

City of Oneonta ZONING ORDINANCE

REV. 9/2019

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ORDINANCE NUMBER Z-2

ZONING ORDINANCE FOR ONEONTA, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, CODE OF ALABAMA 1975, AS AMENDED. TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF ONEONTA, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES. THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND: TO SUPERSEDE ALL EXISTING ZONING ORDINANCES AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

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

ARTICLE

I. TITLE

This ordinance shall be known as the “Zoning Ordinance of Oneonta, Alabama”, and a map herein referred to, identified by the title “Zoning Map of Oneonta”, shall be further identified by the signature of the Mayor of Oneonta, and attested by the Clerk. The Zoning Map of Oneonta, and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such a map shall be filed in the office of the City clerk and show thereon the date of adoption of this ordinance.

ARTICLE

II. PURPOSE

Section 1.0. Generally.

The Zoning regulations and district as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to regulate signs; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements. The regulations have also been made with reasonable consideration, among other things to the character of the district and its peculiar suitability for particular uses; and with a view to conserving the value to buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE

III. GENERAL REGULATIONS

Section 1.0. General Use Regulations.

The following general regulations pertain to the administration, enforcement of, and compliance with this Ordinance.

1.1 **Application of the Ordinance.** No structure shall be constructed, erected, planed or maintained and no land use commenced or continued within the City of Oneonta except as specifically or by necessary implication, authorized by this Ordinance.

1.2 **Except as Otherwise Provided in This Ordinance.**

- A. No land may be used except for a purpose permitted in the district in which it is located.
- B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally, nor shall any building be used except for a use permitted in the district in which the building is located.
- C. No building shall be erected, enlarged, reconstructed, moved or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.
- D. The minimum building line, parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of the Ordinance or for any building hereafter erected, shall not be encroached upon or considered as required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building and one main use on one lot. Accessory structures shall not include living quarters; neither will sanitary facilities be permitted in accessory structures without the approval of the Oneonta City Council.

1.3 **Joint Occupancy.**

No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use.

1.4 **Public Utilities.**

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

Section 2.0. Non-Conforming Uses.

Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment, it is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that Non-conformities shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2.1 Non-Conforming Lots of Record.

Where a lot of record at the time of the effective date of this Ordinance had less area or less width than herein required for the district in which it is located, said lot may not the less be used as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Board of Adjustment for the district in which it is located. However, this provision shall not apply when two (2) or more such lots exist with continuous frontage in single ownership at the time of passage of this Ordinance or any time thereafter. Such land shall be considered to be an undivided parcel for the purpose of this Ordinance and shall not be used or sold in a manner, which creates lot width or area below the requirements stated in this Ordinance.

2.2 Continuance.

A lawful non-conforming use existing at the time of the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

2.3 Restoration to Safe Condition.

Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

2.4 Restoration After Damages.

No non-conforming building or structure which has been damaged by fire or other causes to the extent of more than 50 per-cent of its current replacement value at the time of such damage shall

be rebuilt or restored, except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than 50 per-cent of its current replacement value it may be rebuilt or restored and used as before the damage.

2.5 Abandonment.

A non-conforming use, which has been discontinued for a continuous period of one year, shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

2.6 Change In Use.

A non-conforming use shall not be changed to another non-conforming use.

2.7 Abandoned Right-Of-Way.

Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Oneonta, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations to the extended district.

2.8 Structures Conforming to District Regulations But Not Other Regulations.

A structure or building conforming to the use regulations of a district, but not conforming to other provisions of this Ordinance, may be enlarged or altered provided, that such enlargement or alteration conforms to the provision of this Ordinance.

2.9 Buildings To Be Moved.

Any building or structure which is to be moved to any location within the City Limits of Oneonta, shall be considered for the purpose of this Ordinance to be a new building under construction, and as such shall conform to the applicable provisions of this Ordinance.

2.10 Reduction in Lot Area Prohibited.

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance. However, where a lot of official record at the time of adoption of this ordinance does not consist of sufficient land to enable the owner to conform to the yard and other requirements of this Ordinance, such lot may be used as a building site provided in the opinion of the Zoning Board of Adjustment it conforms as closely as possible to the requirements of the district in which it is located. (Also see subsection 2.1)

2.11 Dwelling Prohibitions.

No dwelling shall be erected on a lot, which does not abut on at least one (1) improved street for at least twenty-five (25) feet. No building in the rear of the main building on the same lot may be used for residential purposes.

2.12 Corner Visibility in Residential and Commercial Districts.

In a residential or commercial district, no fence, wall, shrubbery, sign, marquee, or other obstructions to vision between the heights of three and one-half (3 ½) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad right-of-way line.

2.13 Future Street Lines.

On any lot which at the time of adoption of this Ordinance, or at the time this Ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan", or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and maximum building area shall be measured by considering the future street line as the lot line of such lot.

2.14 Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire and Explosion Hazard or Nuisance.

The Zoning Board of Adjustment may require the conduct of any use, conforming or non-conforming use, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion, hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The Zoning Board of Adjustment may direct the Building Inspector to issue an abatement order, but such order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice by advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Zoning Board of Adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

ARTICLE

IV. ADMINISTRATION

Section 1.0. Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City. He may be provided with the assistance of such other person or persons as the City Council may direct. The Building Inspector, or the duly authorized representative, shall in relation to this Ordinance:

- A. Review all building permit application with regard to conformance with all applicable provisions of this Ordinance and perform required inspection to insure such conformance.
- B. Issue all building permits and maintain records thereof.
- C. Issue all certificates of occupancy and maintain records thereof.
- D. Issue and renew, where applicable, all temporary use permits and maintain records thereof.
- E. Maintain current zoning maps and records of amendments thereto.
- F. Have the right to enter upon any premises at any reasonable time for the purpose of making inspection of land or structure necessary to carry out the enforcement of this Ordinance. If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall proceed to notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structure or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

Section 2.0. Building Permit Required.

It shall be unlawful to obtain a building permit to commence the excavation or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alterations, or repair (except repairs not changing the character of the structure and not exceeding one hundred dollars in value or painting or wallpapering) of any structure, including accessory structures, until the Building Inspector has issued written authorization that the plans, specifications, and intended use of such structure in all respects conforms with the provisions of this Ordinance.

Section 3.0. Plot Plan.

- A. It shall be unlawful for the Building Inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed development is in conformance with this ordinance:
1. The actual shape, proportion and dimensions of the lot to be built upon.
 2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot, both above and below existing grade.
 3. The existing and intended use of all such buildings or other structures.
 4. The setback and side lines of buildings on adjoining lot and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

Section 4.0. Site Plan Review.

- A. New construction and substantial site development expansion of all planned residential developments, townhouses, patio homes, 5 or more multi-family dwelling, mobile home parks, institutional uses, commercial uses, and industrial uses shall require to approval of a site plan prepared by a professional engineer licensed in the State of Alabama, with the minimum information described below. One reproducible set of plans and five copies of each set shall be submitted for approval.
1. Cover sheet with:
 - a. Name and location of the development; name, address and signature of the owner, name, address and seal of the engineer.
 - b. Vicinity map.
 - c. Zoning and existing and proposed land use of the site.
 - d. Date, scale, north arrow and number of street.
 2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
 3. Drainage, paving, grading and excavation, erosion and sedimentation, storm water detention, floodplain management controls.
 4. Public and private utilities, including sewage disposal system and water system.

5. Fire lanes and hydrants.

- B. The Building Inspector shall review the site plans for general completeness and compliance with this Ordinance and shall forward copies of the plans to the City Engineer, Fire Chief, Police Chief and Building Inspector for their review and comment. The Building Inspector shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant. A reproducible copy of the final approved site plan shall be submitted by the applicant and retained on file by the Building Inspector. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence within twelve month of approval.
- C. The applicant shall reimburse the City for any professional fees incurred in the review of the applicant's site plan.

Section 5.0. Certificate of Occupancy.

Within three (3) days after the owner or his agent has notified the Building Inspector of the City that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the City to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of the Ordinance, or if such certificate is refused, to state the refusal in writing with the cause. One copy of the signed certificate of occupancy, a signed stated by the owner or his agent regarding the intended use of the premises, and a signed refusal (if any) shall be kept on file with the records of the Building Inspector. Appeals from the Building Inspector shall be heard by the Zoning Board of Adjustment.

Section 6.0. Interpretation of District Boundaries.

The Zoning Board of Adjustment shall make an interpretation of the "Oneonta Zoning Map" upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

- A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- B. In unsub-divided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- C. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.

Section 7.0. Interpretation of Uses.

This Ordinance recognizes the limitation of the district use listings given the infinite variations of essentially similar uses. Therefore, the Building Inspector is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Building Inspector interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Appeal to the Building Inspector's use interpretation may be filed with the Zoning Board of Adjustment.

Section 8.0. Unclassified Uses.

In the event the Building Inspector finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:

1. If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval and subject to the conditions set by the Zoning Board of Adjustment.
2. If the unclassified use would not be compatible with the intent of the existing zoning district intent, the Building Inspector shall determine the most appropriate district classification and require the property in question to be rezoned. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the Zoning Board of Adjustment.
3. Following final action on the unclassified use, as (1) or (2) above may require, the Planning Commission shall initiate an amendment to this Ordinance to list the newly permitted use into the most appropriate district(s).

Section 9.0. Expiration of Building Permit.

Any permit that has been issued, for which no construction work has been done above the foundation walls or other foundation support within ninety (90) days from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal. Construction of the building shall be completed within one year from the date of issuance of the building permit.

Section 10.0. Unlawful Structure.

Any uses of land or dwellings or construction or alteration of buildings or structures including tents or trailer, coaches or uses erected, altered, razed or converted in violation of any of the provisions of the Ordinance are hereby declared to be a nuisance per se. The Building Inspector is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Building Inspector has determined a structure is not in compliance with the requirements contained in this Ordinance, the owner or occupant may be required to vacate such structure or premises until such has been adapted to conform with the provisions of this Ordinance.

Section 11.0. Penalties.

Any person, firm, corporation, or other organization, which violates any provision of the Ordinance, shall be fined upon conviction not less than ten dollars (\$2.00) no more that two hundred dollars (\$200.00) and costs of court for each offense. Each Day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

Section 12.0. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Inspector of the City or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent unlawful erection, construction, alteration, repair, conversion, maintenance or use, to correct or abate violations or to prevent occupancy of such building, structure or land.

Section 13.0. Zoning Board of Adjustment.

13.1 Appointment.

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

13.2 Procedure.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman, or in his absence, the acting Chairman. He may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote 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 office of the Board.

13.3 Powers and Duties.

The Zoning Board of Adjustment shall have the following powers and duties as granted in Section 13.2 above and as specified herein.

13.4 **Administrative Review.**

To hear and decide appeals where it is alleged that an error exists in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.

Section 14.0. Special Exceptions.

To hear and decide such special exceptions as the Zoning Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, certain land uses are identified for special treatment. The nature of these uses is such that when properly regulated, they are appropriate in several zones. In order to bring about the proper integration of these uses into the City's land use pattern, a special set of standards are provided for each use. Review of these standards will tend to maintain compatibility with adjoining land uses. It is intended that the Zoning Board of Adjustment will review all proposals for these special exception uses for compliance with the appropriate provisions of Article VI, Supplemental Regulations before approval is granted and a building permit is issued.

14.1 **Special Exception Procedures.**

All uses listed as permitted by special exception shall require the submission of an application to the Zoning Board of Adjustment. An application for a special exception shall be filed with the Building Inspector at least 30 days before the scheduled hearing date before the Zoning Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector and shall include the following information and materials.

1. Name, signature, and address of the property owner and agent of the property owner, if any.
2. Address of the property under consideration.
3. Zoning and land use of the property under consideration.
4. Proposed use by special exception.
5. A vicinity map showing the location of the property.
6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout.
7. Stamped No. 10 envelopes (legal size) with the names and addresses of adjacent property owner (including those directly across a public right-of-way), as shown in the most recent records of the Blount County Tax Assessor.
8. A \$125.00 filing fee.

- A. **Public Notice.** At least 15 days prior to the scheduled Zoning Board of Adjustment hearing, the Building Inspector shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:

1. The name of the applicant.
2. The location of the property.
3. The proposed use by special exception.
4. The time, date and location of the Zoning Board of Adjustment meeting.

