facility, including the tower, antennas and all other associated facilities.

3. All setback and buffer requirements applicable to the existing tower, at the time its permit was issued will continue to be applicable to such tower.

The Planning Department shall permit such facilities through administrative review and approval.

602.02. Exemptions. The following wireless communications facilities shall be exempt from the requirements of this Section:

1. Amateur radio antennas and receive-only antennas not more than 60 feet in height, and satellite earth station antennas two (2) meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed.

2. Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.

3. Accessory facilities used exclusively for dispatch communications by private entities, or for internal communications by public utilities, provided such facilities do not exceed a total of 60 feet in height whether mounted to a structure or ground mounted.

The Planning Director shall make determination of exemption of any such facilities exceeding the foregoing dimensions.

603. Residential Use Regulations.

This Section specifies the minimum lot dimensions and other requirements for each type of residential unit permitted by this Ordinance, except in areas designated as Special District (SD).

When a lot size exceeds the minimum permitted area, all other standards applicable to the minimum lot area shall nevertheless apply. The figures specified in the tables of this Section are expressed in terms of square feet, feet, or a ratio, whichever applies.

Lot sizes and other requirements for residential lots within Special Districts (SD) shall be established through the review and approval of the required Master Development Plan, (See Section 604).

603.01. Conventional subdivisions. A conventional subdivision consists of single-family dwellings on individual lots and, unless otherwise required by Article V, requires no public or community open space, including resource protection and recreation land.

A conventional subdivision is characterized by division of the entire subject parcel into lots. Table 6-1, Lot Area, Setbacks and Maximum Impervious Surface and Parking Requirements for Conventional Subdivisions, specifies the minimum standards for conventional single-family subdivision lots of various sizes in zones other than “RS”. Table 6-2 provides development standards for conventional subdivisions in the Residential (RS) District.

Table 6-1: Lot Area, Setbacks, Maximum Impervious Surface, and parking Requirements for Conventional Subdivisions *(except in RS districts: See Table 6-2)*

			Minimum Yards (feet)					
Minimum Lot Area (sq. ft.)	**Minimum Lot Width**	**Maximum ISR**	**Street**	**One Side**	**Side Yard On-Street**	**Total Side**	**Rear**	**Off-Street Parking**
40,000	70	0.20	25	15	25	30	40	2
30,000	70	0.24	25	12	25	25	35	2
20,000	70	0.26	25	10	25	20	30	2
10,000	70	0.35	25	6	20	15	20	2
Less than 10,000	70	0.35	25	6	20	15	20	2

Note: In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. *Curved right-of-way: 75 percent of normal width requirement.*

2. *Subdivision cul-de-sac: 50 percent of normal width requirement.*

Width at road frontage shall be measured along a straight line connecting the foremost points of side lot lines.

Table 6-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Conventional Subdivisions.

			Setbacks (in feet)						
Zone[1]	**Min. Lot Area (Sq. Ft.)**	**Min. Lot Width[2] (Ft.)**	**Front**	**Rear**	**Side Yard**	**Side yard on Street**	**ISR[3]**	**Height (Ft.)**	**Off-Street Parking**
RS-1	15,000	95	40	50	14	25	0.30	35	2
RS-2	12,000	85	35	35	12	25	0.40	35	2
RS-3	9,000	75	30	35	10	20	0.45	35	2
RS-4[4]	6,000	60	20	20	7	15	0.50	35	2

[1]This column indicates the regulations applicable to Residential (RS) Districts, which have different standards according to the minimum lot size of the particular district. The minimum lot size of a Residential (RS) District varies and is a function of the character of that district as of the date of enactment of this Ordinance.

Unless a Special District zoning is requested and a Master Plan submitted, lots must be sized and developed according to the zoning requested.

[2]In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of normal width requirement.
2. Subdivision cul-de-sac: 50 percent of normal width requirement

Width at road frontage shall be measured along a straight line connecting the foremost points of the side lot line.

[3]Maximum Impervious Surface Ratio.

[4]Developments containing lots of 9,000 square feet or less in size are required to have a minimum of 20% Open Space. See Section 512.01.

603.02. Manufactured Housing

The purpose of this section is to provide standards and procedures specifically relevant to the location and development of manufactured housing and manufactured home communities within the City of Northport. These standards are separate from those established in Section 603.03. F. for Manufactured Home Parks.

A. Definitions.

Manufactured home. A home transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site is three hundred twenty or more square feet and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air-conditioning and electrical systems . The home is built to the National Manufactured Housing Construction and Safety Standards Act.

Manufactured home lot/site. A parcel of land for the placement of a single manufactured home unit and for the exclusive use of its occupants.

Manufactured home community/subdivision. A development that has been planned, improved and used for the placement of four (4) or more manufactured homes for residential occupancy. The lots in said community/subdivision shall be for fee simple sale to individuals wishing to place a manufactured home on said lot, and shall not be used for lease or rental purposes.

Mobile Home or House Trailer. Any detached residential dwelling, built prior to June 15, 1976, prior to the National Manufactured Housing Construction Safety Standards Act. Designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be occupied as a dwelling, completed and ready for occupancy includes the plumbing, heating, air conditioning and electrical systems. Travel Trailers, campers, recreational vehicles and motor homes are not to be considered as Manufactured Homes, Mobile Homes, or House Trailers.

Modular Home. A factory fabricated transportable home consisting of units designed to be incorporated at a building site on a foundation and used for residential purposes. A modular home must have a seal of compliance according to the regulations of the Alabama Manufactured Housing Commission.

Note: For the purposes of this Article, the term "manufactured home" shall include "modular home" and all requirements shall apply equally to each.

B. Manufactured Homes As In-fill Dwellings.

I. Compatibility Standards – Location Restrictions. Manufactured Homes may be permitted on a vacant lot within the AG, & RS zoning districts, subject to full compliance with the following conditions:

a. The proposed manufactured home will not be located on a vacant lot that is within a designated local, state or federal historic district, or a vacant lot that is between two or more structures that have been listed on or are eligible for addition to the National Register of Historic Places.

b. The combined value of the proposed manufactured home and the property upon which it will be sited shall not be less than ninety (90) percent of the average appraised value of all adjoining properties that have been improved for single family residential use.

C. Compatibility Standards – Generally.

The following are compatibility standards for manufactured homes meeting the definition of dwelling-single family.

Manufactured homes qualifying as dwelling, single-family shall be compatible to site-built and other housing in the immediate general area within the same zoning or residential district. Approval shall be granted when 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. Items subject to compatibility comparison will include the following:

I. **Exterior Finish.** Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is sited.

II. **Installation.** Manufactured homes and mobile homes shall be installed in accordance with the manufacturer's installation instructions or the regulations published by the Alabama Manufactured Housing Commission.

III. **Size & Appearance.** The general appearance and square footage of the home shall conform to housing in adjacent or nearby locations to insure compatibility of site-built homes and manufactured housing.

IV. **Site-orientation.** Manufactured homes and mobile homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.

V. **Towing device.** All towing devices, wheels, axles and hitches must be removed.

VI. **Utilities.** The home must be connected to water and sewage systems (including well and septic tank, if applicable) approved by the Alabama Department of Public Health or the Alabama Department of Environmental Management.

VII. **Underpinning.** The type of material and method used for underpinning shall be consistent with and compatible to site-built homes in adjacent locations.

D. Standards for All Manufactured Homes. All manufactured homes shall comply with the following standards:

I. All mobile homes or trailers that are nonconforming prior to the effective date of this Ordinance shall be treated as nonconforming uses.

II. All manufactured homes placed after the effective date must comply with the requirements of this Zoning Ordinance.

III. **HUD Seal required.** Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act published by the U.S. Department of Housing and Urban Development. Any existing mobile home or trailer not bearing such a seal shall be deemed a non-conforming structure and shall be treated as a non-conforming structure and use in accordance with the regulations established in Article VI of this Ordinance.

IV. It shall be unlawful for any person to initially place, replace or relocate a manufactured home or mobile home within the City of Northport without first being granted a permit approved by the Planning Commission.

V. The City Council of the City of Northport, upon recommendation by the Planning Commission, may grant to an applicant permission to park and/or use a manufactured home upon the premises on which a building or home is being constructed during the time of construction and may qualify, limit or terminate such permission at any time without notice. The permit shall be issued showing permission with a specific time period allowed for building of home to be both started and completed. If sincere construction is not started by the allotted start date or if the construction is not continuing on a reasonable basis as determined by the Council, the permit shall be revoked unless a plea is made to the Council by the applicant for an extension and that extension is granted.

VI. **Installation requirements.** All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission.

VII. Skirting required. All manufactured homes shall be skirted with a weather-resistant material, which resembles a single-family dwelling. Skirting shall be adequately vented.

VIII. Axles and towing devices removed. Once a manufactured home has been placed on an individual lot, all tow bars and axles shall be removed and either removed from the property or stored on the lot where they will not be visible.

IX. Access to exterior entrances. Immediately after installation and prior to occupation, a landing/porch/deck shall be installed on all front and back entrances. At least one of said landings shall be no narrower than five (5) feet in depth (as measured outward from the exterior of the structure) nor shorter than eight (8) feet in length and containing a railing along all exterior edges of the landing. Stairways leading to decks shall be no less than three (3) feet in width with exterior railing. All required stairways and landings/porches/decks shall be constructed of wood or brick materials or some combination of both. Required railing may be constructed of wood or metal material.

X. Additions. Additions to manufactured housing must be compatible with the home and surrounding area.

E. Standards for Manufactured Home Communities/Subdivisions.

I. Procedures. *(See Section 603.03.F. for Manufactured Home Parks)*

a. Community Plan. A manufactured home community plan shall be developed and drawn to a scale of one (1) inch to one hundred (100) feet and shall include the following:

1. The name of the community, the names and addresses of the owners and the names and addresses of the designer or surveyor.

2. The date, scale and approximate north arrow.

3. The boundaries of the community.

4. The site plan of the community showing streets, driveways, open area, parking spaces, service buildings, water courses, easements, manufactured home spaces and other items as may be required by the Commission to assure compliance with the standards contained in these regulations.

5. Names of adjoining property owners.

6. The identification of all gas, water and sewage lines that will service the community. Street lights and solid waste containers shall also be included.

7. Surface water drainage plans.

b. Review and Approval. Before a permit is issued for construction of a manufactured home community, the plan for the community must be submitted to the Planning Commission for review and approval in accordance with the City's Subdivision Regulations.

F. Platting Requirements.

Manufactured home communities/subdivision proposed for location within the corporate limits of the City of Northport must comply with all requirements of the Subdivision Regulations, including but not limited to, road construction standards, access requirements, drainage requirements, etc.

Additionally, unless otherwise approved, manufactured home communities located in the City of Northport must meet all lot size and setback requirements for the zoning district in which it is to be located, as setout in Article IV, Table 4-2.

603.03 Performance Residential Developments. The purpose of a performance residential development is to provide innovative development types that make efficient use of land and public facilities, and/or to protect natural features.

Performance residential developments may contain one or more of the housing types that are specified in this subsection subject to the overall density standards established through approval of a Master Development Plan. For purposes of calculating density, the development site shall include all platted lots, together with road, drainage facilities, utility sites and any other common property within the perimeter of the subdivision plat, regardless of whether or not such facilities will ultimately be dedicated to the City. Such developments shall contain the minimum amount of open space specified in the Master Development Plan. Prior to approving the final plat, the Planning Director shall verify that all parcels or tracts not intended for use as residential lots are clearly delineated on the plat as to size and dimension. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the plat.

Unless specifically accepted by the City Council, the City of Northport shall not be responsible for maintenance and/or repair of any common facility or properties.

Performance residential developments shall be self-contained in terms of meeting the requirements of this Ordinance. In addition to other relevant requirements, site plans and subdivision plats shall designate and establish maintenance responsibility for all required recreation, resource protection, and other open space and common properties within the development site. Where a performance residential development is to be built, a Master Development Plan shall be required. In such cases the Planning Director may determine if Special District Zoning is appropriate.

General requirements for the various performance development types are summarized below:

Housing Type	S/D Plat Required	Bldg. Envelope On Plat	Site Plan Required	Units per Lot	Units per Structure	Platted Open Space
SF Detached	X			1	1	X[1]
Zero Lot-Line	X	X		1	1	X
Town House	X	X		1	3-10	X
Twin House	X	X		1	2	X
Duplex	X			2	2	X
Multiple Unit Development			X	3+	[2]	
Manufactured Home Park			X	25+	1	
Manufactured Home Subdivision[2]	X	X		1	1	X[1]

[1]See Table 6-2, note 4
[2]See Section 603.02. (E).

The following subsections specify the standards and requirements for each dwelling type in detail.

A. Zero Lot Line. Under this development concept, each residential lot contains a dwelling unit placed along one side lot line in order to maximize usable open area within the lot. All zero lot line subdivision plats shall show driveways, walkways, patio slabs, and building envelopes for all structures. No windows, doors, air conditioning units or other openings or projections of any kind shall be permitted where the structure meets the side lot line. However, a window may face the zero side yard if it is recessed at least five (5) feet from the property line. ***(See Figure 13)***

For each unit constructed along a side lot line, an easement of five (5) feet in width shall be created on the adjoining property. The purpose of this easement is to permit maintenance and repair of the portion of the structure bordering the zero side yard. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned. No fence, patio, deck, or structure of any kind shall be placed within a maintenance easement.

Zero lot-line units shall not take access from an arterial road.

In addition to the bufferyard requirements of Article V, zero lot-line subdivisions shall also meet the following development criteria:

Minimum Lot Area	4,500 s.f.
Maximum I.S.R. on individual lots	.55
Maximum F.A.R.	.35
Minimum Yards:	
Front/Side on Street	20 ft.
Side Opposite zero setback line	5 ft.*
Rear	20 ft.
Minimum Lot Width	45 ft.
Off-Street Parking Spaces	2

*or width of any easement along side lot line, whichever is greater.

B. Town House. This development type consists of a subdivision, platted according to the requirements of the Subdivision Regulations, which is designed for town house dwelling units as defined in Article II. Each town house unit shares a common wall with another such unit on one or both sides, has individual entrances (not used by other units) in the front and rear, and may be place on its own lot within the subdivision or on common lots managed through a condominium association. Town house structures shall contain at least three (3) and not more than six (6) dwelling units. Such units may have multiple stories or combinations of one- and two-story sections; however, in no case shall one unit be above or behind another. Front, side and/or rear yards may be enclosed by a masonry wall not exceeding six (6) feet in height provided that such walls do not prevent a clear view of intersecting streets. (See Section 419). ***(See Figure 14)***

In addition to meeting all other requirements of the Subdivision Regulations, plats for town house development shall show driveways, walkways, patio slabs, and building envelopes for all structures. No more than ten (10) town house units shall be permitted in any structure.

Town house lots may be accessed via ally ways to the rear of the lots or from dedicated parking areas. In no case shall town house lots take direct access from any public road.

Minimum Lot Area	2,000 s.f.
Maximum I.S.R. on individual lots	.60
Maximum F.A.R.	.60
Minimum Yards:	
Front	15 ft.
Side (end units)	10 ft.*
Side on Street	20 ft.
Rear	15 ft.
Minimum Lot Width	18 ft.
Off-Street Parking Spaces	1 per bedroom

*or width of any easement along side lot line, whichever is greater.

C. Twin House. This development type consists of a subdivision, platted according to the requirements of the Subdivision Regulations, which is designed for twin house dwelling units as defined in Article II. Each twin house unit shares a common wall with another such unit on one side, has individual entrances (not used by other units) in the front and rear, and shall be place on its own lot within the subdivision. Twin house structures shall consist of two (2) dwelling units; such units may have multiple stories or combinations of one-and two-story sections; however, in no case shall one unit be above or behind another. Front, side and/or rear yards may be enclosed by a masonry wall not exceeding six (6) feet in height provided that such walls do not prevent a clear view of intersecting streets (see Section 419). ***(See Figure 15)***

In addition to meeting all other requirements of the Subdivision Regulations, plats for twin house development shall show driveways, walkways, patio slabs, and building envelopes for all structures.

Twin house lots may be accessed via ally ways to the rear of the lots or from dedicated parking areas. In no case shall twin house lots take direct access from any public road.

Minimum Lot Area	3,500 s.f. per unit
Maximum I.S.R. on individual lots	.45
Maximum F.A.R.	.30
Minimum Yards:	
Front/Side on Street	25 ft.
Side	10 ft.
Rear	20 ft.
Minimum Lot Width	25 ft.
Off-Street Parking Spaces	1 per bedroom

D. Duplex Subdivision. This development type consists of two-unit structures in which dwelling units may be constructed side-by-side, one above another, or one behind another. The development site shall be platted as a subdivision containing one (1) duplex structure per lot. In no case shall any duplex lot or development site be subdivided so as to create separate lots for dwelling units within a duplex structure. While ownership of the dwelling units may be separated on a condominium basis, the land on which the structure is built shall remain undivided common property.

Duplex lots shall not take access from an arterial road. Duplex lots may be accessed via ally ways to the rear of the lots or from dedicated parking areas.

Duplex developments shall be designed according to the following standards:

Minimum Lot Area	7,000 s.f.
Maximum I.S.R. on individual lots	.45
Maximum F.A.R.	.30
Minimum Yards:	
Front/Side on Street	25 ft.
Side	10 ft.
Rear	20 ft.
Minimum Lot Width	75 ft.
Off-Street Parking Spaces	1 per bedroom

E. Multiple Unit Development. This development type consists of two (2) unattached or any arrangement of three (3) or more dwelling units on an undivided lot.

All multiple unit developments shall be subject to site plan approval pursuant to Section 1002. Separate ownership of the units is permitted on a condominium basis; however, in no case shall the development site be platted or otherwise divided for the purpose of assigning specific lots or parcels to particular dwelling units.

No existing single-family house or lot in a conventional residential subdivision shall be used for multi-unit development unless expressly approved under Section 1003.

Minimum Lot Area	10,000 s.f.
Maximum I.S.R. on individual lots	.75
Maximum F.A.R.	.85
Minimum spacing between buildings	15 ft.
Minimum Lot Width	70 ft.
Off-Street Parking Spaces	1 per bedroom
Minimum Yards:	
Front/Side on Street	25 ft.
Side	10 ft.
Rear	25 ft.
Height Restriction	40 ft.

F. Manufactured Home Park. This housing type consists of manufactured home units installed on an undivided development site through site plan approval under Section 1002. In no case shall a manufactured home park be separated into lots in fee simple ownership, except as provided for in Section 603.02.F. Standards for Manufactured

Home Communities/Subdivision. All manufactured home sites shall be shown on a site plan. Recreational vehicles shall be permitted within designated storage areas only and shall not be used for residential purposes.

All manufactured home parks shall be developed according to the following standards:

Minimum size for development site	10 acres
Minimum number of manufactured home sites	25
Minimum size for manufactured home site	4,500 s.f.
Minimum width for manufactured home site	45 feet
Maximum I.S.R. for entire park	.35
Maximum I.S.R. on a manufactured home site[1]	.60
Off-Street Parking Spaces	2 per manufactured home, plus 1 per 200 s.f. of gross floor area of permanent habitable structures
Maximum building height (conventional structures)	35 feet

[1]For purposes of site plan review, it shall be assumed that impervious surfaces cover 60 percent of each designated manufactured home site unless the site plan specifies a lesser amount.

1. ***Landscaping and Yards:***

a) All manufactured home parks shall be separated from all other land uses by a bufferyard.

b) Manufactured homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.

c) Manufactured homes and freestanding structures serving as common facilities shall be at least 30 feet apart. No carport or other attached structure may be installed on a manufactured home less than 20 feet from another manufactured home or attached structure. This distance shall be measured between the closest points of the units or structures.

d) Storage sheds or other freestanding accessory structures shall be prohibited in required bufferyards and open space areas. Any such structure shall be at least ten (10) feet from any other structure.

2. ***Allowable accessory uses:***

a) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.

b) No more than one (1) dwelling unit of conventional construction, at least 600 s.f. in size, for the use of a resident manager.

c) Storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length. The storage area shall be for the use of park residents only, and shall be fenced and landscaped. Storage of these units

shall be prohibited on individual manufactured home sites or on park roads.

3. *Other regulations:*

a) *Ownership.* Manufactured home parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the common facilities within any manufactured home park.

b) *Access and Internal Circulation.* Internal park roads and driveways shall be paved, and shall be owned and maintained by the developer or property owner of the park. For each manufactured home site, two (2) paved off-street parking spaces of ten (10) feet by 20 feet each shall be provided. No individual manufactured home site shall have direct access to a public right-of-way.

c) *Site Plan.* No structures or facilities shall be installed or constructed until a site plan meeting the requirements of Section 1002 of this Ordinance has been submitted to and approved by the City of Northport. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site plan. Where an existing manufactured home park has no site plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement or replacement of park facilities or manufactured homes.

d) *Occupancy.* No manufactured home shall be installed, stored, or otherwise located within a manufactured home park development site, nor shall residential utility service be authorized, until the park has received a Certificate of Occupancy from the Building Inspections Department.

e) *Storm Shelter.* All new or redeveloped manufactured home parks shall contain an appropriately sized storm shelter for the use of park residents. Said shelter shall be constructed in conformance with State of Alabama Emergency Management Agency standards.

603.04. Infill/Existing Neighborhoods. The intent of this section is to ensure neighborhood compatibility, maintain harmony and character of existing residential areas, and ensure residential infill development occurs in a desirable manner.

For subdivisions developed and lots platted prior to the adoption of this Zoning Ordinance (Ordinance 1779; April 2, 2012), every attempt should be made to comply with the current zoning standards. The Planning Director and/or Zoning Administrator may determine that compliance with current zoning setbacks are unreasonable or would create a house out of character with the neighborhood. The following options are permitted to be used:

1. Setbacks found in the zoning ordinance in effect immediately prior to Ord. 1779
2. Setbacks found on the recorded plat or master plan
3. For front setbacks: an average of the front setbacks for the lots with houses adjacent to and on the same side of the street of the proposed house

If the above options are unable to be used or would create a layout out of character with the neighborhood, as determined by the Planning Director and/or Zoning Administrator, then a variance must be sought through the Zoning Board of Adjustment.

Section 604. Master Development Plan.

Where any development site is to be developed in stages or phases, no plat or phase plan for any fraction of the site shall be accepted for review, unless a Master Development Plan is submitted. A Master Development Plan shall be required in connection with any request for Performance Residential Development or Special District (SD) zoning. A Master Development Plan shall also be required for any development containing a mixture of residential and non-residential land uses, and/or more than one of the dwelling unit types described in Section 603.02.

The Master Development Plan shall be a conceptual plan showing the entire development site and all component stages or phases, and shall express the overall development concept for the site at build-out. The plan shall show all proposed streets and shall demonstrate compatibility between adjacent land uses. The plan has two additional purposes: to ensure that required amenities keep a reasonable pace with residential construction in a phased development; and to establish an outer perimeter for the purpose of calculating density and required open space.

The Master Development Plan shall include the following information:

A. outer boundary or perimeter of the overall development site, including a valid legal description;

B. approximate locations of all proposed streets;

C. type, number and approximate locations of all dwelling units;

D. overall gross density for the development site, as well as density for each individual stage or phase;

E. location and approximate acreage of all resource protection, recreation, and open space lands and other common properties;

F. location of all streets and drainage facilities;

G. required bufferyards; and

H. any other information which the Planning Director determines to be relevant.

Where a Master Development Plan is submitted in conjunction with a Special District (SD) zoning this plan shall include a written statement addressing design standards within the development, including minimum residential lot sizes and widths, building setbacks, building heights, signage, impervious surface and floor area ratios, and any other information the Planning Director determines to be relevant. Upon approval, this written statement shall become a component of the Master Development Plan and shall be binding upon all future development on the site.

When a Master Development Plan is required, such plan shall be reviewed and approved by the Planning Commission prior to or simultaneously with any regular site plan or subdivision plat submitted. Upon approval of the Master Development Plan, the developer may submit and the Planning Commission may approve subdivision plats or site plans for individual phases or stages.

The Master Development Plan shall include a schedule showing density and open space on a cumulative basis upon completion of each phase. All stage or phase plans shall be consistent with the approved Master Development Plan.

Once approved, the Master Development Plan shall become a binding condition of development on the site, and subsequent stages or phases of the development shall be substantially consistent with it. If the Planning Director finds that any stage or phase plan substantially deviates from the approved Master Development Plan, a revised master plan shall be required for Planning Commission review prior to approval of further site plans or subdivision plats within the development.

Any of the following changes shall constitute a "substantial deviation:"

A. An increase or reduction in land area of the development.

B. An increase in the total number of dwelling units.

C. Provision of less than the required percentage of recreation, resource protection, or open space land.

D. Proposal of single family attached, duplex, multi-family or zero lot-line development in place of approved single family detached housing.

E. Any significant addition, removal or rearrangement of land uses and streets.

Master Development Plan approval shall expire 24 months after granted unless significant progress has been made toward implementation of the development. Such progress shall be commensurate with the scale of the project.

Section 605. SPECIAL DISTRICT (SD)

Special districts are hereby authorized for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The special districts authorized by this Article are also intended to provide means for the establishment of uses, which are generally considered to be incompatible with most other land usage.

605.01. Procedure. The procedure to be followed in the creation of special districts shall conform to the regulations for any other zone change with the following exceptions.

A. Any petition for the establishment of a Special District shall be submitted to the Planning Commission for its review and action. Approval of the request shall be based on the Commission's consideration of the following:

1) That the proposed development is consistent with the intent and purpose of this ordinance to promote public health, safety, and welfare.

2) That the final plan for the proposed development meets the requirements of this ordinance as well as the requirements of all other regulating bodies.

3) That an approved method of sewage disposal is available to the tract under consideration.

B. The establishment of a Special District will be for the express purpose of improving the tract of land in accordance with the approved plan of development for the particular tract of land and for the uses set forth in the development plan.

C. If, within two (2) years from the effective date of the zone amendment, construction has not commenced, the Planning Commission may, by appropriate action, repeal the amendment establishing the Special District. Once construction is started the improvements set forth in the plan of development must be completed within two years from date of issuance. Otherwise, the Planning Commission may repeal the amendment establishing the Special District. Extension of time may be granted as long as satisfactory progress is being made.

D. Unless specific variations are noted on the development plan and approved by the Planning Commission, the most restrictive requirements for parking, loading, yards, and dimensional regulations for the proposed use shall be applicable to the Special District.

605.02. Shopping Center – Special District (SC-SD)

A. A special district created for the purpose of establishing a planned shopping center may be allowed in any district except the "RS" and “RG” districts.

B. The Planned Shopping Center District shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this article in order to provide for modern retail shopping facilities in appropriate locations to serve residential neighborhoods or regional areas. Any owner or owners of a tract of land may request that such tract of land be zoned as a Planned Shopping Center District by proceeding under the provisions of this article, but the failure of such owner or owners to apply under this article shall not prevent them from constructing or causing to be constructed a retail sales complex, customarily called a Shopping Center, upon such tract of land provided the same is zoned so as to permit its use for this purpose.

C. The use of each building or premises shall be in accordance with the plan referred to in this Article, which use shall be limited to services, offices, clinics, parking, retail sale or merchandise, and similar activities ordinarily accepted as shopping center uses. No building shall be designed, constructed, structurally altered or used for residential purposes, except to provide within the buildings allowed, facilities for a custodian, caretaker, or watchman employed on the premises.

D. The structures permitted in this article shall observe a maximum height of seventy-five feet.

E. The owner or owners of a tract of land may submit to the Planning Commission a plan for the development and use of such tract for the purpose of and meeting the requirements set forth in this article. Said plan shall comply with all requirements of this article and shall be accompanied by evidence concerning the feasibility of the project and the effect of the proposed development on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:

1) A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.

2) A drainage plan approved by the Planning Commission.

3) A copy of any deed restrictions intended to be recorded.

4) A professional report on the needs and extent of the market to be served, and general economic justification.

5) A professional traffic analysis indicating the effect of the proposed shopping center on adjacent streets and roadways and also indicating the direction and amount of traffic flow to and from the shopping center.

F. Before any action thereon, the proposed planned shopping center plan, together with the required supplementary information shall be referred to the Planning Commission for study and report. Reasonable additional requirements may be required by the Planning Commission for the protection of adjoining residential property.

605.03. Residential – Special District (RS-SD)

A. The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities, which are integrated with the total project by unified architectural and open space treatment.

B. A planned residential development shall be permitted in any district except the "C" and "M" districts.

C. The following uses are permitted:

1) Single family attached and detached dwellings.

2) Any performance dwelling type shown in Section 603.03.

3) Multiple family dwelling including condominiums and town houses.

4) Commercial uses. For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of adjacent properties is afforded by the plan.

5) Recreation uses. Recreation uses may include a community center, golf course, swimming pool, or parks, playground or other recreational uses. Any structure involved in such use shall have a thirty-five (35) foot setback from all property lines.

6) The amount of land set aside for permanent open space shall be fifteen (15) percent of the gross development area.

7) Educational uses.

8) Community facilities such as churches and other religious institutions and non-profit clubs such as country clubs, swim and/or tennis area.

D. The following requirements are minimums and are intended to serve as a guide in plan formulation. The Planning Commission retains the authority to waive the provisions of this section or to impose greater requirements than herein stated. All buildings shall be set back from street right-of-way lines and from the periphery of the project to comply with the following requirements:

1) There shall be a front yard for all detached single-family dwellings of not less than twenty-five (25) feet. The front yard setback for all other structures shall be as determined by the Planning Commission.

2) Unless indicated elsewhere, all buildings shall have a setback of not less than twenty-five (25) feet.

3) In no case shall a lot, for a single family detached structure, be created with an area of less than 4,000 square feet or a frontage of less than sixty (55) feet at the building line.

E. In addition to other applicable regulations the following rules shall be observed.

1) The application must be accompanied by a site development plan showing the use or uses, dimensions and locations of proposed streets, parks, play-grounds, other open spaces, residential buildings, commercial buildings and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this ordinance.

2) The Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The minimum yard and maximum height requirements of the zoning district shall not apply except as set forth herein. The Planning Commission may impose conditions regarding layout, circulation, and other physical improvements.

3) Where the planned residential development provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.

4) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. It shall include provisions for recreation areas to meet the needs of the anticipated population.

Section 606. Mixed-Use Developments.

Developments, other than those within a Special District (SD) which include more than one use on the same site, and in which the uses fall into two or more different use categories, shall be treated as mixed-use developments; and are required to meet the standards of this Section in addition to any other regulations imposed by this Ordinance.

All uses proposed within a mixed-use development must be permitted under Table 4-1 in the district in which the development is to be located, or be approved as part of a Special District zoning and Master Development Plan. Uses shown in Table 4-1 as conditional must be approved under the provisions of Section 1003.

For review purposes, a separate development site for each land use category shall be delineated within a mixed-use development wherever possible. For shopping centers and any other case in which the different land uses occupy a single structure, the most restrictive requirements relating to any of the individual uses will be applied to the entire site.

Section 607. Accessory Uses and Structures.

607.01. Authorization. Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing or permitted within such district. Any question of whether a particular use is permitted as an accessory use by the provision of this Section shall be determined by the Planning Director pursuant to his or her authority to interpret the provisions of this Ordinance.

607.02. Zoning certificate required. No accessory use or structure shall be established or constructed unless a zoning certificate evidencing the compliance of such use or structure with the provisions of this Section, and other applicable provision of this Ordinance and all other City regulations, shall have first been issued in accordance with Section 1004.

607.03. Use limitations. In addition to complying with all other regulations, no accessory use or structure shall be permitted unless it strictly complies with the following restrictions:

A. The principal use or structure, together with any accessory use or structure, shall not jointly exceed the FAR and ISR in any given use class.

B. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the principal structure. This shall not apply to agriculture-related structures in the Agricultural (AG) District.

C. No accessory structure or use on any lot shall cause any impervious surface ratio or exterior storage area to exceed the maximum permitted on the site by this Ordinance.

D. In the case of all nonresidential uses: accessory structures shall maintain the same minimum front, side, and rear yard as is required for the principal structure.

E. No accessory structure shall be closer than ten (10) feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure by means of fully enclosed living area.

F. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.

G. Accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front building line or front plane of the structure, whichever is greater. Accessory structures on lots of three (3) acres or more in the Agricultural (AG) District shall be setback a minimum of 100 feet from the front property line.

H. No accessory structure shall be placed within a required bufferyard or located closer than five (5) feet to a property line where no bufferyard is required.

I. On corner lots, no accessory structure shall be located within the required setback for a side yard adjacent to a street.

J. On any one (1) residential lot, the total floor area of all accessory structures shall be limited to 50 percent of the floor area of the principal structure. This shall include open carports, gazebos and greenhouses, but not swimming pools. Lots of three (3) acres or larger in the Agricultural (AG) district shall be exempt from this limitation.

K. Accessory structures shall be constructed of materials compatible with those of the principle structure; with the exception that one (1) metal or prefabricated residential accessory structure not exceeding 200 sq. ft. in size may be allowed in the rear yard.

608. Detailed Accessory Use Regulations

The accessory uses and structures specifically mentioned below are subject to the following additional requirements:

608.01. Home Occupations.

It is the purpose of this Section to provide residents of the City of Northport a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

A. General Regulations. All home occupations shall meet the following criteria:

1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square feet. For the purposes of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

At the Planning Director's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.

3. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.

4. No new accessory structure shall be built, nor shall any existing accessory structure be used, for the purpose of operating the home occupation.

5. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted.

6. No more than two (2) company or commercial vehicles shall be parked at the premises at any time – including but not limited to cars, vans, trucks, and utility trailers. Off-street parking shall be provided on the premises, as required by Section 611. No parking of commercial or residential vehicles shall be permitted on the street or in the required front yard.

7. A maximum of one (1) person not residing in the dwelling may engage in the operation of the home occupation.

8. No merchandise shall be distributed to customers on the premises.

9. All advertising material indicating the business hours, address and/or physical location of the business shall also state "By Appointment Only" and/or "No On Site Service".

10. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.

11. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.

12. The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns.

13. The on-site repair of vehicles shall be prohibited as a home occupation.

B. Application Procedures. Any applicant for a home occupation zoning certificate shall pay a fee as established in Section 1007, and submit an application form, together with any required attachments, to the Planning Director. The Planning Director shall have five (5) business days to approve or deny the application, or inform the applicant that more information is needed to reach a decision.

Each applicant for home occupation approval shall submit a deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for home occupation approval.

No more than one (1) home occupation shall be approved in any residential dwelling unit. A fraternity, sorority, or boarding house shall constitute a single dwelling unit.

If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this Section, the application shall be denied.

C. Other Provisions.

1. Home-based businesses offering child or adult day- or nighttime-care services to more than two (2) persons shall not be considered home occupations under this Section, but shall be regulated under Section 608.02. These businesses, if previously approved as home occupations, may continue operating as such until the expiration of the current business license.

2. Yard or garage sales shall be exempt from these regulations under the following conditions:

a) sales shall last no longer than two (2) consecutive days;

b) sales are held no more than four (4) times per year, with an intervening time period of at least 30 days;

c) the property on which the sale is conducted shall be owned by one of the participants;

d) no goods purchased for resale may be offered for sale;

e) no consignment goods may be offered for sale;

f) all directional or advertising signs shall be removed immediately upon completion of the sale.

3. The Planning Director, or his/her designee, shall be permitted upon reasonable request to enter and inspect the premises of an approved home occupation at any time to verify compliance with these regulations.

4. Any existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:

a) the home occupation was approved prior to the effective date of these regulations;

b) the home occupation is in compliance with all regulations in effect at the time of its approval;

c) the business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;

d) the home occupation holds a valid business license issued by the City of Northport Business License Office;

e) the home occupation has operated in a lawful manner at all times prior to adoption of these regulations;

f) all signs shall be removed immediately;

g) Limitation on company vehicles and outside display/storage of materials shall become effective immediately upon adoption of this Ordinance.

h) Home Occupations are not transferrable from one property owner to another. Upon sale of property the existing nonconforming home occupation shall cease operation. New owners wishing to conduct the same or a different home occupation must petition the City for a new home occupation license and must come into compliance with all home occupation regulations in place at that time.