14.2 Variances.

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

- A. **Justification.** Variances to the terms of this chapter may be granted individual cases upon finding by the Zoning Board of Adjustment that the variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of this chapter subject to a variance will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. More specifically, the Board shall determine all of the following criteria have been satisfied:

1. The Board should make proper adjustment to prevent unnecessary hardship. Even to the extent of authorizing nonconforming uses. Where the Board authorizes a nonconforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be put reasonably to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.
2. Variances should be permitted only under peculiar and exceptional circumstances.
3. Hardship alone is not sufficient; Alabama statutes require unnecessary hardship.
4. Mere financial loss of a kind, which might be common to all to the property owners in a district, is not an unnecessary hardship.
5. Variances should be granted sparingly, and spirit of this chapter in harmony with the spirit of State law should be carefully preserved, to the end that the structure of this section would not disintegrate and fall apart by constant erosion at the hands of the Board.
6. When a hardship is self-inflicted or self-created, there is no basis for claim that a variance should be granted.

- B. Application. An application for a variance shall be filed with the Building Inspector at least 30 days before the scheduled hearing date before the Zoning Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector and shall include the following information and materials:
1. Name, signature and address of the property owner and agent of the property owner, if any.
 2. Address of the property under consideration.
 3. Zoning and land use of the property under consideration.
 4. Nature of the variance with reference to applicable zoning provisions.
 5. Justification for the variance in accordance with all of the criteria in (a) above.
 6. A vicinity map showing the location of the property.
 7. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted.
 8. Stamped No. 10 envelopes (legal size) with the names and addresses of adjacent property owner (including those directly across a public right-of-way), as shown in the most recent records of the Blount County Tax Assessor.
 9. A \$125.00 filing fee.
- C. Public Notice. At least 15 days prior to the scheduled Zoning Board of Adjustment hearing, the Building Inspector shall give written notice of the variance to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
1. The name of the applicant.
 2. The location of the property
 3. The nature of the variance and the applicable zoning provisions.
 4. The time, date and location of the Board hearing.

14.3 Action on Appeals.

In exercising the above mentioned powers, the Zoning Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

14.4 **Appeals-How Taken.**

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

14.5. **Stay of Proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application, on notice to the Building Official from whom the appeal is taken and on due cause shown.

14.6_ **Appeals from Action of the Board.**

Any party aggrieved by any final judgement of the Zoning Board of Adjustment, may appeal therefrom to the circuit court or court of like jurisdiction as provided by Section 11-52-81, Code of Alabama, 1975, or as same may be amended.

Section 15.0. Amendments.

15.1 **Procedure.**

The regulations and the number, area and boundaries of districts established by the Ordinance may be amended, supplemented, changed, modified, or repealed by the City Council of the City of Oneonta, but no amendment shall become effective unless it is first submitted to the Oneonta Planning Commission. At its own initiative, this body may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provision of this Ordinance or to the Zoning Map of Oneonta and report its recommendation to the City Council of Oneonta,

15.2 **Authority to Amend.**

Whenever the public necessity, convenience, general welfare or good zoning practices warrants such action, the City Council, by favorable vote of a majority of the members, may amend the

regulation or zoning district boundaries herein established, in accordance with the Code of Alabama, 1975, Section 11-52-78.

15.3 **Authorized Petitioners.**

A petition for amendment of the Ordinance or the zoning district boundaries may be initiated by the City Council, the Planning Commission or the owner or agent of such property subject to amendment of zoning district boundaries.

15.4 **Petition for Amendment.**

- A. A petition for amendment when initiated by the property owner or authorized agent of such owner and shall meet the application requirements of this section.
- B. The application for rezoning shall be made on a form available from the Building Inspector and be filed with the Building Inspector at least 30 days prior to the Planning Commission hearing. The applicant shall provide the following information and materials:
 - 1. Name, signature and address of the property owner and agent of the property owner, if any.
 - 2. Address and legal description of the property under consideration, accompanied by a copy of the application tax maps clearly identifying the property subject to rezoning.
 - 3. Present and proposed zoning and land use of the property under consideration.
 - 4. Reason for the rezoning request.
 - 5. Availability of required utilities and methods of storm water drainage and traffic control.
 - 6. A vicinity map, drawn to scale, showing the size and location of the property.
 - 7. A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way, and the proposed use and development layout.
 - 8. Public hearing notices on a form made available by the Building Inspector and stamped No. 10 envelopes (legal size) with the names and address of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the Blount County Tax Assessor.
 - 9. A \$125.00 filing fee.

Section 16.0. Planning Commission Action.

- A. In the case of a petition by a property owner, at least 15 days prior to the scheduled Planning Commission hearing, the Building Inspector shall give written notice of the rezoning to all adjacent property owners.

Such notices shall be deemed given when deposited in the United States mail, first class postage prepared, addresses to such property owners at their addresses as submitted with the rezoning application. The notice shall state the following information:

1. The name of the petitioner.
 2. The location of the property.
 3. The current and proposed zoning and land use of the property.
 4. The time, date and location of the Planning Commission hearing of the proposed zoning amendment.
- B. The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this Ordinance.
- C. At least six days public notice of the hearing shall be given in accordance with the publication or posting requirement in Section 17.1 Public Notice of Hearing. The Planning Commission, by majority vote, shall report its recommendations to the City Council. The Planning Commission report shall be transmitted to the City Council within thirty days of the hearing, unless the City Council grants an extension of such period. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission.

Section 17.0 City Council Action.

- A. Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment at the next regularly scheduled City Council Meeting.
- B. The City Council shall give public notice of the hearing on the proposed amendment in accordance with Section 17.1 Public Notice of Hearings.
- C. Following notice and hearing, the City Council shall decide by majority vote to accept or reject the proposed amendment.
- D. If the City Council takes no final action upon the proposed amendment within ninety days after receipt of the recommendation of the Planning Commission, the proposed amendment shall be deemed to have been rejected and overruled by the Council.

17.1 Public Notice of Hearings.

- A. At least 15 days in advance of the public hearing before the City Council, the Council shall publish the proposed zoning ordinance amendment in full for one insertion in a newspaper of general circulation published with the City, together with a notice stating the time and place that the ordinance is to be considered by the City Council and stating

further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such Ordinance. One week after the first insertion, the City Council shall have published a synopsis of the proposed ordinance, which synopsis shall refer to the date of the newspaper in which the proposed ordinance was first published. If there is no newspaper of general circulation published within the City, then the City Council must cause the ordinance and notice to be posted in four conspicuous places within the City. The Commission may both publish and post the hearing notice.

- B. At least 6 days in advance of the public hearing before the Planning Commission, the Commission shall publish notice of the proposed zoning ordinance amendment for one insertion in a newspaper of general circulation published within the City, stating the time, place and object of the hearing and stating further that at such time and place all persons who desire shall have opportunity of being heard in opposition to or in favor of such ordinance. If there is no newspaper of general circulation published within the City, then the Planning Commission must cause the ordinance and notice to be posted in four conspicuous places within the City. The Commission may both publish and post the hearing notice.
- C. The applicant for a rezoning shall be responsible for posting property with signs made available by the Building Inspector. Each placard shall note the proposed district change and the time and place of the Planning Commission hearing. Property shall be posted at least 15 days in advance of the public hearing before the Planning Commission and remain posted until the public hearing is completed. The applicant shall place the signs at reasonable intervals along the public street abutting the property. (State Law reference – Procedure for adoption, Code of Alabama, 1975, Section 11-52-77)

17.2 **Limitations on Rezoning Amendments.**

Should the City Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Planning Commission until a period of one year has elapsed from the date of such action by the City Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the City Council shall also require, a one year time period before another application may be submitted. However, the Planning Commission may adjust this time period if in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required filing fee must be paid. Under no condition shall the fee be refunded for failure of such proposed amendment to be enacted into law.

ARTICLE

V. DEFINITIONS

Section 1.0. Purpose of Definitions.

For the purpose of the Zoning Ordinance, certain terms used in the Ordinance shall have the meanings defined by this article. In the event a term is not listed in this article or is not defined elsewhere in this Ordinance, the conventional meaning of the term shall apply.

Section 2.0. Interpretation.

The Building Inspector is authorized to make a final determination of the meaning of any term used in this Ordinance. In case of any dispute, an appeal of the Building Inspector's determination may be filed with the Zoning Board of Adjustment.

Section 3.0. Word Usage.

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

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word **shall** is mandatory, and the word **may** is permissive.
5. The word person includes an individual, firm, association, organization, partnership, trust, company or corporation.

Section 4.0. Words and Phrases Defined.

The following general terms when referred to in this Ordinance shall have the meanings defined by this section:

ABUT, ADJACENT, ADJOIN OR CONTIGUOUS. To physically touch or border upon or to share a common border with or be separated from the common border by an easement.

ACCESS. A way or means of approach to provide physical entrance to a property.

ACCESSORY STRUCTURE. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE. A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot and which constitutes a customarily incidental and substantial part of the total activity on the lot.

ACRE. A measure of land area containing 43,560 square feet.

ADDITION. A structure added to the original structure at some time after completion of or after a certificate of occupancy had been issued for the original structure.

ALLEY. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

APPLICANT. A person submitting an application for development, a variance, a special exception use or rezoning.

BEDROOM. A room marketed, designed or otherwise intended to function primarily for sleeping.

BOARD OR BOARD OF ADJUSTMENT. The Zoning Board of Adjustment of Oneonta, Alabama.

BOARDER. An individual other than a member of the family occupying the dwelling unit or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BUFFER. A strip of land that is retained in an undeveloped state for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, reducing the effects of adjacent lighting and enhancing the natural environment. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or earth berms.

BUILDING. A structure designed to be used as a place of occupancy, storage or shelter.

BUILDING-ACCESSORY. A subordinate building detached from a principal building on the same lot which is used incidentally to a principal building or that houses an accessory use.

BUILDING, PRINCIPAL. The primary building on a lot or a building that houses a principal use.

BUILDING, FRONT. The exterior wall of a building which faces a front lot line of the lot.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

BUILDING LINE OR BUILDING SETBACK LINE. A line generally parallel to the street right-of-way line at a distance equal to the depth of the front yard required for the zoning district in which the lot is located.

BUILDING SPACING. The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters.

CARPORT. A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

CITY. Shall mean the City of Oneonta, Alabama.

COMMISSION OR PLANNING COMMISSION. The Planning Commission of Oneonta, Alabama.

CLUB. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and by-laws.

CONDOMINIUM. An ownership arrangement, not a land use. It is allowed in any district and under the same restrictions as the land uses that it comprises. It is characterized by private ownership of individual unit and undivided common ownership and maintenance of designated exterior and interior spaces by a condominium association of unit owners.

COUNCIL OR CITY COUNCIL. The City Council of Oneonta, Alabama.

DENSITY. The maximum number of dwelling units per acre of site area.

DEVELOPMENT. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling, or disturbance of land; and any use or extension of use of land.

DWELLING. Any building or portion thereof, which is designed and used for residential occupancy.

DWELLING – ATTACHED. Three (3) or more dwelling units adjoining one another by a common roof, wall or floor, such as a townhouse or apartment.

DWELLING – DETACHED. A dwelling designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit, such as a single-family residence, mobile home or patio home.

DWELLING – MULTI-FAMILY. A building containing two (2) or more dwelling units on a commonly shared lot, such as a duplex or apartment.

DWELLING – SEMI-DETACHED. Two (2) dwelling units adjoining one another by a common roof, wall or floor, such as a duplex or twin townhouses.

DWELLING – SINGLE FAMILY. A dwelling unit on an individual lot, such as a single family residence, patio home, mobile home or townhouse.

EASEMENT. Authorization by a property owner of the use by another and for a specified purpose of a designated part of his property.

FAMILY. One (1) or more persons living together as a single housekeeping unit.

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

FLOOR AREA – GROSS. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUND COVERAGE. The total square footage of ground area covered by any and all building. Ground coverage for the purpose of determining maximum building percentages will not include driveway, decks or other uncovered improvements.¹

IMPROVEMENT. Any man-made, immovable item which becomes a part of, placed upon, or affixed to real estate.

LIVABLE FLOOR AREA. Any floor area within a dwelling usable for any combination of sleeping, eating, cooking, recreation or working purposes.

LOT. A parcel of land in one ownership, used or set aside and available for use as the site of one or more building and accessory buildings or for any other purpose.

LOT – CORNER. A lot abutting two (2) or more streets at their intersection.

LOT, DOUBLE FRONTAGE OR THROUGH. A lot having frontage on two (2) streets but not at their intersection.

LOT, INTERIOR. A lot other than a corner lot.

LOT, REVERSE FRONTAGE. A double frontage lot having a rear yard on a major street and a front yard and access to a local or marginal access street.

LOT AREA OR LOT SITE. The minimum area contained within the property of the individual parcels of land shown on a subdivision plat or survey. Lot area excludes any area within an existing or future street right-of-way of any area devoted to common open space.

LOT FRONTAGE. Lot width measured at the street line. When a lot has more than one (1) street line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided at each such line.

LOT LINE. A line bounding a lot which divides one (1) lot from another or from a street or from any other public or private space.

LOT LINE, REAR. That lot line which is parallel to and most distant from the front line of the lot. In the case of an irregular or triangular 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. In the case of a corner lot or a double frontage lot, there are no rear lot lines but only front and side lot lines.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

¹ Definition amended October 12, 2010.

LOT LINE, FRONT. In the case of a lot abutting only one street, the street line separating such lot from such streets shall be the front lot line; in the case of a double frontage lot, or a corner lot, each street line separating such lot from a street shall be the front lot line.

LOT OF RECORD. Any validly recorded lot, which at the time of its recording, complied with all applicable laws, ordinances and regulations.

LOT WIDTH. The minimum distance measured between the side lot lines at the required building setback line. In the case of only one side lot line, lot width is the distance measured between the side lot line and the opposite lot line.

MAXIMUM BUILDING PERCENTAGE. The total allowable square footage of ground coverage, measuring the floor area, to be covered by the main residence, any accessory structures, i.e., carport, garage, pool house, etc., whether attached to the main residence or not.²

MOBILE HOME SPACE. A space that is designed for use by a mobile home within a mobile home park.

MODULAR HOME. A dwelling constructed on-site in accordance with the current adopted building code. It is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is not a manufactured home in that the latter constructed in a plant in accordance with the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and **does not** meet the construction standards of the current adopted building code.³

NONCONFORMITIES. Lawful uses, lots, structures or characteristics of uses which, as a result of adoption or subsequent amendment to this ordinance, no longer conform to all applicable zoning provisions.

OPEN SPACE, COMMON. Land area within a residential development that is held in common ownership and maintained by a homeowners' association for all of the residents for recreation, protection of natural land features, amenities, or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this ordinance to ensure that it remains in such uses. Common open space does not include surface water bodies (i.e., rivers, streams, lakes or ponds) nor land occupied by non-residential buildings common driveways or parking areas or street rights-of-way; nor does it include lots for single family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational structures.

OUTDOOR STORAGE. The keeping, in an unenclosed area, of any goods, materials, merchandise or vehicles in the same place for more than forty-eight (48) hours.

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

PERIMETER. The boundaries or borders of a lot, tract or parcel of land.

² Definition amended October 12, 2010.

³ Definition amended May 10, 2016

PORCH. A roofed open area, which may be windowed or screened, attached to and with direct access to or from a building. A porch becomes a room within the building when heated or air-conditioned or when the walled area is less than 50% windowed or screened.

PREMISES. A lot, parcel, tract or plot of land together with the structures thereon.

PROPERTY LINE. The lot line or boundary line.

RETAIL. The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption.

SATELLITE DISH ANTENNA. An accessory structure designed to receive television broadcasts relayed by microwave signals from earth orbiting communication satellites.

SCREEN. To visually shield or obscure one abutting or nearby structure or use from another by opaque fencing, walls, berms or densely planted vegetation.

SIGHT TRIANGLE. A triangular shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SITE. A parcel or parcels of land intended to have one (1) of more buildings or intended to be subdivided into one (1) or more lots.

SITE AREA. A minimum land area required to qualify for a particular use or development. Site area is taken from an actual site survey and excludes:

- land within an existing or future street right-of-way, or utility right-of-way or easement;
- land which is not contiguous or is cut off by a major barrier;
- land which is part of a previously approved development; and
- land which is zoned for another use.

STREET. Any vehicular way which has been dedicated to the public for public use, including all land within the right-of-way.

STRUCTURE. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.

SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or of building development. Such terms includes resubdivision of land, and when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided.

SPECIAL EXCEPTION USE. A use which is permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment, and further subject to appropriate permits being issued in accordance with the provisions of the Ordinance.

TERRACE. A level, landscaped or surfaces area on a lot directly adjacent to or close to a principal building and not covered by a permanent roof.

THIS ORDINANCE. The Oneonta Zoning Ordinance.

TRAVEL TRAILER. A structure that is intended to be transported over the streets, either as a motor vehicle or attached to or hauled by a motor vehicle and is designed for temporary recreational use as sleeping quarters but that does not meet the definitional criteria of a mobile home.

USE. The activity or function that actually takes place or is intended to take place on a lot or site.

VARIANCE. A relaxation or waiver of the terms of this Ordinance (other than use provisions) as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done, as determined by the Zoning Board of Adjustment.

YARD. A minimum open area unobstructed from the ground up on the same lot with a structure, extending along a lot line and inward to the structure. The yard shall be measured as the shortest distance between the structure and a lot line.

YARD, FRONT. A minimum yard between a structure and a front lot line and extending the entire length of the front lot line. In the case of a corner lot or double frontage lot that front on more than one street, the yards extending along all streets are front yards.

YARD, REAR. A minimum yard between a structure and a rear lot line and extending the entire length of the rear lot line. In the case of a corner lot or double frontage, there are no rear yards but only front and side yards.

YARD, SIDE. A minimum yard between a structure and a side lot line, extending from the front yard to the rear yard, In the case of an odd shaped lot, any yard that is not a front or rear yard is a side yard. In the case of a corner lot or double frontage lot, any yard that is not a front yard is a side yard.

Section 5.0. Uses Defined.

The following uses when referred to in this Ordinance shall have the meanings defined in this section.

5.1 Agriculture Uses.

FARM. A five (5) acre or larger tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man.

FARM SUPPORT BUSINESS. A commercial establishment engaged in the sale of farm support goods and service, including the following activities:

- the sale of feed, grains, fertilizers, pesticides and similar farm support goods;

- the provision of warehousing and storage facilities for raw farm products; and
- the provision of veterinary services to farm animals.

FOWL. Chickens, turkeys, ducks, geese, quail, guineas, etc.

HOBBY FARM. A one-acre or larger tract of land used for the keeping or maintenance of farm animals personally useful to the occupants of a dwelling on the same tract.

KENNEL. The keeping for more than three (3) dogs over six months of age.

LIVESTOCK. Cows, horses, goats, sheep, swine, etc.

LIVESTOCK SALES. The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions and similar activities.

STABLE. A commercial establishment engaged in the raising, keeping, boarding or training of horses, ponies and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

5.2 Residential Uses.

APARTMENT. Three (3) or more attached, multi-family dwellings within a building of three or less stories.

DUPLEX. Two (2) attached, single family dwellings.

FAMILY CARE HOME. A group care home serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit, under the supervision of one or two resident managers. The home serves socially, physically, mentally or developmentally impaired children in a family type living arrangement, including child care homes for orphans or neglected children, and handicapped or inform homes for the mentally retarded or mentally ill. The family care provisions of this ordinance meet or exceed the minimum requirements, 11-52-75.1, **Regulation as to housing of mentally retarded or mentally ill person in multi-family zone**, Code of Alabama, 1975, as amended.

GARDEN HOME. A detached single family dwelling designed on a small lot with one zero lot line on one side.

GROUND FLOOR APARTMENT. A single or multi-family dwelling located on the ground floor of a building devoted to commercial or institutional uses. Not to exceed 40% of GLA, based on an approved architectural drawing. The primary occupancy on the ground floor shall be located on the front of the structure, street facing, as determined by the address point.⁴

MANUFACTURED HOME. A factory built, single-family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is

⁴ Definition amended July, 13, 2015.

build on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. (See note at end of Definition Section.)

MOBILE HOME. (See also manufactured home). A transportable, factory built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

MOBILE HOME PARK. A five-(5) acre or larger tract of land used or designed to accommodate a mobile home community of multiple spaces for lease or condominium ownership.

MOBILE HOME SUBDIVISION. A mobile home that is situated on a subdivided lot.

SINGLE FAMILY RESIDENCE. A detached, single family dwelling constructed on site in accordance with the current adopted building code.⁵

TOWNHOUSE. Two (2) or more attached, single family dwellings within a building of eight (8) or less units. Each dwelling unit occupies its own lot.

UPPER STORY APARTMENT. A multi-family dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional uses.

5.3 Institutional Uses.

AIRPORT. A place where aircraft can land and take off. Such use may include terminals, hangars, refueling and repair facilities, passenger accommodations and other integrally related facilities.

ANIMAL SHELTER. A non-profit or public organization providing shelter for small domestic animals.

BOARDING HOUSE. A dwelling for the residency of two or more boarders on a long-term basis (at least month-to-month). Each unit intended to be rented does not constitute a dwelling unit as defined by this Ordinance.

CEMETERY. Human burial grounds.

COMMUNITY CENTER. Buildings designed or intended for social, cultural or community service purposes, including community meeting rooms, community recreation centers and similar uses.

COMMUNITY SERVICE CLUB. Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal club or lodge, union hall, civic association and similar uses.

⁵ Definition amended May 10, 2016.

COUNTRY CLUB. Land or buildings containing recreational facilities and club house for private club members and their guests.

DAY CARE CENTER. A licenses facility, other than a residence, providing day care on a regular basis to more than six children, elderly, or handicapped or infirm persons.

DAY CARE HOME. A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less children, elderly, or handicapped or infirm persons.

DOMICILIARY CARE FACILITY. Licensed homes for the aged, intermediate institutions and related institutions (not otherwise defined by this Ordinance), whose primary purpose is to furnish room, board, laundry, personal care and other non-medical services, regardless of what it may be named or called, for not less than 24 hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally, the same type of limited medical attention as an individual would receive if living at home.

EMERGENCY CARE FACILITY. A public or non-profit facility, which may be a dwelling, that provides a protective sanctuary and emergency housing to victims of crime or abuse, such as rape, child abuse, spouse abuse or physical beating.

HOME INSTRUCTION. Instruction in the arts, music or academic subjects given from a swelling by the resident to up to four students at a time, except in the case of musical instruction which shall be limited to up to two students at a time.

HOSPITAL. An establishment which provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics, training facilities, gift shops, coffee shops, cafeterias and staff offices.

MILITARY INSTALLATION. A Government sponsored defense facility, including military bases, National Guard centers, military reserve centers, armories and similar uses.

NURSING CARE FACILITY. A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.

PARK. Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.

PENAL INSTITUTION. A public institution housing inmates for correction or rehabilitation.

PLACE OF WORSHIP. Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

PUBLIC ASSEMBLY CENTER. Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers and similar uses.

PUBLIC BUILDING. Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government office, post offices, museums, libraries, transit stations, police stations, fire and emergency service stations, civil defense operations and similar uses.

PUBLIC UTILITY FACILITY. Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

PUBLIC UTILITY SERVICE. Essential utility services which are necessary to support development and which involve only minor structures such as lines and poles.

REHABILITATION FACILITY. An institutional facility providing residential and custodial for the rehabilitation of socially impaired individuals who are indigent, recovering from addiction to drugs or alcohol or recently released from a penal institution.

SCHOOL. Public or non-profit school.

TRANSIT STATION. A facility for loading and unloading of passengers and incidental baggage and freight, such as a bus or taxi station.

5.4

Commercial Uses.

ANIMAL HOSPITAL. A place where small household pets are given medical or surgical treatment and short term boarding of pets within an enclosed building may be provided.

BANK OR FINANCIAL SERVICE. A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company and similar business.

BREW PUB. Also known as a “Microbrewery,” means an eating establishment which includes the brewing of beer, ale, or malt beverage. The amount of beverage produced on the premises cannot be less than Five (5) barrels or exceed two thousand four hundred (2,400) barrels in any calendar year. The *Brew Pub* must contain and operate a restaurant or otherwise provide food for consumption on the premises.⁶

BROADCAST STUDIO. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of

⁶ Definition amended October 8, 2019

electronic and telephonic mechanisms, including film and sound recording, such as a radio studio, TV studio or a telegraphic service office.

BUSINESS OR PROFESSIONAL OFFICE. A place where the administrative affairs of a business or profession is conducted such as the office of a law firm, accounting or bookkeeping firm, real estate agency, insurance agency, architect, secretarial service, physician or dentist, financial planner, engineer, the administrative staff of business or industry, and the like.

BUSINESS SUPPORT SERVICE. A place of business which supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.

CAMPGROUND. A group of buildings or structures on a site of 10 or more acres planned as a whole for seasonal recreation or vacation uses, including tent campsites, travel trailer or recreational vehicle sites, vacation cottages, recreational facilities, eating facilities, bathrooms, and sale of personal care items and gifts.

CAR WASH. A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

CLINIC. A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an outpatient basis.

COMMERCIAL PARKING. Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

COMMERCIAL SCHOOL. A private, gainful business providing instructional service in arts, business, crafts, trades and professions.

CONVENIENCE STORE. A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). Such business shall not engage in minor or major vehicle repair as defined in this Ordinance, and when the facility is engaged in the sale of gasoline, all storage tanks shall be underground and be in full compliance with Alabama Department of Environmental Management requirements.