608.02. Family Child Care Home.

It is the intent of this Subsection to regulate the operation of family child care homes so that the average neighbor, under normal circumstances, will not be aware of their existence.

Any resident of a dwelling unit in the City of Northport providing family child care shall apply for and receive a zoning certificate from the Planning Director subject to the following regulations:

A. The childcare activity shall be licensed to and operated by a resident of the dwelling unit in which it is located.

B. The childcare activity must be clearly incidental to the use of the structure as a residence.

C. Child care services shall be provided to a maximum of six (6) non-resident children at any one time.

D. The appearance of the dwelling unit, structure, and/or premises shall not be altered, nor the child care activity within the structure conducted, in any manner which would cause the premises to differ from its residential character or from the character of the neighborhood.

E. The family child care home shall be operated in the existing dwelling unit. No new or existing accessory structure shall be built or used for the purpose of the child care activity.

F. No sign shall be permitted in connections with the family child care home.

G. The total number of persons engaged in the operation of the family child care home shall not exceed four (4). Up to two (2) persons other than those residing in the dwelling may engage in the operation of the business, provided that there is sufficient off-street parking space to accommodate the vehicles of such non-resident employees.

H. Off-street parking spaces shall be provided on the premises, as required by Section 611, or as otherwise necessary.

I. The operation of a family child care home shall not create any nuisance such as excessive traffic, on-street parking, or noise to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the child care premises.

J. The family child care home shall at all times possess an appropriate license issued by the State of Alabama. A copy of such license shall be furnished to the Planning Director upon request. Revocation or expiration of the state license shall automatically void any zoning certificate issued by the City.

608.03. Private Swimming Pools and Tennis Courts Accessory to a Residential Use.

A. Swimming pools and tennis courts shall be subject to the same side and rear setback requirements applicable to other accessory structures, and shall not be located within public utility or drainage easements along side and rear lot lines. For purposes of setback measurement, swimming pools and tennis courts shall include all surrounding decking or paving, and vertical supports for screen enclosures.

B. Pools shall be enclosed by a fence a minimum of four (4) feet in height, which must be in place prior to the filling of the pool. In addition, pools shall meet all other requirements of the City's most currently adopted edition of the International Property Maintenance Code.

C. No swimming pool or tennis court permitted under this Section shall be operated as a business or a private club.

D. Lighting for pools and tennis courts shall be located and installed so that no direct light is visible from adjoining properties.

608.04. Antennas.

A. Antennas shall be an accessory use only, and shall not be the principal use of any property.

B. Residential TV antennae shall not exceed 30 feet in height; all other antennae shall not extend above 60 feet in height, unless otherwise specified by this Ordinance.

C. Antennae shall not be located forward of the front building line or within a required side street setback area.

D. Antennae not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height.

E. No more than two (2) antennas shall be permitted for each lot or development site.

F. See Also Section 602.

608.05. Subdivision Amenities.

It is the intent of this Section to allow the provision of recreational amenities within a subdivision as uses, which are secondary and incidental to the principal residential use. Such features are intended to be low in intensity, have minimal impacts on neighboring properties, and serve only residents of the subdivision in which it is located or other developments that are directly adjacent. Amenities approved under this Section may not be subject to the parking requirements, nor shall they generally require conditional use approval by the Planning Commission.

Upon submission of a scaled drawing showing all proposed improvements, the Planning Director shall approve subdivision amenities if they meet the requirements listed below. Those not meeting the provisions of this Section shall be evaluated as principal uses and shall be subject to all applicable regulations.

A. Amenities that may be approved under this Section include swimming pools, playgrounds, parks, and courts or fields for particular sports such as tennis, shuffleboard, softball, basketball, and volleyball. Specifically excluded are golf courses, golf driving ranges, and miniature golf.

B. All amenities shall be located on lots or parcels whose recreational purpose is clearly identified on the recorded subdivision plat. Where an amenity is proposed on an existing lot, which is not designated for recreational purposes, it shall be processed by the Planning Department as a conditional use under Section 1003.

C. Structures shall be limited to one (1) per parcel, shall be set back 25 feet from all lot lines and shall not exceed 1000 square feet in size inclusive of restroom facilities. Any recreational parcel containing a structure shall have frontage on a public road within the development.

D. If required for the overall development, bufferyards and landscaping shall be prorated for the amenity site.

E. A minimum of three (3) and a maximum of five (5) off-street parking shall be provided.. Vehicles and/or equipment used by employees shall be stored in an enclosed structure.

F. Amenities that occupy required open space within a Master Planned and/or a Special District Development shall be limited to those uses that are allowed under Section 415.

609. Temporary Uses.

Temporary uses are permitted only as expressly provided in this Section. No temporary use shall be established unless a zoning certificate evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance shall have first been issued, as provided in Article X.

609.01. General Regulations.

Temporary uses as detailed below shall be subject to the following, unless otherwise provided for in this Section:

A. Notarized, written authorization from property owner with deed to property attached.

B. Documentation from the Tuscaloosa County Health Department must be provided that adequate arrangements for temporary sanitary facilities have been made.

C. No permanent or temporary lighting shall be installed without an electrical permit and inspection.

D. All uses shall be confined to the dates specified in the permit.

E. Hours of operation shall be confined to those specified in the permit.

F. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within seven (7) days after the closing event.

G. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.

H. Traffic control arrangements required by the Northport Public Safety Department, Police Division in the vicinity at major intersections shall be the responsibility of the applicant.

I. Property owners shall be responsible for restitution and/or repair of any damage resulting to any public right-of-way or property as a result of the event.

J. Serving of alcoholic beverages shall not be permitted without a permit from the Northport City Council.

609.02. Use Limitations.

A. The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the ISR or any standard contained in Article IV.

B. No signs in connection with a temporary use shall be permitted except as specified in Section 609.03.

609.03. Particular Temporary Uses Permitted. The following are temporary uses, which are subject to the specified regulations and standards, in addition to the other requirements specified in this Ordinance.

A. Carnival or circus.

1. Permitted only in Commercial Districts (C-3 and C-6).

2. Maximum length of permit shall be 15 days.

3. No structure or equipment shall be permitted within 500 feet of any residential property line.

4. Permitted sign shall have a maximum size of 32 sq. ft.

B. Christmas tree sales.

1. Permitted only in Commercial (C) and Agricultural (AG) districts.

2. Maximum length of permit for display and open-lot sales shall be 45 days.

3. Permitted sign shall have a maximum size of 32 sq. ft.

C. On-Site Contractor's office and construction equipment sheds.

1. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.

2. Maximum length of permit shall be one (1) year.

3. Office or shed shall be removed upon completion of construction project.

4. Signs shall be permitted only in accordance with Article VIII.

D. Events of public interest.

1. Permitted only Commercial (C), and Agricultural (AG) Districts; and Downtown/Riverfront Districts as follows: SMR, HDC, BAN, BAS, WR, RE .

2. Events may include but are not limited to outdoor concerts, auctions and athletic events and associated concessions and activities.

3. Permitted sign shall have a maximum size of 32 sq. ft.

E. Fireworks Stand. (Section removed by Ordinance 1798 passed on 2-18-13)

F. Modular Buildings as Temporary Uses.

1. *Business Establishments:*
   a) Permitted only while a permanent structure is actively being constructed.
   b) Must be a modular building (not manufactured).
   c) Permitted only in Commercial (C-3 & C-6) Districts.
   d) Maximum length of permit shall be six (6) months. Subsequent 90 day extensions may be granted by request to the Planning Commission
   e) Any proposed sign for the temporary location shall be approved by the Planning Director and have a maximum size of 32 sq. ft.

2. *Classrooms:*
   a) Temporary location shall be treated as a conditional uses and shown on a site drawing filed with the Planning Department.
   b) Must be underpinned and kept free from weeds and debris.
   c) Maximum length of permit shall be one (1) year. One extension may be granted by request to the Planning Commission. Further extensions will require recommendation of the Commission and approval by the City Council.

d) May be a manufactured building if placement is for one year or less; must be modular if planned placement is for more than one year.

G. Real estate sales office.

1. Permitted in any district for any new subdivision approved in accordance with Northport Subdivision Regulations. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office for the duration of the temporary use zoning certificate.

2. Maximum length of permit shall be one (1) year.

3. Office shall be removed upon completion of the development of the subdivision.

H. Religious tent meeting.

1. Permitted only in Office & Institutional (O-I), Commercial (C), and Agricultural (AG) Districts.

2. Maximum length of permit shall be 15 days.

3. Permitted sign shall have a maximum size of 32 sq. ft.

I. Sale of farm produce.

1. Permitted in Commercial (C), and Agricultural (AG) Districts; and Downtown/Riverfront Districts as follows: SMR, HDC, BAN, BAS . Prohibited in Manufacturing (M), and Residential (R) Districts.

2. Maximum length of permit shall be one (1) year.

3. Sales areas, including the produce stands, shall be set back a minimum of 20 feet from the nearest right-of-way of any street or highway.

4. No permanent structures shall be permitted without an approved site plan meeting all the requirements Section 1002.

4. Permitted sign shall have a maximum size of 32 sq. ft.

J. Temporary shelter.

1. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured home located on the

single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations:

1. Appropriate building permits must be issued prior to location of temporary shelter on the site.

2. Required water and sanitary facilities must be provided.

3. Maximum length of permit shall be six (6) months, but the Chief Building Inspector may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Requests for the extension shall be made in writing at least 15 days prior to expiration of the original permit. In no case shall the length of the original permit plus all extensions exceed one (1) year.

4. The manufactured home shall be removed from the property within 14 days of issuance of the Certificate of Occupancy for the new or rehabilitated residence.

K. Tent sale/outdoor sales activity.

1. The outdoor storage or display of merchandise shall be exempted from these requirements under either of the following conditions:

a) merchandise occupies an outdoor display area, which is permanent in nature and designated as such on an approved site plan;

b) merchandise is located in a temporary display area which does not occupy required parking spaces, driveway aisles, or required bufferyards, and customers must enter the building to make a purchase.

2. Tent sales and similar activities are permitted only in Commercial (C) Districts, on property developed with a principal commercial use, with proper pedestrian and vehicular access. They shall be prohibited on vacant property.

3. Where the temporary sales activity constitutes a conditional use on the site, it shall not be permitted unless conditional use approval has been recommended by the Planning Commission and granted by the City Council.

4. The applicant shall submit a site plan specifying the location of all tents, temporary structures, equipment, and merchandise on display.

5. Permitted sign shall have a maximum size of 32 sq. ft.

6. All electrical connections shall be inspected and approved by the Building Inspections Department.

7. The Planning Director and/or City Engineer may establish additional requirements as necessary to minimize hazards and promote efficient traffic circulation on the site.

8. The maximum duration of the Zoning Certificate shall be 15 days. A maximum of four (4) permits per calendar year may be authorized, and at least 30 days shall elapse between the expiration of one permit and the approval of another.

Section 610. Off-street Parking, General Requirements.

A. The requirements listed in this Section specify the minimum number of off-street parking spaces.

B. For all required off-street parking, the minimum size of each standard parking stall shall be nine (9) feet by twenty (20) feet, exclusive of aisle width, which shall be delineated by striping or other similar means. Parking other than perpendicular parking shall comply with the standards set out in the International Building Code.

C. Unless otherwise noted, all parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable, hard surface, permanent type of pavement.

D. If the required number of spaces is not a whole number, the number of required spaces shall be rounded up to the next higher whole number.

E. Except as provided in Section 610.02, all required parking spaces shall be provided on the same development site for which they are required; location of required spaces on adjoining property or across a public right-of-way shall be prohibited.

F. Truck loading spaces shall be an accessible rectangle having a width of twelve (12) feet and a length of forty (40) feet. Any overhead obstructions shall have a vertical clearance of fifteen (15) feet.

G. All parking spaces shall be delineated by appropriate fixed curbing, painted lines (a minimum of four inches (4") wide), or other fixed markers.

H. Alternate forms of parking (i.e. compact spaces) other than that defined as "standard" above shall be considered by the staff on a case by case basis. Under no circumstances shall such parking comprise more than fifteen (15) percent of the overall required parking.

I. In all applicable districts, the following off street loading requirements shall apply:

Residential Uses	None Required

Commercial Uses less than 25,000 G.S.F.:	One Space
Commercial Uses greater than 25,000 G.S.F.:	One space for each 25,000 G.S.F. or portion thereof. (i.e. 60,000 G.S.F. = 3 spaces)

J. Queuing Spaces shall be nine feet (9') by twenty-four feet (24')

610.01. Residential Parking.

A. See Section 603 for the off-street parking requirements for residential uses.

B. Reduction in number of off-street parking spaces. When a development is specifically designed to be used for senior citizens, all such units shall be required to provide a minimum of one (1) parking space for each such unit.

C. Required parking for any residential dwelling unit within a subdivision shall be provided within the boundaries of the lot on which it is located.

D. Parking for single-family detached dwellings on fee simple lots is exempt from the striping requirements set forth in Section 610.

610.02. Non-residential Parking.

On-site parking will not be required for nonresidential uses in the Historic Downtown Core (HDC) district. For all other district, the following minimum number of parking spaces shall be required of the nonresidential uses specified below.

Reference herein to "employee(s) on the largest work shift" means the maximum number of employees employed at the facility regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest work shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

A. Parking Requirements by Land Use Category.

The following criteria shall be used when no Specified Use Standard has been provided in Section 610.02 B. below.

1. Agricultural uses: one (1) space per employee on the largest shift. The Planning Commission may, based upon the type and intensity of the agricultural use, waive the requirement for parking to be of hard surface pavement.

2. Agricultural support uses: one (1) space per 750 square feet of gross floor area.

3. Commercial and entertainment uses: one (1) space per 250 square feet of gross floor area; for uses exceeding 100,000 square feet, one (1) space per 300 square feet of gross floor area.

4. Commercial/recreational uses: one (1) space per four (4) patrons to the maximum design capacity of the facility.

5. Commercial support uses: one (1) space per 750 square feet of gross floor area.

6. Extraction uses: one (1) space per employee on the largest shift.

7. Industrial uses: one (1) space per 1000 square feet of adjusted gross floor area, plus one (1) space per company vehicle normally stored on premises.

8. Institutional, indoor recreational, and special residential uses: one (1) space per four (4) patrons to the maximum capacity.

9. Nursery uses: one (1) space per 300 square feet of gross floor area. Plus one (1) space per 2000-sq. ft. of outdoor display area.

10. Office uses: one (1) space per 250 square feet of gross floor area.

11. Outdoor recreational uses: one (1) space per four (4) patrons at design capacity.

12. Public services uses: one (1) space per employee on the largest work shift, plus one (1) space per company vehicle normally stored on the premises.

13. Recreational rental uses: one and one-half (1.5) spaces per rental site; plus one space per 250 square feet of office area.

14. Road service uses: one (1) space per 150 square feet of gross floor area. Road Service uses utilizing a drive-in window shall provide queuing space for at least six (6) vehicles from the start of the stacking lane to the service window; and at least one and one half (1.5) vehicles from the service window to the exit to a public right-of-way.

B. Parking Requirements for Specified Uses.

1. Airport: one (1) space for each four (4) aircraft that can be parked or stored at the facility, whether indoors or outdoors; plus one (1) space for each four (4) seats in waiting areas and restaurants; plus one (1) space for each 250 square feet of office and other administrative or support uses.

2. Amusement center: one (1) space for each 100 square feet of gross floor area.

3. Assembly, Places of: one (1) space per four (4) seats of maximum capacity.

4. Assisted living facilities: one (1) space per dwelling unit.

5. Athletic field: 20 spaces for every diamond or athletic field, or one (1) space for every four (4) seats of design capacity, whichever is greater.

6. Auction house: one (1) space for each four (4) seats of design capacity, whether indoors or outdoors.

7. Auto parts store: one (1) space per 300 square feet of gross floor area.

8. Auto rental: one (1) space per 400 square feet of gross floor area.

9. Automated, freestanding walk-up facility: one (1) space per facility. If accessory to another use, no additional spaces are required.

10. Banks: one (1) space per 300 square feet of gross floor area, plus four (4) stacking spaces per drive-in lane.

11. Beauty and barber shops: two (2) spaces per chair or one (1) space per 150 square feet of gross floor area, whichever is larger.

12. Bicycle sales and repair shop: one (1) space per 300 square feet of gross floor area.

13. Boarding house: one (1) space per room.

14. Bowling alley: four (4) spaces per lane, plus any additional space required for restaurant facilities, game rooms and other accessory uses on the site.

15. Car wash (full service): five (5) employee spaces; plus four (4) stacking spaces for each wash stall.

16. Car wash (self-serve): one (2) stacking spaces per stall (including stall); plus one drying space per stall.

17. Carpet store: See Furniture Store.

18. Church: See Assembly, Places of

19. Community, civic or recreation center: one (1) space per 250 square feet of gross floor area.

20. Contractor's office/storage yard: one (1) space per 250 square feet of office area; plus one (1) space per 1,500 square feet of indoor storage area; plus one (1) space per 4,000 square feet of outdoor storage area.

21. Convenience store and/or self-service gas station (no vehicle repairs): one (1) space per 150 square feet of gross floor area. Service areas at pumps may be counted toward required parking spaces. In no instance shall a required parking space conflict with vehicles being fueled or awaiting fuel. Convenience stores with on-site or attached eating establishments shall also meet requirements for restaurant parking. (See Section 611.03 "Shared Parking")

22. Day care center or nursery school: one (1) space per 250 square feet of gross floor area; plus one (1) off-street parking or loading space per ten (10) children. Maximum enrollment and number of employees shall be noted on the site plan. Parking or loading spaces designated for children shall be located such that there is direct pedestrian access into the facility without crossing streets or driveways.

23. Drive-in theater: one (1) space per automobile station, plus one (1) space per employee.

24. Drug and alcohol treatment center: one (1) space per two (2) beds and one (1) space per staff member, based on state licensing requirements and maximum design capacity.

25. Dry cleaning facility: one (1) space per 1,000 square feet of gross floor area, but in no case less than three (3).

26. Employment agency: one (1) space per 250 square feet of gross floor area.

27. Exterminator: one (1) space per 800 square feet of gross floor area, plus one space per company vehicle.

28. Funeral home: one (1) space per four (4) patron seats in each chapel or viewing area, plus one (1) space per 300 square feet of office space.

29. Furniture store: one (1) space for each 750 square feet of gross floor area.

30. Gas station, full-service: one (1) space per 150 square feet of retail area, plus one (1) space per service bay, plus one (1) space per 250 square feet of office

space. In no instance shall a required parking space conflict with vehicles being fueled or awaiting fuel. Service areas at pumps may be count toward parking spaces.

31. Golf courses (nine and eighteen hole): 35 spaces per nine (9) holes. Parking shall be provided for other uses accessory to a golf course (e.g., restaurants, pro shops, driving ranges) at the rate of 50 percent of normal requirements.

32. Golf driving range: one and one-half (1.5) spaces per tee.

33. Golf, par three: 25 spaces per nine (9) holes.

34. Grocery or supermarket (stand-alone): one (1) space per 250 square feet of gross floor area.

35. Health club/spa/gymnasium: one (1) space per 275 square feet of gross floor area.

36. Hospital: two (2) spaces per patient bed, plus two (2) spaces per emergency room examination table or bed

37. Hotel/motel without restaurant, bar, or meeting rooms: One space per sleeping room, plus two for office staff.
Hotel/motel with restaurant, bar, or meeting rooms: One space per sleeping room, two for office staff, plus one space per 120 square feet of customer service area in restaurant, bar, or meeting rooms.

38. Junkyards: two (2) space per acre of land area.

39. Kennel: one (1) space per 500 square feet of floor area, but not less than three (3) spaces.

40. Laundromat: one (1) space per 250 square feet of gross floor area.

41. Lumberyard or Home Improvement Center: one (1) space per 500 square feet of gross floor area, plus one (1) space per 1,500 square feet of outdoor storage/display area.

42. Machinery sales ***(includes cars, boats, RVs, Heavy Equipment, tractors, etc.)*****:** one (1) space per 400 square feet of gross floor area, plus two (2) spaces per service bay, plus one (1) space per 2,500 square feet of outdoor display/storage area. *(See Also Vehicle Sales & Service)*

43. Medical offices: one (1) space per 250 square feet of gross floor area.

44. Miniature golf: one and one half (1.5) space per hole.

45. Mini-warehouse: a minimum of three (3) and maximum of five (5) spaces shall be provided in the vicinity of the office and a 27 foot minimum drive aisle to all storage unit doors.

46. Movie theatre: See Assembly, Places of

47. Nursing homes: one (1) space per three (3) beds.

48. Office Warehouse: one (1) space per 250 square feet of office area, plus one (1) space per 1,500 square feet of gross warehouse floor area.

49. Outdoor theater: one (1) space per four (4) patrons to the maximum capacity of the facility inclusive of both indoor and outdoor capability.

50. Parcel delivery service: one (1) space per 750 square feet of gross floor area.

51. Plumbing and heating supply: one (1) space per 750 square feet of gross floor area. *See Also Contractors office.*

52. Printing and publishing plant: one (1) space per 1,000 square feet of gross floor area.

53. Private clubs: one (1) space per four (4) persons to the maximum capacity of the facility.

54. Public assembly hall: See Assembly, Places of

55. Radio/television station: one (1) space per 1,000 square feet of gross floor area.

56. Recreational vehicle park: one (1) space per recreational vehicle site, plus one (1) space per 250 square feet of gross floor area of permanent habitable structures on the development site.

57. Restaurant, fast food: one (1) space per 100 square feet of gross floor area. Sufficient space on-site shall be provided to accommodate queuing vehicles. Such space shall at a minimum provide capacity for four (4) vehicles from the start of the stacking lane to the order board; two (2) vehicles from the order board to the service window; and one and one-half (1.5) vehicles from the service window to the exit to a public right-of-way. In no instance shall stacked vehicles block primary ingress/egress to the site.

58. Restaurant, standard: one (1) space per four (4) patron seats or one (1) space per 150 square feet of gross floor area, whichever is greater. *(Including Outdoor Seating)*

59. Schools:

a) Elementary: five (5) spaces, plus one (1) space per classroom or one (1) space per six (6) seats of largest assembly room, whichever is greater.

b) Junior high: five (5) spaces, plus one (1) space per classroom or one (1) space per six (6) seats of largest assembly room, whichever is greater.

c) Senior high: ten (10) spaces, plus one (1) space per classroom, plus one (1) space for each five (5) students or one (1) space per ten (10) seats of largest assembly room, whichever is greater.

d) College: one (1) space for each five (5) students (based on the maximum design capacity) plus two (2) spaces per three (3) employees.

60. School, commercial or trade: one (1) space for each five (5) students (based on the maximum design capacity) plus two (2) spaces per three (3) employees.

61. Shopping center: one (1) space per 250 square feet of gross floor area. In a shopping mall, common pedestrian areas, except food courts, may be excluded from the calculation. Shopping centers over 650,000 square feet shall have one (1) space per 300 square feet of gross floor area.

62. Skating rink, ice or roller: one (1) space per four (4) patrons to maximum capacity.

63. Swimming facility: one (1) space per 200 square feet of gross water area.

64. Taverns, dance halls, nightclubs, and lounges: one (1) space per 75 square feet of gross floor area.

65. Telecommunications tower: one (1) off-street parking space to accommodate a maintenance vehicle for unoccupied structure. Occupied structures must comply with parking requirements as set out under Public Service uses.

66. Tennis, racquetball, and handball courts: two (2) spaces per court.

67. Theaters and auditoriums: See Assembly, Places of

68. Truck terminal: one (1) space per truck normally parked on the premises, plus one (1) space per 500 square feet of office floor area.

69. Vehicle sales and service accessory to vehicle sales: One (1) space per 2,000 square feet of interior or exterior sales, display, or storage area up to a total of 20 spaces.

70. Vehicle repair and maintenance services: one (1) space per 400 square feet of office and indoor display area, plus one (1) space per service bay (excluding bay).

71. Veterinary office: one (1) space per 500 square feet of gross floor area.

72. Warehouse: one (1) space per 2,000 square feet of gross floor area, plus one (1) space per company vehicle normally stored on the premises.

610.03. Shared Parking.

In order to reduce impervious surface and resulting stormwater runoff, establishments may be allowed to share up to 20 percent of the required parking spaces. In all cases where parking is to be shared by uses on different lots, the subject parcels or lots shall be adjacent to one another, have adequate cross access, and in no case shall properties bound under a shared parking agreement, or plan, be separated by a public right-of-way. ***(See Figure 16)***

The intention to share parking facilities must be represented to the Planning Staff prior to site plan approval by means of a written agreement between the various property owners, or in the case of a single owner, an overall shared parking plan for the properties or development sites. Said agreement or plan shall be binding upon all subsequent purchasers, inheritors, subjects and assigns. Should there be a change in the use within any individual structure or location which is bound by a shared parking agreement or plan, the transfer of the shared parking agreement shall be subject to the review and approval of the Planning Director, or at his/her discretion, the review and approval of the Planning Commission and City Attorney.

610.04. Reduction in the Number of Required Off-Street Parking Spaces for Large Uses *(over 500,000 square feet of gross floor area).* In order to prevent the establishment of a greater number of parking spaces than are actually needed to meet the particular needs of a development site containing over 500,000 square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted. This reduction shall be permitted subject to the following conditions:

A. A maximum reduction of one (1) parking space per every 1,000 square feet of gross floor area or 20 percent of the total spaces required can be permitted. The site plan shall indicate the location and dimensions of the parking area provided, and shall include calculations showing the number of parking spaces eliminated pursuant to this Section which otherwise would have been required.

B. Sufficient area must be reserved to provide for the total number of off-street parking spaces required by Section 610. The purpose of this reservation is to insure adequate area to meet any future need for additional parking spaces. Prior to site plan approval, the applicant shall sign a written statement agreeing to provide additional spaces up to the full amount required by Section 610 upon notification by the Planning Director and/or the Planning Commission that such spaces are needed. This statement shall be provided to the Planning Department and City Attorney in letter form and shall be reproduced on the site plan.

C. The reserved parking area shall be shown on the site plan and shall be grassed, landscaped or otherwise covered in vegetation. It shall not include signs or other structures, drainage or percolation fields for sewage disposal, areas exceeding 12 percent slope, required bufferyards, areas of general or off-street parking landscaping required under Article V, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.

611. Lighting.

All lighting must be directed and/or shielded so as to focus lighting onto the use as established and away from adjacent property and areas of pedestrian and vehicular traffic including, but not limited to, sidewalks and streets.

All lighting fixtures incorporated into non-enclosed structures (i.e. gas pump canopies, car washes, etc.) must be fully recessed into the underside of such structures.

Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner as to focus lighting onto the use and away from adjacent property and areas of pedestrian and vehicular traffic including, but not limited to, sidewalks and streets. ***(See Figure 17)***

A lighting plan must be provided with all development plans (i.e. site plans and subdivision plats) showing, at a minimum, placement of all lighting structures, height of structures, and illumination levels taking into account landscaping and other possible obstructions.

Section 612. Flag Lots.

A flag lot is a lot that has minimal frontage on a publicly owned and maintained street, whose width some distance back from the street boundary line meets all Ordinance requirements. ***(See Figure 5)*** The purpose of flag lots is to reduce the number of direct access points to arterial and collector roads. Flag lots may be permitted, even though they do not meet the minimum lot width requirements at the street boundary line, subject to the following conditions:

A. Flag lots shall be limited to single family residential use only. No more than one (1) dwelling unit shall be authorized for any one (1) flag lot access strip.

B. A flag lot may be used within a subdivision to provide a lot fronting on an arterial or collector road with access to an internal subdivision street. In such cases, vehicular access to the lot from the arterial or collector shall be prohibited. In any event, no more than 10 percent of the lots in any subdivision may be approved as flag lots.

C. Flag lots providing access to arterial or collector roads shall be prohibited.

D. Flag lot "stems" or access strips shall be at least 25 feet in width as measured at the road frontage. The land area within the access strip shall not count toward the required minimum lot size.

E. Where otherwise consistent with the provisions of this section, flag lots may be created in groups not exceeding two (2); in such cases, access strips shall be adjacent to each other and form a total width of 50 feet. A distance of 500 feet shall separate non-adjacent flag lot access strips on the same side of the road. All access strips shall be at least 25 feet from an intersection.

G. The Planning Director shall identify the front, side and rear lot lines of a flag lot for determining yard requirements, allowable locations of accessory structures, and other purposes.

Section 613. Fences and walls.

In non-residential zones, no wall or fence shall exceed a height of ten (10) feet. In residential zones, no wall or fence shall exceed eight (8) feet. No fence or wall may project into the unobstructed space required at a street intersection, as determined by the City Engineer. In a front yard, walls and fences shall be architecturally compatible with the style, materials, and colors of the principal building. Solid wood fences are permitted in rear and side yards only. No part of a fence in a required front yard shall be within ten (10) feet of the curb line, nor shall it be on the public right-of-way. In residential zones, no fence in a required front yard shall exceed four feet in height. For the purposes of the section, the front yard shall be defined as the yard on the side of the front entrance of the residence. (***See Figure 20***.)

All fences and walls must be permitted. Maintenance and repairs that do not change the original dimensions, or replace or alter less than 50% of the fencing materials do not need a permit.

If the property abuts a public street, the finished side of the fence shall face the street.

ARTICLE VII. CORE CITY ZONING & DESIGN STANDARDS

700. Background

In 2008, the City of Northport embarked upon a planning process for the city's downtown, riverfront, and surrounding historic neighborhoods. Based upon extensive public input, this plan was enthusiastically supported by the community. It is the intent of this zoning and design standards document to help implement that plan for this area, which is now referred to as the "Core City" for planning purposes. Only by codifying the key ideas of the plan can it be insured that its future implementation is consistent with the community's collective vision for the area.

701. Districts & Sub-Districts

The City's 2008 Downtown and Riverfront Plan established a total of fourteen (14) sub-districts for planning purposes. Each sub-district reflected the plan's intended primary land uses, physical form, and development character.

In preparing the zoning and design standards, two key issue categories emerged for each sub-district: 1) site design standards and 2) zoning and architectural design standards. Site design standards address issues such as access, parking, loading areas, lighting and landscaping. Zoning and architectural design standards address issues such as permitted land uses, building heights, setbacks and architectural design. While each sub-district had relatively distinct zoning and architectural design standards, it was determined that many of the sub-districts could effectively use the same site design standards. Consequently, each sub-district has been grouped with a district category, and each sub-district within that district category shares the same site design standards. The sub-districts are listed below and delineated on the map on the following page.

Urban Mixed Use Districts
South Main Riverfront District
Historic Downtown Core District
Residential/Commercial/Institutional District
Bridge Avenue South District
Neighborhood Centers District

Suburban Mixed Use District
Bridge Avenue North District

Institutional District
Institutional District

Urban Residential Districts
Historic Neighborhood District
New Urban Neighborhood District
Multi-Family Housing District

Employment Districts
Light Industrial District
Working Riverfront District

Ecological Districts
River's Edge District
Conservation District

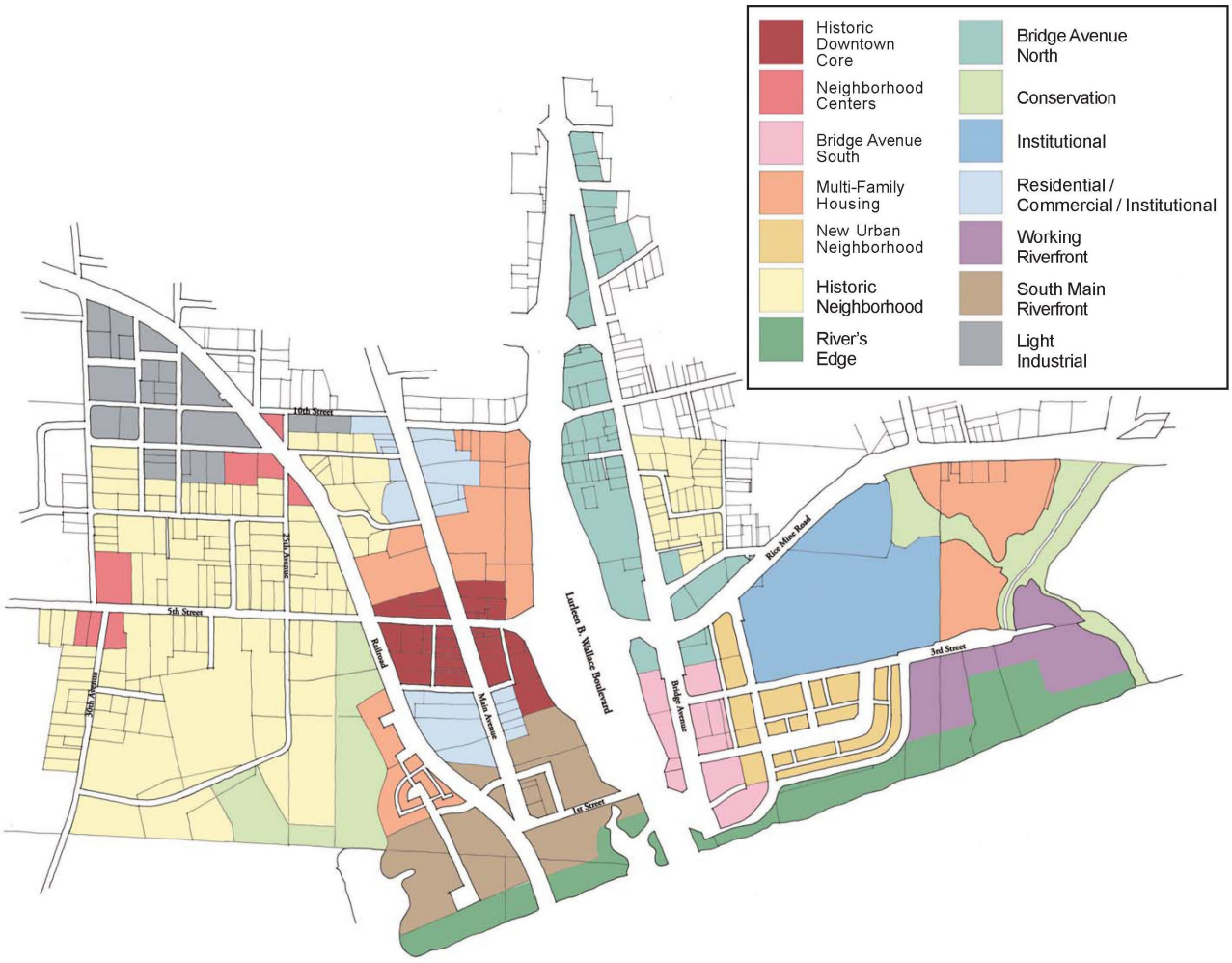


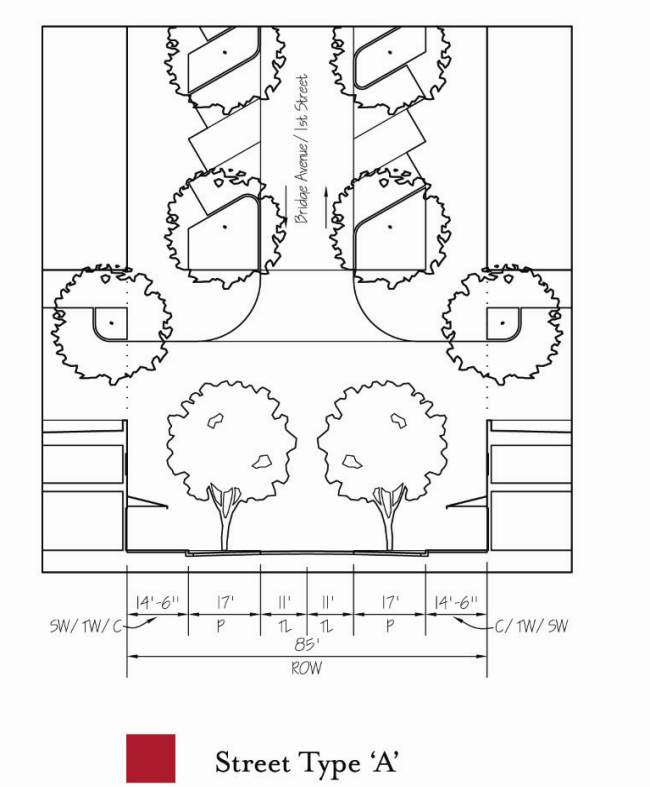
FIGURE 7-1
CORE CITY ZONING DISTRICTS

702. Street Types

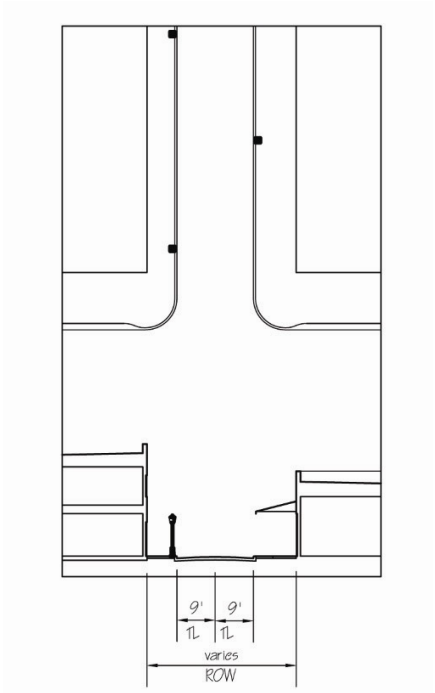
Whether walking, cycling, driving or through some other means of transit, most people experience the built environment as viewed from streets. They are not only important for transportation, but their design is critical to the function and character of the places they traverse. Consequently, this zoning and design standard document for the Core City starts with a review of street types. A total of eleven (11) street types and two (2) alley types have been designated. The variables between each type include the number of driving lanes, the number of parking lanes, parking lane angles, sidewalks, street trees, and the dimensions of all of these elements. The street types are delineated on the map below.