ENTERTAINMENT, INDOOR. A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses and similar indoor facilities.

ENTERTAINMENT, OUTDOOR. A commercial establishment providing spectator entertainment in open or partially enclosed or screen facilities, including sports arenas, racing facilities, drive-in movie theaters and amusement parks.

FUNERAL HOME. A commercial establishment engaged in funeral and undertaking services for human burial.

GARDEN CENTER OR NURSERY. Retail sales of plants, trees, shrubs and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools, gardening equipment and seed.

GASOLINE SERVICE STATION. A commercial establishment providing fuel, lubricants, parts and accessories and incidental minor vehicle repair and maintenance services to motor vehicles. All gasoline storage tanks shall be underground and be in full compliance with Alabama Department of Environmental Management requirements. (See Vehicle Repair-Minor)

GENERAL RETAIL BUSINESS ENCLOSED. Retail sales of goods and services, not otherwise defined by this section, including, but not limited to food sale, department stores, clothing stores, home furnishings sales, appliance stores, auto supply stores, video rental stores, gift shops, florist shops, specialty stores, jewelry stores, cosmetic sales, drug stores, variety stores, sporting goods, stores, antique stores and similar retail businesses.

GENERAL RETAIL BUSINESS UNENCLOSED. Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to sidewalk sales, outdoor food service, outdoor tire sales, and other outdoor display or sales.

HOME OCCUPATION. A business, profession, occupation or trade conducted for gain or support and located entirely within the living area of a dwelling as an incidental activity of the resident and employing only the residents of that dwelling.

HOME IMPROVEMENT CENTER. A place of business providing building, yard and garden materials, appliances, tools and supplies both retail and wholesale.

HOTEL OR MOTEL. A commercial facility offering transient lodging accommodation on a daily or weekly basis to nine (9) or more guests, which may include as an integral part of the facility, such additional services as restaurants, meeting rooms, banquet rooms, gift shops and recreational facilities.

LAUNDRY SERVICE. A commercial establishment providing laundering, dry cleaning, or dying service (other than a laundry or dry cleaning pick-up station defined under personal service), such as a laundry and dry cleaning plant, diaper or linen service or Laundromat.

MEDICAL SUPPORT SERVICE. A place of business which supplies medical support services to individuals, medical practitioners, clinics and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescriptions and the sale of drugs and medical supplies), medical and surgical supply store, an optician and the like.

MINI-WAREHOUSE. A structure (or group of structures) that is partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-explosive and non-volatile materials; and the facility or site is not used for wholesale or retail sales operations.

OPEN AIR MARKET. Retail sales of arts, crafts, produce, discount or used goods which are located partially or fully outside of an enclosed building. This may include a flea market, produce market, craft market, farmers' market or similar activities.

PACKAGE STORE. An establishment from which ninety-nine (99) percent of its sales are comprised of liquor sold in unopened containers and/or a store operated by the ABC Board where alcoholic beverages other than beer are authorized to be sold in unopened containers.⁷

PERSONAL SERVICE. A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry service, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental and similar uses.

RECREATION. A commercial establishment providing recreational or sports activities to participants, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial recreational and sports activities.

RESTAURANT- STANDARD. An establishment where food and drink are prepared, served and primarily consumed within the building where guests are seated and served.

RESTAURANT – FAST FOOD. An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-thru, or drive-in and may also include standard sit-down consumption.

SHOPPING CENTERS. A group of commercial establishments located on a lot planned and developed in a unified design with shared parking and driveway facilities and under a common ownership or management authority.

STUDIO. A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produces on the premises.

TOURIST HOME. An establishment, which may be a dwelling, which provides lodging for three (3) to eight (8) transient guests on a short term basis (daily or weekly).

VEHICLE SALES OR RENTAL. A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats or motorcycles, including incidental parking, storage, maintenance and servicing.

VEHICLE REPAIR – MINOR. A place of business engaged in sales, installation and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, front end alignment, tire balancing, brake and muffler work, battery recharging and/or replacement, and similar activities, and in which all work is performed entirely within an enclosed building.

⁷ Definition added July 13, 2015.

5.5

VEHICLE REPAIR – MAJOR. A place of business engaged in the repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities in which all work is performed entirely within an enclosed building.

Industrial Uses.

CONSTRUCTION SERVICE. A place of business engaged in construction activities and incidental storage as well as wholesaling of building materials (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor or wholesale building supply store.

HEAVY INDUSTRY. Meat or poultry processing, slaughterhouses, the storage or manufacturing of flammable or explosive materials or other materials generally considered to be hazardous or offensive in nature.

MAINTENANCE SERVICE. An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

MANUFACTURING – GENERAL. The basic processing and manufacturing of materials or products predominantly from extracted or raw materials and the incidental storage, sales and distribution of such products.

MANUFACTURING – LIGHT. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and the incidental storage, sales and distribution of such products.

RESEARCH LAB. An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

RESOURCE EXTRACTION. The removal of soil, sand, clay, gravel, minerals or similar materials for commercial purposes, including quarries, sand and gravel operations, gas extraction and mining.

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

SANITARY LANDFILL. A state-approved site for solid waste disposal.

TRANSMISSION TOWER. A tower used for the transmission of radio and television signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

VEHICLE AND EQUIPMENT SALES – MAJOR. A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, mobile homes and similar heavy equipment, including the incidental storage, maintenance and servicing of such vehicles and equipment.

WAREHOUSING, WHOLESALING AND DISTRIBUTION – ENCLOSED A place of business engaged in warehousing, wholesaling or distribution services within an enclosed building.

WAREHOUSING, WHOLESALING AND DISTRIBUTION – OPEN. A place of business engaged in open-air warehousing, wholesaling or distribution services.

5.6 Temporary Uses.

SEASONAL SALES. Temporary seasonal sales of produce, ornamental plants, fire wood, Christmas trees, and other temporary sales that are unlike the usual activities on the lot where the sales occur.

SPECIAL EVENT. Circuses, fairs, carnivals, festival, benefits, religious events or similar types of temporary outdoor events that run longer than one day but no longer than thirty days, are likely to attract large crowds and are unlike the usual activities on the lot where the event occurs.

GARAGE OR YARD SALES. The sale by a resident, conducted on the premises of a dwelling, of personal property belonging to the occupant of such dwelling.

NOTE: Manufactured housing is a generic term that describes housing that is manufactured in a factory, rather than on-site. As defined under the heading “Manufactured Home”, manufactured housing includes all housing built to the federal Manufactured Home Construction and Safety Standards Act, known as the “HUD Code” because the standards are administered by the Department of Housing and Urban Development (HUD).

ARTICLE

VI. ESTABLISHMENT OF DISTRICTS

In order to carry out the intent and purposes of the Ordinance, the City of Oneonta is hereby divided into the following district or zones. The location, boundaries and area of which are and shall be as shown and depicted upon the official zoning map. Said district or zones are to be as follows:

AG	Agriculture District
RE	Single Family Residential Estate District
R-1	Single Family Residential District
R-1G	Residential Garden Home District
R-2	Single Family/Two Family Residential District
R-3	Multi-Family Residential District
R-3G	Multi-Family Garden Home District
RP	Planned Residential District
PUD	Planned Unit Development District
RMHP	Residential Mobile Home Park District
MS	Mobile Home Subdivision District
O-1	Office Building District
B-1	Local Shopping District
B-2	General Business District
B-3	Downtown Shopping District
M-1	Light Industrial District
M-2	Heavy Industrial District
MR	Municipal Reserve District

The boundaries of the above districts are hereby established as shown on the official zoning map of the City of Oneonta. Questions concerning the exact location of district boundary lines shall be decided by the Zoning Board of Adjustment, as outlined in **Article IV, Administration, Section 5.0**. The zoning district regulations are as follows:

Section 1.0. AG Agriculture District

1.1 Intent.

This district consists primarily of undeveloped lands where agricultural and related pursuits may occur within the City and where agricultural support centers may serve outlying rural areas beyond the City. Further, the intent of the AG district is to hold these areas in agricultural, forestall, outdoor recreations, rural residential and other limited, yet compatible uses until such time as City services can be expanded to accommodate a higher density development pattern.

1.2 Uses Permitted.

The following uses shall be permitted in the AG Agriculture District. Similar uses to those listed below may also be permitted subject to **Article IV, Administration, Section 6.0, Interpretation of Uses and Section 7.0, Unclassified Uses**.

- Farm, subject to **Article VII, Section 2.0.**
- Hobby farm, subject to **Article, VII, Section 3.0.**
- Detached single family residence, subject to **Article VI, Section 3.4.**
- Customary accessory building and structures
- Duplex
- Satellite dish antenna, subject to **Article VII, Section 10.0.**
- Private swimming pool, subject to **Article VII, Section 12.0.**
- Family care home, subject to **Article VII, Section 4.0.**
- Boarding house
- Garage or yard sale, subject to **Article VII, Section 7.0.**
- Tourist home
- Day care home
- Home occupation, subject to **Article VII, Section 5.0.**
- Domiciliary care facility
- Place of worship
- Public utility service
- Home instruction

1.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Animal Shelter
- Animal hospital
- Cemetery, subject to **Article VII, Section 9.0**
- Transmission tower
- Resource extraction
- Campground
- Farm support business
- Livestock sales
- Entertainment, outdoor
- Stable
- School
- Rehabilitation facility
- Public utility facility
- Open air market
- Community service club
- Club
- Emergency care facility, subject to **Article VII, Section 15.0**
- Day care center
- Kennel
- Military installation
- Seasonal event
- Special event
- Manufactured Home, subject to **Article VII, Section 11.0⁸**

⁸ Added as a Special Exception Use on May 10, 2016.

1.4 **Area and Dimensional Regulations.**

Except as may be provided for elsewhere in this Ordinance, the following dimensional regulations shall be required:

Minimum Lot Area:	5 acres
Minimum Lot Width:	300 feet
Minimum Yard Size:	
Front:	30 feet
Rear:	25 feet
Side:	20 feet

1.5 **Buffer Requirements.**

None specified, although the Zoning Board of Adjustment may require a buffer of other suitable means of separation in appropriate cases involving special exception uses, in accordance with the provisions of **Article VII, Section 20.0.**

1.6 **Addition Regulations (When Applicable).**

- A. Supplemental Regulations, **Article VII, page 2**
- B. General Regulations, **Article VII, page 6**
- C. Definitions, **Article V, page 19**
- D. Administration, **Article IV, page 82**
- E. Off-street Parking and Loading Requirements, **Article VIII, page 95**

Section 2.0. RE Residential Estate Single Family District.

2.1 **Intent.**

To provide area suitable for single family detached residences on estate size lots, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

2.2 **Uses Permitted.**

The following uses shall be permitted in the RE Residential District. Similar uses to those listed below may also be permitted subject to **Article IV, Administration, Section 6.0, Interpretation of Uses, and Section 7.0, Unclassified Uses.**

- Detached single family residences
- Customary accessory structures and buildings, subject to **Article VII, Section 8.0.**
- Day care home
- Non-commercial greenhouse and garden
- Garage or yard sale, subject to **Article VII, Section 7.0.**
- Satellite dish antenna, subject to **Article VII, Section 10.0.**
- Private swimming pool, subject to **Article VII, Section 12.0.**
- Public utility service

- Home occupation, subject to **Article VII, Section 5.0.**
- Home instruction

2.3 **Special Exception Uses.**

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Hobby farm, subject to **Article VII, Section 3.0**
- Park
- School
- Place of worship
- Hospital
- Public utility facility
- Public building
- Family care home, subject to **Article VII, Section 4.0**
- Emergency care facility, subject to **Article VII, Section 15.0**
- Community center
- Country club
- Community service club
- Club
- Boarding house
- Cemetery, subject to **Article VII, Section 9.0**
- Seasonal event
- Special event

2.4 **Area and Dimensional Regulations.**

Minimum Yard Size

<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Minimum Lot Size Area</u>	<u>Width at the Building Line</u>	<u>Maximum Height Feet</u>	<u>Stories</u>	<u>Maximum Building Area</u>
75'	75'	25'	1 acre	150'	35'	2 ½	25%

Public Buildings and Structures

<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>				
50'	50'	30'		45'	3	50%

2.5 **Accessory Structures.**

See provisions of **Article VII, Section 8.0.**

2.6 **Buffer Requirements.**

Unless otherwise stipulated, when any lot which is developed for any principal use other than a single family residence abuts a lot occupied by a single family residence, a buffer shall be installed and maintained in accordance with **Article VII, Section 20.0**.

2.7 Additional Regulations (When Applicable).

- A. General Regulations, **Article III, Page 2**
- B. Administration, **Article IV, page 6**
- C. Definitions, **Article V, page 19**
- D. Supplemental Regulations, **Article VII, page 82**
- E. Off-Street Parking and Loading Requirements, **Article VIII, page 95**

Section 3.0 R-1 Single Family Residential District.