The following pages provide illustrations of the various street type cross sections.

With regard to sidewalks, the materials and design will depend upon the specific location. Brick (or similar looking pavers) and concrete should be the two primary materials. Depending upon the location, some sidewalks might be all brick, some all concrete, and some a combination. For example, the blocks on Main Avenue near the river should be all brick to match the existing streetscape near Main and Fifth. On the other hand, concrete can be scored and colored to add visual interest and may be more appropriate in other areas. Regardless of the potential options, within any single block face, the design and materials should be consistent to avoid a random mixture lacking visual cohesiveness. Within the Urban Mixed Use, Urban Residential, and Ecological Districts, utilities should be buried underground.



Street Type 'A'



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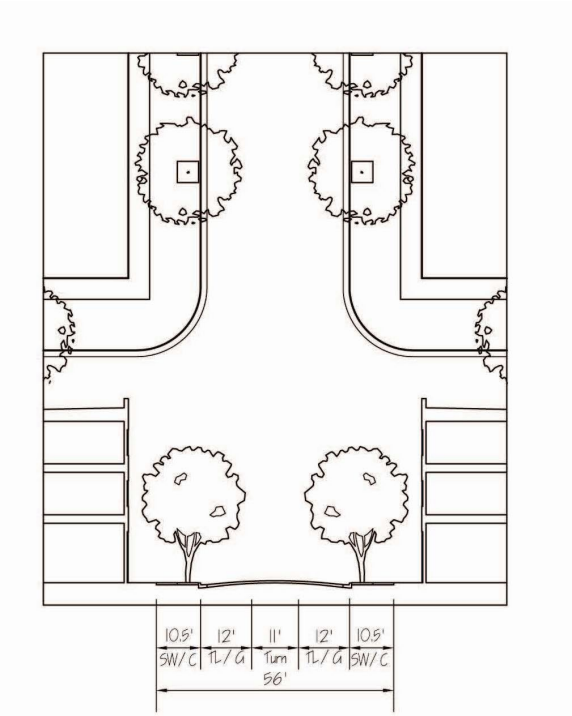

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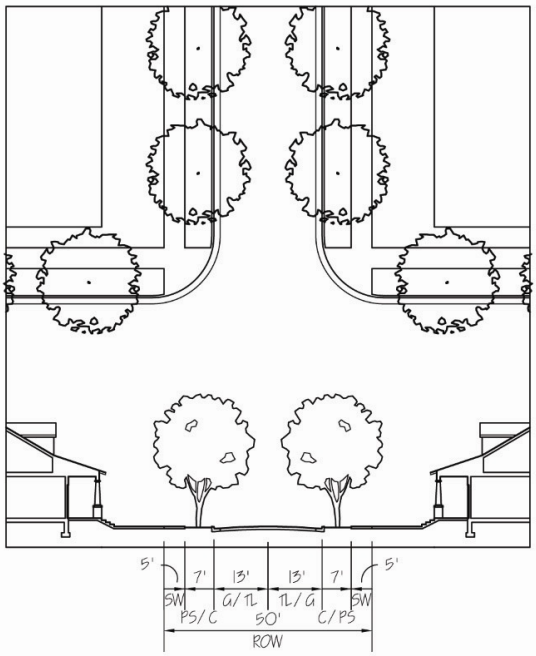

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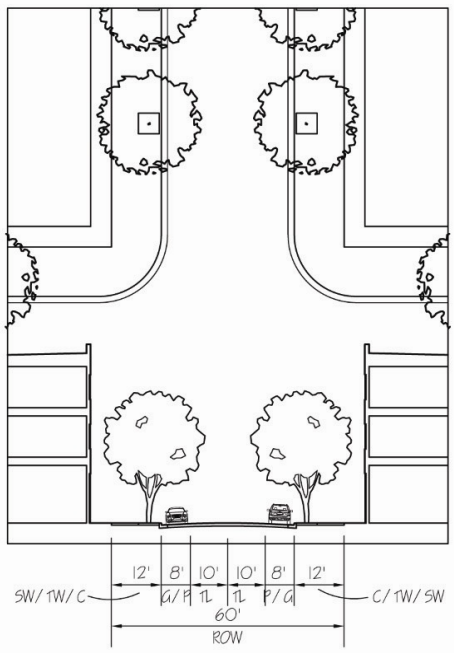

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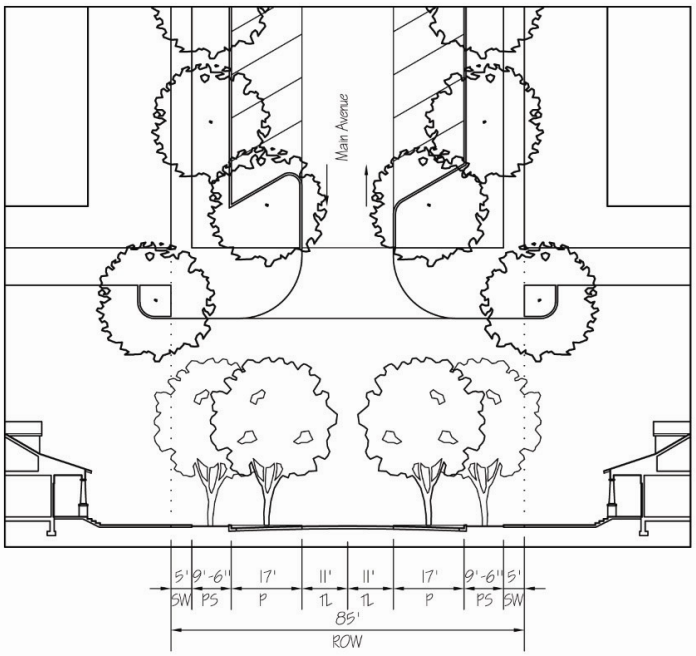

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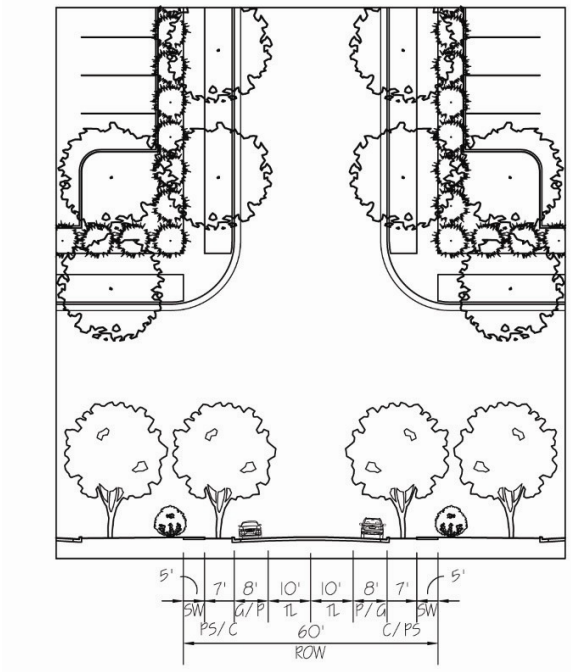

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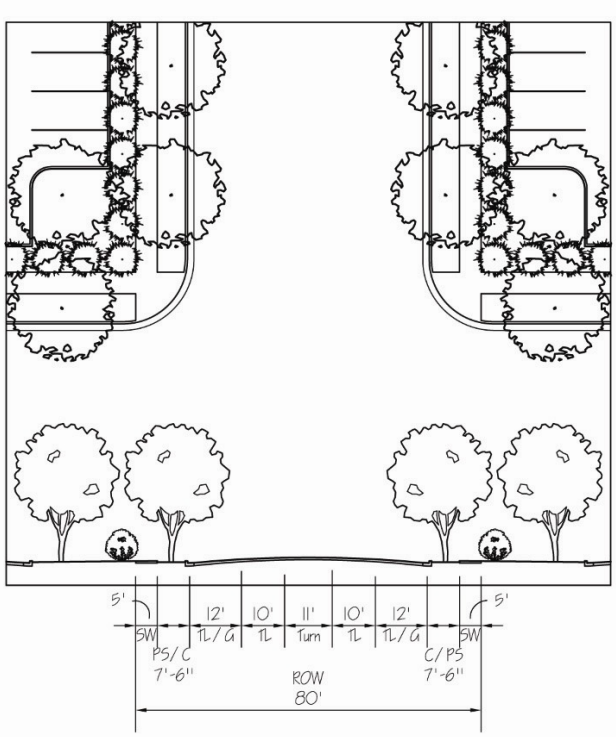

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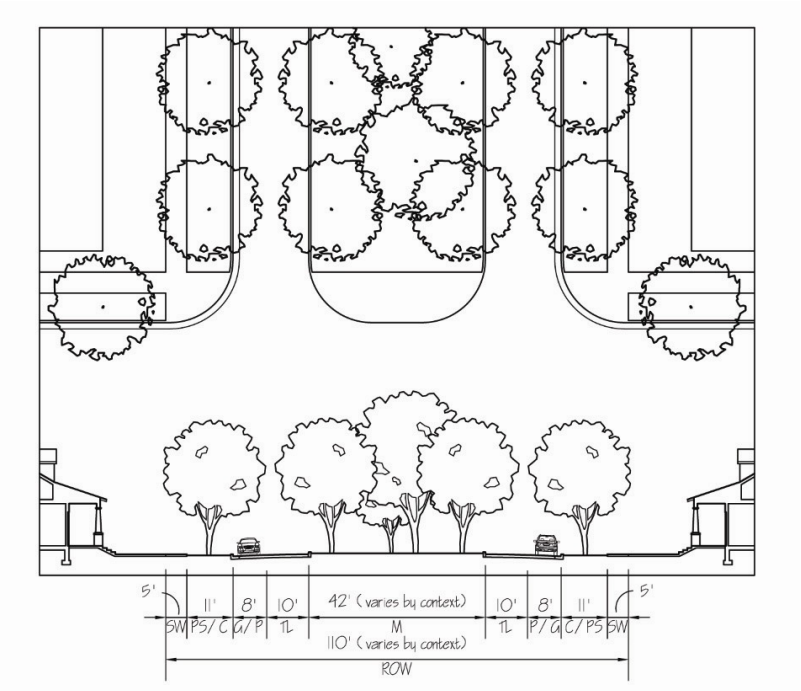

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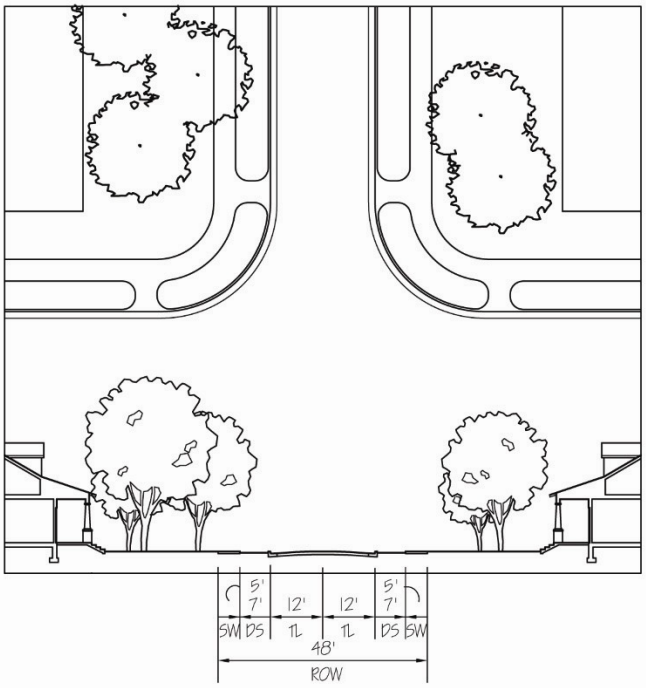

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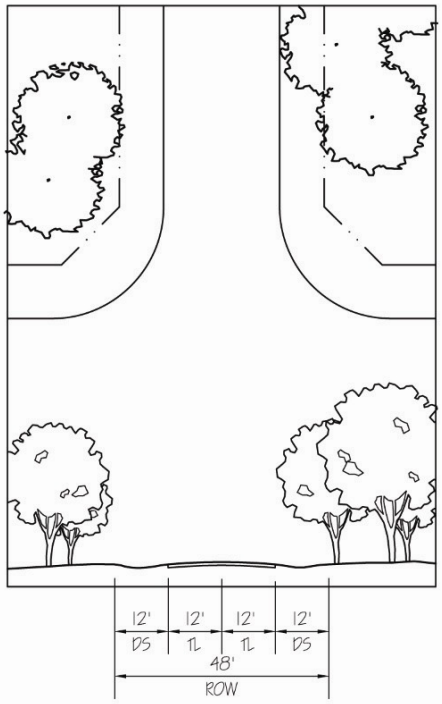

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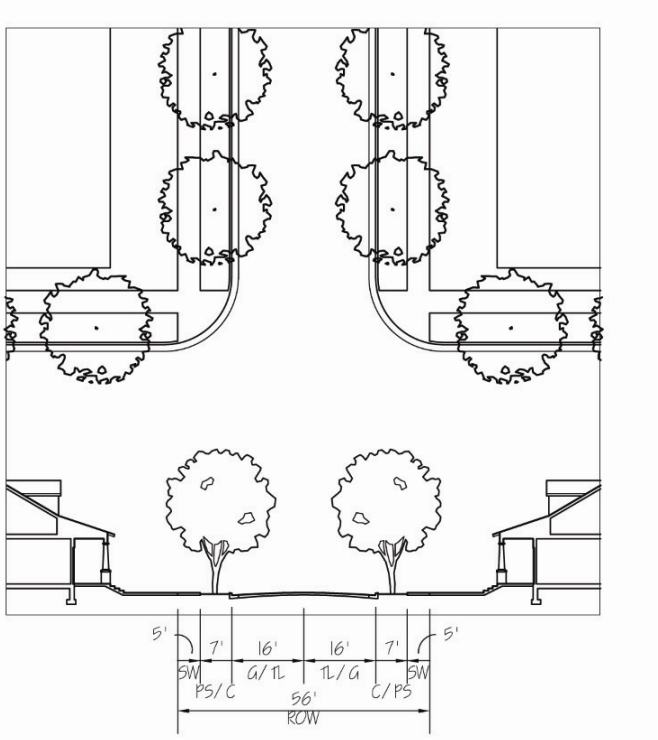
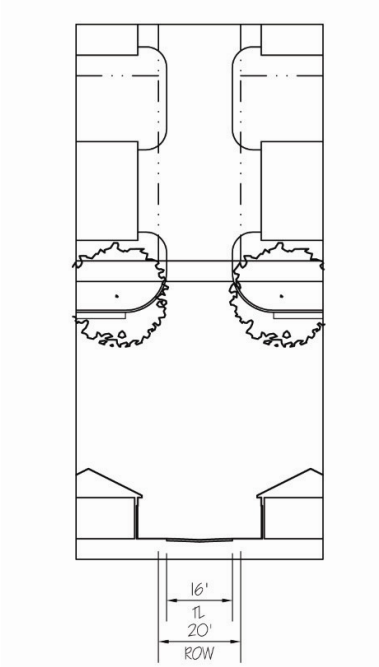
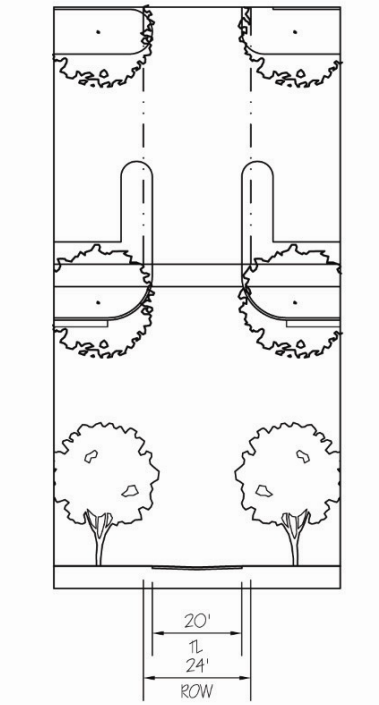


Street Type 'K'



Alley Type '1'



Alley Type '2'

703. URBAN MIXED USE DISTRICTS

703.01. Site Design Standards: Urban Mixed Use Districts

These site design standards shall apply to the following five urban mixed use districts within Northport's core city area: South Main Riverfront District, Historic Downtown Core District, Residential/Commercial/Institutional District, Bridge Avenue South District, and Neighborhood Centers District.

A. Access & Parking

1. Vehicular Access. Access to parking areas shall be limited to rear alleys where possible to avoid the proliferation of driveways along streets. When driveways accessed from streets are deemed necessary, they shall be accessed from secondary streets rather than primary streets, when possible. The "primary street" is the street designed for and/or experiencing the higher level of traffic relative to the "secondary street." Driveways shall be located along the edge of the lot. When opportunities occur, shared access driveways should be provided along property boundaries. Multiple adjacent driveways shall be avoided. No more than one (1) driveway shall be allowed per property unless the parking lot's size and traffic projections warrant a second driveway.

2. Cross-Access. Direct vehicular access between adjoining properties shall be provided where possible as an alternative to indirect access via the associated street. Such access shall be located within the rear half of the lot, and may exist in the form of an alley or an internal driveway connecting the parking areas.

3. Driveway Widths. Driveway widths shall not exceed twelve (12) feet for single-lane driveways or twenty-four (24) feet for two-lane driveways. No driveways may have more than two (2) lanes at their point of intersection with the street.

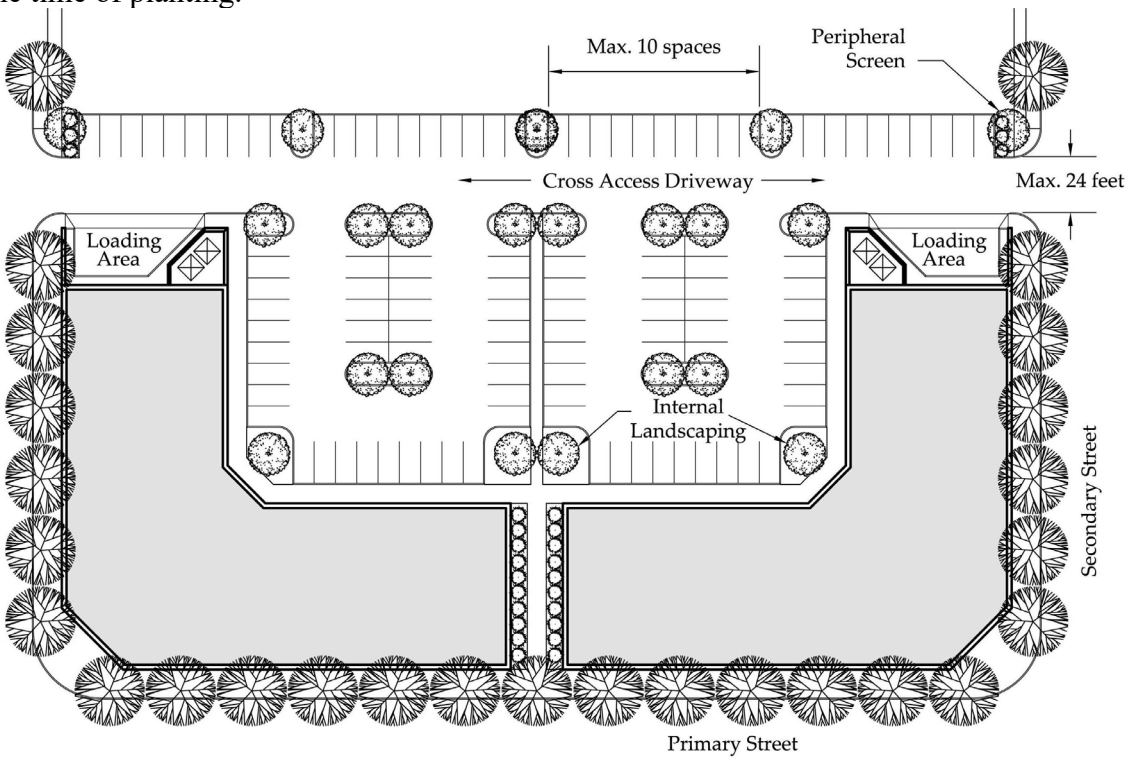
4. Drive-Through Windows/Facilities. Drive-through windows/facilities are permitted only if: 1) they are not visible from a public street, and 2) they adhere to the other vehicular access and driveway width standards of this code.

5. Parking Amounts. See Section 611 of the zoning ordinance for parking standards which are based upon specific land uses and building areas. Within urban mixed use districts, seventy-five (75) percent of the amount of parking otherwise required by City codes is required. No more than one hundred and twenty-five (125) percent of the amount of parking otherwise required by City codes shall be allowed within mixed use districts. Parking requirements may be waived, either wholly or partially, for properties within six hundred (600) feet of a public parking facility. Designated on-street parking located directly adjacent to a property, excluding parking on the other side of the street, shall be credited toward meeting the property's on-site parking requirements. Requirements for minimum amounts of parking are completely waived within the Historic Downtown Core District and the Residential / Commercial / Institutional District.

6. Parking Location. Parking lots shall not be located between a building and a street or between a building and the riverfront unless they are located in such a manner (below grade, etc.) so as to not be visible from the street or the riverfront. Parking lots shall not front onto primary streets, which consist of Main Avenue, First Street, Fifth Street, and Bridge Avenue (south of Rice Mine Road). In the case of a corner lot on Main and Fifth, the parking shall front onto Fifth rather than Main. Where parking lots front onto secondary streets, they shall be sufficiently screened per the parking design standards below. These parking location requirements may be waived for properties fronting Rice Mine Road.

7. Parking Design. Peripheral Screening: A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing of twenty (20) feet. Screening shall also include a low fence or wall, and/or shrubs with a minimum height of three (3) feet at the time of planting. Fencing shall be wood or metal, but shall not include chain link. Walls shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

Internal Landscaping: Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.



8. Parking Structures. See the section addressing building design for the relevant district for parking structure standards.

B. Loading & Refuse

1. Location. Loading areas and refuse storage areas shall be located behind buildings and not readily visible from a street.

2. Screening. To the extent that site conditions and street configurations require, fencing and/or landscaping shall be used to screen loading areas from streets. Refuse storage areas shall be completely screened from views both external and internal to the site with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall be visually compatible with the materials and design of the corresponding building, and it shall be taller than the height of the refuse containers, but no taller than ten (10) feet.

C. Lighting

Freestanding lights shall not exceed sixteen (16) feet in height for all urban mixed use areas, including streets, parking and pedestrian areas. Fixtures shall be hooded or shielded to minimize light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties.

D. Street & Streetscape Design

The design of streets and their streetscapes, including driving lanes, on-street parking sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See Pages VII-3 through VII-11).

E. Service Stations

Automobile service stations are conditional uses within specified urban mixed use districts. In addition to other conditions that might be applied, they must meet the following standards:

1. Pump Locations. Fuel pumps shall not be located between the associate building and the primary street. They shall be located behind the building and not readily visible from the primary street, although they may be visible from secondary streets in the case of corner lots.

2. Building Design. The service station building shall be designed to appear as a conventional retail building.

3. Canopies & Lighting. The ceiling of canopies above fuel pumps should be a maximum of fourteen (14) feet in height. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the ceiling of the canopy or

shielded by the fixture or the edge of the canopy so that light is restrained to no more that 85 degrees from vertical.

703.02. South Main Riverfront District.

It is the intent of this district to provide a mixed-use area that is urban in form, pedestrian friendly; human scaled and provides visual and physical access to the river.

A. Land Uses

1. Permitted Principal Uses: Retail, restaurants, entertainment, artist studios, offices, personal services, professional services, lodging, multi-family or attached housing, daycare/pre-school, institutional/civic uses (not exceeding a 5,000 sq. ft. building footprint), and parking garages if: a) located behind a building, or b) fronted with round floor retail and/or services on the Main Avenue and First Street frontage. Multi-family and attached housing buildings shall feature at least four (4) units per building.

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
B. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. The use does not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: passenger terminals and utility substations.

4. Prohibited Uses: Ground floor street-fronting housing is prohibited on Main Avenue. Auto-oriented uses, such as service stations, car washes, and automobile dealerships, are prohibited.

B. Building Scale & Placement

1. Maximum Building Height: Sixty (60) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-roofed buildings. Non-habitable vertical architectural elements, such as steeples and cupola, shall not be counted toward building height calculations.

2. Commercial Ground Floor Height: The minimum ground floor height of buildings in which the first floor will be used for commercial purposes shall be fourteen (14) feet. The ground floor height shall be measured from the finished floor to the ceiling.

3. Railroad Trestle Visibility: Between Main Avenue and the railroad within this district, no building shall be higher than seventy-five (75) percent of the height of the railroad tracks, as measured from the average elevation along the property line adjacent to the railroad right-of-way.

4. Front Setback:

Minimum: Zero (0) feet from public right-of-way line
Maximum: Ten (10) feet from public right-of-way line

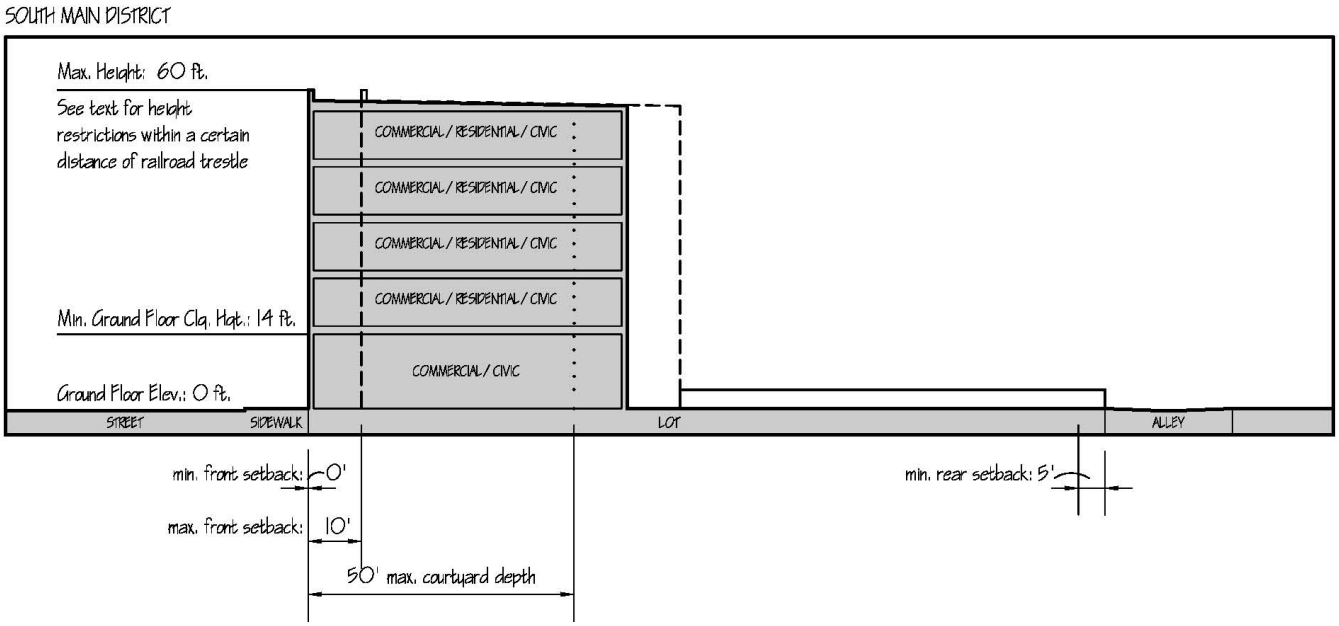
Exceptions from the front setback standards are permitted for the following cases:

- Buildings featuring ground floor residential front onto a street other than Main Avenue as long as parking lots are not within the setback. Such exceptions shall feature a front courtyard design in which at least one third of the building's frontage adheres to the zero (0) to ten (10) foot setback requirement, and the courtyard depth shall not exceed fifty (50) feet as measured from the public right-of-way line.
- Institutional/civic buildings fronting onto an open space (lawn, courtyard, park, plaza, etc.) so long as the setback does not exceed seventy-five (75) feet as measured from the public right-of-way line.
- Outdoor dining if a low wall is used to define the street wall and the setback does not exceed fifty (50) feet as measured from the public right-of-way line. Such wall shall be architecturally compatible with its associated building. The wall shall be between two (2) and three (3) feet in height, and iron fencing may be incorporated so long as it does not exceed a combined height of four (4) feet.

5. Side Setback: There are no side setback requirements

6. Rear Setback: Minimum five (5) feet

7. Building Frontage: At least seventy-five (75) percent of a lot's street frontage shall be occupied by a building adhering to the front setback requirements. In the case of corner lots, such street frontage shall be defined by the building's primary façade and primary street.



C. Building Design

1. Roofs.

Form: Roofs shall be flat, gabled or hipped. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

2. Minimum Foundation Heights. These standards apply only to buildings featuring ground floor residential space fronting onto a street. Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.

3. Façade Design.

Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least four (4) inches in depth, material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material

changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Glazing: A minimum of fifty (50) percent of the front façade's ground floor shall be glazed (comprised of glass in the form of doors and/or windows). The floor shall be considered the area between finished floor level and the same floor's ceiling. The maximum sill height for ground floor windows shall be three (3) feet and the minimum head height shall be eight (8) feet. A minimum of twenty-five (25) percent of the front façade's upper floors shall be glazed. Glass anywhere on the front façade may not be reflective or heavily tinted.

Door & Window Design: The building's primary entrance shall face the associated street. All windows, with the exception of storefront windows, shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than "snap-in" and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

Awnings, Canopies & Balconies: Awnings, canopies and balconies are encouraged, but not mandatory. If provided, awnings shall be canvas. Canopies shall be wood or a composite material and either: a) perpendicular to the façade and flat, or b) feature a shed roof or a hipped shed roof with standing seam metal and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted. Balconies shall be wood and/or metal and have a minimum depth of six (6) feet. If roofed, balcony roofs shall follow the standards for canopies.

D. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

1. Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

E. Parking Structures

Parking structures fronting onto any street shall be designed to have the general appearance of a building along its street frontage with respect to materials and façade massing. The building design standards for this district should be considered in the parking structure's design. Sloping interior floors of parking structures should not be visible and shall not be expressed on facades facing a street. Along Main Avenue and First Street, a parking structure shall be set behind other buildings ("liner buildings") so as not to be visible from the right-of-way except at the point of vehicular access. Liner buildings shall be built in accordance with the standards in this district. Along other streets, cars parked at street level shall be screened from view. Where opportunities exist, access points shall occur off alleys or secondary streets rather than the primary street. Vehicular access from a primary street shall be limited to a single ingress land and a single egress lane. Pedestrian access shall be clearly visible and vertical circulation should be expressed architecturally on the exterior of the building, especially at corners.

703.03. Historic Downtown Core District

It is the intent of this district to preserve and reinforce the physical character and architectural integrity of the historic downtown. This district should accommodate a mixture of land uses and maintain a physical environment that is urban in form, pedestrian-friendly, and human scaled.

A. Land Uses

1. Permitted Principal Uses: Retail, restaurants, entertainment, artist studios, offices, personal services, professional services, lodging, multi-family or attached housing, daycare/pre-school, institutional/civic uses (not exceeding a 5,000 sq. ft. building footprint), and parking garages (if not fronting onto Main Avenue). Multi-family and attached housing buildings shall feature at least four (4) units per building.

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
B. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. The use does not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: There are no permitted conditional uses within this district.

4. Prohibited Uses: Ground floor street-fronting housing is prohibited on Main Avenue. Auto-oriented uses, such as service stations, car washes, and automobile dealerships, are prohibited.

B. Building Scale & Placement

1. Maximum Building Height: Forty (40) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed buildings; or b) the top of the eave on the front façade of pitched-roofed buildings. Non-habitable vertical architectural elements, such as steeples and cupola, shall not be counted toward building height calculations.

2. Commercial Ground Floor Height: The minimum ground floor height of buildings in which the first floor will be used for commercial purposes shall be fourteen (14) feet. The ground floor height shall be measured from the finished floor to the ceiling.

3. Front Setback:

Minimum: Zero (0) feet from public right-of-way line
Maximum: Ten (10) feet from public right-of-way line

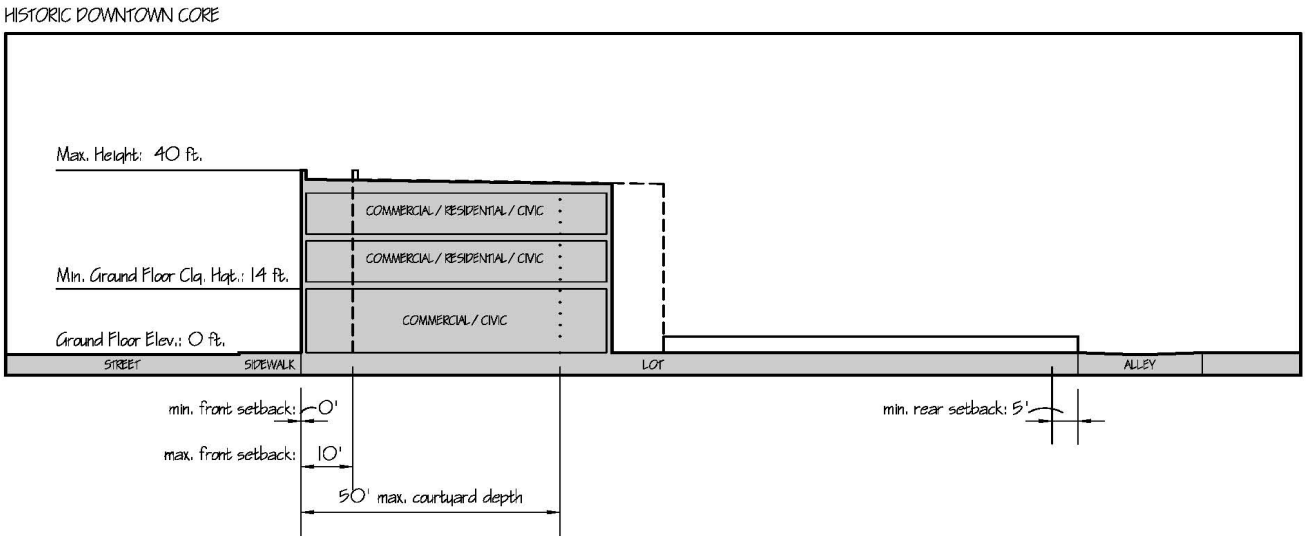
Exceptions from the front setback standards are permitted for the following cases:

- Buildings featuring ground floor residential front onto a street other than Main Avenue as long as parking lots are not within the setback. Such exceptions shall feature a front courtyard design in which at least one third of the building's frontage adheres to the zero (0) to ten (10) foot setback requirement, and the courtyard depth shall not exceed fifty (50) feet as measured from the public right-of-way line.
- Institutional/civic buildings fronting onto an open space (lawn, courtyard, park, plaza, etc.) so long as the setback does not exceed seventy-five (75) feet as measured from the public right-of-way line.
- Outdoor dining if a low wall is used to define the street wall and the setback does not exceed fifty (50) feet as measured from the public right-of-way line. Such wall shall be architecturally compatible with its associated building. The wall shall be between two (2) and three (3) feet in height, and iron fencing may be incorporated so long as it does not exceed a combined height of four (4) feet.