3.1 Intent.

To provide areas suitable for single family detached residences, along with selected institutional and commercial uses which are integrally related to the residential neighborhood.

3.2 Uses Permitted.

The following uses shall be permitted in the R-1 District. Similar uses to those listed below may also be permitted subject to **Article IV, Administration, Section 6.0, Interpretation of Uses, and Section 7.0, Unclassified Uses**.

- Detached single family residences
- Customary accessory building and structures, subject to **Article VII, Section 8.0**
- Day care home
- Non-commercial greenhouse and garden
- Garage or yard sale, subject to **Article VII, Section 7.0**
- Satellite dish antenna, subject to **Article VII, Section 10.0**
- Private swimming pool, subject to **Article VII, Section 12.0**
- Home occupation, subject to **Article VII, Section 5.0**
- Public utility service
- Home instruction

3.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment, and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions**.

- Park
- School
- Place of worship
- Hospital

- Public utility facility
- Public building
- Family care home, subject to **Article VII, Section 4.0**
- Emergency care home, subject to **Article VII, Section 15.0**
- Community center
- Country club
- Community service club
- Club
- Boarding house
- Tourist home
- Cemetery, subject to **Article VII, Section 9.0**
- Seasonal event
- Special event

3.4 **Area and Dimensional Regulations.**

Minimum Yard Size			Minimum Lot	Width at the	Max. Height		Max. Building
Front	Rear	Side	Size Area In		Feet	Stories	Percentage
<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Square Feet</u>	<u>Bldg. Line</u>			
35'	40'	15'	15,000	100'	35'	2 ½	25%

Public Buildings and Structures

Front	Rear	Side		Max. Height		Max. Building
<u>Yard</u>	<u>Yard</u>	<u>Yard</u>		Feet	Stories	Percentage
35'	35'	35'		45'	3	50%

3.5 **Accessory Structures.**

See **Article VII, Section 8.0**

3.6 **Buffer Requirements.**

The same as in the RE district.

3.7 **Additional Regulations (When Applicable).**

- A. General Regulations, **Article III, page 2**
- B. Administration, **Article IV, page 6**
- C. Definitions, **Article V, page 19**
- D. Supplemental Regulations, **Article VII, page 82**

E. Off-Street Parking and Loading Requirements, **Article VIII, page 95**

Section 4.0. R-1G Residential Garden Home District.

4.1 Intent.

To provide area suitable for single family detached residences located on a lot reduced in size to better accommodate the garden home and its associated lifestyle. A minimum site area of 3 contiguous acres is required to establish this zone and any common, open space must be maintained through a homeowner's association or equivalent legal entity.

4.2 Uses Permitted.

The following uses shall be permitted in the R-1G District. Similar uses to those listed may also be permitted subject to **Article VII.**

- Detached single family residence
- Garden home
- Garage of yard sale, subject to **Article VII, Section 7.0**
- Satellite dish antenna, subject to **Article VI, Section 10.0**
- Private swimming pool, subject to **Article VII, Section 12.0**
- Customary accessory building and structures, subject to **Article VII, Section 8.0**

4.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment, and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Community center
- Country club
- Community service club
- Club
- Seasonal event
- Special event

4.4 Area and Dimensional Regulations

<u>Minimum Yard Size</u>			<u>Minimum Lot</u>			<u>Maximum Height</u>
<u>Front</u>	<u>Rear</u>	<u>Side</u>	<u>Size Area in</u>	<u>Width at the</u>	<u>Feet</u>	<u>Stories</u>
<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Square Feet</u>	<u>Building Line</u>		
25'	30'	8'	7,500	50'	35'	2 ½

4.5 Buffer Requirements

The same as in District RE.

4.6 **Additional Regulations (When Applicable)**

- A. General Regulations, **Article III, page 2**
- B. Administration, **Article IV, page 6**
- C. Definitions, **Article V, page 19**
- D. Supplemental Regulations, **Article VII, page 82**
- E. Off-street Parking and Loading Requirements, **Article VIII, page 95**

Section 5.0. R-2 Single Family/Two-Family Residential District.

5.1 Intent.

To provide areas suitable for low density detached single family residences, two-family dwellings (duplexes), and selected institutional and commercial uses which are integrally related to residential neighborhoods.

5.2 Uses Permitted.

The following uses shall be permitted in the R-2 District. Similar uses to those listed below may also be permitted subject to **Article IV, Administration, Section 6.0, Interpretation of Uses and Section 7.0, Unclassified Uses.**

- Detached single family residences
- Duplex
- Customary Accessory building and structures, subject to **Article VII, Section 8.0**
- Day care home
- Non-commercial greenhouse and garden
- Garage or yard sale, subject to **Article VII, Section 7.0**
- Satellite dish antenna, subject to **Article VII, Section 10.0**
- Private swimming pool, subject to **Article VII, Section 12.0**
- Home occupation, subject to **Article VII, Section 5.0**
- Public utility service
- Home instruction

5.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Park
- School
- Place of worship

- Hospital for humans
- Public utility facility
- Public building
- Family care home, subject to **Article, VII, Section 4.0**
- Emergency care home, subject to **Article VII, Section 15.0**
- Community center
- Country club
- Community service club
- Club
- Boarding house
- Tourist home
- Cemetery, subject to **Article VII, Section 9.0**
- Seasonal event
- Special event
- Manufactured Home⁹

5.4 **Area and Dimensional Regulations.**

Except as may be provided for in **Article VII**, following shall apply:

<u>Minimum Yard Size</u>			<u>Lot Size</u>		<u>Maximum Height</u>		<u>Maximum</u>
<u>Front</u>	<u>Rear</u>	<u>Side</u>	<u>Area in</u>	<u>Width at</u>	<u>Feet</u>	<u>Stories</u>	<u>Bldg. Area</u>
<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Square Feet</u>	<u>Bldg. Line</u>			
35'	40'	10'	10,000	70	35'	2 ½	25%

5.5 **Public Buildings and Structures.**

The same as in District R-1.

5.6 **Accessory Structures.**

The same as in District R-1.

5.7 **Buffer Requirements.**

The same as in District R-1.

5.8 **Additional Regulations (When Applicable).**

- A. General Regulations, **Article III, page 2**
- B. Administration, **Article IV, page 6**
- C. Definitions, **Article V, page 19**
- D. Supplemental Regulations, **Article VII, page 82**
- E. Off-Street Parking and Loading Requirements, **Article VIII, page 95**

⁹ Added as a Special Exception Use on May 10, 2016.

Section 6.0. R-3 Multi-Family Residential District.

6.1 Intent.

To provide areas suitable for the development of detached single family residences, duplexes, and multi-family dwellings, along with selected institutional and commercial uses which are integrally related to the residential neighborhood.

6.2 Uses permitted.

The following uses shall be permitted in the R-3 Multi-Family Residential District. Similar uses to those listed may also be permitted subject to **Article IV, Administration, Section, 6.0, Interpretation of Uses and Section 7.0, Unclassified Uses.**

- Detached single family residences
- Duplexes
- Multi-family dwellings
- Day care homes
- Patio home, subject to **Article VII, Section 18.0**
- Townhouse, subject to **Article VII, Section 19.0**
- Non-commercial greenhouse and garden
- Customary accessory buildings and structure, subject to **Article VII, Section 8.0**
- Garage or yard sale, subject to **Article VII, Section 7.0**
- Satellite dish antenna, subject to **Article VII, Section 10.0**
- Private swimming pool, subject to **Article VII, Section 12.0**
- Public utility service
- Home occupation, subject to **Article VII, Section 5.0**
- Home instruction

6.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Park
- School
- Place of worship
- Hospital
- Public utility facility
- Public building
- Family care home, subject to **Article VII, Section 4.0**
- Community center
- Country club
- Community service club
- Club
- Boarding house

- Tourist home
- Nursing care facility
- Military installation
- Emergency care facility, subject to **Article VII, Section 15.0**
- Rehabilitation facility
- Domiciliary care facility
- Cemetery, subject to **Article VII, Section 9.0**
- Seasonal event
- Special event
- Manufactured Home¹⁰

6.4 Area and Dimensional Regulations

Except as may be provided for in **Article VII, Sections 18.0 and 19.0**, the following shall apply:

Minimum Yard Size			Lot Size**		Maximum Height		Maximum
Front	Rear	Side	Square Feet at		Feet	Stories	Building Area
<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Building Line</u>	<u>Width</u>	<u>Feet</u>	<u>Stories</u>	<u>Percent</u>
25'	30'	8'*	1 or 2 family dwellings 7,500 for each unit add 2,000	50'	35'	2 ½	35%

* One side shall be 8 feet and the other side 6 feet.

** For each additional unit over 2, add 5 feet to lot width.

6.5 Public Buildings and Structures.

The same as in District R-1.

6.6 Accessory Structures.

The same as in District R-1.

6.7 Buffer Requirements.

Unless otherwise stipulated, when any lot which is developed for any principal use other than a single family residence abuts a lot occupied by a single family residence, a buffer shall be installed and maintained in accordance with **Article VII, Section 20.0**.

6.8 Additional Regulations (When Applicable).

- A. General Regulations, **Article III, page 2**
- B. Administration, **Article IV, page 6**
- C. Definitions, **Article V, page 19**

¹⁰ Added as a Special Exception Usage on May 10, 2016.

D. Supplemental Regulations, **Article VII, page 82**

E. Off-Street Parking and Loading Requirements, **Article VIII, page 95**

Section 7.0. R-3G Residential Garden Home District.¹¹

7.1 Intent.

To provide area suitable for single family detached residences located on a lot reduced in size to better accommodate the garden home and its associated lifestyle. A minimum site area of 1.5 contiguous acres is required to establish this zone and any common, open space must be maintained through a homeowner's association or equivalent legal entity.

7.2 Uses Permitted.

The following uses shall be permitted in the R-3G District. Similar uses to those listed may also be permitted subject to **Article VII**.

- Detached single family residence
- Garden home
- Garage or yard sale, subject to **Article VII, Section 7.0**
- Satellite dish antenna, subject to **Article VI, Section 10.0**
- Private swimming pool, subject to **Article VII, Section 12.0**
- Customary accessory building and structures, subject to **Article VII, Section 8.0**

7.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment, and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions**.

- Community center
- Country club
- Community service club
- Club
- Seasonal event
- Special event

7.4 Area and Dimensional Regulations

<u>Minimum Yard Size</u>			<u>Minimum Lot</u>			
<u>Front</u>	<u>Rear</u>	<u>Side</u>	<u>Size Area in</u>	<u>Width at the</u>	<u>Maximum Height</u>	
<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Square Feet</u>	<u>Building Line</u>	<u>Feet</u>	<u>Stories</u>
25'	30'	8'	5,000	40'	35'	2 ½

7.5 Buffer Requirements

¹¹ Section added September, 2017.

The same as in District RE.

7.6 Additional Regulations (When Applicable)

- F. General Regulations, **Article III, page 2**
- G. Administration, **Article IV, page 6**
- H. Definitions, **Article V, page 19**
- I. Supplemental Regulations, **Article VII, page 82**
- J. Off-street Parking and Loading Requirements, **Article VIII, page 95**

Section 8.0. RP Planned Residential Development District.

8.1 Intent.

To provide areas suitable for planned residential developments consisting of single family, detached, semi-detached, and attached dwellings – single-family residences, patio homes and townhouse – at a medium density. A minimum site area of 5 contiguous acres is required to establish this zone, and the development must devote a minimum of 20% of the site to common open space maintained through a homeowner's association or equivalent legal entity. At least half of the required common space must be developed for recreational purposes. The district provides for greater efficiency of land development than in a conventional development of single family housing, thus passing along reduced development costs in the form of savings to the homebuyer. Residents also enjoy the sharing of common facilities within the development and less home maintenance than incurred by conventional housing subdivision. The RP district also provides for institutional and accessory uses commonly associated with planned residential developments. Townhouses and patio homes are also permitted in the R-3 Multi-family district subject to the provisions of **Article VII, Section 18.0 and 19.0.**

8.2 Uses Permitted.

- Detached single family residences
- Patio homes
- Townhouses
- Public utility service
- Home occupation, subject to **Article VII, Section 5.0**
- Home instruction
- Garage or yard sale, subject to **Article VII, Section 7.0**
- Customary accessory structures

8.3 Special Exception Uses.

- Day care home
- Place of worship
- Public facility
- Public utility facility
- School
- Park

8.4 **Area and Dimensional Regulations.**

Except as may be provided for elsewhere in this Ordinance, the following shall apply:

- A. The maximum density of the development shall be 6 dwelling units per acre, and the minimum site area for the development shall be 5 contiguous acres.
- B. The following dimensional requirements shall be met:

1. Single family residence:

- | | |
|---------------------------|-------------------|
| - minimum lot area | 6,000 square feet |
| - minimum lot width | 50 feet |
| - minimum front yard | 30 feet |
| - minimum side yard | 10 feet |
| - minimum rear yard | 20 feet |
| - maximum building height | 1 ½ stories |

2. Patio home:

- | | |
|---------------------------|-------------------|
| - minimum lot area | 4,500 square feet |
| - minimum lot width | 45 feet |
| - minimum front yard | 20 feet |
| - minimum side yard | 8 feet* |
| - minimum rear yard | 15 feet |
| - maximum building height | 1 ½ stories |

*To permit zero lot line development, one side yard may be reduced to zero, provided a five foot easement of maintenance is reserved on the adjoining lot and buildings are separated by at least 20 feet.