5. Side Setback: There are no side setback requirements

6. Rear Setback: Minimum five (5) feet

7. Building Frontage: At least seventy-five (75) percent of a lot's street frontage shall be occupied by a building adhering to the front setback requirements. In the case of corner lots, such street frontage shall be defined by the building's primary façade and primary street.



C. Building Design

1. Roofs.

Form: Roofs shall be flat, gabled or hipped. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

2. Minimum Foundation Heights. These standards apply only to buildings featuring ground floor residential space fronting onto a street. Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.

3. Façade Design.

Massing: No front façade plane shall exceed a width of twenty-five (25) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least four (4) inches in depth, material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Glazing: A minimum of fifty (50) percent of the front façade's ground floor shall be glazed (comprised of glass in the form of doors and/or windows). The floor shall be considered the area between finished floor level and the same floor's ceiling. The maximum sill height for ground floor windows shall be three (3) feet and the minimum head height shall be eight (8) feet. A minimum of twenty-five (25) percent of the front façade's upper floors shall be glazed. Glass anywhere on the front façade may not be reflective or heavily tinted.

Door & Window Design: The building's primary entrance shall face the associated street. All windows, with the exception of storefront windows, shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than "snap-in" and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

Awnings, Canopies & Balconies: Awnings, canopies and balconies are encouraged, but not mandatory. If provided, awnings shall be canvas. Canopies shall be wood or a composite material and either: a) perpendicular to the façade and flat, or b) feature a shed roof or a hipped shed roof with standing seam metal and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted. Balconies shall be wood and/or metal and have a minimum depth of six (6) feet. If roofed, balcony roofs shall follow the standards for canopies.

D. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

1. Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

E. Parking Structures

Parking structures fronting onto any street where permitted in this district (prohibited on Main) shall be designed to have the general appearance of a building along its street frontage with respect to materials and façade massing. The building design standards for this district should be considered in the parking structure's design. Sloping interior floors of parking structures should not be visible and shall not be expressed on facades facing a street. Along other streets, cars parked at street level shall be screened from view. Where opportunities exist, access points shall occur off alleys or secondary streets rather than the primary street. Vehicular access from a primary street shall be limited to a single ingress land and a single egress lane. Pedestrian access shall be clearly visible and vertical circulation should be expressed architecturally on the exterior of the building, especially at corners.

F. Interim Historic Zoning

Until a more detailed historic preservation ordinance and design guidelines can be drafted, adopted and applied as an overlay district to this base Historic Downtown Core District, the following standards shall apply:

1. Demolition: Demolition of any historically and/or architecturally contributing building is prohibited. The term "contributing" shall be based upon nationally recognized historic preservation standards and shall meet the following criteria:

a) Buildings at least fifty (50) years old;
b) Buildings considered to be "contributing" per National Register of Historic Places standards:
c) Buildings within this district that front onto Main Avenue

2. Alterations to Historic Buildings: The federal guidelines entitled "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" shall serve as the basis for considering proposed alterations to "contributing" buildings within this district. Reviewable actions involving existing buildings shall be limited to portions of "contributing" buildings that are visible from a public street.

3. New Development: The standards for new development contained herein for this Historic Downtown Core District shall apply to all new development.

703.04. Residential/Commercial/Institutional District

It is the intent of this district to preserve and reinforce its residential and institutional character, while allowing for a mixture of residential, institutional, and low-impact commercial uses within a pedestrian-friendly and historic environment.

A. Land Uses

1. Permitted Principal Uses: Retail, restaurants, office, personal services, professional services, single-family detached and attached housing not exceeding four (4) units per building, daycare/pre-school, institutional/civic uses (not exceeding a 10,000 sq. ft. building footprint), and parking garages for institutional/civic uses only when not fronting a street and located behind their associated building.

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
B. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. The use does not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: There are no permitted conditional uses within this district.

4. Prohibited Uses: Drive-through windows are prohibited for any use. Auto-oriented uses, such as service stations, car washes, and automobile dealerships, are prohibited.

B. Building Scale & Placement

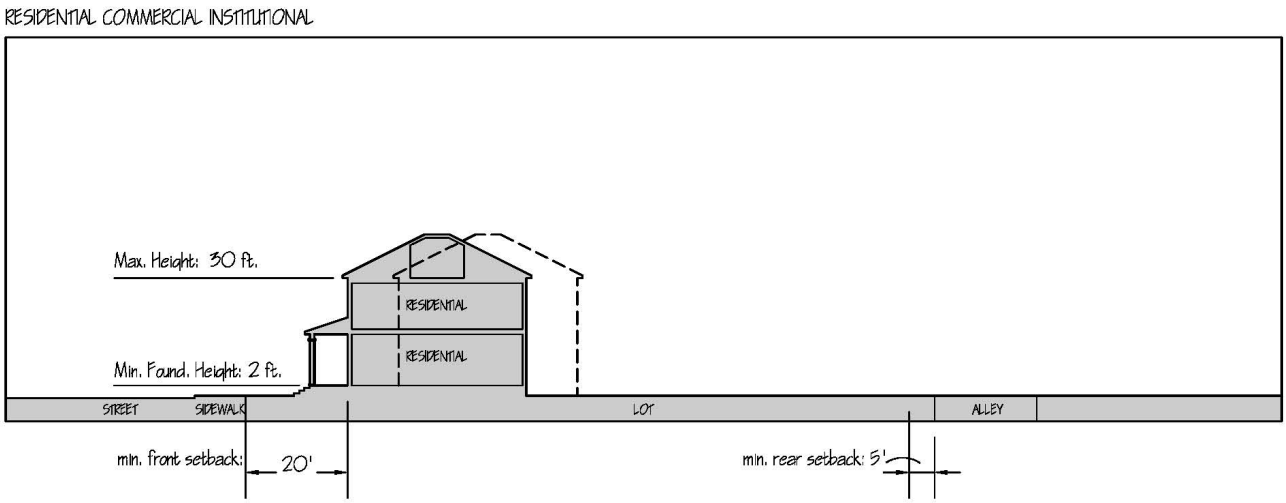
1. Maximum Building Height: Thirty (30) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front

façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-roofed buildings. Non-habitable vertical architectural elements, such as steeples and cupola, shall not be counted toward building height calculations.

2. ***Front Setback:*** Minimum – Twenty (20) feet from public right-of-way line

3. ***Side Setback:*** Minimum – Five (5) feet

4. ***Rear Setback:*** Minimum – Five (5) feet



C. Building Design

1. Building Types. Regardless of their use, only two building types are permitted within this district: residential and institutional/civic.

Residential Building Types: All uses except institutional/civic uses shall occur within residential building types.

Institutional/Civic Building Types: All institutional/civic uses shall occur within institutional/civic building types.

2. Roofs.

Form: Institutional/civic building shall have flat, gabled or hipped roofs as their primary roofing. Non-habitable vertical architectural components of institutional/civic buildings, such as steeples, may feature less conventional roof forms. All other uses shall have either gabled or hipped roofs. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

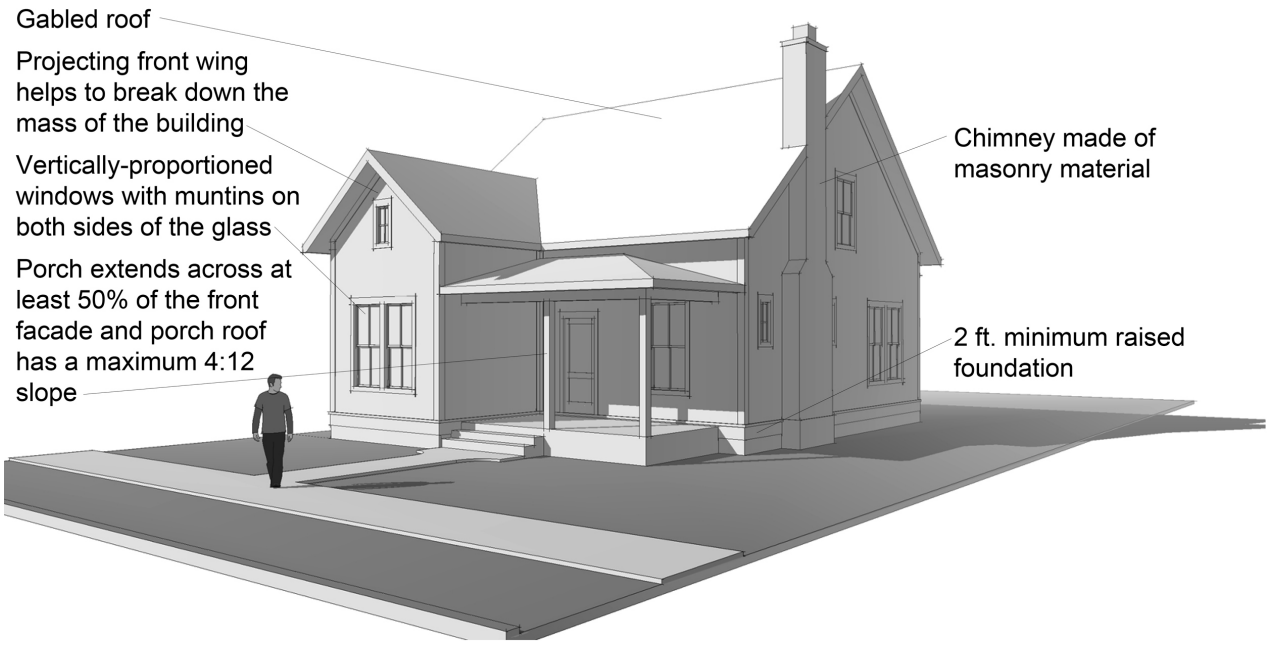
2. Minimum Foundation Heights. All residential building types shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.

3. Façade Design.

Glazing: Glass anywhere on the front façade may not be reflective or heavily tinted.

Door & Window Design: The building's primary entrance shall face the associated street. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than "snap-in" and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

Porches: All residential building types shall have a front porch. The porch shall extend across at least fifty (50) percent of the front façade, and it shall have a minimum depth of six (6) feet. All porch posts, columns, handrails and balustrades shall be wood or a composite material.



D. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

1. Permitted Primary Materials:

Residential Building Types: Wood, brick, and materials identical in appearance if not panelized. Wood cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding. Horizontal boarding shall have a maximum exposure of eight (8) inches.

Institutional/Civic Building Types: Wood, brick, stone, cast stone, concrete (not including smooth-finished concrete block), plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: For both residential and institutional/civic building types, the following materials, when used as a secondary material, shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: wood, brick, concrete (not including smooth-finished concrete block), metal, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance if not panelized. Wood cladding shall be limited to clapboard and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

E. Parking Structures

Parking structures are only permitted within this district for institutional/civic uses. They shall not front onto a street and must be located behind their associated building so as to not be readily visible from any public street.

703.05 Bridge Avenue South District

It is the intent of this district to provide a mixed-use area that is urban in form; pedestrian-friendly, human scaled, and provides visual and physical access to the river.

A. Land Uses

1. Permitted Principal Uses: Retail, restaurants, entertainment, artist studios, offices, personal services, professional services, lodging, multi-family or attached housing, daycare/pre-school, institutional/civic uses, and parking garages if: a) located behind a building, or b) fronted with ground floor retail and/or services on any street frontage. Multi-family and attached housing buildings shall feature at least four (4) units per building.

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

D. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
E. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
F. The use does not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: passenger terminals, utility substations, and service stations when meeting the urban mixed use site design standards for service stations.

4. Prohibited Uses: Auto-oriented uses, such as car washes and automobile dealerships are prohibited.

B. Building Scale & Placement

1. Maximum Building Height: Sixty (60) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-

roofed buildings. Non-habitable vertical architectural elements, such as steeples and cupola, shall not be counted toward building height calculations.

2. Commercial Ground Floor Height: The minimum ground floor height of buildings in which the first floor will be used for commercial purposes shall be fourteen (14) feet. The ground floor height shall be measured from the finished floor to the ceiling.

3. Front Setback:

Minimum: Zero (0) feet from public right-of-way line
Maximum: Ten (10) feet from public right-of-way line

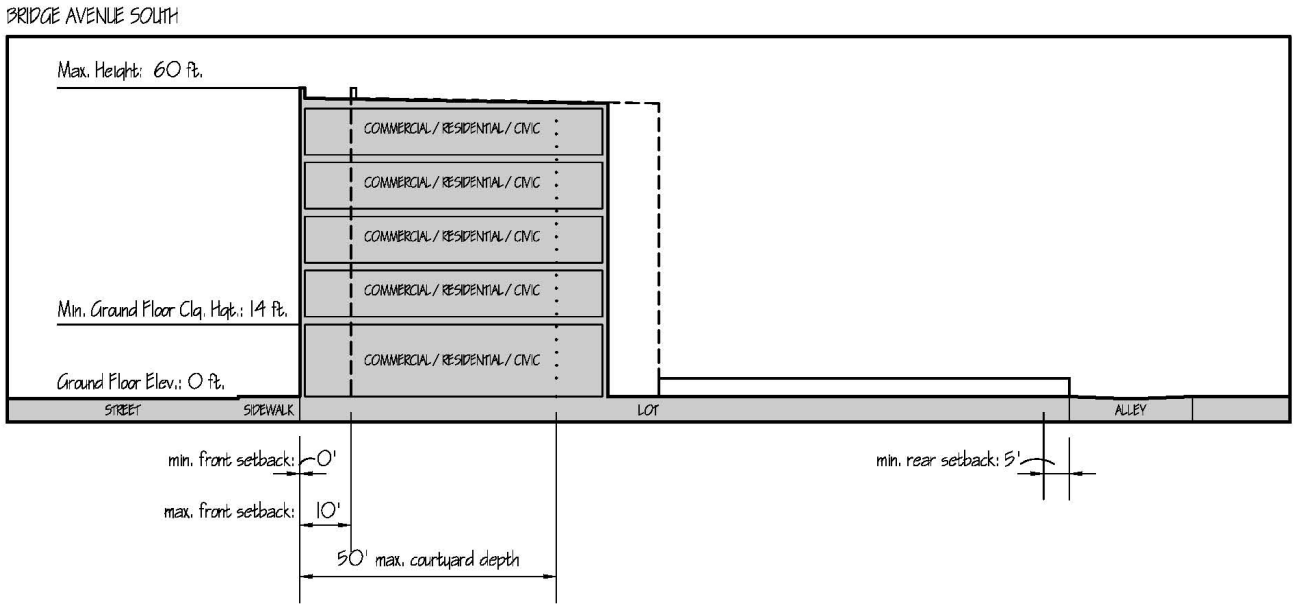
Exceptions from the front setback standards are permitted for the following cases:

- Buildings featuring ground floor residential as long as parking lots are not within the setback. Such exceptions shall feature a front courtyard design in which at least one third of the building's frontage adheres to the zero (0) to ten (10) foot setback requirement, and the courtyard depth shall not exceed fifty (50) feet as measured from the public right-of-way line.
- Institutional/civic buildings fronting onto an open space (lawn, courtyard, park, plaza, etc.) so long as the setback does not exceed seventy-five (75) feet as measured from the public right-of-way line.
- Outdoor dining if a low wall is used to define the street wall and the setback does not exceed fifty (50) feet as measured from the public right-of-way line. Such wall shall be architecturally compatible with its associated building. The wall shall be between two (2) and three (3) feet in height, and iron fencing may be incorporated so long as it does not exceed a combined height of four (4) feet.

5. Side Setback: There are no side setback requirements

6. Rear Setback: Minimum five (5) feet

7. Building Frontage: At least seventy-five (75) percent of a lot's street frontage shall be occupied by a building adhering to the front setback requirements. In the case of corner lots, such street frontage shall be defined by the building's primary façade and primary street.



C. Building Design

3. Roofs.

Form: Roofs shall be flat, gabled or hipped. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

2. Minimum Foundation Heights. These standards apply only to buildings featuring ground floor residential space fronting onto a street. Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.

3. Façade Design.

Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least four (4) inches in depth, material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Glazing: A minimum of fifty (50) percent of the front façade's ground floor shall be glazed (comprised of glass in the form of doors and/or windows). The floor shall be considered the area between finished floor level and the same floor's ceiling. The maximum sill height for ground floor windows shall be three (3) feet and the minimum head height shall be eight (8) feet. A minimum of twenty-five (25) percent of the front façade's upper floors shall be glazed. Glass anywhere on the front façade may not be reflective or heavily tinted.

Door & Window Design: The building's primary entrance shall face the associated street. All windows, with the exception of storefront windows, shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than "snap-in" and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

Awnings, Canopies & Balconies: Awnings, canopies and balconies are encouraged, but not mandatory. If provided, awnings shall be canvas. Canopies shall be wood or a composite material and either: a) perpendicular to the façade and flat, or b) feature a shed roof or a hipped shed roof with standing seam metal and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted. Balconies shall be wood and/or metal and have a minimum depth of six (6) feet. If roofed, balcony roofs shall follow the standards for canopies.

D. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

1. Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

E. Parking Structures

Parking structures fronting onto any street shall be designed to have the general appearance of a building along its street frontage with respect to materials and façade massing. The building design standards for this district should be considered in the parking structure's design. Sloping interior floors of parking structures should not be visible and shall not be expressed on facades facing a street. Parking structures fronting directly onto Bridge Avenue shall feature commercial space along the full Bridge Avenue frontage with the exception of vehicular and pedestrian access points. Vehicular access from a primary street shall be limited to a single ingress land and a single egress lane. Where opportunities exist, access points shall occur off alleys or secondary streets rather than the primary street. Along streets, cars parked at street level shall be screened from view. Pedestrian access shall be clearly visible and vertical circulation should be expressed architecturally on the exterior of the building, especially at corners.

703.06. Neighborhood Centers District

It is the intent of this district to preserve and reinforce its neighborhood commercial and institutional character. All commercial and institutional uses shall be low-impact, small in physical scale, pedestrian-friendly, and compatible with adjacent residential properties. There shall be two Neighborhood Center districts – NC-C (Commercial) and NC-I (Institutional), each with specific use requirements.

A. Land Uses

1. Permitted Principal Uses:

NC-Commercial District – The following uses are permitted if their building footprint does not exceed 3,000 sq. ft.: retail, restaurants, offices, personal services, professional services, daycare/pre-school, and institutional/civic uses

NC-Institutional District – The following uses are permitted: institutional/civic uses if their building footprint does not exceed 5,000 sq. ft., residential units located within institutional/civic buildings, and parking garages if not fronting a street and located behind their associated building.

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
B. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. The use does not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: service stations when meeting the urban mixed use site design standards for service stations. Residences are permitted only on upper floors above permitted ground floor uses.

4. Prohibited Uses:

NC-Commercial District -- Drive-through windows are prohibited for any use. Auto-oriented uses, such as car washes and automobile dealerships, are prohibited.

NC-Institutional District -- Drive-through windows are prohibited for any use.

B. Building Scale & Placement

1. Maximum Building Height: Thirty (30) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-roofed buildings. Non-habitable vertical architectural elements, such as steeples and cupola, shall not be counted toward building height calculations.

2. Commercial Ground Floor Height: The minimum ground floor height of buildings in which the first floor will be used for commercial purposes shall be twelve (12) feet. The ground floor height shall be measured from the finished floor to the ceiling.

3. Front Setback:

NC-Commercial District --

Minimum: Five (5) feet from public right-of-way line
Maximum: Fifteen (15) feet from public right-of-way line

The only exception to these front setback requirement is to accommodate street-fronting outdoor dining. A low wall is used to define the street wall and the setback does not exceed fifty (50) feet as measured from the public right-of-way line. Such wall shall be architecturally compatible with its associated building. The wall shall be between two (2) and three (3) feet in height, and iron fencing may be incorporated so long as it does not exceed a combined height of four (4) feet.

NC-Institutional District --

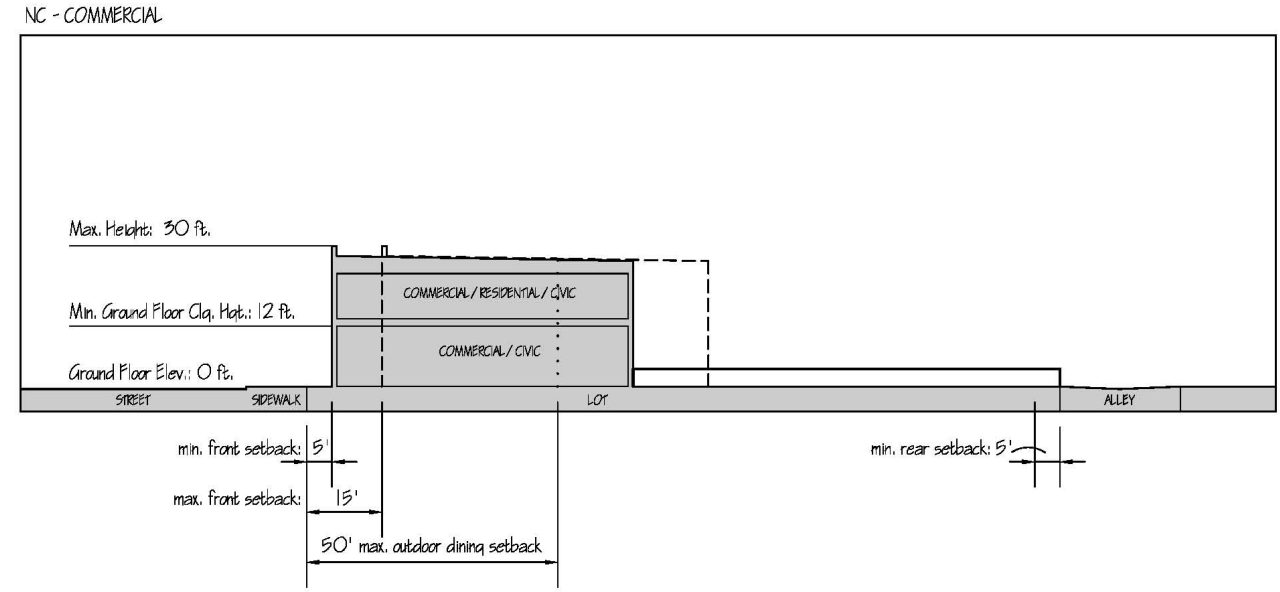
Minimum: Ten (10) feet from public right-of-way line
Maximum: Twenty-five (25) feet from public right-of-way line

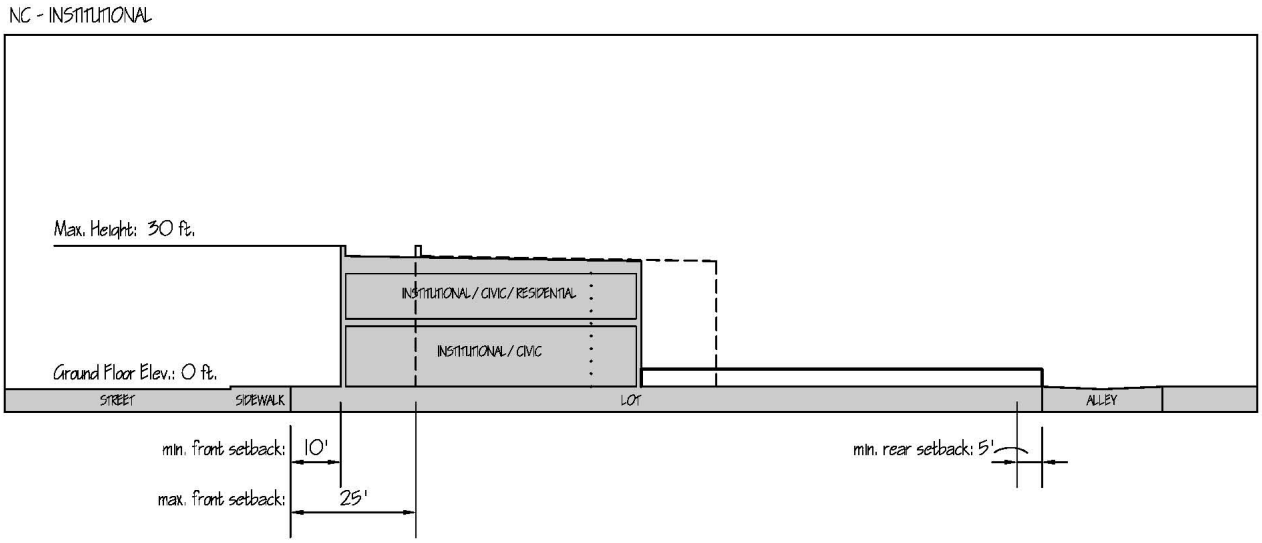
Exceptions from the front setback standards are permitted for institutional/civic buildings fronting onto an open space (lawn, courtyard, park, plaza, etc.) so long as the setback does not exceed seventy-five (750 feet as measured from the public right-of-way line.

4. Side Setback:

NC-Commercial District – Minimum Five (5) feet
NC-Institutional District – Minimum Ten (10) feet

5. Rear Setback: Minimum five (5) feet





C. Building Design

1. Roofs.

Form: Buildings shall have flat, gabled or hipped roofs as their primary roofing. Institutional/civic buildings may have non-habitable vertical architectural components, such as steeples, featuring less conventional roof forms. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

2. Façade Design.

Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least four (4) inches in depth, material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Glazing: Glass anywhere on the front façade may not be reflective or heavily tinted.

Door & Window Design: The building's primary entrance shall face the associated street. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than "snap-in" and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

D. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

1. Permitted Primary Materials:

NC-Commercial District -- Wood, brick, stone and materials identical in appearance if not panelized. Wood Cladding shall be limited to clapboard and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

NC-Institutional District -- Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: For both NC districts, the following materials, when used as a secondary material shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: wood, brick, concrete (not including smooth-finished concrete block), metal, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance if not panelized. Wood cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

E. Parking Structures

Parking structures are only permitted within the NC-Institutional District and not in the NC-Commercial District. They shall not front onto a street and must be located behind their associated building so as to not be readily visible from any public street.

704. SUBURBAN MIXED USE DISTRICT

704.01. Site Design Standards: Urban Mixed Use Districts

These site design standards shall apply to the sole suburban mixed use district within Northport's Core City Area: Bridge Avenue North District.

A. Access & Parking

1. Vehicular Access. Where possible, access to parking areas shall be encouraged off of rear alleys to avoid the proliferation of driveways along streets. Where driveways are accessed from streets, they shall be accessed from secondary streets rather than primary streets, when possible. The "primary street" is the street designed for and/or experiencing the higher level of traffic relative to the "secondary street." Driveways shall be located along the edge of the lot. When opportunities occur, shared access driveways should be provided along property boundaries. Multiple adjacent driveways shall be avoided. No more than one (1) driveway shall be allowed per property unless the parking lot's size and traffic projections warrant a second driveway.

2. Cross-Access. Direct vehicular access between adjoining properties shall be provided as an alternative to indirect access via the associated street.

3. Driveway Widths. Driveway widths shall not exceed twelve (12) feet for single-lane driveways, twenty-four (24) feet for two-lane driveways, and thirty-six feet for three-lane driveways. No driveways may have more than three (3) lanes at their point of intersection with the street.

4. Drive-Through Windows/Facilities. Drive-through windows/facilities are permitted only if they are located on the side or rear of the building and not fronting the primary street.

5. Parking Amounts. See Section 611 of the zoning ordinance for parking standards which are based upon specific land uses and building areas. No more than one hundred and twenty-five (125) percent of the amount of parking otherwise required by City codes shall be allowed within suburban mixed use districts.

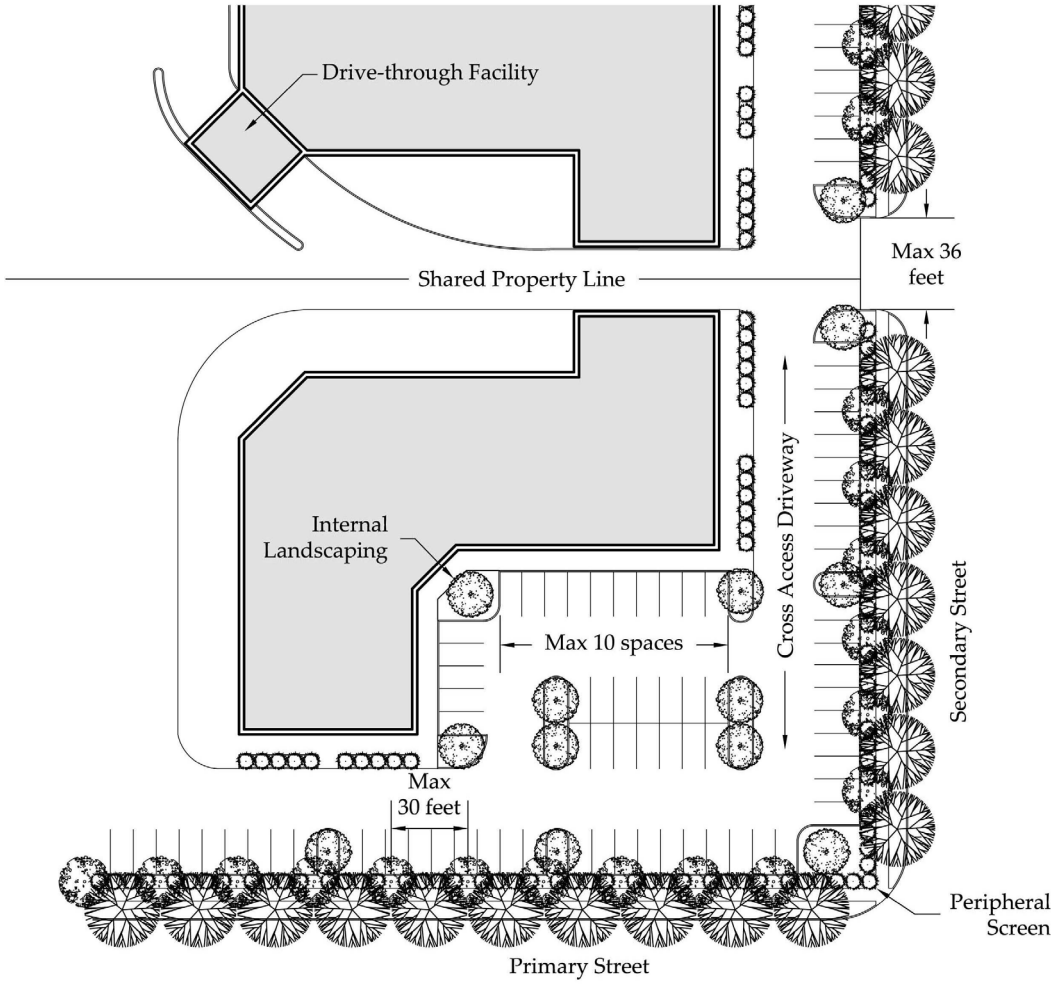
6. Parking Location. Parking lots are allowed anywhere on the site relative to street and building locations.

7. *Parking Design.*

Peripheral Screening: A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing

of twenty (20) feet. Screening shall also include shrubs with a minimum height of three (3) feet at the time of planting. If fencing is provided within the front yard, it shall be wood or metal, but shall not include chain link. Walls, if provided, shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

Internal Landscaping: Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.



8. Parking Structures. See the section addressing building design for the relevant district for parking structure standards.

B. Loading & Refuse

1. Location. Loading areas and refuse storage areas shall be located behind buildings and not readily visible from a street.

2. Screening. To the extent that site conditions and street configurations require, fencing and/or landscaping shall be used to screen loading areas from streets. Refuse storage areas shall be completely screened from views both external and internal to the site with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall be visually compatible with the materials and design of the corresponding building and it shall be taller than the height of the refuse containers, but no taller than ten (10) feet.

C. Lighting

Freestanding lights shall not exceed twenty (20) feet in height for all suburban mixed use areas, including streets, parking and pedestrian areas. Fixtures shall be hooded or shielded to minimize light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties.

D. Service Stations

Automobile service stations must meet the following standards:

1. Building Design. The service station building shall b designed to appear as a conventional retail building.

2. Canopies & Lighting. The ceiling of canopies above fuel pumps should be a maximum of fourteen (14) feet in height. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the ceiling of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

E. Street & Streetscape Design

The design of streets and their streetscapes, including driving lanes, on-street parking sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See PagesVII-3 through VII-11)

704.02. Bridge Avenue North District

It is the intent of this district to provide a mixed-use area that is suburban in form, functions efficiently, and has a high level of aesthetic quality.

A. Land Uses

1. Permitted Principal Uses: Retail, restaurants, entertainment, artist studios, offices, personal services, professional services, lodging, service stations/car washes and similar auto-oriented uses, multi-family housing, daycare/pre-school, institutional/civic uses, and parking garages. Drive-through windows/facilities are permitted when following the district's site design standards.

2. Permitted accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Are customarily accessory and clearly incidental and subordinate to permitted principal uses;
B. B. Are located wholly on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. Do not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: passenger terminals and utility substations.

4. Prohibited Uses: Automobile dealerships are prohibited.

B. Building Scale & Placement

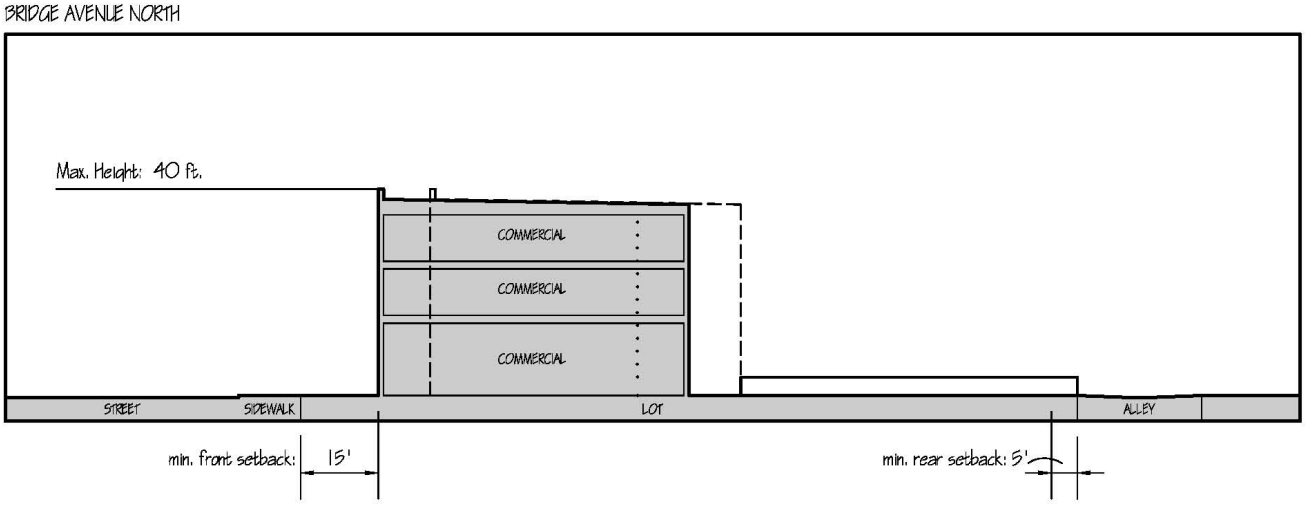
1. Maximum Building Height: Forty (40) feet. Building h eights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed buildings; or b) the top of the eave on the front façade of pitched-roofed buildings. Non-habitable vertical architectural elements, such as steeples and cupolas, shall not be counted toward building height calculations.

2. Front Setback:

Minimum: Fifteen (15) feet from public right-of-way line
Maximum: None

3. Side Setback:
Minimum Ten (10) feet

4. Rear Setback:
Minimum five (5) feet



C. Building Design

1. Roofs.

Form: Roofs may feature any form. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility.

2. Façade Design.

Massing: No front façade plane shall exceed a width equal to its height without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least six (6) inches in depth, material changes, pilasters (engaged pillars), columns/.posts, roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Door & Window Design: The building's primary entrance shall face the associated street. Shutters, if provided, shall be sized to fit the window.

D. Parking Structures

Parking structures fronting onto any street, regardless of its setback, and not located behind a building, shall be designed to have the general appearance of a building along its street frontage with respect to materials and façade massing.

705. URBAN RESIDENTIAL DISTRICTS

705.01. Site Design Standards: Urban Residential Districts

These site design standards shall apply to the following three urban residential districts within Northport's core city area: Historic Neighborhood District, New Urban Neighborhood District, and Multi-Family Housing District.

A. Access & Parking

1. Vehicular Access. Access to parking areas shall be limited to rear alleys where possible to avoid the proliferation of driveways along streets. When driveways accessed from streets are deemed necessary, they shall be accessed from secondary streets rather than primary streets, when possible. The "primary street" is the street designed for and/or experiencing the higher level of traffic relative to the "secondary street". Driveways shall be located along the edge of the lot. When opportunities occur, shared access driveways should be provided along property boundaries. Multiple adjacent driveways shall be avoided. No more than one (1) driveway shall be allowed per property unless the parking lot's size and traffic projections warrant a second driveway.

2. Vehicular Access: Detached Single-Family. Vehicular access shall be limited to rear alleys where possible to avoid the proliferation of driveways along streets. Driveways accessed by streets are only permitted where the majority of lots on the block face already feature driveways. When driveways accessed from streets are permitted, they shall be accessed from secondary streets rather than primary streets, when possible. The "primary street" is the street designed for and/or experiencing the higher level of traffic relative to the "secondary street". Driveways shall be located along the edge of the lot. When opportunities occur, shared access driveways should be provided along property boundaries. No more than one (1) driveway shall be allowed per property.

3. Cross-Access: Attached & Multi-Family. Direct vehicular access between adjoining properties shall be provided where possible as an alternative to indirect access via the associated street. Such access shall be located within the rear half of the lot, and may exist in the form of an alley or an internal driveway connecting the parking areas.

4. Driveway Widths: Attached & Multi-Family. Driveway widths shall not exceed twelve (12) feet for single-lane driveways or 24 (twenty-four) feet for two lane driveways. No driveways may have more than two (2) lanes at their point of intersection with the street.

5. Driveway Widths: Detached Single-Family. Driveway widths shall not exceed twelve (12) feet between the street and the rear façade of the house.

6. Parking Amounts: Attached & Multi-Family. See Section 611 for parking standards which are based upon specific land uses and building areas. No more than one

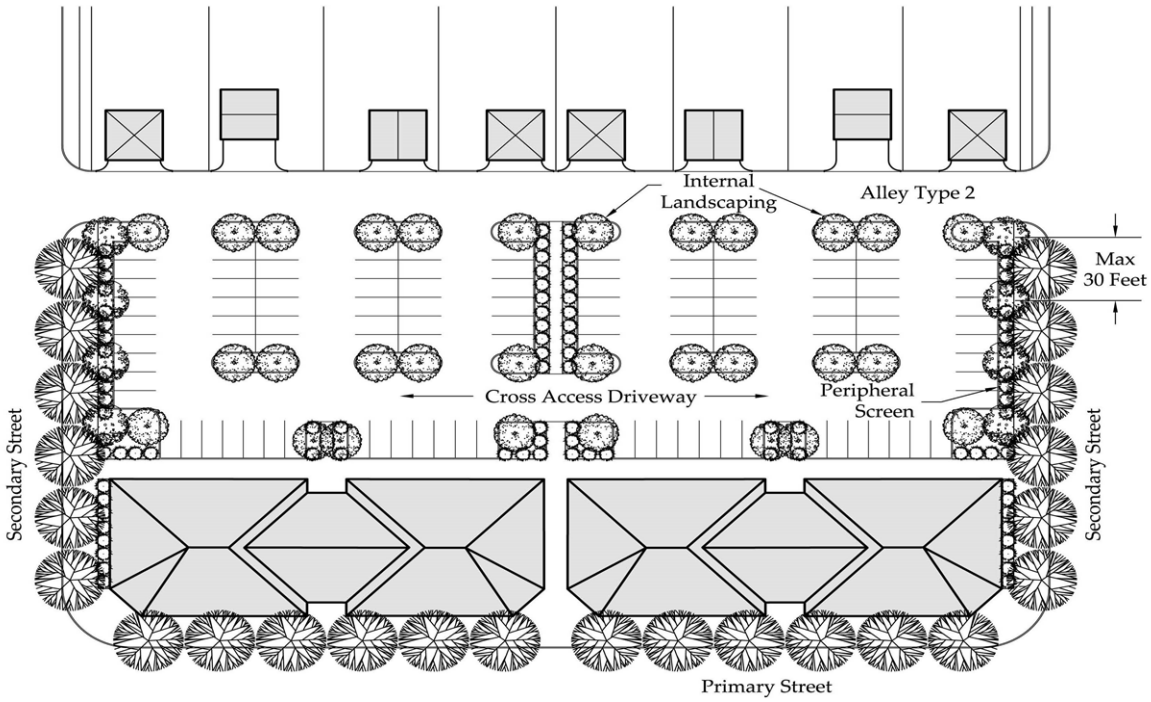
hundred and twenty-five (125) percent of the amount of parking otherwise required by City codes shall be allowed within urban residential districts.

7. Parking Location. Parking areas shall not be located between a building and a street. Parking areas shall not front onto streets, with the exception of corner lots, in which case parking may front onto the secondary street. Where parking areas front onto secondary streets, they shall be sufficiently screened per the parking design standards below.

8. Parking Lot Design: Attached & Multi-Family.

Peripheral Screening: A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing of twenty (20) feet. Screening shall also include a low fence or wall, and/or shrubs with a minimum height of three (3) feet at the time of planting. Fencing shall be w2ood or metal, but shall not include chain link. Walls shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

Internal Landscaping: Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.



9. Garage Design: Detached Single-Family. Garages shall not be visible from the property's primary public street unless:

a) They are physically detached from the building and located behind it, or
b) They are attached and designed in a manner to appear from the street as a compatible component of the building rather than as an attached garage.

A covered walkway may connect a detached garage with its associated house.

Detached garages visible from a street shall follow these standards:

a) Doors shall not exceed a nine (9) foot width
b) There shall be a minimum separation of two (2) feet between garage doors, and
c) There shall be no more than two (2) garage doors per garage that are visible from the street.

Exterior materials, finishes and roof slope shall match the primary structure. Garages shall exceed twenty (20) feet in h eight as measured from the garage floor to the top of the eave.

10. Parking Structures: Attached & Multi-Family. See the section addressing building design for the relevant district for parking structure standards.

B. Loading & Refuse: Attached & Multi-Family

1. Location. Loading areas and refuse storage areas shall be located behind buildings and not visible from a street.

2. Screening. For multi-family housing (not attached housing), refuse storage areas shall be completely screened from views both external and internal to the site with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall consist of either: 1) high-pressure treated wood or b) a material visually compatible with the corresponding building. It shall be taller than the height of the refuse containers, but no taller than ten (10) feet.

C. Lighting

Freestanding lights shall not exceed sixteen (16) feet in height for all urban residential areas, including streets, parking and pedestrian areas. Fixtures shall be hooded or shielded to minimize light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties.

I

D. Fencing & Walls

If provided, fencing and walls within the front yard (between the front façade and the street, including the side yards within this area) shall follow these standards:

1. Permitted Fence & Wall Types

Fences: Wood picket, wood horizontal board, and metal with vertical pickets
Walls: Brick, stone, and other masonry clad in smooth stucco or plaster
Combined Fence & Wall: Low masonry wall and piers with metal vertical pickets.

2. Permitted Fence & Wall Heights

Fences: Shall not exceed a height of forty-two (42) inches
Walls: Shall not exceed a height of thirty-two (32) inches
Combined Fence & Wall: Shall not exceed a height of forty-two (4) inches

E. Street & Streetscape Design

The design of streets and their streetscapes, including driving lanes, on-street parking, sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See Pages VII-3 through VII-7)

705.02. New Urban Neighborhood District

It is the intent of this district to provide a new neighborhood that is urban inform, pedestrian-friendly, human scaled, and features a variety of housing types.

A. Land Uses

1. Permitted Principal Uses: All housing types are permitted in this district, including multi-family, attached, and single-family detached housing. Parking structures are permitted as a principal use.

2. Permitted Accessory Uses: Accessory uses, including garages for single-family detached and attached housing, are permitted when meeting each of the following standards:

A. Are customarily accessory and clearly incidental and subordinate to permitted principal uses;
B. Are located wholly on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. Do not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: civic/public buildings, such as schools and libraries.

4. Adjacency to Mixed Use Districts: Within this district, single-family detached houses are prohibited on properties directly adjacent to the Bridge Avenue South and

Bridge Avenue North districts. Properties separated from those districts by a street are excluded from this requirement, but properties separated by only an alley are not.

B. Lot Design

1. Lot Proportions:

Single-Family Detached: Shall have a perpendicular orientation to the street with a minimum width-to-depth ration of 1:1.5

Attached and Multi-Family Buildings: Shall have no proportion requirements

2. Lot Widths:

Single-Family Detached: Shall have a minimum lot width of forty (40) feet

Attached and Multi-Family Buildings: Shall have a minimum lot width of eighteen (18) feet for attached buildings, and there is no lot width requirement for multi-family buildings.

C. Building Scale & Placement

1. Maximum Building Height:

Single-Family Detached & Attached (up to four units): Forty (40) feet

All Other Residential Buildings: Sixty (60) feet

Building heights shall be measured from the average grade of the front façade to either: 1) the top of the parapet on the front façade of flat-roofed buildings; or 2) the top of the eave on the front façade of pitched-roofed buildings. In the case of multi-family buildings, non-habitable vertical architectural elements, such as steeples and cupolas, shall not be counted toward building height calculations.

2. Building Orientation: The front façade of a building shall face the adjacent street. In the case of corner lots, the primary façade shall face the primary street. A building's front façade shall be defined by the existence of the primary entrance (with the exception of permitted corner entrances) and other architectural treatments, including porch steps and detailing.

3. Front Setback:

Minimum: Ten (10) feet from the public right-of-way line
Maximum: Twenty (20) feet from the public right-of-way line

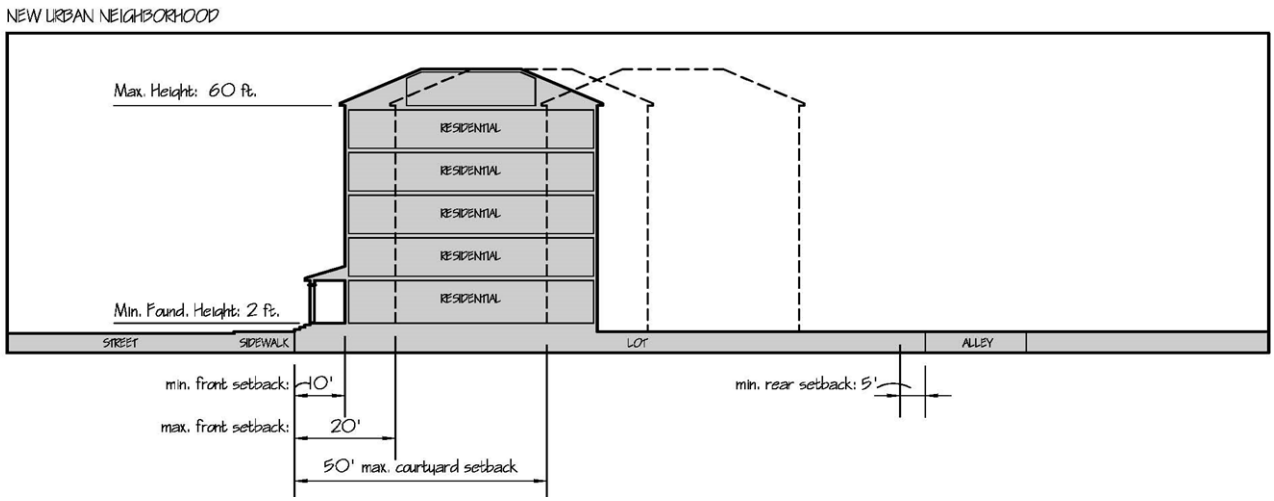
An exception from the front setback standards is permitted for a front courtyard design in which at least one third of the building's frontage adheres to the ten (10) to twenty (20) foot setback requirement. The courtyard depth shall not exceed fifty (50) feet as

measured from the public right-of-way line, and no parking is permitted within the courtyard area. Also, townhouses may be within five (5) feet of the public right-of-way.

4. Side Setback: Minimum: Five (5) feet

5. Rear Setback: Minimum: Five (5) feet

6. Accessory Buildings: Accessory buildings shall have a minimum side and rear setback of three (3) feet. In the case of garage doors front an alley, the setback shall be either five (5) feet or greater than fifteen (15) feet.



D. Building Design

1. Roofs.

Form: With the exception of single-family detached houses, roofs shall be flat, gabled or hipped. Single-family detached houses shall have either gabled or hipped roofs. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street. Building components not constituting the primary structure, such as porches and dormers, may6 feature a shed or hipped roof.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

Minimum foundation Heights: Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.

2. Façade Design.

Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using and of the following elements: wall off-sets of at least four (4) inches in depth. Material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Door & Window Design: The building's primary entrance shall face the associated street. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both side of the glass, rather than "snap-in" and similar imitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

Porches: All single-family detached buildings and duplexes shall have a front porch. The porch shall extend across at least fifty (50) percent of the front façade, and it shall have a minimum depth of six (6) feet. All attached buildings with three (3) or more units and multi-family buildings shall have either: a) a front porch consistent with the standards for single-family detached and duplex buildings, or b) a stoop for each street-fronting ground floor entrance with a minimum depth of four (4) feet. All porch posts, columns, handrails and balustrades shall be wood or composite material. If roofed, porch roofs shall feature a shed roof or a hipped shed roof with a roofing material that matches the building or standing seam metal, and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted. Porches and stoops may encroach into the required front yard, but not into the public right-of-way.

Balconies: Balconies are encouraged for multi-family buildings, but not mandatory. Balconies shall be wood and/or metal and have a minimum depth of six (6) feet. If roofed, balcony roofs shall be wood and either: 1) perpendicular to the façade and flat, or b) feature a shed roof or a hipped shed roof with standing seam metal and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted.

E. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at lest seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example: siding above masonry).

1. Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

F. Parking Structures

All parking structures within this district shall be set behind other buildings ("liner buildings") so as not to be visible from the right-of-way except at the point of vehicular access. Liner buildings shall be built in accordance with the standards in this district. Where opportunities exist, access points shall occur off alleys or secondary streets rather than the primary street. Vehicular access from a primary street shall be limited to a single ingress lane and a single egress lane. Pedestrian access shall be clearly visible and vertical circulation should be expressed architecturally on the exterior of the building, especially at corners.

705.03. Historic Neighborhood District

It is the intent of this district to protect the historic integrity and physical character of a historic neighborhood, keeping it urban in form, pedestrian-friendly, human scaled, and residential in land use.

A. Land Uses

1. Permitted Principal Uses: Single-family detached houses.

2. Permitted Accessory Uses: Accessory uses, including garages for single-family detached houses, are permitted when meeting each of the following standards:

A. Are customarily accessory and clearly incidental and subordinate to permitted principal uses:
B. Are located wholly on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. Do not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: cemeteries.

B. Lot Design

1. Lot Proportions: Lots shall have a perpendicular orientation to the street with a minimum width-to-depth ratio of 1:1.5, but not exceeding a ratio of 1:3.

2. Lot Widths: Lots shall have a minimum lot width of fifty (50) feet.

C. Building Scale & Placement

1. Maximum Building Height: Thirty-five (35) feet and two (2) full stories (excluding occupied basements and attics). Building heights shall be measured from the average grade of the front façade to the top of the eave on the front façade.

2. Maximum Building Width: Buildings shall not exceed a width of sixty (60) feet.

3. Building Alignment: A building's alignment is determined by its relationship to the street. On block faces where most of the buildings have the main axis parallel to the street, new buildings shall have the same alignment. Where most buildings have the axis perpendicular to the street, new buildings shall have the same alignment.

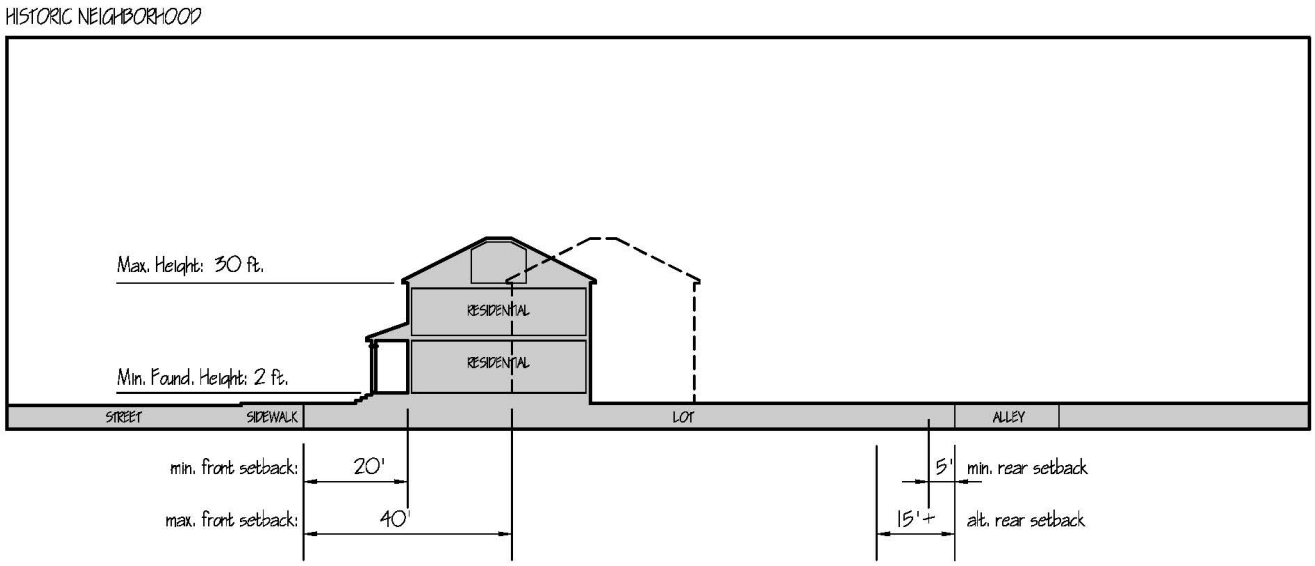
4. Building Orientation: The front façade of a building shall face the adjacent street. In the case of corner lots, the primary façade shall face the primary street unless the existing development pattern dictates otherwise. A building's front façade shall be defined by the existence of the primary entrance and other architectural treatments, including porch steps and detailing.

5. Front Setback: The front setback shall be within five (5) feet of the average front setback on the block face. In cases where no lot pattern exists, as with newly developed property, setbacks shall range between twenty (20) feet and forty (40) feet.

6. Side Setback: Minimum: Five (5) feet

7. Rear Setback: Minimum: Five (5) feet

8. Accessory Buildings: Accessory buildings shall have a minimum side setback of three (3) feet and a minimum rear setback of three (3) feet. In the case of garage doors fronting an alley, the setback shall be either five (5) feet or greater than fifteen (15) feet.



D. Building Design

1. Roofs.

Form: Roofs shall be flat, gabled or hipped with a slope between 6:12 and 12:12. The only exception for steeper roofs is Tudor Revival style buildings if a case can be made for historic precedents of this style within this district. Roofs shall be compatible with the building's style/form. Prohibited roof types include mansard, gambrel, and flat roofs. Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

Minimum foundation Heights: Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.

2. Façade Design.

Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using and of the following elements: wall off-sets of at least four (4) inches in depth. Material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material

changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Door & Window Design: The building's primary entrance shall face the associated street. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both side of the glass, rather than "snap-in" and similar imitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

Porches: All buildings shall have a front porch, with the exception of building styles/types historically found in the district that traditionally lacked a porch. The porch shall extend across at least fifty (50) percent of the front façade, and it shall have a minimum depth of six (6) feet. All porch posts, columns, handrails and balustrades shall be wood or composite material. If roofed, porch roofs shall feature a shed roof or a hipped shed roof with a roofing material that matches the building or standing seam metal, and a slope no greater than 4:12. V-crimp roofing imitating standing seam metal is permitted. In the case of existing buildings dating from prior to 1950, front porches shall not be removed or enclosed with glass, walls or other solid materials (screening is allowed).

E. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at lest seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example: siding above masonry).

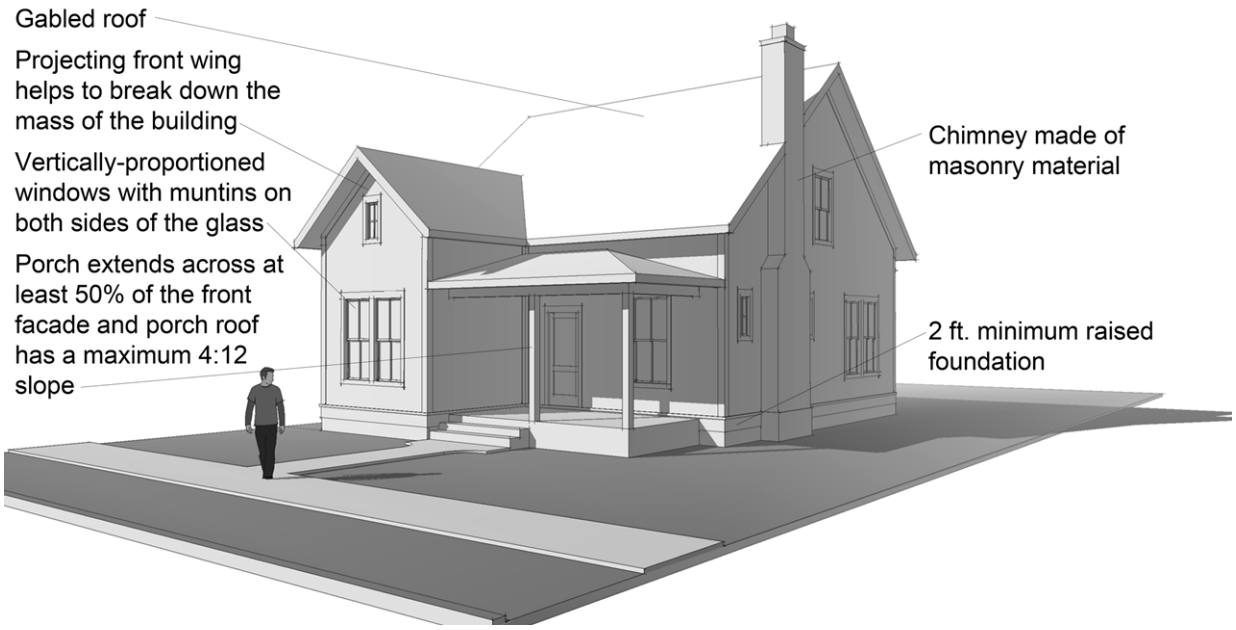
1. Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.



F. Building Additions

Additions to existing buildings shall be subservient in appearance to their original structure. They should be smaller in scale than their original structure, and they should appear as a distinct component of the building rather than extending the building's original planes/lines.

1. Siting: Additions shall not extend to or beyond the front façade of the original structure. The sides of additions should not be closer to the side property lines than the sides of the original building.

2. Height: The height of additions shall not exceed that of the original building.

3. Exterior Cladding: Additional shall utilize wood cladding, or a material with an identical appearance, that is consistent in form with the original structure. A clapboard original structure shall feature a clapboard addition with the same exposure width.

4. Roofs: Addition roofs shall feature the same general form, pitch and materials as the original roof.

5. Foundations: Addition foundations shall have the same general elevation level, design and materials as the original structure.

705.04. Multi-Family Housing District

It is the intent of this district to provide for areas of multi-family and attached housing that function well for residents, that are attractive and maintain their value, and that interface positively with surrounding areas.

A. Land Uses

1. Permitted Principal Uses: Multi-family housing, attached housing (four or more units per building).

2. Permitted Accessory Uses: Accessory uses, including garages, parking structures, recreational facilities, and club houses, are permitted when meeting each of the following standards:

A. Are customarily accessory and clearly incidental and subordinate to permitted principal uses:
B. Are located wholly on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. Do not involve operations not in keeping with the character of the area.

G. Building Scale & Placement

1. Maximum Building Height: Thirty-Five (35) feet. Building heights shall be measured from the average grade of the front façade to either: 1) the top of the parapet on the front façade of flat-roofed buildings; or 2) the top of the eave on the front façade of pitched-roofed buildings. In the case of multi-family buildings, non-habitable vertical architectural elements, such as steeples and cupolas, shall not be counted toward building height calculations.

2. Building Orientation: The front façade of a building shall face the adjacent street. In the case of corner lots, the primary façade shall face the primary street. A building's front façade shall be defined by the existence of the primary entrance and other architectural treatments, including porch steps and detailing.

3. Front Setback:

Minimum: Fifteen (15) feet from the public right-of-way
Maximum: Twenty-five (25) feet from the public right-of-way

An exception from the front setback standards is permitted for a front courtyard design in which at least one third of the building's frontage adheres to the fifteen (15) to twenty-five (25) foot setback requirement. The courtyard depth shall not exceed seventy-five

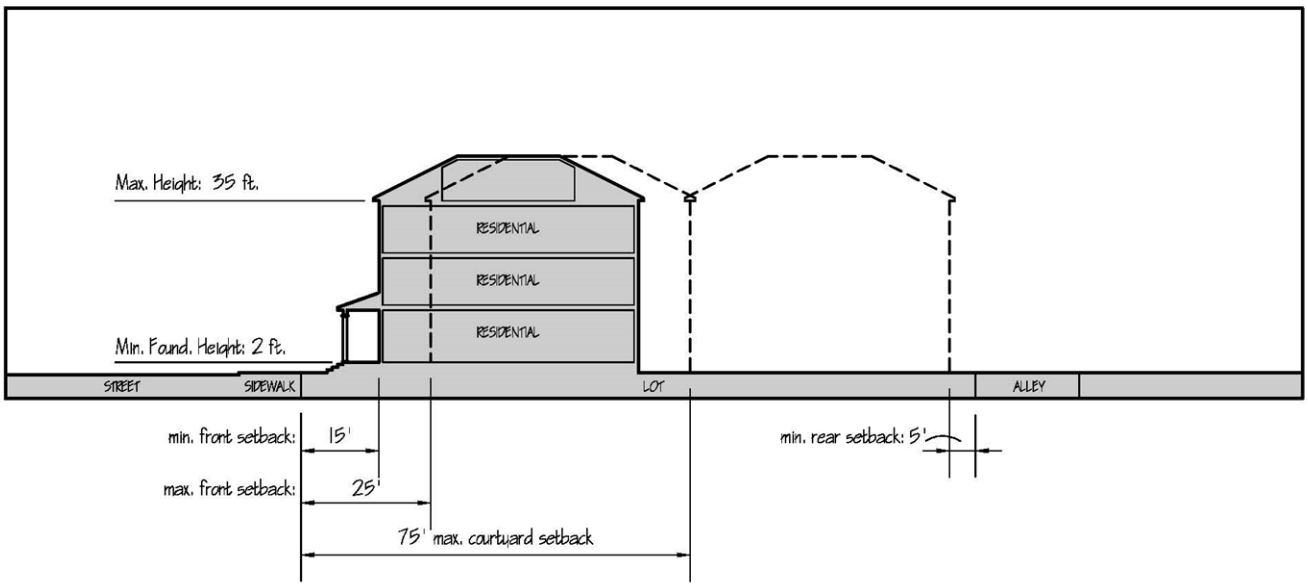
(75) feet as measured from the public right-of-way line, and no parking is permitted within the courtyard area. Also, townhouses may be within five (5) feet of the public right-of-way.

4. Side Setback: Minimum: Five (5) feet

5. Rear Setback: Minimum: Five (5) feet

6. Accessory Buildings: Accessory buildings occurring in the rear of a lot, such as garages, shall have a minimum side setback of three (3) feet and a minimum rear setback of three (3) feet. Accessory buildings not occurring in the rear of a lot, such as a clubhouse, shall follow the same setback provisions as primary structures.

MULTI-FAMILY HOUSING



C. Building Design

1. Roofs.

Form: Roofs shall be flat, gabled or hipped. Flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street Building components not constituting the primary structure, such as porches and dormers, may feature a shed or hipped roof.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

Minimum foundation Heights: Buildings shall have a foundation height (measured from finished grade to finished first floor) of at least twenty-four (24) inches.

2. Façade Design.

Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using and of the following elements: wall off-sets of at least four (4) inches in depth. Material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Door & Window Design: The building's primary entrance shall face the associated street. All windows shall have a vertical orientation. However, individual vertically oriented windows may be "ganged" to collectively have a horizontal orientation. Doors and windows with muntins shall feature real muntins or simulated divided lites on both side of the glass, rather than "snap-in" and similar imitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

Porches: If provided, porches and balconies shall be wood or a composite material and/or metal and have a minimum depth of six (6) feet.

D. Façade Cladding Materials

Material changes shall not occur at outside corners. Material changes shall occur on a horizontal line with the heavier material below the lighter material (for example: siding above masonry).

1. Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

E. Parking Structures

1. Primary Streets: Parking structures within this district shall be set behind other buildings ("liner buildings") so as not to be visible from the right-of-way of primary streets except at the point of vehicular access. Liner buildings shall be built in accordance with the standards in this district.

2. Secondary Streets: Parking structures within this district may front onto secondary streets if designed to have the general appearance of a building along its street frontage with respect to materials and façade massing. The building design standards for this district should be considered in the parking structure's design. Sloping interior floors of parking structures should not be visible and shall not be expressed on facades facing a street.

3. Access for All Parking Structures: Where opportunities exist, access points shall occur off alleys or secondary streets rather than the primary street. Vehicular access from a primary street shall be limited to a single ingress land and a single egress lane. Pedestrian access shall be clearly visible and vertical circulation should be expressed architecturally on the exterior of the building, especially at corners.

706. INSTITUTIONAL DISTRICT

706.01. Site Design Standards: Institutional District

The following site design standards shall apply to the Institutional District.

A. Access & Parking

1. Vehicular Access. Institutional uses should be accessed by as many streets as possible to evenly distribute traffic during peak traffic hours. Connections should exist with adjacent commercial and residential areas. Primary access points shall occur at primary streets and secondary access points shall occur at secondary streets. The "primary street" is the street designed for and/or experiencing the higher level of traffic relative to the "secondary street."

2. Cross-Access. Direct vehicular access between adjoining properties shall be provided where possible as an alternative to indirect access via the associated street.

3. Driveway Widths. Driveway widths shall not exceed twelve (12) feet for single-lane driveways or twenty-four (24) feet for two-lane driveways, or thirty-six (36) feet for three-lane driveways. No driveways may have more than three (3) lanes at their point of intersection with the street, and three (3) lane driveways shall only access primary streets.

4. Parking Location. To the extent possible, parking lots should not be located between a principal building and a street, and they should not front onto residential areas, even when separated by a street. Where parking lots front onto streets, they shall be sufficiently screened per the parking design standards below.

5. Parking Design. Peripheral Screening: A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing of twenty (20) feet. Screening shall also include a low fence or wall, and/or shrubs with a minimum height of two (2) feet at the time of planting. Fencing shall be wood or metal, but shall not include chain link. Walls shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

Internal Landscaping: Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

6. Parking Structures. See the section addressing building design for the Institutional District for parking structure standards.

B. Loading & Refuse

1. Location. Loading areas and refuse storage areas shall not be readily visible from a street. In the case of buildings located within one hundred (100) feet of a street, the loading and refuse areas shall not be located between the associated building and the street.

2. Screening. To the extent that the associated building fails to provide sufficient screening, fencing and/or landscaping shall be used to screen loading areas from streets. Refuse storage areas shall be completely screened from views both external and internal to the site with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall be visually compatible with the materials and design of the corresponding building and it shall be taller than the height of the refuse containers, but no taller than ten (10) feet.

C. Lighting

Freestanding lights for parking, driving and pedestrian areas shall not exceed twenty (20) feet in height. Lighting for athletic facilities may exceed that height. Fixtures for all types of lighting shall be hooded or shielded to minimize light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties.

D. Street & Streetscape Design

The design of streets and their streetscapes, including driving lanes, on-street parking sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See Pages VII-3 through VII-11)

706.02. Institutional District.

It is the intent of this district to accommodate the unique needs of institutional uses, including schools, religious buildings, and governmental buildings. The district intends to minimize traffic and similar impacts to adjacent lands, while allowing institutional uses to function efficiently.

A. Land Uses

1. Permitted Principal Uses: Schools, day care/pre-school, religious uses, governmental uses, offices for non-profit entities, and similar uses.

2. Permitted Accessory Uses: Accessory uses such as athletic facilities, are permitted when meeting each of the following standards:

A. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
B. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. The use does not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation. Permitted conditional uses are limited to the following: passenger terminals and utility substations and social services.

4. Prohibited Uses: Uses not expressly permitted or permitted conditionally in this district, are prohibited.

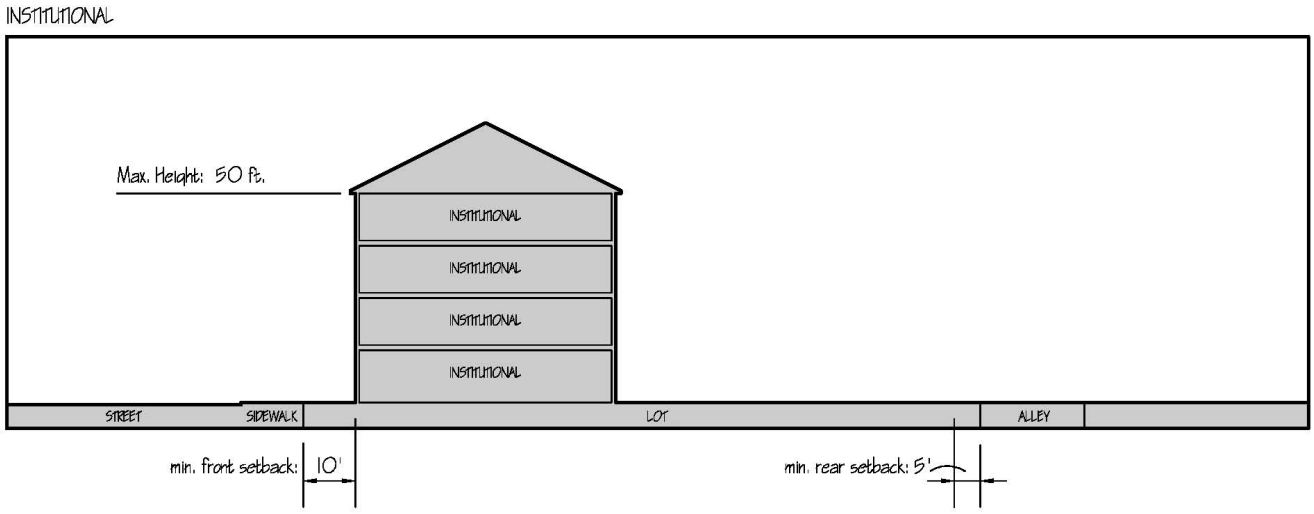
B. Building Scale & Placement

1. Maximum Building Height: Fifty (50) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed buildings; or b) the top of the eave on the front façade of pitched-roofed buildings. Non-habitable vertical architectural elements, such as steeples and cupola, shall not be counted toward building height calculations.