3. Townhouse:

- | | |
|-------------------------------------|-------------------|
| - minimum lot area – interior unit | 2,000 square feet |
| - minimum lot area – end unit | 3,500 square feet |
| - minimum lot width – interior unit | 18 feet |
| - minimum lot width – end unit | 35 feet |
| - minimum front yard | 20 feet |
| - minimum side yard – end unit | 15 feet |
| - minimum rear yard | 15 feet |
| - maximum building height | 35 feet |

- C. Common open space set aside in a subdivision shall comprise at least 20% of the total site area and not less than 10,000 contiguous square feet. At least 50% of the required open space shall be developed for common recreational purposes.
- D. The yard requirements for the district shall apply only to the outside perimeter of the development. The perimeter yards shall be maintained as common areas reserved as common open space or common driveways or parking areas.
- E. All utilities shall be placed underground.
- F. All lots shall be serviced by public water and sewer.
- G. Each dwelling type shall meet all supplemental use regulations established elsewhere by this division, except where the requirements established by this section differ.
- H. The following example describes the formula which shall be used to calculate the maximum number of dwellings and minimum required open space and recreation space:

Step 1. Determine Dwelling Type

- Note permitted dwelling types:
 - Single family residence
 - Patio home
 - Townhouse
- Select desired dwelling type: Townhouse

Step 2. Calculate Site Area of Tract

- Take gross area of tract zoned RP
(from an on-site survey) 35 acres
- Subtract land proposed for
another use 15 acres
- Subtract non-contiguous land 3 acres
- Subtract street rights-of-way 2 acres
- Equals total site area: 15 acres

Step 3. Calculate Maximum Number of Dwellings

- Take total site area 15 acres
- Multiply by maximum density
in dwelling units per acre X 6 units per acre
- Equals maximum number of

dwelling (rounded to nearest whole number)	<hr/>
	90 townhouses

Step 4. Calculate Minimum Required Open Space

-	Take total site area	15 acres
-	Multiply by 20%	X 20%
-	Equals minimum required open space in acres (rounded to the nearest tenth)	<hr/> 3.0 acres

Step 5. Calculate Minimum Required Recreation Space

-	Take minimum required open space	3.0 acres
-	Multiply by 50%	X 50%
-	Equals minimum required recreation space in acres (rounded to the nearest tenth):	<hr/> 1.5 acres

8.5 Buffer Requirements.

Any buffers required shall be determined during the site plan review plan process as specified in **Article IV, Section 4.0** and in the **Article VII, Section 20.0**.

Section 9.0 RMHP Residential Mobile Home Park District.

9.1 Intent.

To provide areas for mobile home park development free from other uses which are incompatible with the character of this district.

9.2 Uses Permitted.

- Mobile home
- Manufactured Home¹²
- Management office
- Managers office
- Managers residence
- Service facilities such as laundromats, household storage building, outdoor storage yards, refuse disposal areas, and similar common service facilities designed and intended to serve only the residents of the park.

¹² Added as a Permitted Use on May 10, 2016.

- Retail convenience sales for resident of the park
- Recreational facilities designed and intended to serve only the residents of the park; and
- Residential accessory uses and structures;
- Home occupation, home instruction and day care homes, subject to established park management policy.

9.3 **Site Standards.**

- A. The minimum site area for a mobile home park shall be 5 contiguous acres.
- B. The maximum density shall be 8 mobile homes per gross tract acre. If no service by public water and sewer, a lower density may be set by the Blount County Health Department.
- C. Each mobile home space shall meet the following requirements, which depend upon the size of the unit to be placed on the space. The boundaries of each space shall be clearly marked on the ground by permanent flush stakes.

For spaces designed for single-wide units:

With Public Sewer and Water

- Minimum area: 4,000 square feet
- Minimum width at front setback line: 40 feet

Without Public Sewer and Water

- Minimum area: 15,000 square feet
- Minimum width at front setback line: 85 feet

For spaces designed for wide or double-wide units:

With Public Sewer and Water

- Minimum area: 5,000 square feet
- Minimum width at front setback line: 50 feet

Without Public Sewer and Water

- Minimum area: 15,000 square feet
- Minimum width at front setback line: 85 feet

9.4 Setback and Distancing of Mobile Homes.

Each mobile home on a space shall be set back the following distances from the boundaries of each space:

- Minimum front yard setback from the Right-of-way which serves the space: 20 feet
- Minimum side yard setback: 5 feet
- Minimum rear yard setback: 10 feet

9.5 Accessory Buildings.

Accessory buildings such as storage units, shall not be permitted within the required 20 feet front yard of each space and shall not be permitted within 5 feet of the rear and side boundaries of each space. Carports shall be permitted within the front yard but shall not be permitted within 5 feet of the rear and side boundaries of each space.

9.6 Installation of Mobile Homes.

All mobile homes shall be installed according to all requirements of the Standard Building Code and be completely skirted.

9.7 Lighting.

Outdoor lighting, where installed, shall be directed to prevent glare being directed on adjacent properties and mobile homes within the park.

9.8 Streets and Parking.

All mobile home sites shall abut a paved street and each mobile home space shall be provided with 2 off-street parking spaces. To the greatest extent possible, streets shall follow natural land contours and be curvilinear in design.

9.9 Drainage and Flood Control.

To the maximum practicable extent, the development of the mobile home park shall conform to the natural contours of the land, keeping natural drainage way undisturbed. The park drainage system shall connect with adequate drainage channels of surrounding properties and streets.

9.10 Buffer Requirements.

The mobile home park shall be designed and developed in such a manner so as to contain a 20 foot wide buffer strip around the entire park except along that portion of the park facing the main street providing access to and from the facility.

Section 10.0. MS Mobile Home Subdivision District.

10.1 Intent.

To provide areas suitable for the exclusive development of a mobile home subdivision free from other uses which are incompatible with the character and intent of the district.

10.2 Uses Permitted.

The following uses shall be permitted in the MS Mobile Home Subdivision District:

- Mobile homes, located on individually owned lots
- Manufactured Home, located on individually owned lots¹³
- Customary accessory structures and buildings, subject to **Article VII, Section 8.0**
- Non-commercial greenhouse and garden
- Day care home
- Home instruction
- Home occupation, subject to **Article VII, Section 5.0**
- Garage or yard sale, subject to **Article VII, Section 7.0**
- Satellite dish antenna, subject to **Article VII, Section 10.0**
- Private swimming pool, subject to **Article VII, Section 12.0**
- Public utility service

10.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Public utility facility
- Park
- Place of worship
- Public building
- School
- Seasonal event
- Special event

10.4 Area and Dimensional Regulations.

Minimum Yards

¹³ Added to Permitted Uses on May 10, 2016.

<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
35'	35'	10'	7,500 square feet	50 feet

10.5 Buffer Requirements.

Unless otherwise stipulated, when any use permitted in this district is situated adjacent to any lot not zoned MS, AG, or RMHP, a buffer shall be installed and maintained in accordance with the provisions of **Article VII, Section 20.0.**

10.6 Additional Regulations (When Applicable).

- A. The mobile home development shall comply with the City of Oneonta subdivision regulations.
- B. A site plan is required and shall be in conformance with the provisions of **Article IV, Section 4.0, Site Plan Review.**
- C. Each mobile home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development.
- D. Each mobile home shall have its wheels removed, be installed on a permanent foundation and be in accordance with all requirements of the Standard Building Code. Where skirting is used, each unit shall be completely skirted with a weather-resistant material that is compatible in texture and color to the siding on the exterior of the unit and adequately vented.
- E. General Regulations, **Article III, page 2**
- F. Administration, **Article IV, page 6**
- G. Definitions, **Article V, page 19**
- H. Supplemental Regulations, **Article VII, page 82**
- I. Off-street Parking and Loading Requirements, **Article VIII, page 95**

Section 11.0. PUD Planned Unit Development District

11.1 Intent.

The planned unit development is a method of development which permits more than one use to be developed on a tract of land, in part or whole, in accordance with an approved master development plan: the intent of which is to:

- A. Permit flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units

such as industrial or office parks or complexes, commercial uses, service centers, residential developments of multiple or mixed housing including multi-family dwellings, attached and detached single-family dwellings, or any appropriate combination of both uses which may be planned, developed or operated as integral land use units;

- B. Permit higher densities of land in conjunction with provisions for functional open space and community services;
- C. Promote the efficient use of land to facilitate a more economic arrangement of uses, building, circulation systems and utilities;
- J. Combine and coordinate uses, building forms, building relationships and architectural styles within the PUD;
- E. Promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible, and utilize such features in a harmonious fashion;
- F. Except a development from the conventional zoning regulations regarding setbacks, minimum yard size, minimum greenbelts, off-street parking regulations, minimum floor areas, and other regulations to achieve the intent described herein:
- G. Give the developer reasonable assurance of ultimate approval before expending complete design monies while providing city officials with reasonable assurance that the development will retain the character envisioned at the time of concurrence.

11.2 Application and Requirements for PUD

- A. Submission of Application. In lieu of the provisions of **Article IV, Section 15.4** herein, the owner (or his duly appointed representative) of a tract of land shall submit to the City Clerk a minimum of twenty-one (21) days prior to a regularly scheduled Planning Commission meeting an application for approval of a PUD. A \$125.00 fee to defray the cost of processing the application for approval of a PUD is required at the time of filing.
- B. Area Requirements. Except when the master development plan of an existing approved PUD is amended by the original applicant, successor or assigns, to include additional area as provided in Section 10.7 (C) of this Article, any tract of land to be zoned PUD shall have a minimum of 120 acres.
- C. Contents of Application. The application submitted in accordance with this Section 10.2 shall contain the following:
 - 1. Name and address of the applicant.
 - 2. Current zoning of the property under consideration.

3. List of owners of the property together with disclosure of name(s) and address(es) of the applicant(s) and/or owner(s):
 - a. If corporation, principal officers and member of the Board of Directors;
 - b. If partnership, general and managing partners;
 - c. Any material change to the above shall be submitted within 60 days.
4. A master development plan of the PUD and any maps necessary to show the following minimum information:
 - a. The direction of North, exact location of the site in relation to the vicinity in which it is located, appropriate scale and topography (in not greater than 5 foot contour intervals) water ways, and forest cover.
 - b. The location of the various land used by PUD land use districts as listed in Section 10.5 of this Article.
 - c. Location of any existing streets and general outlines of the interior roadway system, greenbelts, natural or man-made open spaces, schools, parks and community service areas within and adjacent to the project area.
5. The planning criteria of the PUD. The application shall include the following written statements and other matters:
 - a. A legal description of the total site proposed for the PUD.
 - b. A general description of the surrounding area, including current zoning and/or land uses.
 - c. A statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and projections made by the applicant in relation to the over-all community growth.
 - d. If the development is to be staged, a general indication of how the staging is to proceed. An estimated date when construction of the PUD will begin.
 - e. Delineation of the various land use districts, indicating for each such area its general extent, size and composition in terms of total

number of acres. In residential use districts the total number of dwelling units.

- f. A calculation of the residential density in dwelling units per gross acre including interior roadways, including maximum density in units per acre.
- g. Development criteria which shall include setbacks or other location methods, minimum finished floor areas, sign criteria, loading areas, and off-street parking requirements for each land use district proposed, and/or any other development criteria which the owner/developer may propose.
- h. The interior open space system, if any.
- i. Principal ties to the community at large with respect to transportation, water supply and sewage disposal.
- j. General statement as to how common open space is to be owned and maintained.
- k. Protective and/or restrictive covenants, homeowner or business associations and architectural review committees and their function.
- l. A general statement concerning any planned street/subdivision sign designs, including street, traffic and informational signs or other standards.
- m. Any planned interim uses.
- n. A traffic study may be required, if determined necessary by the City Engineer.
- o. Landscaping criteria.