2. Front Setback: Minimum: Ten (10) feet from public right-of-way line

3. Side Setback: Minimum: Ten (10) feet.

4. Rear Setback: Minimum: Ten (10) feet.



C. Building Design

1. Roofs.

Form: Any roof form is permitted in this district, but flat roofs shall feature a parapet wall sufficient to visually screen roof penetrations (other than chimneys) as viewed from any public street.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility.

2. Façade Design. The following façade design standards shall only apply to buildings fronting onto a public street.

Massing: No front façade plane shall exceed a width of fifty (50) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the following elements: wall off-sets of at least four (4) inches in depth, material changes, pilasters (engaged pillars), columns/posts, roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Door & Window Design: The building's primary entrance shall face the associated street. The main entrance shall be designed in a manner that reflects its role as the primary entrance through its size and elements. Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than "snap-in" and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

D. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

1. Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches. Smooth-finished concrete

block is only permitted on accessory buildings located at least one hundred (100) feet from any street.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

E. Parking Structures

These standards shall apply to all parking structures located within one hundred (100) feet of a street and visible from that street. Parking structures shall be designed to have the general appearance of a building along its street frontage with respect to materials and façade massing. The building design standards for this district should be considered in the parking structure's design. Sloping interior floors of parking structures should not be visible and shall not be expressed on facades facing a street. Cars parked at ground level shall be screened from all streets. Pedestrian access shall be clearly visible and vertical circulation should be expressed architecturally on the exterior of the building, especially at corners.

707. EMPLOYMENT DISTRICTS.

707.01. Site Design Standards: Employment District

These site design standards shall apply to the following two districts within Northport's core city area: Light Industrial District and Working Riverfront District.

A. Access & Parking

1. Vehicular Access. No more than one (1) driveway shall be allowed per property unless: 1) the parking lot's size and peak-hour traffic projections warrant a second driveway, or 2) employee access and truck access must be separate.

2. Driveway Widths.

Driveways Not Intended for Truck Access: Driveway widths shall not exceed twelve (12) feet for single-lane driveways or twenty-four (24) feet for two-lane driveways, or thirty-six (36) feet for three-lane driveways. No driveways may have more than three (3) lanes at their point of intersection with the street.

Driveways Intended for Truck Access: Driveway widths shall not exceed twenty-four (24) feet in total, regardless of the number of driving lanes.

2. Parking Design.

Peripheral Screening: A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing of thirty (30) feet. Screening shall also include a low fence or wall, and/or shrubs with a minimum height of two (2) feet at the time of planting. Fencing shall be wood or metal, but shall not include chain link. Walls shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

Riverfront Screening: Any parking areas visible from the river shall be required to provide the same peripheral screening as described above along the parking area's river side, with the following exception: walls and fencing shall not be part of the screening materials, and the landscape screening shall create a complete and year-round screening.

Parking Screening Exceptions: Screening requirements for parking areas may be waived where peripheral buffering along the property's rear or side lot lines is required (see below).

Internal Landscaping: Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

B. Peripheral Buffering

Peripheral buffering shall be provided along rear and side lot lines in the following cases: 1) where the abutting property is non-industrial (current use or zoning), including residential, commercial, mixed use and institutional, or 2) where the property is visible from the river along its rear or side lot lines. The minimum buffer width shall be twenty (20) feet and the buffering treatment shall feature a staggered double row of evergreen trees so as to create a year-round complete visual screen. No buildings or similar improvements may occur within the required buffer area, except that river-dependent uses may have breaks in the buffering to provide river access to the extent that the number and width of such breaks are the absolute minimum necessary for their operations.

C. Loading & Refuse

1. Location. Loading areas and refuse storage areas shall be located behind buildings and not readily visible from a street or the river.

2. Screening. To the extent that site conditions and street configurations require, fencing, walls and/or landscaping shall be used to screen loading and refuse storage areas from streets and the river on a year-round basis. Refuse storage areas shall be completely screened from views with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall be visually compatible with the materials and design of the corresponding building and it shall be taller than the height of the refuse containers, but no taller than ten (10) feet.

D. Outdoor Storage

Equipment, supplies and other materials stored outdoors shall not be visible from: 1) a street, 2) an adjacent property if such property is non-industrial (current use or zoning), or 3) the river.

E. Fencing

Chain link fencing, barbed wire, razor wire, and similar fencing types are prohibited from within the front yard of any property. Corner properties shall be considered to have two front yards for the purposes of this provision. Such fences shall also be completely screened by landscaping on a year-round basis if visible from: 1) a street, 2) an adjacent property if such property is non-industrial (current use or zoning), or 3) the river.

F. Duplicative Screening/Buffering Requirements

When the circumstances of a property trigger more than one screening/buffering requirement along a particular property line; (i.e. parking lot screening, property buffering, outdoor storage screening and/or fence screening), the most intensive of the individual requirements shall be required.

G. Lighting

Freestanding lights shall not exceed twenty (20) feet in height for all areas, including streets, parking and pedestrian areas. Fixtures shall be hooded or shielded to minimize light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties.

H. Street & Streetscape Design

The design of streets and their streetscapes, including driving lanes, on-street parking sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See Pages VII-3 through VII-11).

I. Service Stations

Automobile services stations that abut non-industrial property (current use or zoning), even when separated by a street, must meet the following standards:

1. Canopies. The ceiling of canopies above fuel pumps should be a maximum of fourteen (14) feet in height.

2. Lighting. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the ceiling of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

707.02. Light Industrial District

It is the intent of this district to accommodate the efficient operation of light industrial uses that contribute to the local economy, while mitigating any potential negative impacts to surrounding areas.

A. Land Uses

1. Permitted Principal Uses: All uses permitted within the City's M-1 Industrial district.

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
B. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. The use does not involve operations not in keeping with the character of the area.

B. Negative Impacts

Impacts such as noise, glare, vibrations, smoke, and air pollution shall not occur beyond the boundaries of the property to an extent to be deemed a significant nuisance to neighboring properties.

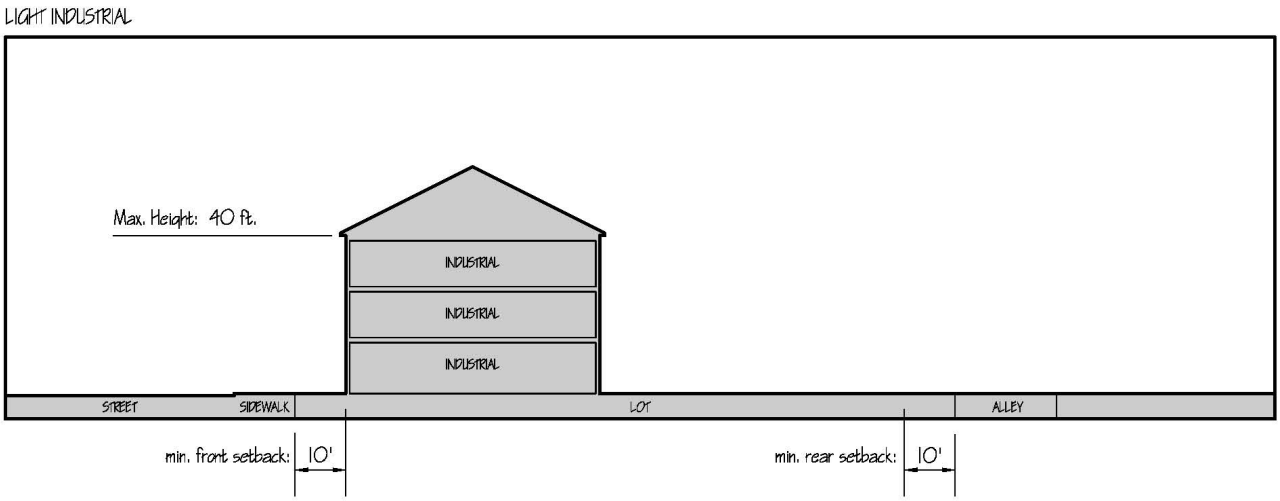
C. Building Scale & Placement

1. Maximum Building Height: Forty (40) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-roofed buildings.

2. Front Setback: Minimum – Ten (10) feet from public right-of-way line

3. Side Setback: Minimum: Ten (10) feet.

4. Rear Setback: Minimum: Ten (10) feet



707.03. Working Riverfront District.

It is the intent of this district to accommodate river-dependent uses in a manner that protects the riverfront's scenic beauty, environmental integrity, and recreational value.

A. Land Uses

1. Permitted Principal Uses: Uses that are river dependent, including marinas, river-dependent athletic facilities, boat/barge towing operations, and passive recreation,

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;
B. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. The use does not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation.

Permitted conditional uses are limited to the following: residential, lodging, retail, offices, passenger terminals, utility substations, and institutional uses.

B. Negative Impacts

Impacts such as noise, glare, vibrations, smoke, and air pollution shall not occur beyond the boundaries of the property to an extent to be deemed a significant nuisance to neighboring properties.

C. Building Scale & Placement

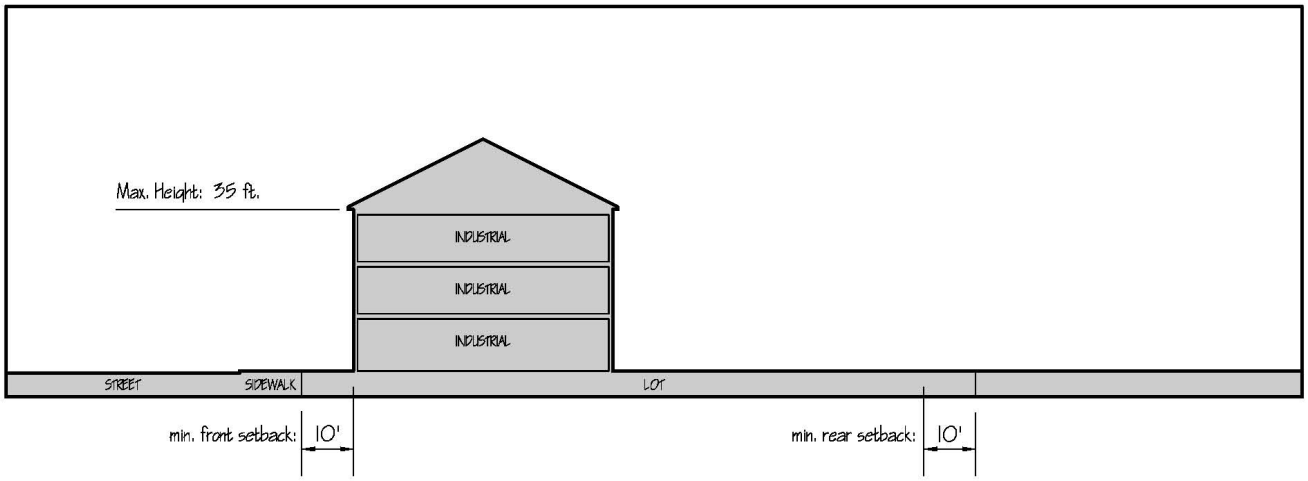
1. Maximum Building Height: Thirty-five (35) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed building; or b) the top of the eave on the front façade of pitched-roofed buildings.

2. Front Setback: Minimum – Ten (10) feet from public right-of-way line

3. Side Setback: Minimum: Ten (10) feet.

4. Rear Setback: Minimum: Ten (10) feet

WORKING RIVERFRONT



708. ECOLOGICAL DISTRICTS

708.01. Site Design Standards: Ecological Districts.

These site design standards shall apply to the following two districts within Northport's core city area: River's Edge District and Conservation District.

A. Access & Parking

1. Vehicular Access. No more than one (1) driveway shall be allowed per property.

2. Driveway Widths. Driveway widths shall not exceed twelve (12) feet for single-lane driveways or twenty-four (24) feet for two-lane driveways. No driveways may have more than two (2) lanes at their point of intersection with the street.

3. Parking Amounts. Parking is not required within these districts. When provided, see Section 611 of the zoning ordinance for parking standards which are based upon specific land uses and building areas. No more than one hundred (100) percent of the amount of parking otherwise required by City codes shall be allowed within ecological districts.

4. Parking Design.

Peripheral Screening: A year-round screening treatment shall be provided between any parking area and adjacent street. The screening area shall be a minimum of five (5) feet in width. While it should visually obscure pavement and vehicles and provide shade, for security purposes, it should not completely preclude views into the parking lot. Screening should include shade trees with an average maximum spacing of twenty (20) feet. Screening shall also include a low fence or wall, and/or shrubs with a minimum height of two (2) feet at the time of planting. Fencing shall be wood or metal, but shall not include chain link. Walls shall be brick, stone or concrete clad in stucco. Shrubs shall be evergreens. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

Riverfront Screening: Any parking areas visible from the river shall be required to provide the same peripheral screening as described above along the parking area's river side, with the following exception: walls and fencing shall not be part of the screening materials, and the landscape screening shall create a complete and year-round screening.

Internal Landscaping: Landscaped islands or projections shall be provided to include one (1) or more shade trees at the end of all parking rows and within long parking rows. For each parking row, there shall be no more than ten (10) consecutive parking spaces between landscape islands/projections. Trees shall be a minimum caliper of 2.5 inches at the time of planting.

B. Loading & Refuse

1. Location. Loading areas and refuse storage areas shall be located behind buildings and not readily visible from a street or the river.

2. Screening. To the extent that site conditions and street configurations require, fencing and/or landscaping shall be used to screen loading areas from streets and the river. Refuse storage areas shall be completely screened from views both external and internal to the site with the provision of a wall or solid fence, and they shall include a screening gate for access to the refuse containers. Walls or fencing used for screening shall be visually compatible with the materials and design of the corresponding building and it shall be taller than the height of the refuse containers, but no taller than ten (10) feet.

C. Lighting

Freestanding lights shall not exceed sixteen (16) feet in height for all ecological districts, including streets, parking and pedestrian areas. Fixtures shall be hooded or shielded to minimize light trespass, reduce glare and minimize visibility from adjacent properties. Fixtures shall not direct light onto adjacent properties.

D. Street & Streetscape Design

The design of streets and their streetscapes, including driving lanes, on-street parking sidewalks, landscaping and other features, shall be governed by the street classification map and corresponding cross-section designs (See Pages VII-3 through VII-11).

708.02. River's Edge District.

It is the intent of this district to protect the riverfront's scenic beauty, environmental integrity, and recreational value, while allowing river access and minimal improvements for river-dependent uses. No improvements that could otherwise occur and function on lands not abutting the river shall occur within this district.

A. **Land Uses**

1. Permitted Principal Uses: Passive recreation (hiking, picnicking, fishing, etc.), marinas, and boat/barge docks.

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Accessory use is customarily accessory, clearly incidental and subordinate to permitted principal uses;

B. Accessory use is wholly located on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. The use does not involve operations not in keeping with the character of the area.

3. Permitted Conditional Uses: Permitting the following conditional uses is a discretionary decision of the City and may be approved with any reasonable conditions related to the use's location, design and operation.

Permitted conditional uses are limited to the following: dining, retail and services associated with a marina or boat/barge dock.

B. Building Scale & Placement

1. Maximum Building Height: Twenty-five (25) feet. Building heights shall be measured from the average grade of the front façade to either: a) the top of the parapet on the front façade of flat-roofed buildings; or b) the top of the eave on the front façade of pitched-roofed buildings.

2. Front Setback: Minimum: Ten (10 feet from public right-of-way line

3. Side Setback: Minimum: Ten (10) feet

4. Rear Setback: Minimum five (5) feet

5. Environmentally Sensitive Lands: No buildings or parking areas shall occur on environmentally sensitive lands consisting of water bodies, delineated wetlands, and/or slopes over twenty-five (25) percent. The only disturbance that may occur to such lands is for the development of roads and pathways, and such disturbance shall follow state and/or nationally recognized standards for mitigating negative impacts to the environment, such as erosion and sedimentation. In accordance with Army Corps of Engineers regulations, a conservation easement shall be applied at all elevation levels consisting of 134 feet above sea level or lower.

C. Building Design

1. Roofs.

Penetrations and Equipment: Pipe vents, air conditioning units, and similar roof top penetrations and equipment (not including chimneys) shall be located and/or screened in a manner that minimizes their visibility. Chimneys shall be made of a masonry material.

2. Façade Design.

Massing: No front façade plane shall exceed a width of thirty (30) feet without an interruption. Facades shall be broken into a series of vertical bays using any of the

following elements: wall off-sets of at least four (4) inches in depth, material changes, pilasters (engaged pillars), columns/posts (including as part of a porch and/or balcony), roofline or cornice line changes, projecting bays, porches, and front steps and/or stoops. Depending upon the design of the building, more than one (1) such element may be required to achieve the appropriate massing. When used as the sole means, material changes, roofline or cornice line changes, and front steps and/or stoops alone will not suffice.

Glazing: Glass anywhere on the front façade may not be reflective or heavily tinted.

Door & Window Design: Doors and windows with muntins shall feature real muntins or simulated divided lites on both sides of the glass, rather than "snap-in" and similar limitations. Shutters, if provided, shall be sized to fit the window and appear to be operable.

D. Façade Cladding Materials

"Primary façade cladding materials are those which, individually or collectively, constitute at least seventy-five (75) percent of the exposed surface area. Primary material changes shall not occur at outside corners. Primary material changes shall occur on a horizontal line with the heavier material below the lighter material (for example; siding above masonry).

1. Permitted Primary Materials: Wood, brick, stone, cast stone, plaster/smooth-finished stucco, and materials identical in appearance including, but not limited to, Thin Brick, Thin Stone, Exterior Insulation Finishing System* (EIFS), etc.

Wood Cladding shall be limited to lap siding and other forms of horizontal boarding, board-and-batten and other forms of vertical boarding, and wood shingles. Horizontal boarding shall have a maximum exposure of eight (8) inches.

*Exterior Insulation Finishing System (EIFS) shall be limited to no more than sixty (60) percent of exposed surface area on buildings over forty (40) feet in height; on buildings forty feet and under EIFS is limited to twenty (20) percent for trim and cornice work. *Only a water management EIFS system shall be installed, where permitted.*

2. Permitted Secondary Materials: The following materials shall not exceed, individually or collectively, twenty-five (25) percent of the exposed surface area: concrete (not including smooth-finished concrete block) and metal.

3. Prohibited Materials: The following materials are completely prohibited from comprising the exposed surface area: vinyl, stucco, smooth-finished concrete block, non-drainable EIFS and other materials not specifically permitted.

708.03. Conservation District.

It is the intent of this district to protect the scenic beauty, environmental integrity, and recreational value, of the core city's most environmentally sensitive areas. Physical improvements should be limited to those necessary for the public's enjoyment of the lands, and they should be done in a manner that minimizes any negative impacts to the environment.

A. Land Uses

1. Permitted Principal Uses: Passive recreation (hiking, picnicking, fishing, etc.),

2. Permitted Accessory Uses: Accessory uses are permitted when meeting each of the following standards:

A. Are customarily and clearly incidental and subordinate to permitted principal uses;
B. Are located wholly on the same lot as the permitted principal use or on a contiguous lot in the same ownership; and
C. Do not involve operations not in keeping with the character of the area.

3. Environmentally Sensitive Lands: No buildings or parking areas shall occur on environmentally sensitive lands consisting of water bodies, delineated wetlands, and/or slopes over twenty-five (25) percent. The only disturbance that may occur to such lands is for the development of roads and pathways, and such disturbance shall follow state and/or nationally recognized standards for mitigating negative impacts to the environment, such as erosion and sedimentation. In accordance with Army Corps of Engineers regulations, a conservation easement shall be applied at all elevation levels consisting of 134 feet above sea level or lower.

ARTICLE VIII. SIGN REGULATIONS

Section 800. Purpose and Scope

The City of Northport 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.

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, to express the history and character of the City, 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.

E. Encourage sign design that builds on the traditional town image and visual environment the City of Northport 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, 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 801. Definitions

Words and phrases used in this Article shall have the meanings defined in this Section. Words and phrases not defined in this Article but defined elsewhere in the Zoning Ordinance shall be given the meaning set forth in the Definitions Section.

Banner: Any sign made of cloth, canvas, plastic sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground through a permanent support structure.

Billboard: A 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 Sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, projecting signs, and signs suspended from buildings are considered types of building signs. ***(See Figure 18)***

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 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.

Department: The City of Northport Planning Department.

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.

Director: The Planning Director of the City of Northport Planning Department or his/her designee.

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).

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

Erect: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to change a 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. The posts or other supporting structures shall be considered as part of the sign, except that they shall not be included in computing the sign display area. ***(See Figure 18)***

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.

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 permanent roof like structure extending from part of the wall of a building but not supported by the ground; designed to have changeable copy, either manually or electronically which may overhang the public 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).

Noncommercial Sign: A sign which is not an on-premise or off-premise ***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.

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").

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.

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 Signs: Any temporary sign promoting the campaign of an individual for public office or an advertisement for an amendment or referendum on a public issue.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs on wheels, A-frame or T-frame signs, signs attached to vehicles that are not part of the normal day-to-day operation of a business, and temporary metal/cardboard/plastic/wood signs inserted in the ground other than real estate signs.

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, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

Sign: Any object, device, display, image, or structure, or part thereof, designed to inform or attract attention by any means, including, but not limited to, letters, numerals, figures, designs, symbols, logos, fixtures, colors, illumination, projected images, or parts of combinations thereof.

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 ***(See Figure 18)***

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 for the location on which it is located that is placed inside or upon a window and is visible from the exterior of the window.

Section 802. 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.

802.01. 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.

802.02. Community Event Banners. Banners may be utilized for special community events open to the general public and sponsored for civic, charitable, community, or similar non-profit purposes provided:

A. 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 Planning Director, 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 fourteen (14) days before the event and must be removed within three (3) 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.

B. 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.

802.03. 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.

802.04. 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.

802.05. Development 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.

802.06. 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.

802.07. 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.

802.08. 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.

802.09. 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.

802.10. Historic District Celebration Signs. Signs mounted to light poles or similar upright structures in historic Northport, 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.

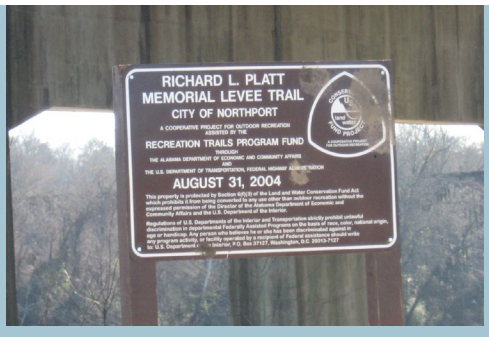
802.11. Holiday Decorations. Temporary holiday decorations used to celebrate a single holiday or season.

802.12. 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.

802.13. 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)

802.14. 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.

802.15. 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.



802.16. Official Flags. Official federal, state, or local government flags. Also, any flags or insignia of a nonprofit 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.

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

A. Political must be removed within seven (7) days after the election. In the event of a run-off election, the signs of the run-off candidates may be maintained until the date of the run-off election and must be removed within seven (7) days after the official election date. However, signs belonging to successful primary candidates may remain in place for the general election and must be removed within seven (7) days after the official election date.

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 Northport or on

School Board 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.**

802.18. Real Estate Signs.

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 Sq. Feet each, or a maximum of 12 Sq. feet
Non-Residential	32 Sq. 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 open house viewing provided that the aggregate area of such signage is not to exceed 32 square feet.

C. Off-Premise Real Estate "For Sale", "For Rent", etc. or locator signs are allowed on consecutive days from the hours of 4:00 p.m. Friday thru 10:00 a.m. Monday. No such sign shall be located in any public right-of-way. Any such sign posted outside of the hours designated above shall be removed and immediately disposed of by the City of Northport.

802.19. Vehicle Sign. Any sign attached to a vehicle or trailer that is used in the normal day to day operation of the business depicted 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. These vehicles shall not be parked in stalls immediately adjacent to the public right-of-way. A vehicle or trailer, the primary use of which is for advertising, is prohibited.

802.20. Window Sign. Any sign located on the inside or outside of a window and is visible from the street or adjoining properties. Signs must contain 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 and shall not occupy more than 25% of the glass area.

Section 803. 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 Northport.

A. Signs that are in violation of the building code or electrical code adopted by the City of Northport.

B. Portable signs.

C. Beacons and searchlights.

D. Off-Premise signs.

E. Flags on commercial property other than official flags.

F. 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.

G. Inflatable signs and tethered balloons.

H. A sign that, in the opinion of the Planning Director, does or may constitute a safety hazard.

I. 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.

J. 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 national standards for sight-distance triangles utilized by the City of Northport Engineering Department shall be utilized to determine if a sign is creating an obstruction.

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

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

M. 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).

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. (See Section 807.02)

N. 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. If neon is used to depict wording or logos, it will be calculated as part of the overall allowable signage.

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

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

Q. 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 Northport.

R. 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.

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

T. 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."

U. 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.

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

W. 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.

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

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

Z. 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.

AA. Signs lettered in a crude or amateurish fashion.

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

CC. Vehicles or trailers (operable or inoperable) which contain advertising and are not used in the daily conduct of business. (See Section 802.19)

Section 804. Permitted Signs.

804.01. 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 must 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 twenty (20) feet in height, and monument style signs up to ten (10) 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, one on each street frontage. Such signs shall be a minimum distance of fifty (50) linear feet apart and located outside of any applicable site distance triangle. The combined area of the two signs 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.	20'	10'
Monument:			
100 sq. ft.	160 sq. ft.	10'	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 150 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 25 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 is shown below:

Shopping Center Gross Building Area (sq. ft.)	**Permitted Sign Area (One Sign)**	**Permitted Sign Area on Corner Lots (Two Signs)**	**Permitted Sign Height**	**Side lot line and ROW setback**
10,000 – 20,000	100 sq. ft.	150 sq. ft.	25	10’
20,000 – 65,000	150 sq. ft.	200 sq. ft.	25’	10’
65,000 – over	250 sq. ft.	350 sq. ft.	35’	10’

C. Billboards. Off-premise signs with a maximum display area of 672 square feet. All Billboards erected after the adoption of this ordinance shall be of the digital style and have no more than seven (7) messages per minute. For each digital billboard erected at least four (4) non-conforming billboards must be removed within 6 months.

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

   Minimum Lot Area: Determined by setback requirements

   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.

2. ***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 billboards shall be located in the Downtown Historic District, or within a ½ mile radius of the declared center point of said district. *(See Figure 19)*

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 zoned C-6, M-1 or M-2, along the following Roadways:

Highway 43
Highway 69
McFarland Blvd.

D. Freestanding Signs in the Downtown Historic District. Freestanding signs are prohibited in the Downtown Historic District, with the exception of a changeable copy freestanding directory that may be provided for the use of all downtown businesses. Any such directory sign shall be designed to fit with the architectural features of downtown historic businesses and approved by the Planning Director.

804.02. Reader Boards. A reader board is a permanent sign displaying changeable copy in the form of either removable letters or electronic (LED or Digital) format. A reader board may be a building sign or an integral part of a freestanding sign and will be counted toward the overall allowable sign area for either. In no case shall a reader board exceed 32 sq. ft. in size, and no more than one such sign shall be permitted per site.

Electronic Reader Boards shall meet the following additional criteria:

A. The sign must be "accessory" to the primary "freestanding" business sign.

B. The sign may not be more than 32 sq. ft. in size

C. The overall sign area (primary and reader board) must meet the size and height requirements of the Northport Sign Regulations.

D. No more than seven (7) messages per minute may be displayed on the sign.

E. Except for the changing of the message there shall be no movement (i.e. video, flashing backgrounds, etc.) involved with the message display.

F. All lighting shall be done in a manner that will not interfere with commuters' vision. The light intensity shall be programmed for daylight and dark so as not to impact commuters' nighttime vision.

804.03. 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.

804.04. 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.

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 Northport 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.

804.05. Building (Wall) Signs. Building signs on any single development site shall not exceed a total of two (2) square feet per linear foot of the main or entry façade except in the Downtown Historic District where building signs shall not exceed a total of one (1) square foot per linear foot of the main or entry façade.

Note: Individual businesses will be allowed a minimum of 32 square feet, except the Downtown Historic District where a minimum of 24 square feet will be allowed. No individual business shall be allowed more than 500 square feet of building signage, and no single sign shall exceed 300 square feet.

A. Projecting Signs - Projecting signs shall not project into the public right-of-way, except in the Downtown Historic District. Signs in the Downtown Historic District may project into a public pedestrian way no more than six feet. Signs projecting over pedestrian ways shall provide a minimum of eight (8) feet vertical clearance.

Signs in the Downtown Historic District may project into an alley no more than six (6) feet. Projections greater than one (1) foot and up to six (6) feet shall be reviewed and approved by the City Engineer. Signs projecting over public alleyways shall provide a minimum of sixteen (16) feet of vertical clearance. ***(See Figure 18)***

Projecting Sign

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 façade portion of the individual business is the main or entry façade, the longest single exterior entry façade of the individual business shall be used.

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

C. Historic District. Permanent wall signs for those businesses having no frontage on primary streets may be mounted to the wall of another business in the historic district subject to the approval of the property/building owner of the host building. Said wall signs shall be calculated using the parent structures façade frontage as set out in above and count toward the overall allowable signage of the same. Said wall signs shall not count toward the host building's overall allowable wall signage. In no case shall the host building provide more than one hundred (100) square feet of signage for other businesses, or cover more than twenty-five (25) percent of the surface of a building's façade, which every is less.

804.06. 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:

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.

804.07. 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.

804.08. 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 Planning Director, 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:***

a. 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.

b. Banners for special sales events, posted from Friday through Sunday, during University of Alabama home football game weekends shall be exempt.

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 805. Design, Construction, and Maintenance of Signs

805.01. 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 the City of Northport. Wherever there is inconsistency between this Ordinance and the building or electrical code, the more restrictive requirement shall apply.

805.02. 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.

805.03. 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 national standards for sight-distance triangles utilized by the City of Northport Engineering Department 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 except in the Downtown Historic District. Signs in the Downtown Historic District may project over a public pedestrian-way no more than six (6) feet. Signs projecting over pedestrian-ways shall provide a minimum of eight (8) feet of vertical clearance.

Signs in the Downtown Historic District may project into an alley no more than six (6) feet. Projections greater than one (1) foot and up to six (6) feet shall be reviewed and approved by the City Engineer. Signs projecting over public alleyways shall provide a minimum of 16 feet of vertical clearance.

805.04. 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, multiplied by a factor of 0.8.

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.

805.05. 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 Northport. 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.

Section 806. Permitting and Enforcement/Administration

806.01 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 Planning Department for review and processing. The Planning Department, 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 Planning Department to determine compliance with these regulations.

2. The Planning Department 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 Planning Department shall either approve or deny the application for the sign

permit. In case of denial, the Planning Department 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 from the Planning Department.

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 Northport City Council 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.

Section 807. Nonconforming, Illegal and Abandoned Signs.

807.01. Nonconforming Signs.

A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Northport 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. *(See Also: Section 803. M. "Prohibited Signs)*

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.

807.02. 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).

Sign faces (whether freestanding or building signs) deemed to be abandoned as a result of the closing, relocation or other form of removal of the business for which it was intended, shall be replaced with a blank sign face panel or with the approval of the planning director and/or their designee, otherwise neatly removed or covered. Exposed lighting or wiring shall not be allowed.

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 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.

807.03. 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;

C. An abandoned sign.

Upon determination by the Director that a certain sign is illegal, the Director 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 Northport and shall be subject to the remedies and penalties provided by such ordinance and by state law.

Section 808. Variances and Waivers

It is the explicit intent that this section be enacted to accomplish the purposes as set forth in Section 800 and any variance granted by the Board of Zoning Adjustment (BZA) would be detrimental to these purposes. Accordingly, the BZA 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.

In situations where a nonconforming freestanding sign is proposed to be reused within the allowable 60 days as spelled out above and prior to being removed as required by Section 807.02; the Planning Director is hereby granted the ability to allow an administrative waiver of up to five percent (5%) in area and five percent (5%) in height (5 sf. & 1' respectively) to such sign. This waiver does not apply to any sign type other than freestanding signs.

Section 809. 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.

ARTICLE IX. NONCONFORMITIES

Section 900. Purpose.

It is the purpose of this Article to provide for the regulation of nonconforming structures, lots of record and uses, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.

Nonconformities are existing uses, lots, buildings and structures that were previously lawful, but that would be prohibited or subject to more stringent regulation under the zoning districts and related requirements established by this Ordinance or subsequent amendments.

A. Legally established buildings, structures and uses in existence at the time of adoption of this Ordinance shall be permitted to continue subject to the provisions of this Article.

B. Uses that were illegally established prior to the adoption of this Ordinance shall remain illegal and be subject to penalties and remedies that are pursued.

It is the intent of this Ordinance that legal nonconformities, as described in "A" above, be allowed to continue, in accordance with the requirements of this Article, but not be enlarged or used as the grounds for additional nonconformities. This Article provides for the regulation of legally nonconforming lots, uses, buildings and structures; specifies the conditions under which a legal nonconformity can be continued, expanded or modified; and the circumstances under which a legal nonconformity shall be terminated

Section 901. Definitions .

Nonconformity. Any land use or physical design of development, structure, or lot of record legally established prior to the effective date of this Ordinance, or subsequent amendment to it, which would not be permitted by, or is not in full compliance with, the regulations of this Ordinance.

Nonconforming Use. An activity using land, buildings, and/or structures for purposes which were legally established prior to the effective date of this Ordinance, or subsequent amendment to it, and which would not be permitted to be established as a new use in the zone in which it is located by the regulations of this Ordinance.

Nonconforming Structure or Development Site. Any structure or development site, established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards of this Ordinance.

Nonconforming Lot of Record. Any validly recorded lot which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Ordinance concerning minimum area, minimum lot width, or minimum street frontage.

Section 902. Authority to Continue.

902.01. Except as otherwise provided in this Article, any nonconforming lot, use, or structure lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.

902.02. No nonconformity shall be enlarged upon, expanded, or extended unless such alteration is in full compliance with all requirements of this Ordinance, except as noted in this Section. Normal maintenance and incidental repair of nonconformity shall be permitted, provided that this does not violate any other section of the Article.

A. Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed structures.

B. An extension, for the exclusive purpose of providing required off-street parking or loading spaces, involving no structural alteration or enlargement of such structure, shall not be deemed an expansion of nonconformity, subject to the restrictions of this Article.

C. Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, and/or internal renovations, provided the total value of such activities does not exceed 50% of the appraised value of the structure as determined by the Tuscaloosa County Tax Assessor.

902.03. No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

902.04. Regardless of any other provision of this Article, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

902.05. The burden of establishing the nonconforming status of any structure or land use under the terms of this Article, in all cases, shall be upon the owner of such nonconformity and not upon the City of Northport.

902.06. In the event that a structure or premise occupied by a nonconforming use becomes and remains vacant for a period of twelve (12) months, or is used for a use that is permitted in the zoning district in which such structure or premises is located, the use of same shall thereafter conform to the use regulations of the district in which such structure or premise is located, regardless of the intent of the owner or occupant.

902.07. Termination Required by Modification. A development site that is nonconforming by physical design (i.e., insufficient parking, landscaping, setbacks, etc.), may be utilized for any land use which is permitted at that location. However, any permits for additional floor area, or the replacement of any structure on the development site, shall be contingent upon bringing the entire site into conformity with all requirements of this Ordinance.

Section 903. Nonconforming Vacant Lots of Record.

When a lot exists that does not consist of sufficient land to comply with the lot, yard and setback requirements at the time of adoption of this Ordinance or any subsequent amendment, it shall be considered a nonconforming vacant lot of record.

Subject to the provisions of this Section, a nonconforming lot of record may be used for any principal use permitted in the zone in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the nonconforming lot shall be of a size and design to meet the minimum requirements of the Tuscaloosa County Health Department regulations for such wells and septic systems.

903.02. Effect of Single Owner. If two or more contiguous vacant lots of record are in single ownership at the time of adoption of this Ordinance, or any subsequent amendment, and one or more of the lots is a nonconforming lot of record, then the land involved shall be considered an undivided tract of land. No portion of the tract of land shall be divided, sold or developed in a manner that diminishes the ability of all lots to comply with the requirements of this Ordinance or any subsequent amendment.

903.03. Appeal to Build on Nonconforming Vacant Lot of Record. A nonconforming vacant lot may be used as a building site for any use permitted in the zoning district in which the lot is located provided:

A. Other requirements of this Ordinance are complied with; or

B. Application is made to the Board of Zoning Adjustment for a variance from applicable requirements that can not be met.

C. A variance for a nonconforming vacant lot of record shall conform, as closely as possible to the lot area, yard and building setback and other requirements and:

1. The front yard set back shall not be less than the average of the setbacks of existing buildings within two hundred (200) feet on each side of the lot; except, no front yard shall be less than twenty (20) feet;

2. At least one side yard shall not be reduced to less than ten (10) feet in width and the other side yard not less than five (5) feet in width;

3. The rear yard setback shall not be less than twenty (20) feet, and

4. No more than one principal use and building shall be allowed on a nonconforming vacant lot of record.

Section 904. Nonconforming Developed Lot of Record.

904.01. Nonconforming Developed Lot of Record. When the use complies with the requirements of the district in which the use is located, but the lot has been developed in a manner that does not comply with the lot, yard and setback requirements at the time of adoption of this Ordinance, or any subsequent amendment, it shall be considered a nonconforming developed lot of record.

904.02. Expansion of Conforming Use. Provided a proposed use is permitted in the zoning district in which the lot is located, the use, building or structure may be expanded, in accordance with all other requirements, within the buildable area defined by this Ordinance.

Section 905. Nonconforming Uses of Buildings and Structures.

When a building or structure and related uses exist at the time of adoption of this Ordinance, or any subsequent amendment, that does not comply with these regulations, that building or structure and related use shall be allowed to continue subject to the following conditions.

905.01. Expansion of Nonconforming Use within an Existing Building or Structure. The expansion of nonconforming use within an existing building or structure shall be allowed provided the use will be expanded in a space contiguous with the existing use. The expansion shall be limited to within the existing building or structure. A nonconforming use shall not be expanded or relocated, in whole or part, to a non-contiguous part of a building or structure. All required on-site improvements, such as parking, loading and buffer areas shall be provided before the use is expanded within the building.

905.02. Enlarging Nonconforming Principle Buildings and Structures Prohibited. A nonconforming building or structure and related use shall not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

905.03. Effect of Relocation. If a use, building or structure is relocated on the existing site or moved to another location, the lot, use, building or structure shall comply with all zoning and applicable development regulations after it is moved.

Section 906. Construction Prior to Adoption or Amendment of Zoning Ordinance.

Nothing in this Ordinance shall be interpreted as requiring a change in plans, construction, use or occupancy of land, buildings or structures on which construction was lawfully begun and has been diligently continued prior to the adoption this Ordinance or any subsequent amendment that would make a use, building, structure or occupancy nonconforming.

A. Construction shall mean the erection and fastening of building materials in a permanent manner in accordance with approved plans.

B. Where demolition and removal of an existing building has begun in preparation for rebuilding, or where excavation has begun for building, construction shall be deemed to have begun provided the work is diligently continued.

C. The storage of building materials or location of a temporary office on a lot shall not be deemed as having begun construction.

Section 907. Repair and Restoration of Nonconforming Buildings and Structures.

907.01. Nothing in this Ordinance shall:

A. Prevent the continuous maintenance, internal renovations, strengthening, or restoration of any building or structure to a safe and sanitary condition; or

B. Prevent repairs ordered by a proper authority charged with the duty of protection of health and safety.

907.02. A nonconforming building, structure or use shall not be rebuilt or restored except in conformance with the provisions of this Ordinance after being damaged by natural acts (e.g. fire, wind, flood, etc.) to the extent of fifty (50) percent or more of the appraised value at the time the damage occurred. If a nonconforming building is damaged less than fifty (50) percent of its appraised value at the time of damage it may be rebuilt or restored and used provided the rebuilding or restoration is started within six (6) months following the date of such damage and that restoration work is diligently continued. A request for extension of the start of rebuilding or restoration may be requested of the Planning Commission, provided said request is made within the initial six (6) month period.

Section 908. Changes and Reversions to Nonconforming Uses Prohibited.

A nonconforming use of land, buildings or structures shall not be changed to another nonconforming use. A nonconforming use of land, buildings or structures that is changed to a conforming use shall not be permitted to revert to a nonconforming use.

Section 909. Termination of Use of Nonconforming Buildings and Structures.

Any nonconforming use of buildings and structures that has been discontinued for any reason for a period of twelve (12) consecutive months shall not be reestablished. The future use of the building or structure shall comply with all applicable regulations.

ARTICLE X. DEVELOPMENT APPROVAL PROCESS

Section 1000. Purpose.

This Article sets forth the procedures required for obtaining development approval within the City of Northport. Site plans, subdivisions, conditional uses, zoning certificates, and certificates of occupancy are addressed herein. However, the approval of a development under the provisions of this Article does not imply any variation or waiver of any provisions of the building code, housing code, fire code, or any other applicable code, standard, or regulation adopted by the City of Northport, the State of Alabama, or the United States Government.

Section 1001. Subdivisions.

Any subdivision or resubdivision of land, or combining of lots within the City of Northport, and within unincorporated areas lying within five (5) miles of the Northport city limits, shall be carried out in accordance with the Northport Subdivision Regulations which are hereby incorporated by reference into this Ordinance. All development within subdivisions shall be consistent with applicable sections of this Ordinance.

Section 1002. Site Plans.

This Section shall apply to all site plans as defined in Article II. The site plan procedures shall be required in order to ensure that site-specific development projects meet the requirements of this Ordinance prior to the issuance of a zoning certificate authorizing a building permit. It is the intent of this Section that the site plan and design review process be a part of the building permit application process, and that the site plan shall be the instrument by which improvements to the site will be constructed and inspected prior to occupancy of the development.

1002.01. Development Requiring Site Plan Approval. Prior to issuance of a zoning certificate, site plan approval and design review shall be required for all proposed non-residential construction and residential development types described in Sections 603.03 (E) and (F). This shall include clubhouses or other ancillary facilities within a residential subdivision. Site plan approval shall also be required for the subdivision of an existing development site of a type subject to site plan requirements, and/or an expansion, reduction or reconfiguration of any such development type. For any proposal in which these requirements are unclear, the Planning Director shall determine whether site plan approval is necessary. *(See Section 1002.09 C for Conditional Uses)*

1002.02. Review of Site Plans. Site plans submitted for review shall be approved, disapproved, or referred to the Planning Commission. The staff shall establish regular site plan review meetings at least two (2) times each month at which both pre-design conferences and formal reviews will take place. When a site plan is disapproved, the reason(s) for the disapproval shall

be provided in writing to the applicant within ten (10) days of the hearing at which the decision to disapprove was made.

In approving a site plan, any request for waivers from the requirements of this Ordinance shall be taken to the Planning Commission for consideration as provided in Section 1002.04. Variance requests shall be submitted to the Board of Zoning Adjustment as set out in Section 1108.

The following criteria shall be used in determining whether to approve a site plan:

A. Completeness of application information as required under Section 1002.12;

B. Consistency with adopted policies and standards of the Major Streets and Long Range Utilities Plans;

C. Uses permitted on the development site under the provisions of this Ordinance;

D. Whether the site plan meets applicable design standards established by this Ordinance;

E. Availability and adequate capacity of public facilities to serve the development, such as roads, sewer, water, schools, solid waste disposal, and fire protection (including access to the site for emergency vehicles); and

F. Compatibility with surrounding land uses (this criterion shall apply only where a site plan proposes a conditional use pursuant to Section 1003).

The Planning Director and/or City Engineer may refer any site plan proposal to the Planning Commission.

1002.03. Waiver of Selected Development Standards – Approval By Planning Commission. Specific development standards that may be modified with Planning Commission Approval are limited to the following:

- bufferyards, including width, planting and required structures; and
- general and off-street parking landscaping requirements
- minor parking adjustments (in instances of redevelopment)
- façade treatments (in instances where buildings in the immediate vicinity are of like design)

This may be done only upon a specific finding by the Planning Commission that such requirements are inappropriate as applied to a particular development site due to its size, proposed use, and/or location, and that a waiver would not conflict with the intent of this Ordinance or confer upon any property owner a right or privilege denied to neighboring property owners within the same district.

1002.04. Pre-design Review. A pre-application conference shall be ***required*** for each site plan to be submitted. At that time the staff will provide the applicant or their representative with advice and guidance regarding the requirements of this Ordinance, and any other regulations which apply. Preliminary sketches shall be reviewed and overall development concepts finalized at this time.

At the pre-design conference, the applicant shall provide the planning department with basic information regarding the proposal. This information should form the basis upon which the staff may advise the applicant on the subsequent steps required to gain final site plan approval and the necessary information which will be submitted with the formal application.

All requests for waivers or variances should be submitted to the planning department at the pre-design conference whenever possible. Upon request, the planning department may waive specific site and architectural plan form or information requirements as set forth in this article. The planning department may waive any requirement of site plans and architectural plans if it is determined that specific requirements are unnecessary due to circumstances unique to the property, or if the requirements have been previously submitted and approved. Such requirements may be set aside only to the extent that the intent and purposed of this ordinance are not violated.

It shall be the applicant's responsibility to allow for plenty of time for the pre-application conference, and any other available guidance, in order to have a complete application package submitted and formal review completed before their desired construction start date.

1002.05. Formal Submission. Five (5) folded copies of the site plan, a completed application form, a landscape plan and all other necessary attachments, as well as the requisite application fees shall be submitted to the Planning Department to initiate processing of the site plan. Additional plans shall be provided for review by appropriate state, regional and county agencies upon staff request.

A. Site Plan Preparation Requirements. Proposed development site plans shall be prepared and sealed by an architect, professional engineer or surveyor. Full engineering drawings must be submitted by an engineer registered in the State of Alabama. The City Engineer may choose to require additional information as necessary.

Sketch plans and drawings submitted with variance or other zoning-related applications shall not be accepted for review as a site plan unless they are prepared in accordance with the guidelines of this Section and contain all required information. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Alabama.

B. Completeness of Plans. Site plans submitted without complete information in accordance with Section 1002.12 shall not be reviewed by the Planning Staff or placed on the Planning Commission Agenda.

C. Staff Review. The Planning Director and other appropriate city staff members shall review the site plan with specific regard to this Ordinance and other regulations of the City of Northport. The staff review shall identify matters of development policy concern to which the applicant shall address particular attention.

D. Revised Plans. Following submission of a complete application package for site plan review the Planning staff shall have a minimum of 15 working days in which to complete the review and approve the site plan.

1002.06. Approval of Site Plans. The planning department may approve, approve with conditions or disapprove an application as submitted. For all such applications that are disapproved, the reasons for such disapproval shall be provided to the applicant in writing. For all applications that are approved with conditions, the planning department shall indicate the nature of the conditions to the applicant in writing. Except as stipulated in Section 1002.04, no site plan shall be approved which is inconsistent with any term contained in this Ordinance unless a waiver or variance has been granted in accordance with Sections 1002.03 or 1108 of this Ordinance.

Upon approval of a site plan, a minimum of five (5) folded copies, and any additional copies as may be required by the city, of the approved site plan shall be submitted to the Planning Department prior to issuance of a zoning certificate. The Planning Director shall stamp, sign and date the site plan copies, then forward copies of the site plan to the Engineering and Building Inspections Departments. A minimum of two (2) copies of the site plan shall be reserved for the use of the Planning Department.

1002.07. Effect of Site Plan Approval. Upon final approval of a site plan, no structures, uses, or development of any kind shall be permitted on a development site except in accordance with the site plan and related approved plans for development phasing, building construction, grading drainage, and other site design elements.

Approved site plans shall remain valid for 18 months after final approval, and a zoning certificate and building permit for the development may be obtained during that time period. The Planning Director may make an extension of site plan approval for a single period up to six (6) months from the date when a site plan would otherwise expire. An extension may be granted only if the Planning Director concludes that the applicant or developer has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than 30 days before the expiration of the approved site plan stating the reason for the time extension request.

Requests for extensions in excess of six (6) months shall not be granted. Instead, the applicant shall submit a new application for review according to the requirements of this Section.

Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the Engineering and Building Inspection Departments for permitting. These shall

include, but are not limited to, detailed building plans, grading plans, drainage and stormwater management facilities, erosion control plans, road and driveway construction specifications, and tree removal plans.

Nothing contained herein shall preclude the Building Inspections Department from accepting for review and processing building construction plans related to the structural, mechanical, electrical, and plumbing systems prior to final approval of a site plan, subject to such conditions as may be established by that department relative to processing of site plans prior to final approval.

In such instances, no building permit will be issued until the Planning Department has issued a zoning certificate and the site plan has been stamped approved and is on file in the Building Inspections Department. All building and construction permits issued for any project requiring site plan review shall be consistent with the stamped approved site plan. The approval of a site plan shall not under any circumstances be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive, or that requiring the higher standard, shall prevail.

1002.08. Modification or Termination of Site Plans.

A. Site Plan Amendments. After final approval, any modification, variation or adjustment of a stamped approved site plan shall require approval of a site plan amendment.

Upon approval of any amendment, the Planning Director, or his/her designee, shall stamp and date the most recent version of the site plan, showing the approved amendment, and mark all previous copies as "void". If appropriate, the Engineering and Building Inspections Departments shall be notified of the amendment.

B. Site Plan Expiration and Cancellation. In the event of a change to these regulations the site plan shall be valid under the regulations for which it was approved for 18 months from the date of such approval. Upon expiration of the site plan and any extension that may have been granted, the Planning Director shall make appropriate records in the Planning Department files stamp all available copies of the site plan as "void", and notify the Engineering and Building Inspections Departments of the expiration.

The applicant may cancel the site plan at any time between the date of final approval and the date of expiration by submitting a written request to the Planning Director. Upon receipt of this request by the Planning Director, the site plan shall be treated as expired.

1002.09. Integration of Other Review Procedures. Any site plan to be built in stages or requiring variance or conditional use approval shall be coordinated as set forth below:

A. Development Built in Stages. As part of the application for site plan approval, the developer shall submit a proposed stage plan, including a schedule for completion of all improvements. If the site plan proposes any of the performance residential housing types described in Section 603.02 (A) through (F), a Master Development Plan pursuant to Section 604 shall also be required. Once a stage plan has been approved, no land may be used and no building may be occupied except in accordance with such plan. At the Planning Director's discretion, a new site plan may be required for each successive stage of the development.

Stage configurations shall be logical and consistent with the purposes of this Ordinance. If appropriate, the Planning Director may stipulate that any or all portions of the required landscaping and/or bufferyards be provided during the first stage of development, even though some bufferyards or portions thereof lie outside the stage. Each stage, at a minimum, must include adequate parking, drainage facilities, landscaping, and all other features needed to serve that portion of the total development.

Prior to approval for construction of any one stage, an engineering stage plan shall be submitted to and approved by the City Engineer. This plan shall address site grading, erosion control, stormwater management, internal traffic circulation, and any other design elements required by the City Engineer.

In approving a stage plan, the Planning Commission or Planning staff may specify certain site improvements to be provided at a percentage rate exceeding that of construction of the overall development. These items may be elements of engineering design, or requirements of this Ordinance. Such improvements include, but are not limited to parking, drainage facilities, erosion control measures, landscaping and bufferyards. Where the applicant has agreed to provide off-site improvements, such as traffic signals, turn lanes, and sewer lines, the Planning Commission or Planning Director may require such improvements to be in place upon completion of any stage of the development.

B. Variance. Those developments requiring a variance from any regulation of this Ordinance in conjunction with site plan review shall have the appropriate request acted upon by the Board of Zoning Adjustment in accordance with Section 1108 of this Ordinance. This shall include existing development sites, proposed for expansion or reconfiguration, which are nonconforming to any requirement of this Ordinance. The site plan may be reviewed concurrently with review and action on the variance request, but the site plan shall not be approved until the variance has been approved.

C. Conditional Uses. For developments requiring approval of a conditional use, a request for such approval shall be submitted to the Planning Commission; and the Commission shall make a recommendation to City Council on such request. The Council shall act on the conditional use request prior to final approval of the site plan. A site plan and a conditional use request may be processed concurrently.

1002.10. Non-Compliance. Failure to comply with a stamped approved site plan or any of the conditions upon which such approval was contingent, including time limits for performance,

shall be cause to deny issuance of a zoning certificate or, where a zoning certificate has been issued pursuant to a stamped approved site plan, to render such zoning certificate invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Ordinance and may be subject to a stop-work order.

1002.11. Development Site To Be Unified.

A. Internal Division of Ownership. Except as provided in this section, the development site shall remain unified by title under one (1) owner, or by multiple owners holding a percentage interest in the site as a whole. Where a development site consists of two (2) or more existing lots under the same ownership, all such lots shall be combined in accordance with the Subdivision Regulations prior to final approval of the site plan.

Where spatial division of ownership within a development site is proposed, the owners of all component properties shall accept the following conditions in receiving site plan approval:

1. No individual property will be used or developed in any way that is not consistent with the approved site plan.

2. Development rights on each parcel are combined with those of the balance of the development site, and the City will consider no separate development proposals unless the development site can be divided in accordance with the provisions of this Ordinance.

3. No parcel of land within a development site shall be subdivided, sold or otherwise conveyed for the purpose of new development that is not authorized under the approved site plan.

All owners of property within the development site shall authorize one (1) person, designated as the applicant, to represent them collectively before the Planning Commission and other City officials in all matters related to the site plan and development site. In the event the designated applicant is not an owner of the subject property then a notarized "Authorization to Act as Applicant" must be completed and signed by the owner(s).

B. External Ownership. When the development site is part of a larger parcel of property, of which a portion is not intended to be included within the site plan, this unused area shall become a separate lot, meeting any relevant size and dimensional requirements of this Ordinance, to be approved in accordance with the Subdivision Regulations. This subdivision process shall be completed prior to final approval of the site plan.

C. Development Site To Be Complete. The development site shall be designed to provide all required amenities and facilities, including bufferyards, open space, and

landscaping. No such required features shall be located off-site or on adjacent properties which are leased, rented, or otherwise proposed for use on an informal basis, except as provided for in Section 611.03 Shared Parking. The entire site shall have the zoning designation required to accommodate the principal use.

D. Division After Approval. No development site, once granted site plan approval, shall be divided except through the site plan amendment process established in Section 1002.08.

1002.12. Site Plan Preparation Requirements. A site plan must accurately show all relevant information about a proposed development to permit it to be reviewed against the requirements of this Ordinance, and to provide a permanent record as to the type and characteristics of development approved on the site. Site plans shall be drawn, on one of the following overall sheet sizes 22"x 34", 24"x 36", or 36"x 48", and at a scale no smaller than 1:50.

When more than one (1) sheet is needed, a series of drawings showing different elements of the site design, such as landscaping, utilities, or topography may be submitted. Where such a series is submitted, the top sheet shall include an index of all other sheets in the series. These shall be bound in a single package, with each sheet labeled as to what it shows and its number in the series (e.g., Landscaping Plan, Sheet 2 of 3). ***Information shown on Drawings included in construction plan (i.e. grading plans, utility plans, etc.) will not be considered as meeting the requirement for a site plan submission. Required site plan details must be shown on the "site plan" drawing.***

Unless specifically waived by the Planning Director, the following information shall be shown on all site plans:

A. Written Information:

1. Site plan name.

2. General statement indicating the character of the use(s) proposed for the site. This shall include information describing the size and/or intensity of the use, such as the number of employees at largest shift, seating capacity, number of students, number of hospital beds or motel rooms, etc. All other relevant information not otherwise specified in this checklist shall be provided in the General Statement, such as variances on the property, nonconforming status, etc.

3. Property owner's name, address and telephone number; and the designated project applicant or representative if other than the property owner.

4. Name, address, and telephone number of engineer, surveyor, architect, landscape architect and/or any other professional involved in design of the project. Include current license numbers.

5. Total size of the tract expressed in square feet and acres (to nearest tenth).

6. Zoning district assigned to the subject property.

7. Zoning and current land use of adjacent properties.

8. Number of units proposed (residential only). Proposed use(s) of building(s), number of lots and lot numbers if applicable (commercial and/or residential)

9. Impervious surface area in square feet, impervious surface ratio (ISR), maximum and proposed.

10. Floor area in square feet, floor area ratio (FAR), maximum and proposed.

11. Number of parking spaces required and proposed (must show calculations based on the requirements of Section 611).

12. Building height and front, rear and side yard setbacks.

13. Corridor Overlay Information where applicable (i.e. building materials, sign, lighting, etc.)

B. Graphic Information:

1. Vicinity map showing the site in relation to adjoining properties, streets and other landmarks such that its location within the City can easily be determined.

2. North arrow, scale and date prepared.

3. Certified boundary survey of the tract prepared by a surveyor registered with the State of Alabama, indicating an existing lot of record.

4. Location, number of floors or stories, height and dimensions of all structures.

5. Location of all impervious surfaces.

6. All flood-prone areas as delineated by the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA), including a notation of the 100-year flood elevation.

7. All wetlands and watercourses, including lakes, streams, etc.

8. Steep slopes greater than 30 percent.

9. USGS – MSL – Contours at five foot intervals.

10. Plan showing all proposed and required Landscaping (general & parking) and bufferyards signed and sealed by a registered landscape architect or landscape designer.

11. Location height and type of all on premise lighting and freestanding signage.

12. Lot frontage on public streets and all proposed accesses.

13. Location and dimensions of all parking spaces (including handicap spaces), loading berths, and driveway aisles. One-way aisles must be labeled as such.

14. Location of all curb cuts and their distances from nearest adjacent curb cuts or street intersections.

15. Phase lines, if the development is to be constructed in phases.

16. Existing and proposed utility easements.

17. All existing and proposed street right-of-way reservations, cross access locations, sidewalks and easements.

18. Finished floor elevations of all structures.

19. All existing and proposed utility lines, including sewer, water, gas, and electricity.

20. Location and screening of solid waste receptacles.

21. Elevations of all building facades at a scale of 1/8" – 1' indicating:

a. Design character of buildings and structures;
b. Materials, existing and proposed, to be used on all structures to include color schemes.
c. Structure heights.
d. Roof configuration and overhangs.
e. Special design features including compliance with ADA requirements.
f. Proposed location, size and configuration of all wall mounted signs.

C. Engineering Department:

1. ***Engineering Plan Submittal Requirements***

a. Submit two (2) complete sets of documents
b. Each set is neatly bound; no loose sheets will be accepted
c. All submitted plan sheets shall be 22"x 34", 24"x 36", or 36"x 48" in size
d. In addition to site specific civil sheets, the following sheets are required in **all** plan sets:
    - Cover Sheet

- Boundary/Existing Conditions Survey
- Plat (recorded or proposed version) (Residential Subdivisions), Overall Development Plan (Commercial)
- Current Site Plan (Commercial projects only, must have been submitted to Planning Department)

*****Plans not meeting above requirements may be returned without a review and marked "Incomplete".***

2. ***Requirements for <u>all</u> Civil Plan Sheets***

a. Title block with engineering firm information, registration number, engineer's seal, sheet title, and page numbers clearly shown
b. Benchmarks are required on all pertinent sheets
c. North Arrow and Scale clearly shown on each plan sheet
d. Legend (relevant to each sheet) showing all special symbols, line types and hatch used
e. Street names labeled on all existing, proposed, and future streets
f. Lot and Block numbers and/or ownership information shown for all lots
g. Caution notes shown when working next to any existing utilities (public and franchise)

3. ***Recommended Order of Sheets*** (Sheets may be combined where feasible to reduce unnecessary sheets).

a. Cover Sheet
b. Plat/Overall Development Plan
c. Survey
d. Approved Site Plan *(non-residential projects)*
e. Dimensional Control Plan *(non-residential projects)*
f. Demolition Plan (if required)
g. Erosion Control Plan
h. Paving and Layout Plan
i. Grading
j. Drainage Area Map and Drainage Plans
k. Water and Sewer Plans (including Plan and Profile)l.
l. Street Light Plan
m. Construction Details

Note: Based on the size and type of development, all of the following plan requirements may not be applicable.

4. ***Dimensional Control Plan*** *(Non-Residential Projects)*

a. Dimensions for all buildings, pavement and hardscape areas (i.e. parking areas, driveways, fire lanes, turn lanes, sidewalks, radii, throat depths, etc.) measured to the nearest 0.0'

b. Control points to structures (i.e. inlets, etc.) based on dimension from property corner or known feature (not from an arbitrary point parallel to property line)
c. Verification of public right-of-way widths. Dimension each property corner adjacent to public right-of-way to perpendicular point on opposite side right-of-way line (do not label "variable width" only)
d. Dimension along right-of-way to nearest cross-street and/or driveway measured from throat to throat.

5. ***Erosion Control Plan***

a. Existing and/or proposed contours clearly shown/labeled
b. Existing and proposed storm lines and inlets shown
c. List the total disturbed acreage, and delineate limits of construction
d. FEMA 100-year flood plain
e. Appropriate BMP's used and identified
f. Phasing of BMP's with construction activities listed/described
g. BMP details provided, should be per current Alabama Erosion Control Manual or other applicable standard
h. Stockpile area and batch plant areas shown and labeled
i. Areas to be sodded or seeded shown and specified with permanent perennial vegetation
j. Areas of permanent erosion control (other than vegetation) clearly shown
k. Construction Entrance location

6. ***Grading***

a. Both onsite and offsite existing/proposed contours shown clearly labeled
b. Date and name of firm who prepared geotechnical report with corresponding note stating: *"Work shall be done in accordance with the Geotechnical Report by _____, dated _____."*
c. Drainage clarified by flow arrows, high points, sags, ridges, and valley gutters
d. Show driveway locations for all lots adjacent to storm inlets
e. Positive overflow provided at all low points, easements dedicated as needed
f. Finished pad and/or floor elevations shown
g. Minimum finished floor elevations shown adjacent to floodplains, ponds, creeks/channels, etc.
h. Clearly show all walls and label top/bottom elevations of wall at key locations
i. Cross-sections and flow data for all swales and open channels provided
j. Spot shots shown to ensure proper drainage and adequate ADA routing where applicable

7. ***Drainage Area Map***

a. Existing contours clearly shown for *entire* site and adjacent areas.
b. Drainage areas and sub areas delineated and labeled

c. Flow arrows for surface drainage shown
d. Existing and proposed storm lines shown
e. Inlet designation labels shown
f. Detention pond shown and labeled
g. Drainage easements shown and labeled
h. Zoning indicated for all offsite areas and/or land use assumptions specified
i. Rational Method Peak Runoff Rate Computation Table shown (Q=KCIA)
j. Time of concentration and weighted runoff coefficient calculations shown as needed
k. List the *total* site impervious area (ft^2 of all paving, roof areas, etc.)- C*ommercial Projects*

8. ***Hydraulic Calculations***

a. Street Flow Computation Table provided for all public streets
b. Inlet Interception Computation Table provided for all public inlets
c. Pipe Hydraulics Computation Table provided for all public lines

9. ***Detention Pond Design & Calculations***

a. Detention pond design calculations shown, method used specified
b. Provide detention pond volume sizing calculations and/or computation table
c. Provide stage-discharge table and/or curve information
d. Provide weir and/or orifice sizing calculations for outfall structure
e. Existing and proposed contours shown and labeled.
f. Cross-section of pond including side slopes, normal pool elevation (if applicable), show 100 year 25 year WSE, 10 year WSE, and 1 year, 24 hour
g. Detail of pond outfall structure showing all elevations as necessary
h. Trash rack (and detail) provided for smaller orifice openings
i. Overflow spillway location and design information provided
j. Show and label all existing/proposed utilities and easements
k. Access/maintenance ramp provided (max slope 6:1)
l. Maintenance Manual

10. ***Storm Drain Plan***

Plan Review:

a. Show and label all existing and proposed utilities
b. Dimension location/spacing of utilities
c. Label inlet type, size, paving station, and top of curb elevation at a minimum
d. Label type and size, of existing/proposed structures (i.e. headwalls, manholes/junction boxes)
e. Label type, size and dimensions of all permanent outfall erosion protection
f. Show centerline stationing for pipe with PC and PT stations and curve data
g. Label centerline stations for lateral connections, manhole and junction box locations, pipe size changes, headwalls, and future stub out connections

h. 25 year gutter flows and bypass shown at each inlet along public streets and fire lanes
i. Provide applicable construction details for all drainage structures

Profile View

a. Existing and proposed ground line at centerline of pipe shown and labeled correctly
b. Show all hydraulic data including pipe flow, pipe capacity, hydraulic slope, velocity, velocity head, and partial flow data if under partial flow conditions (velocity and flow depths)
c. Label station and flowline elevation information for all structures, crossings, laterals, etc.
d. Label flowlines at every 50 foot station
e. Indicate length, type/class, slope and size of all storm pipes
f. Show and label 100 year and 25 year HGL, label HGL elevations at all junctions
g. All utility crossings and parallel sewer lines shown in profile

11. ***Water Plan***

Plan View

a. Show and label all existing proposed utilities
b. Label size, type and pressure class for all proposed water mains
c. Show location for all water services and meters
d. Show and label all easements
e. Dimension location of all mains, services, meters, and spacing from other utilities
f. Curve data and stationing provided as necessary
g. Show and label all fire hydrants, valves, fittings, FDC locations, and back-flow prevention

Profile View

a. Profile all water mains 12” and larger, or where a potential conflict may arise
b. Existing and proposed ground line at centerline of pipe shown and labeled correctly
c. Label station and flowline elevations at 100’ intervals, and for all fittings, laterals, and crossings
d. Indicate length, type/class, slope and size of all lines
e. All utility crossings and parallel sewer/storm lines shown in profile
f. Indicate length, type and size of encasement as needed

12. Sanitary Sewer Plan

Plan View

a. Show and label all existing and proposed utilities

b. Dimension location of all mains from other utilities
c. Label line name, size, and type of all proposed sanitary sewer lines
d. Stubouts labeled with size, slope, length, and flowline elevations (if not profiled)
e. Show and label all easements
f. Show centerline stationing for sanitary sewer
g. Show and label all manholes with rim elevations, as well as cleanouts
h. Indicate type and size of encasement where needed
i. Show flow direction arrows for sewer main
j. Topographic contours shown to delineate sewer basins

Profile View

a. Profile shown for all mains 8" and larger, or where a potential conflict may arise
b. Existing and proposed ground line at centerline of pipe shown and labeled
c. Label station and flowline elevation information for all manholes, cleanouts, crossings, laterals
d. Label flowlines at every 50 foot station
e. Manhole inflow and outflow elevations to be designed with a minimum of 0.2' drop
f. Indicate the type and diameter for all manholes
g. Indicate length, type/class, slope and size of all sanitary sewer pipes between manholes
h. All utility crossings and parallel storm lines shown in profile
i. Indicate length, type and size of encasement as needed

13. Paving Plan

Plan View

a. For all new streets, a site specific geotechnical evaluation and pavement design submitted with plans
b. Typical Pavement Section details shown (fire lane, parking areas, streets, subgrade, etc.)
c. For streets, centerline stationing at every 100', PC's, PT's, and curve data labeled
d. Intersection, driveway and island curb radii labeled
e. All sidewalks and barrier free ramps shown, labeled and dimensioned
f. Existing, proposed, future streets and drives shown and labeled
g. Right-of-way corner clips and sight visibility easements provided
h. Storm inlets identified with paving stations and top of curb elevations at center of inlet
i. Drainage clarified by flow arrows at crests, sags, ridges, intersections, and valley gutters
j. Show driveway locations for all lots adjacent to storm inlets
k. For Commercial/Industrial Parking Lots show all parking stall locations, types, counts, and dimensions

l. Ensure all appropriate warnings, signage, and arrows are shown for parking areas to ensure appropriate traffic flow

Profile View

a. Existing ground line for left, right, and center of right-of-way shown
b. Proposed top of curb line shown for all public streets, proposed invert line shown for all alleys
c. Show right and left top of curbs at intersections where split grade occurs
d. Top of curb/pavement elevations labeled at every 50 foot stations
e. Vertical Curve stationing and elevations including PVC, PVI, PVT, crest/sag location, curve length, algebraic grade difference, and "K" values shown at a minimum
f. Street grades shown to the nearest 0.01'. Max. and min. grades per street design manual
g. Show "compacted fill" callout/note for all areas of fill

14. ***Sidewalk Layout Plan*** *(Residential Subdivisions)*

a. Provide a single scalable sheet showing all sidewalks to be installed with the development
b. Distinguish between developer installed sidewalks and homebuilder installed sidewalks
c. Show actual layout locations and sizes of all proposed sidewalks
d. Confirm sidewalk layout and grades meet ADA standards

15. ***Street Light and Signage Plan*** *(Arterial Streets and Residential Subdivisions)*

a. Show all street light locations, consideration should be given to electrical layout from utility company
b. Show all stop signs and traffic related signage locations
c. Street lights located on opposite side of street from stop sign
d. Verification of fire hydrant placement relative to street lights and stop signs (3' clear area)
e. If symbols used in plan, appropriate legend included for verification

Section 1002.13. Design Review Standards.

A. ***Site Standards***. The standards for site plans listed below are intended only as minimum requirements, so that the general development pattern in the city may be adjusted to a wide variety of circumstances and topography, and to ensure reasonable and orderly growth.

1. All proposed development shall meet or exceed the city's most current zoning ordinance, subdivision regulations and any other city ordinance as may pertain to such developments, as well as the Americans with Disabilities Act.

2. Applications shall state the estimated increase in vehicle trips per day to the subject property which would be generated by the proposed development. Further, the applicant shall also provide for the necessary engineering studies needed to determine that entrances and exits onto public streets do not unduly increase congestion or traffic hazards to the public streets and the proposed site. Such requirements for engineering studies may be waived by the planning department where the proposed use is not expected to contribute substantially to traffic and the spirit of this ordinance is not unduly compromised.

   Entrances, internal roads, and driveways shall be constructed to accommodate anticipated traffic flows after the development is complete. Preparation of plans and specifications are the responsibility of the applicant.

   Applicants may be required to install, at their own expense, turn lanes, street intersection lights, signs, and other improvements necessary to handle the increased traffic and potential traffic hazards.

3. The proposed development shall be designed in accordance with the requirements of the city's erosion control ordinance.

4. Developers shall provide for fences, landscaping and other improvements as are necessary to buffer the proposed use from the existing or surrounding land uses as set forth in Article V, "Landscaping Requirements", of the zoning ordinance.

5. Lighting facilities and lighted signs shall be placed and shielded in such a manner, and of such a height and intensity, as not to cause direct light to shine on other properties to the extent a public nuisance is created or a safety hazard is created on a public street. Lighting fixtures shall be compatible with the design objective of this article.

6. To the greatest extent possible, utilities should be placed underground, unless the applicant can demonstrate that it is unfeasible due to the costs or other constraints.

7. The proposed development shall be designed to prevent danger from fire, explosion, or other safety hazards to the general public, and the persons residing or working on surrounding property.