11.3 Other Regulations Not Applicable.

It is the intent of the Section 10 that the PUD application set forth development criteria applicable to the property and that flexibility be allowed in the construction of improvements thereon. Accordingly, for the purposes of this **Section 10.0, Articles VII and VIII** (except as set forth in Section 10.5.(G) shall apply unless Section 10 contains a provision to the contrary, in which case the provision as defined in Section 10.0 shall prevail.

11.4 Review Procedure.

- A. General. The application shall be reviewed as provided in **Article IV, Section 16.0, Section 17.0 and Section 17.1.**
- B. Approval. Approval of the application for the PUD by the City Council shall be an approval of the Master Development land and Planning Criteria of the application (the “Plan”). The developer of the PUD may proceed with the development of the property in accordance with the Plan, and no further approvals shall be required except as set forth in Section 10.6 and, in the case of a major change, as set forth in Section 10.7 of this Article.

11.5 PUD Land Use Districts.

The following PUD land use districts shall apply to all or part of the PUD.

A. PR-1 Planned Single Family

1. Intent.

To provide for maximum flexibility in the development of single family residences and to coordinate with appropriate community services.

2. Permitted Principal Uses.

- Attached and detached single family dwellings
- Duplexes
- Condominiums
- Townhouse
- Garden homes
- Open spaces
- Accessory structures
- Golf courses
- Private clubs
- Schools
- Swimming pools
- Tennis courts
- Parks
- Playgrounds
- Picnic areas

3. Special Exception Uses.

Public elementary or high school, or parochial or private school having a curriculum compatible to the above public school, but not providing residential accommodations; child daycare centers; place of worship; museum; library; art gallery; residential information offices and

community buildings; equestrian facilities; gun clubs; ballfields; picnic area; home occupation; convenience commercial uses, and other uses, all as may be approved by the Zoning Board of Adjustment.

4. Maximum Building Height.

Buildings in the PR-1 district shall not exceed three stories in height and shall conform to the Standard Building Code, the National Fire Code and the Standard Fire Prevention Code and the Life Safety Code, as adopted and amended by the City of Oneonta.

B. PR-2 Planned Multi-Family

1. Intent.

To provide for maximum flexibility in the development of multi-family residences and to coordinate with appropriate community services.

2. Permitted Principal Uses.

- Multi-family dwellings
- Townhouse
- Condominiums
- Apartments
- Accessory structures

3. Special Exception Uses.

Those principal and special exception uses allowed by the PR-1; plus nursing homes, assisted living care facilities and offices of doctors, dentists, attorneys and other professionals; and other uses, all as may be approved by the Zoning Board of Adjustment. A building which is more than 500 feet from a single family residential district boundary, may exceed six stories in height upon approval as a special exception use.

4. Maximum Building Height.

When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception use. All buildings shall conform to the Standard Building Code, the National Fire Code, the Standard Fire Prevention Code, and the Life Safety Code as adopted and amended by the City of Oneonta.

C. **PO Planned Office**

1. **Intent.**

To provide for maximum flexibility in the development of areas for coordinated employment activity, services and compatible residential uses which do not materially detract from nearby residential areas.

2. **Permitted Principal Uses.**

- Public buildings
- Banks and other lending institutions
- Professional offices, occupied by physicians, dentists, surgeons, attorneys, architects, engineers and other similar professionals.
- Offices used exclusively for office purposes, wherein retail or wholesale trade or business is not conducted or wherein no merchandise or products are manufactured, stored, handled, conveyed, sold or otherwise disposed of,
- Related support businesses such as, but not limited to, restaurants and food service restaurants, drug stores, barber shops, beauty parlors and like uses (provided that such related support uses are physically located inside the structures devoted to the permitted principal uses set forth above).

3. **Special Exception Uses.**

Those principal and special exception uses allowed by PR-2, except detached single-family dwellings, duplexes and accessory structures; and other uses, all as may be approved by the Zoning Board of Adjustment. A building which is located more than 500 feet from a single family residential district boundary, may exceed six stories in height upon approval as a special exception use.

4. **Maximum Building Height.**

When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception use. All building shall conform to the Standard Building Code, the National Fire Code, The Standard Fire Prevention Code, and the Life Safety Code, as adopted and amended by the City of Oneonta.

D. **PB Planned Business**

1. **Intent.**

To provide for maximum flexibility in the development of retail business districts and other compatible uses.

2. **Permitted Principal Uses.**

- Those permitted uses allowed by PO,
- Retail establishments, including but not limited to barber or beauty shop,
- Banks
- Convenience store
- Drug store
- Dry cleaning outlets
- Coin operated laundromats
- Day care or nurseries
- Grocery stores
- Neighborhood service facilities
- Schools
- Shopping Centers
- Nursing home
- Veterinary clinics (no outside kennels)
- Auto Dealerships
- Auto parts store
- Bakery which bakes goods for on-premise retail sale only
- Building materials sales (no outside storage yard)
- Restaurants
- Department stores
- Radio and TV stations (no antennas)
- Domestic equipment rental
- Furniture store
- Motel or hotel
- Motion picture theaters
- Hospital
- Gasoline service establishments which service auto functions such as muffler, tire, brake and transmission shops
- Appliance and small engine repair
- Art supply and/or frame shop
- Bicycle shop (including repairs)
- Car wash
- Card/gift shop
- Cosmetic studio
- Craft or hobby shop
- Dance studio
- Photographic studio
- Duplicating or copying service

- Florist shop
- Health food store
- Interior decorating store
- Optician
- Medical clinic
- Shoe repair
- Audio video
- Tanning salon
- Assisted living care facility
- Hardware store
- Jewelry store
- Sporting goods store
- Sale showroom for appliances, furniture, carpet, and lighting fixtures
- Medical and office equipment
- Toy stores
- Indoor sports facilities (bowling, health club or spa, racquet club, skating rink)
- Combination retail with residential units attached to provide for a live/work arrangement
- Recreational facilities, such as carpet golf, par-3 golf, go-carts, batting cages, bumper boats, water slides, etc.

- **Special Exception Uses.**

Those special exception uses allowed by PO except attached single family dwellings, duplexes and accessory structures; commercial and recreational and amusement facilities and other uses as may be approved by the Zoning Board of Adjustment. When legally allowed, the on-premise and off-premise sale of alcoholic beverages, including private clubs, nightclubs, liquor stores and lounges shall be approved by the City Council. A building which is more than 500 feet from a single family residential district boundary, may exceed six stories in height upon approval as a special exception use.

3. Maximum Building Height.

When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a single family residential district boundary shall not exceed six stories in height, unless approved as a special exception use. All buildings shall conform to the Standard Building Code, the National Fire Code, the Standard Fire Prevention Code and the Life Safety Code, as adopted and amended by the City of Oneonta.

D. PM1 Planned Light Industrial

1. Intent.

To provide for maximum flexibility in the establishment of areas compatible with office commercial and limited light industrial uses which are performed inside building with limited outside storage or operations that may be adjacent to residential district.

2. Permitted Principal Uses.

- Those principal permitted used allowed by PB
- Light industrial fabricating, processing assembling and manufacturing uses
- Warehouses (including mini-warehouses and self-storage facilities)
- Wood working shops
- Research laboratories
- Plumbing, heating and cooling, electrical and other supply and service facilities
- Office/warehouse
- Bulk distribution facilities
- Janitorial and maintenance service

3. Special Exception Uses.

Those special exception uses allowed by PB and other uses, all as may be approved by the Zoning Board of Adjustment. A building which is located more than 500 feet from a single family residential district boundary, may exceed six stories in height upon approval as a special exception use.

4. Maximum Building Height.

When a building is within 300 feet of a single family residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception use. All buildings shall conform to the Standard Building Code, the National Fire Code, the Standard Fire Prevention Code and the Life Safety Code, as adopted and amended by the City of Oneonta.

F. PM2 Planned Heavy Industrial

1. Intent.

To provide for maximum flexibility in the establishment of areas compatible with commercial and light industrial uses.

2. Permitted Principal Uses.

- Those principal permitted uses allowed by PB
- Major auto repair or renovation facilities not housed in the same structure of accessory structure to an auto sales establishment,
- Bakery,
- Bottling plant,
- Building material sales (either outside storage and lumber yards)
- Construction yards
- Domestic animal kennels
- Farm machinery and farm supply sales
- Heavy equipment sales and service.
- Highway maintenance yards and building,
- Laundry and dry cleaning plant
- Printing establishments,
- Sanitary sewage treatment facilities,
- Water or liquid storage tanks
- Ice plants
- Clothing, textile or dyeing plant
- Cold storage plant
- Truck or bus terminal
- Recycling collection point

3. Special Exception Uses.

Those special exception uses allowed by PB, except multi-family and nursing home; and other uses all as may be approved by the Zoning Board of Adjustment. A building which is located more than 500 feet from a single family residential district boundary, may exceed six stories in height upon approval as a special exception use.

4. Maximum Building Height.

When a building is within 300 feet of a single residential district boundary, said building shall not exceed three stories in height. When a building is more than 500 feet from a single family residential district boundary, said building shall not exceed six stories in height, unless approved as a special exception use. All buildings shall conform to the Standard Building Code, the National Fire Code, the Standard Fire

Prevention Code, and the Life Safety Code, as adopted and amended by the City of Oneonta.

G. Off-Street Parking and Loading Requirements.

It is intended that the development criteria submitted with the application for the PUD will set forth off-street parking and loading requirements. If the application does not contain such information, then the provisions of **Article VIII , Off-Street Parking and Loading Requirements**, shall apply. Also, Article VIII, shall apply in any situation where the off-street parking and loading requirements provided for in the PUD application are not as restrictive as the requirements of the said Article VIII.

H. Mixed Uses.

It is intended that the flexibility of the PUD will allow, in appropriate circumstances, mixed uses on any particular parcel within the PUD, taking into consideration the compatibility of the intended uses with the surrounding use(s). “Mixed Use”, as used herein, shall be defined as a combination of principal permitted use (s) and shall be considered as a special exception use: under each land use district for the purposes of the Section 10.0, and shall be approved by the Zoning Board of Adjustment as any other special exception use would have to be approved. Article III, Section 1.3 of this Ordinance shall not apply to a Mix Use as herein defined.

11.6 Building Permit.

- A. General. The developer of the PUD shall proceed with the development of the property in accordance with the plan. If plans are submitted for the construction of improvements on any particular parcel with the PUD, a building permit shall be approved or disapproved according to the procedure set forth in this section 10.6.
- B. Issuance of Building Permits for Principal Permitted Uses. Upon application for a building permit for the construction of improvements on any parcel within the PUD, if the Building Inspector shall determine that the intended use of the improvements is a “principal permitted use” within the applicable land use district of the PUD, then a building permit shall be issued in accordance with the provisions of **Article IV, Section 2.0** of this Ordinance.
- C. Special Exception Uses. Upon application for a building permit for the construction of improvements on any parcel within the PUD, if the Building Inspector shall determine that the intended use of the improvements is a “special exception use” or “mixed use” within the applicable land use district of the PUD, the Building Inspector shall defer said applicant and application to the Zoning Board of Adjustment. Requests for special exception uses as stipulated within the zone district regulations including the PUD, are permitted only after review by the Zoning Board of Adjustments. The following review procedure shall be adhered to:
 - 1. The applicant shall submit a complete special exception use application, with the appropriate fee to the Building Inspector at least 15 days prior to the Zoning Board of Adjustment meeting at which the special exception use request is to be considered, containing as a minimum, the information required under **Article IV, Section 14.1** of this Ordinance.

2. The Zoning Board of Adjustment shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

- D. Subdivision Plats Road. Nothing in this Section 10.0 shall be construed to required a building permit for approval of subdivision plats or road designs. However, plats must meet all of the requirements of Oneonta subdivision regulations and all roads must be designed and constructed to minimum standards required by the City of Oneonta.

11.7 Amendment of the Plan.

- A. Intent. It is the intent of this Section 10.0 to provide for the flexibility in the development of the property submitted for the PUD, and to allow minor changes in the plan without any additional approvals. Accordingly, additional approval shall be required only for major changes as defined in **Article VI, Section 10.7 (B).**
- B. Major Change. A “major change” in the plan shall be defined as a change in the boundaries of any land use district reflected on the master development plan, any changes in the planning criteria submitted with the master development plan, and any change in the lot size of any lot or tract within the boundaries of any land use district where such changed in the lot size will result in a variance being needed from setback requirements for the construction of any improvements on said lot. No segment, tract, lot or parcel of land within the approved PUD shall be processed for a change of land use districts, to other PUD land use district or conventional zoning districts unless the total PUD is submitted along with the rezoning request. Any other changes shall be considered “minor changes” and shall not require any additional approvals, other than the plat approval which shall be obtained through the typical plat approval procedures of the City of Oneonta and all said plats for a PUD will be reviewed and approved on the basis of the approved planning criteria of the PUD only.
- C. Approval of Major Changes. Whenever the developer of the PUD shall request a major change in the plan, the developer shall file an application for change which shall be reviewed in accordance with the provision of **Article VI, Section 10.4.**

11.8 Time Limit for Development of Plan

If no construction has begun within six (6) months from the estimated and approved startup date of the PUD, as indicated by **Article VI, Section 10.2 , C , 5, d ,** said approval shall lapse and be of no further effect. The Planning Commission, upon showing of good cause by the developer, may extend for period(s) of three (3) months for the beginning of construction.