8. Loading docks, garbage collection areas and similar facilities and functions should to the greatest extent possible, be incorporated into the overall design of the building and the landscaping, so that the visual and acoustic impacts of these functions are fully contained and are not visible from adjacent properties or public streets. In the event that the collection areas enclose dumpsters or other equipment, screening shall be at least two feet taller than the equipment and not less than six feet in height. Use of screening materials should be consistent with the principal materials of the building and landscaping.

9. Applicants may be required to install, at their own expense, sidewalks and half-street improvements as described in Section 618 of the Northport Subdivision Regulations as deemed necessary by the Planning Director or City Engineer.

    a. *Fee-in-Lieu of Sidewalks*.

        1. When one or more of the following conditions are present, the developer may request approval from Planning Commission of a fee-in-lieu arrangement in the form of a waiver, whereby the developer shall make a contribution toward the Sidewalk Trust Fund in lieu of requiring installation of sidewalks:

            a. When the project site is not located on a priority pedestrian corridor as designated by the most current regional bicycle and pedestrian plan;

            b. When requesting a subdivision consisting of five or fewer lots;

            c. When there are no sidewalks currently installed on adjoining properties;

            d. When existing public infrastructure currently prohibits construction of sidewalks as determined by the Public Works Director and/or City Engineer;

            e. When topography and/or terrain does not allow the installation of ADA compliant sidewalks as determined by a licensed civil engineer and agreed upon by the City Engineer;

            f. When other circumstances make sidewalk installation unreasonable or inappropriate, as determined by the Planning Director and/or City Engineer.

        2. Such fee-in-lieu arrangement shall be based on the total cost of sidewalk installation, as determined by the City Engineer.

        3. The developer shall have the choice of either installing the sidewalks or paying to the City the fee-in-lieu of such sidewalk installation, prior to any certificate of occupancy being issued for structures in any phase abutting the right-of-way within which the sidewalks are required.

B. ***Architectural standards.*** The standards of this section are intended to promote the health, safety and welfare of citizens by setting limited guidelines for construction with an emphasis on aesthetics. The guidelines may be supplemented or superseded by the planning commission and/or city council by specific design guidelines applicable to specific uses or portions of the city as set out herein.

1. *Height and massing.*

    a. Shall conform to the height requirements of each district.

b. Multifamily, commercial and office structures shall be designed to be compatible and consistent with the architectural style and character of single family residential structures in the immediate vicinity. The exterior of multifamily structures may be designed to appear as a single building, such as a large single family detached dwelling.

c. Lengthy unbroken facades should be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be 50 feet in residential districts, and 75 feet in commercial and office districts. Facade offsets shall be sufficient to create a strong shadow line.

d. Buildings on corner lots shall be considered more significant structures, due to the fact that they have at least two front facades visibly exposed to the street. It is strongly encouraged that such buildings be designed with additional height and architectural embellishments, such as corner towers, relating to their location.

e. Buildings should be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible.

2. *Roofs.*

a. The pitch and style of roofs should be consistent with that of surrounding structures. Generally roofs should project enough beyond the facade to cast a shadow and shall be of a color which would be consistent and compatible with the natural environment.

b. Architectural embellishments which add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other similar elements are strongly encouraged.

c. Mechanical equipment should be concealed from public streets within the volume of the roof or enclosed within penthouse structures or screening that will substantially eliminate visibility of the equipment from public streets.

3. *Facades.*

a. Front facades should be architecturally emphasized through fenestration, entrance treatments and details. Architectural elements such as doorways, dormers, gables, and porches should be used to effectively articulate facades and reduce the scale of larger structures. Diverse architectural treatments should be integrated to avoid a cluttered appearance.

b. The architectural treatment of the front facade should be continued, in its major features, around all sides of a building that are visible from a public street. It is recommended that all sides of a building should be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations, visible from a public street is discouraged.

c. Fenestration should be architecturally compatible with the style, materials, color and details of the building. Windows should be vertically proportioned wherever possible. To the greatest extent possible, upper story windows should be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.

d. Blank, windowless walls are discouraged. If necessitated by local building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills and lintels.

e. Each principal commercial building should have a highly visible customer entrance. All entrances to a building should be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and other similar elements. Any such element utilized should be architecturally compatible with the style, materials, colors and details of the building as a whole, including the doors.

4. *Materials.* Materials such as brick, stone and wood are preferred. Developers are encouraged to vary materials from building to building while limiting the number of different materials on any individual structure. In all instances the use of loud, garish colors on exterior façade materials shall be prohibited. Metal siding shall be prohibited on all sides of a building which are visible from any public street except under the following conditions:

Metal siding shall be allowed in industrial zones only (M-1 or M-2) for buildings under the following conditions:

• A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material (not smooth finish concrete masonry units or smooth concrete) shall be located on the sides facing a public street; if a multi-story building, the first story must meet this material requirement

• No exterior wall plane facing a public street may exceed thirty feet without an interruption or articulation. Examples include: wall offsets, material changes, pilasters, columns/posts, roofline or cornice line changes, projecting bays, porches.

• If an industrial zone is located adjacent to a residential zone, the front or main façade shall not have any metal siding (architectural metal panels are allowed).

Architectural metal panels shall be allowed in commercial zones (C-2, C-3, or C-6) under the following conditions:

• A minimum base of four feet or 30% of wall height, whichever is greater, of brick, stone, split face block, or other durable material (not smooth finish concrete masonry units or

concrete) shall be located on all sides visible from a public street; if a multi-story building, the first story must meet this material requirement

• No exterior wall plane visible from a public street may exceed thirty feet without an interruption or articulation. Examples include: wall offsets, material changes, pilasters, columns/posts, roofline or cornice line changes, projecting bays, porches, fenestrations.

5. *Parking areas.* See Parking Section 611

6. *Landscaping standards.* See Landscape Bufferyard Article V

7. *Signage.* See Sign Article VIII

Section 1003. Conditional Uses.

Conditional uses are those uses that have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties.

The review considers the proposal in terms of:

- existing zoning and land use in the vicinity of the use;
- planned and proposed public and private developments that may be adversely affected by the proposed use;
- whether and to what extent the use at the particular location for which it is proposed is consistent with the intent of the Zoning Ordinance, and; any other development policies and/or regulations of the City of Northport; and
- whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

Section 1003.01. Applicability. Any use designated as a conditional use by Table 4-1 of this Ordinance shall comply with this Section.

In addition, the following shall be approved only as conditional uses:

A. Any use that involves filling of a floodplain.

B. Any performance residential use.

Section 1003.02. Procedures. Applications for a conditional use permit shall be submitted and approved prior to application for a zoning certificate. A subdivision plat, or a site plan meeting the requirements of Section 1002 shall support applications for conditional uses in all districts. Site plan or subdivision approval shall not be granted prior to or contingent upon conditional use approval.

The Planning Director shall process applications for a conditional use permit as follows:

A. Applications for a conditional use permit must be submitted to the Planning Department not later than the 2nd Tuesday of the month proceeding the month in which the case is to be heard. Copies of the application shall be distributed to the appropriate departments.

B. A public hearing shall be held by the Planning Commission after adjoining property owners have been notified of the public hearing by certified mail. Not later than seven (7) days prior to the date set for the hearing on the application, the Planning Director shall file a written report thereon with the Planning Commission. As a courtesy, signs announcing the public hearing may be placed on the property in question

C. The application shall be denied if the Planning Commission finds that the application and record fail to establish compliance with the standards of this Ordinance. Further, the application shall be denied if the adverse impacts of the development, despite any mitigating conditions that might be imposed by the Planning Commission, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.

D. In order to prevent or minimize adverse effects on other properties in the neighborhood and on the general health, safety, and welfare of the City of Northport, the Planning Commission may impose such restrictions and conditions on approval of the proposed use as it determines are required by the general purposes, goals, and objectives of this Ordinance. All conditions imposed upon any conditional use permit approval, except those which are otherwise stated in this Ordinance, shall be expressly set forth in the resolution granting such conditional use permits.

E. The Planning Commission shall render to the City Council its recommendation to grant the application for a conditional use permit, grant it subject to conditions, or deny it. Following a public hearing at the City Council upon an Ordinance for Conditional Use Approval, the City Council shall either approve, or disapprove, the application and shall establish the specific conditions under which the application is approved.

F. In the event a permit for a conditional use is approved or approved subject to conditions, the applicant shall submit a site plan meeting all conditions of approval. The Planning Director shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions that are not acceptable to the applicant, the applicant may, either appeal such decision or abandon the application.

Appeals must be filed with and received by the Planning Department within fifteen (15) days of said decision.

Section 1003.03. Conditions on Conditional Use Approvals. Every conditional use permit shall be contingent upon the proposed development fully complying with all requirements of this Ordinance and, where applicable, with the Subdivision Regulations. The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

Section 1003.04. General Use Standards. No application for a conditional use permit shall be approved unless the City Council shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

A. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.

B. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

C. The proposed use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and bind commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

D. The Planning Commission may attach to any recommendation for conditional use approval, additional criteria dealing with bufferyards, parking, lighting, building materials, or any other aspect of site plan approval they deem necessary to mitigate the impact of the proposed conditional use on the surrounding property.

1003.05. Conditional Use Approval to Run with Land. Conditional use approvals are issued for uses of land and may be transferable from one owner of the land to another. All conditions place on said approval, including specific use types, shall be applicable to any new owner or

developer. Any change to plans or uses by any owner shall, at the recommendation of the Planning Director, require re-approval through the normal approval process for Conditional Use.

1003.06. Filling of Floodplain. The filling of areas within the 100-year floodplain shall be approved only where plans and specifications have been submitted that meet all requirements of Section 412 and where the following conditions exist which necessitate the filling of the floodplain:

A. The property would otherwise be able to accommodate at least one residential dwelling with a lot meeting all requirements of Articles IV and VI but cannot, because of the floodplain, accommodate even one single-family unit; or,

B. That the location and/or configuration of the buildable land are such that the intensity of the permitted land use cannot be realized without filling in the floodplain

Section 1004. Zoning Certificates.

No development permitted by this Ordinance, including accessory and temporary uses, may be established and no existing building may be altered with respect to its use after the effective date of this Ordinance until a zoning certificate has been secured from the Planning Director.

Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulations in compliance with all of the terms of this Ordinance. Conditions for permits to raze or remove buildings are set by other ordinances.

The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

Section 1005. Certificate of Occupancy.

No land or building for which a zoning certificate has been issued shall be occupied or used in whole or in part for any use whatsoever after the effective date of this Ordinance until the owner, tenants, contract purchaser, or authorized agent thereof has been issued a certificate of occupancy by the Chief Building Inspector, or his/her designee, indicating that the building or use complies with all zoning requirements of this Ordinance, the building code, and other applicable codes and regulations.

No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Senior Building Inspector to comply with the requirements of this Ordinance.

No permit for any new use or construction that will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration that will result in an increased volume of sewage or waste to be disposed of on the site, or which requires the County Health

Department's approval shall be issued until said approval has been issued by said Health Department.

The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this Ordinance and all other applicable regulations.

No certificate of occupancy shall be issued unless required landscaping and bufferyards have been installed or appropriately bonded.

Section 1006. Access.

As a precondition to approval of any site plan, subdivision plat, zoning certificate, building permit, or any other type of development permit, any development site shall have legal access to a publicly owned and maintained road. Physical access alone shall not qualify any development site for such permits. Legal access shall consist of the required length of road frontage, a flag lot approval pursuant to Section 613, or access easements under this Section.

1006.01. Access Easements. Access by easement shall be approved only by specific action of the Planning Commission, and where normal requirements cannot be met. In all such cases, the following conditions shall apply:

A. The property owner seeking a permit shall possess a valid legal instrument, recorded in the Office of the Judge of Probate, indicating ownership of an access strip or easement at least 15 feet in width connecting the subject property with a public road;

B. No such access shall serve more than one (1) building site;

C. No development shall be authorized on any such building site other than one (1) single family dwelling and permitted accessory structures;

D. Prior to issuance of a certificate of occupancy, the access shall be graded and/or covered with a suitable surface so as to be passable to emergency vehicles; and

E. The permit applicant shall sign a statement indicating that the City of Northport has no obligation to repair and/or maintain the access in a usable condition, and that the City shall not be liable for injuries to persons or damage to property resulting from the site's lack of direct access to a public road.

Section 1007. Fees.

A schedule of application fees for site plan and subdivision approval, zoning certificates, and other permits and public hearings required under this Ordinance shall be established by separate resolution or ordinance. This fee schedule shall be computed so as to recover all costs incurred

by the City in reviewing and processing requests, and shall be revised as necessary by the City Council.

ARTICLE XI. ADMINISTRATION AND ENFORCEMENT

Section 1100. Purpose.

The powers and duties of the following officers and boards are specified herein insofar as administration of this Ordinance is concerned: the Planning Commission, Board of Zoning Adjustment, Planning Director, Zoning Administrator/Planner and Chief Building Inspector. This Article also specifies the requirements for amendments, variances, administrative appeals, and interpretations of this Ordinance.

Section 1101. Planning Director: Duties and Powers.

The Planning Director shall supervise and administer all staff activities regarding planning, community development, zoning, and development review. She/He shall perform duties prescribed by this Ordinance, as well as any other assigned by the Planning Commission or the City Council. The Planning Director shall be duly qualified for these responsibilities through appropriate education and work experience. The Planning Director shall have a thorough knowledge of the provisions of this Ordinance, and shall have the authority to interpret the intent and meaning of this Ordinance in situations where its applicability is not clear. Appeals of administrative decisions of the Planning Director and/or the Planning Commission may be made to the Board of Zoning Adjustment.

The Planning Director shall be appointed by the City Council and, except as otherwise specified, shall have the following additional powers and responsibilities:

A. Advise and cooperate with the Planning Commission in the implementation, amendment and enforcement of this Ordinance.

B. Attend all public hearings at which zoning matters are discussed, including meetings of the Planning Commission, Board of Zoning Adjustment and City Council.

C. Process and account for all departmental permits, applications, certificates and fees.

D. Evaluate each proposed site plan and subdivision plat for consistency with this Ordinance.

E. Ensure that all time limits prescribed by this Ordinance are met.

F. Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons.

G. Receive and review all applications for zoning certificates required herein.

H. Record and file all applications for zoning certificates with accompanying plans and documents. All applications, plans, and documents shall be a public record.

I. Revoke any zoning certificate issued under a mistake of fact or contrary to the law or provision of this Ordinance.

J. Receive and review all site plan submissions as required by Section 1002.

K. Review all proposed zoning amendments and prepare a report on said zoning amendments for the Planning Commission and the City Council.

L. Promptly indicate any zone boundary or other change to the Official Zoning Map, and make available for public inspection an up-to-date copy of the Official Zoning Map, as amended, in the office of the Planning Department during its regular business hours.

M. Issue a monthly report on all site plan approvals to the Planning Commission.

N. Supervise all staff of the Department of Planning & Inspections in the carrying out of their duties.

O. Other duties assigned by the City Council.

Section 1102. Zoning Administrator and/or Planner Duties:

Under the direction of the Planning Director, the Zoning Administrator shall:

A. Receive applications for variances and forward them to the Board of Zoning Adjustment for action.

B. Following refusal of a permit, receive applications for variances and appeals and forward them to the Board of Zoning Adjustment for action.

C. Advise and cooperate with the Board of Zoning Adjustment in carrying out their duties as they related to this Ordinance.

D. Attend Board of Zoning Adjustment public hearings and, at the request of the Planning Director, other meetings as needed.

E. Collect and account for all application fees required for variance and appeals actions.

F. Evaluate each proposed request for variance and appeals compliance with the standards of this Ordinance.

G. Ensure that all time limits prescribed by this Ordinance are met.

H. Monitor the progress of all applications through the review process and be available to respond to inquiries from interested persons.

I. Record and file all BZA applications with accompanying plans and documents. All applications, plans, and documents shall be a public record.

J. Notifies the BZA and applicants of scheduled meeting dates and times.

K. Coordinates Board of Adjustment meetings.

L. Collects data, develops data base and maintains files of Board of Zoning Adjustment.

M. Insures that meetings of the Board of Zoning Adjustment are properly recorded and transcribed.

N. Issue a report on all BZA approvals to the Planning Commission.

O. Other duties assigned by the Planning Director.

Section 1103. Chief Building Inspector: Duties and Powers.

The Chief Building Inspector shall have the following powers and responsibilities:

A. Receive and examine all applications for building permits and certificates of occupancy.

B. Process all building permit applications and applications for certificates of occupancy.

C. Issues permits only after receipt of a zoning certificate indicating all requirements of approval have been met.

D. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.

E. Revoke, by writing, a permit or approval issued contrary to this Ordinance or based on a false statement or misrepresentation in the application.

F. Stop, by written order, work being done contrary to the building permit or to this Ordinance. Such written order, posted on the premises involved, shall not be removed except by written order of the Chief Building Inspector. Removal without such order shall constitute a violation of this Ordinance.

G. Institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; restrain, correct, or abate such violation, so as to prevent the occupancy or use of any building,

structure, or land; or prevent any illegal act, conduct, business, or use in or about such premises.

H. Ensures that all applications for permits with accompanying plans and documents are properly recorded and filed.

Section 1104. Duties of the Planning Commission.

A. General Duties:

1. The Planning Commission, in cooperation with the Planning Director and staff, shall study land use and development trends, collect data and analyze such information with regard to future development of the City of Northport.

2. The Planning Commission shall study and report on all proposed amendments to the text of this Ordinance. When reviewing any such proposed amendments, the Planning Commission shall, within 45 days of receipt of same from the Planning Director, submit its recommendations and findings to the City Council.

3. The Planning Commission shall study and report on all proposed amendments to the Official Zoning Map, the procedure for which is contained in Section 1107 of this Article.

4. The Planning Commission shall review and approve, or approve with conditions, all site plans submitted to it by the Planning Director in accordance with Section 1002.

5. The Planning Commission shall hear all applications for conditional use permits and shall make a report and recommendation to the City Council in accordance with Section 1003.

6. The Planning Commission may cause the posting of notice, in the form of a courtesy sign, on property that is subject to a public hearing for conditional use permit or rezoning.

7. The Planning Commission shall review the character, location, and extent of any street, square, park or other public way, ground or open space or public building or structure or major utility project whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama of 1975, as amended.

B. Review Duties:

The Planning Commission shall regularly review the Comprehensive Plan, this Ordinance, and the Subdivision Regulations and report on them to the City Council at least once every 3 to 5 years. Specifically, the Planning Commission shall:

1. Analyze the extent to which development has occurred in Northport as compared to the projected growth at the time of the Comprehensive Plan update and the last mapping of zoning districts created by this Ordinance.

2. Recommend any changes in the mapping of Northport which would be required in order to accommodate the expected 20-year growth projections of the Comprehensive Plan for residential, industrial, commercial, and other land uses.

3. Analyze the continued validity of any other regulations imposed by this Ordinance in terms of changed conditions since the last review.

Section 1105. Board of Zoning Adjustment: Duties and Powers.

The Board of Zoning Adjustment heretofore established is continued, and shall be appointed as provided in Section 11-52-80 of The Code of Alabama, 1975, as amended. No member of the Board shall vote upon any matter in which he or she, a spouse or a dependent has a direct interest. No member of the Board shall vote upon any matter involving a business with which he or she, a spouse or dependent has any interest or ownership. The Board shall have the following powers and duties:

A. The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance.

B. The Board of Zoning Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Department of Planning & Inspections.

C. The Board of Zoning Adjustment shall hear and decide appeals from a decision of the Planning Director or his/her designee, made in the performance of his/her duties.

D. The Board of Zoning Adjustment shall hear and decide all petitions for variances, as provided for in Section 1108.

E. The Board of Zoning Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Planning Director, Zoning Administrator, Planner, Chief Building Inspector or any other City official in the enforcement of this Ordinance.

F. The Board of Zoning Adjustment may cause, at its discretion, the posting of notice in the form of a sign on the property that is subject to a public hearing on matters coming before it.

G. The Board of Zoning Adjustment shall hear and decide all petitions for special exceptions, as provided for in Section 1111.

Section 1106. Interpretations.

1106.01. Purpose. The provisions of this section are intended to provide a simple and expeditious method for clarifying ambiguities in the text of this Ordinance, the zoning map which it incorporates, and the rules and regulations adopted pursuant to it. It is also intended to provide a simple procedure for overcoming rigidities and limitations of finite use lists.

1106.02. Authority. The Planning Director may, subject to the procedures, standards, and limitations set forth in this Section, render interpretations of any provision of this Ordinance or any rule or regulation issued pursuant to it, including interpretations of the various uses in any district not expressly mentioned in this Ordinance.

1106.03. Procedure.

A. Written Request for Non-Use Interpretation. Except as provided below, a request for interpretation of any provision of this Ordinance, the zoning map, or any rule or regulation adopted pursuant to this Ordinance shall be submitted in writing to the Planning Director. No fee shall be required in connection with any such request. Each such request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Planning Director shall receive such further facts and information as are in his/her judgment necessary to a meaningful interpretation of the provision in question.

B. Application for Use Interpretation. Applications for a use interpretation shall be submitted to the Planning Director and shall, in all instances, contain at least the following information and documentation:

1. The applicant's names, address, and interest in the subject property.

2. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.

3. The names and addresses of all professional consultants advising the applicant with respect to the interpretation.

4. The street address and legal description of the subject property.

5. The zoning classification and present use of the subject property.

6. A complete description of the proposed use.

7. The uses permitted by the present zoning classification, which are most similar to the proposed use.

8. Documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

9. Such other and further information or documentation as the Planning Director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

C. Planning Director. Within 30 days following the receipt of a completed request or application for interpretation, a written interpretation shall be mailed to the applicant. The specific precedent, reasons, and analysis on which such interpretation is based shall be stated. At the discretion of the Planning Director such requests for interpretation may be referred to the Planning Commission for review and interpretation.

Failure to render an interpretation within the aforementioned time, or such longer period of time as may be agreed to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation. The Planning Director shall keep a copy of each such interpretation on file and shall make a copy of each such file interpretation available for public inspection during normal business hours.

D. Appeal. Appeals on interpretations rendered by the Planning Director, or other responsible staff, pursuant to this Section may be taken to the Board of Zoning Adjustment as provided in this Article.

1106.04. Conditions on Use Interpretations. The following conditions shall govern the Board of Zoning Adjustment on appeals from the Planning Director, in issuing use interpretations:

A. No use interpretation shall allow the establishment of any use that was previously considered and rejected by the Board of Zoning Adjustment on an application for amendment.

B. No use interpretation shall permit a use in any district in which such use is not listed either as permitted or conditional in Table 4-1.

C. No use interpretation shall permit any use in any district unless evidence shall be presented which demonstrates that it will comply with each use limitation established for the particular district.

D. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or conditionally permitted in a more restrictive district.

E. If the proposed use is more similar to a conditional use than a permitted use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a conditional use permit.

F. Any use permitted pursuant to this Section shall fully comply with all requirements and standards imposed by this Ordinance.

1106.05. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or conditionally permitted in a specific district shall authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of the City of Northport, or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, zoning certificates, conditional use permits, building permits, and certificates of occupancy.

1106.06. Limitations on Favorable Use Interpretations. No use interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall supersede subsequent amendment to this Ordinance.

Section 1107. Amendments.

This Ordinance may be amended from time to time as conditions warrant in the following manner. As used herein, the term "application" includes City Council resolution/ordinance.

A. Application for an amendment to the zoning ordinance or zoning map of the City of Northport shall be made on forms furnished by the planning department, and shall include a proper legal description of the subject lot or tract of land. Additionally, all required fees and any other graphic information requested by the Planning Director shall be submitted along with the completed application.

B. Initiation Procedures. A proposed change to the zoning district boundaries or of the regulations may be initiated by the City Council, the Northport 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.

C. Text Amendments. The application for an amendment to the text of this Ordinance shall state in particular the article, section, subsection, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall recite the reasons for such proposed change in the text.

D. Map Amendments.

1. Applications to rezone any property, or any application which seeks to change or modify the standards and requirements imposed on a particular piece of

property by the text and maps of this Ordinance, including applications for variances and conditional use permits, may be instituted by the City of Northport or all the owners of the property sought to be affected, or their assigns.

2. In the case where the applicant is not the owner of the subject property, said applicant shall secure a notarized authorization to act as applicant from the property owner, along with the regularly required copy of the deed for the property.

3. When a development proposal involves approval of a site plan or subdivision plat in addition to a zoning map amendment, no site plan or subdivision plat approval shall be granted prior to approval of the map amendment. If a development plan and the corresponding request for zoning change are to be addressed at the same public hearing, the Planning Commission shall render a decision on the zoning application before considering any related site plan or subdivision plat. Such decision shall be based on the requirements of the Comprehensive Plan, this Ordinance and the full range of uses permitted in the requested district, and not on the specific development concept proposed by the applicant.

4. All properties annexed into the City of Northport shall be classified as RS-1, single-family residential, or such other district that is specifically requested by the petitioner(s) in the annexation petition. All requests for annexation of land into zones other than RS-1, shall meet all requirements for map amendments set forth in Section 1107.01. Council shall give consideration to the comprehensive plan for that area when considering a zoning classification other than RS-1.

D. Public Hearing. Upon application, the Planning Commission shall, after giving seven (7) days notice, conduct a public hearing on the proposed amendment. The Planning Commission shall consider and make recommendations on all proposed amendments, taking into account: (1) the testimony at the hearing; (2) a site inspection of the property in question; (3) the recommendations from interested official bodies; (4) compliance with the Comprehensive Plan and (5) the standards provided below.

1107.01. Standards for Map Amendments.

A. No request, other than those made by the city council, planning commission, planning director, or any department or agency of the city, for a change in zoning classification or creation of a separate district shall be considered which involves an area of less than two acres, except in the following cases:

1. The extension of existing district boundaries;
2. The addition of O-I or C-2 zoning contiguous to existing commercial or industrial zones.

3. The zoning of an existing lot of record, surrounded by unzoned property, which was outside the municipal limits and is requesting annexation.

B. No rezoning of land to the Manufacturing (M) District shall be permitted except on a specific and documented finding that:

1. There is an inadequate supply of land zoned for these uses or the proposed use cannot be accommodated by those sites due to lack of transportation, water, or sewer, or that the market area to be served by the proposed use cannot be efficiently served by the geographical location of the existing Industrial District.

2. Roads, floodplains, or other existing or planned features will insure sufficient buffering to protect surrounding land and uses from the negative impacts of the proposed industrial use.

C. There shall be no rezoning of land from Agricultural (AG) to any other district until such time as adequate public utilities are available.

1107.02. Annexation

The following requirements must be fulfilled for a petition to be considered by the Planning Commission.

A. Ownership. The petitioner must be the owner of the property, and must submit an accurate description of the property proposed for annexation. This requirement can be met by submitting a survey and a legal description prepared and signed by a surveyor registered in the State of Alabama; or a legally recorded subdivision plat showing the property in question.

B. Contiguity. The property to be annexed must be contiguous to the existing corporate boundary of the City of Northport. For this purpose the term "contiguous" means either:

1. A boundary of the property proposed for annexation adjoins the existing corporate boundary of the City of Northport for a distance of at least one (1) foot; or,

2. At least one (1) foot of the boundary of the property proposed for annexation is directly across the right-of-way of a publicly dedicated street~~,~~ or a railroad~~,~~ or across from a creek or river, a utility right-of-way, or similar natural boundary from the existing corporate boundary of the City of Northport.

3. A strip of land at least sixty (60) feet wide connects the property proposed for annexation to the corporate boundary of the City of Northport; and the connecting strip is included in the annexation petition.

C. Review of Petitions. Each annexation petition will be submitted to all City department heads for review and comment. All such comments will be presented to the Planning Commission and City Council for consideration in making a decision.

D. Property Located in a Fire District. If the property requested to be annexed lies within the territory of a fire district, other than the Northport Fire District, the property owner must provide proof that they have been released from said fire district prior to a petition for annexation being processed. Proof may be provided in the form of written documentation from the Board of Directors of the Fire District certifying that such a release has been granted and that all fees associated with said release have been paid in full. In the event the applicant fails to remove the property from any fire district prior to annexation, applicant shall reimburse the City for all costs, including all attorneys' fees, for the removal by the City of this property from any fire district after annexation.

E. Guidelines for Review. The following guidelines will be used by the Planning Commission in reviewing petitions for annexation.

1. *Zoning Classification.* All properties annexed into the City of Northport shall be classified as RS-1, single-family residential, or such other district that is specifically requested by the petitioner(s) in the annexation petition. All requests for annexation of land into zones other than RS-1, shall meet all requirements for map amendments set forth in Section 1107.01. Council shall give consideration to the comprehensive plan for that area when considering a zoning classification other than RS-1.

2. *Minimum Area.* If the property for which annexation is being requested is less than three (3) acres in area, consideration should only be given to annexation of the entire parcel.

   If the property for which annexation is being requested is more than three (3) acres in area, consideration will be given to annexing a portion of said property. However, neither the portion recommended for annexation, nor the portion remaining unincorporated, should be less than three (3) acres; nor should the annexation of such portion make it unduly difficult for other property owners in the vicinity to achieve the degree of contiguity necessary to make their property eligible for annexation.

3. *Public Access.* The property for which annexation is being requested should have direct access to a public right-of-way. For this purpose the term "direct access" means fronting on a dedicated public right-of-way; or having an unrestricted connection to a public right-of-way, capable of providing safe and ready access for public service vehicles, and approved by the Planning Commission.

1107.03. Report of the Planning Commission.

A. The Planning Commission shall make a report to the City Council outlining the proposed amendment. No amendment shall be passed except by a majority vote of the members of the City Council present.

B. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely for the interest of the applicant.

C. For each disapproved map amendment, the Planning Commission shall make findings on each of the following matters based on the evidence presented to it:

1. The proposed amendment's ability to uphold the policies of the Comprehensive Plan.

2. The suitability of the property in question for the uses permitted under the proposed zoning.

3. The adequacy of public facilities, such as sewer and water, and other required public services.

Section 1108. Variances.

1108.01. Purpose. The purpose of this Section is to empower the Board of Zoning Adjustment to vary or adapt the strict application of any of the requirements of this Ordinance. It is expected that the granting of variances will be rare. However, a variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape; or by reason of other exceptional topographic conditions or other extraordinary and exceptional situations or conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner's use of such property.

Those developments requiring a variance from any regulation of this Ordinance in conjunction with site plan review shall have the appropriate request acted upon by the Board of Zoning Adjustment prior to approval of any such site plan. This shall include existing development sites, proposed for expansion or reconfiguration, which are nonconforming to any requirement of

this Ordinance. The site plan may be reviewed concurrently with review and action on the variance request, but the site plan shall not be approved until the variance has been approved.

1108.02. Application. Any property owner may apply to the Board of Zoning Adjustment for a variance using forms to be obtained from the Department of Planning & Inspections. Applications must be submitted by noon on the date of the applicable deadline for the meeting at which it is to be heard. All required fees and any other information requested by the Planning Director shall be submitted along with the completed application.

1108.03. Standards for Variances. The Board of Zoning Adjustment shall grant no variance in the strict application of the provision of this Ordinance unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate in writing that the appeal for the variance conforms to all of the requirements and standards listed below:

A. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

B. The granting of the variance will not permit the establishment of any use, which is not permitted in the district.

C. There must be proof of unique circumstances: there must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.

D. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.

E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.

F. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

1108.04. Public Hearing. Upon application, the Board of Zoning Adjustment shall schedule a public hearing on the proposed variance to be held at least ten (10) days after a public notice has been published in the local newspaper, and after the adjacent property owners most affected by the variance request have been notified by certified mail. The Board of Zoning Adjustment shall consider and decide all proposed variances taking into account the standards enumerated above. After the close of a public hearing and within ten (10) days the Board of Zoning Adjustment shall render a written decision, setting forth the reasons for such decision, which shall be accompanied by finding of fact(s) specifying the reason(s) for such decision. All such decisions are final and binding on all parties.

Section 1109. Appeal of an Administrative Interpretation or Action.

Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved or affected by any provision of this Ordinance or by any decision, or any order to stop, cease, and desist, issued by the Planning Director, Chief Building Official, or their designated representative, in enforcing the provisions of this Ordinance.

1109.01. General Rules and Procedures for Appeals.

A. Any appeals from the rulings concerning the enforcement and interpretation of any provision of this Ordinance shall be filed with the Planning Director within 15 days after the date of said ruling. All required fees shall be submitted along with a completed application and any additional information requested by the staff.

B. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board and accompanied by fees prescribed by resolution of the City Council.

C. All appeals and applications shall refer to the specific provisions of this Ordinance involved; and the grounds for the appeal.

D. The Board shall select a reasonable time and place for hearing the appeal and give due notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The Board may affirm, reserve, wholly or in part, or modify the order, requirement, decision, or determination, as in its opinion it determines ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken. The Planning & Inspections Department shall maintain complete records of all appeal actions of the Board.

E. Within ten (10) days after the close of a public hearing the Board shall render a written decision giving the reason(s) for its decision.

F. In rendering a decision with respect to an appeal from any order, decision, or determination the Board shall strictly interpret the language of the Ordinance and shall find that the city official was correct in his/her decision or in error. Should be Board find that the interpretation, decision or actions was in error they must provide what is in their opinion the correct interpretation, decision or action. However, the Board shall not render any decision which shall modify an order, decision, or determination which confers rights or privileges on the appellant that are not otherwise permissible under the strict interpretation of this language of this Ordinance.

G. Such decision shall be submitted to the appellant and the Planning Director.

1109.02. All decisions rendered by the Board shall be final and binding on all parties. No request for a variance or appeal of an administrative decision shall be reheard, and no further application shall be accepted, once a decision has been given, except under one or more of the following conditions:

A. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.

B. The decision resulted from an error, made by the Board, the Planning Director, or any other City official, in procedures required by this Ordinance or State law.

C. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama.

Where no error is alleged and no new evidence is available a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board of Zoning Adjustment. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section.

If the Board finds that one or more of these conditions exists, the applicant shall be permitted to submit a new application, together with the required fees. The new application shall be heard at

a subsequent meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

Any person aggrieved by any decision of the Board may within 15 days after such decision appeal to the Circuit Court having jurisdiction.

Section 1110. Penalties.

Any violation of any provision of this Ordinance, shall constitute a Class C misdemeanor. Violation of this ordinance or failure to comply with any of the requirements hereof shall be a misdemeanor. Each day such violation continues, after due notice to discontinue such violation, shall be considered a separate offense. Any and all parties who commit, participate in, assist in, or maintain such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Violations of this Ordinance that meet the requirements of section 2-267 of the Northport City Code may be settled as set forth in said section 2-267. In addition to all other applicable fees, penalties, fines and court costs, any person who settles a violation of the Northport Zoning Ordinance pursuant to said section 2-267 shall pay a fine according to the following schedule:

Fine schedule		
First offense Within 1 year	Second offense Within 1 year	Third offense and Subsequent offenses within 1 year
$25.00	$50.00	$100.00

(Ord. No. 1512, § 1, 8-2-04)

1110.01. Any person who fails to obtain a Zoning Certificate or other permit prior to beginning construction or erecting any structure or sign shall be subject to doubling of all applicable fees.

Section 1111. Special Exceptions.

1111.01. Purpose and Application.
The purpose of the section is to empower the Board of Zoning Adjustment to approve special exceptions as provided for in the Ordinance. Hardship is not a requirement for special exceptions, but applicants must comply with all other requirements, and any appropriate conditions for approval imposed by the Board in order to comply with the intent of this ordinance.

1111.02. Public Hearing.
Upon application, the Board of Zoning Adjustment shall schedule a public hearing on the

proposed special exception to be held at least ten (10) days after a public notice has been published in the local newspaper, and after the adjacent property owners most affected by the special exception request have been notified by certified mail. After the close of a public hearing and within ten (10) days the Board of Zoning Adjustment shall render a written decision, setting forth the reasons for such decision, which shall be accompanied by finding of fact(s) specifying the reason(s) for such decision. All such decisions are final and binding on all parties.