11.9 Definitions

- A. Intent.

The intent of this Section 10.9 is to clarify terms of this Section 10.0. For the purpose of this Section 10.0 of this Ordinance, certain terms used herein are herewith defined and if any terms defined herewith in this Section 10.9 shall contradict or conflict with any terms defined in Article

V or in any other section of this Ordinance, those terms as defined in Article V or other sections shall not apply to this Section 10.0.

B. Definitions.

1. Attached Single Family Dwelling

Shall refer to those buildings so designed and arranged to provide separate sleeping, cooking and kitchen accommodations and toilet facilities for occupancy of more than two families where by the living units are built for sale, fee simple and not for lease; including condominiums and townhouses.

2. Detached Single Family Dwelling

A detached building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by one family only.

3. Multi-Family Dwellings

Shall refer to a structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen facilities or dining facilities, and which is leased in part or whole, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories or similar housing types, but not including hotels, motels, hospitals or nursing homes.

4. Open Spaces

Any greenbelt, park, lake, river or recreational development or area which is owned in common or private, devoid of any buildings and other physical structures, except where accessory to the provision of recreation opportunities, and which is developed, located and/or maintained so as to provide relatively permanent recreation opportunity either in the passive sense (such as the participation of pleasant vistas, gardens, etc.) or in the active sense, (such as the participation in athletic endeavors, playground activities, etc.), to the general public or may be restricted to use for a homeowner or business association membership or segment thereof.

5. Interim Uses

An interim use shall be any temporary use of land in any area of a PUD which has been approved as a part of the PUD development plan and criteria. An interim use can be any use and may or may not be a principle permitted use or a special exception use of the land use district in which it is located.

6. Plat

Any drawing or drawings and related written material indicating the proposed manner or layout of a read, parcel, and/of subdivision to be submitted to the City of Oneonta for approvals and/or recording purposes.

Section 12.0. O-1 Office Building District

12.1 Intent.

To provide areas suitable for office and professional buildings, along with selected institutional and commercial uses which are deemed compatible with the professional office environment.

12.2 Uses Permitted.

Offices and professional building where the administrative affairs of a business, profession or industry are conducted such as:

- Business or professional office
- Bank or financial institution
- Medical support service
- Business support service
- Public utility service
- Similar uses to those listed above may also be permitted subject to **Article VII. Sections 6.0, Interpretation of Uses and 7.0, Unclassified Uses.**

NOTE: Office buildings in excess of 2,500 square feet of floor area may use up to 10 percent of such space for commercial and service oriented establishments such as snack bars, gift or specialty shops, quick-copy services, opticians and similar uses.

12.3 Special Exception Uses.

The following uses may be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issues. (See **Article IV, Section 14.0, Special Exceptions**).

- **Park**
- **Public Building**
- **Public Utility Facility**
- **School**
- **Commercial School**
- **Place of worship**
- **Restaurant, standard**
- **Hospital**
- **Clinic**
- **Broadcast Studio**
- **Day care center**
- **Community service club**
- **Community center**
- **Commercial parking**
- **Public assembly center**
- **Seasonal event**
- **Special event**

12.4 Area and Dimensional Regulations.

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>	<u>Maximum Height</u>	
<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side* Yard</u>		<u>Feet</u>	<u>Stories</u>
40'	35'	35'	None specified although lot size should be adequate to provide for required parking, buffers, storage and servicing of the building(s).	45'	3

* Side yards may be reduced to 15 feet if adjoining property is zoned commercial.

12.5 Buffer Requirements.

Unless otherwise stipulated, when any lot is developed for any use permitted in this district and is situated adjacent to any residential lot, a buffer shall be installed and maintained in accordance with the provisions of **Article VII, Section 20.0.**

12.6 Additional Regulations (When Applicable).

- A. General Regulations, **Article III, page 2**
- B. Administration, **Article, IV, page 6**
- C. Definitions, **Article V, page 19**
- D. Supplemental Regulations, **Article VII, page 82**
- E. Off-Street Parking and Loading Requirements, **Article VIII page 95**
- F. Any outdoor storage areas shall be screened to a minimum height which is adequate to conceal such storage areas from public view.
- G. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and screened to a height which is adequate to conceal such facilities from public view.

Section 13.0 B-1 Local Shopping District.

13.1 Intent.

To provide areas suitable for selected retail, service and institutional uses which are convenient to and compatible with nearby residential areas they are to serve.

13.2 Uses Permitted.

The following uses shall be permitted in the B-1 local shopping district. Similar uses to those listed below may also be permitted subject to the provisions of **Article, IV, Administration, Section 6, Interpretation of Uses, and Section 7.0, Unclassified Uses.**

- Business or professional office
- Bank or financial institution
- Medical support service

- Business support service
- Personal service
- Convenience store
- Vehicle repair – minor
- Car Wash
- Garden center or nursery
- Tourist home
- Boarding house
- Studio
- Day care center
- School, commercial
- Commercial parking
- Restaurant, standard
- Hotel or motel
- Entertainment, indoor
- Clinic
- General retail business, enclosed
- Public utility service
- Gasoline service station, subject to **Article VII, Section 16.0**

13.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Park
- Public building
- Public Utility facility
- School
- Place of worship
- Restaurant, fast food
- Hospital
- Domiciliary care facility
- Broadcast studio
- Community service club
- Rehabilitation facility
- Community center
- Club
- Entertainment, outdoor
- Country club
- Nursing care facility
- Shopping center, subject to **Article VII, Section 17.0.**
- Animal hospital (No outside kennels or runs)
- Public assembly center
- Recreation
- Season events
- Special events

- Package Store¹⁴

13.4 Area and Dimensional Regulations.

Minimum Yard Size

Front Yard Rear Yard Side* Yard

Minimum Lot Width

Minimum Lot Size

Maximum Height

Feet Stories

25'	20'	10'	None specified although it is the intent of this Ordinance that lots be of sufficient width to allow for the proposed use, along with space for parking, loading space, outside storage, buffers, etc.	None specified although it is the intent of this Ordinance that lots be of sufficient size to allow for the proposed use, along with space for parking, loading space, outside storage buffers, etc.	45	3
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If adjoining property is zoned commercial, interior side yards may be reduced to zero (0) feet; however, if the structure is not built to the side lot line, a minimum setback of at least 10 feet shall be maintained.

13.5 Buffer Requirements.

Unless otherwise stipulated, when any use allowed in this district is situated adjacent to any residential lot, said use shall provide a buffer in accordance with the provisions of **Article VII, Section 20.0.**

13.6 Additional Regulations (When Applicable)

- A. General Regulations, **Article III, page 2**
- B. Administration, **Article IV, page 6**
- C. Definitions, **Article V, page 19**
- D. Supplemental Regulations, **Article VII, page 82**
- E. Off-Street Parking and Loading Requirements, **Article VIII, Page 95**
- F. Any outdoor storage areas shall be screened to a minimum height which is adequate to conceal such storage areas from public view.
- G. Any garbage/refuse service areas shall be limited to the rear of the principal building of complex it serves and screened to a height which is adequate to conceal such facilities from public view.

Section 14.0. B-2 General Business District.

14.1 Intent.

¹⁴ Added to Special Exception Use on May 13, 2015.

This district consists of these areas which lie in close proximity to the downtown shopping district. These areas are suitable for a wide range of commercial retail and service establishments and selected institutional uses.

14.2 Uses Permitted.

The following uses shall be permitted in the B-2 General Business District. Similar uses to those listed below may also be permitted subject to **Article IV, Section 6.0, Interpretation of Uses and Section 7.0, Unclassified Uses.**

- Those uses listed in Subsection 12.2 of the B-1 Local Shopping District subject to the same conditions plus:
- General retail business, enclosed
- General retail business, unenclosed
- Shopping center, subject to **Article VII, Section 17.0**
- Open Air Market
- Restaurant, fast food
- Vehicle sales or rental
- Funeral home
- Vehicle and equipment sales, major
- Home improvement center
- Vehicle repair, major
- Gasoline service station, subject to **Article VII, Section 16.0**
- Hotel or motel
- Broadcast studio
- Laundry service

14.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article, IV Section 14.0, Special Exceptions.**

- Upper story apartment
- Park
- Public building
- Public utility facility
- School
- Place of worship
- Hospital
- Nursing care facility
- Recreation
- Construction service
- Maintenance service
- Mini-warehouse, subject to **Article VII, Section 6.0**
- Club
- Public assembly center
- Seasonal events
- Special events

- Package Store¹⁵

14.4 Area and Dimensional Regulations.

Unless otherwise provided for elsewhere in this ordinance, the following shall be the area and dimensional regulations for B-2 General Business District.

<u>Minimum Yard Size</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Size</u>	<u>Maximum Height</u>	
			<u>Feet</u>	<u>Stories</u>
Same as B-1	Same as B-1	Same as B-1	65	5

14.5 Buffer Requirements.

Unless otherwise stipulated, when any use allowed in this district is situated adjacent to any residential lot, said use shall provide a buffer in accordance with the provisions of **Article VII, Section 20.0.**

14.6 Additional Regulations (Where Applicable).

- A. General Regulations, **Article III, page 2.**
- B. Administration, **Article IV, page 6.**
- C. Definitions, **Article V, page 19.**
- D. Supplemental Regulations, **Article VII, page 82.**
- E. Off –Street Parking and Loading Requirements, **Article VIII, page 95.**
- F. Any outdoor storage areas shall be screened to a minimum height which is adequate to conceal such storage from public view.
- G. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and screened to a height which is adequate to conceal such facilities from public view.

Section 15.0 B-3 Downtown Shopping District

15.1 Intent.

This district consists of the downtown area where a wide variety of Commercial activities, particularly pedestrian oriented, are accommodated. The primary intent of the B-3 District is to encourage the most intensive and attractive use of the downtown core so as to preserve the City's historical center and maintain its vitality.

15.2 Uses Permitted.

¹⁵ Added as a Special Exception Use on May 13, 2015.

The following uses shall be permitted in the B-3 Downtown Business District. Similar uses to those listed below may also be permitted subject to the provisions of **Article IV, Administration, Section 6.0, Interpretation of Uses and Section 7.0, Unclassified Uses.**

- General Retail Business – enclosed
- General Retail Business – unenclosed
- Bank or financial service
- Personal service
- Restaurant – standard
- Commercial school
- Studio
- Medical support service
- Business or professional office
- Business support service
- Clinic
- Recreation
- Public utility service
- Special event
- Seasonal event
- Ground Floor Apartment
- Upper Story Apartment
- Boarding
- Club
- Commercial Parking
- Convenience Store
- Entertainment, Indoor
- Entertainment, Outdoor
- Hotel/Motel
- Laundry Service
- Brew Pub¹⁶

15.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Package Store
- Community Center
- School
- Public building
- Public utility facility
- Community service club
- Open air market
- Place of Worship, with conditional waiver

¹⁶ Added as a Permitted Use October 8, 2019.

15.4 Area and Dimensional Regulations.

Unless otherwise provided for elsewhere in this ordinance, the following shall be the area and dimensional requirements for the B-3 Downtown Shopping District.

Minimum Yard Size

<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side* Yard</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Size</u>	<u>Maximum Height</u>	
					<u>Feet</u>	<u>Stories</u>
None	None	10'	None Specified	None Specified	Same as B-2	

- Side yard may be eliminated to accommodate attached building sharing a common party wall at the lot line.

15.5 Buffer Requirements.

Same as District B-2.

15.6 Additional Regulations (When Applicable).

- A. General Regulations, **Article, III, page 2.**
- B. Administration, **Article IV, page 6.**
- C. Definitions, **Article V, page 19.**
- D. Supplemental Regulations, **Article VII, page 82.**
- E. Any outdoor storage areas shall be screened to a minimum height which is adequate to conceal such storage areas from public view.
- F. Any garbage/refuse service areas shall be limited to the rear of the principal building or complex it serves and screened to a height which is adequate to conceal such facilities from public view.

Section 16.0 M-1 Light Industrial District.

16.1 Intent.

This district consists of area where limited industrial uses are permitted. This district encourages employment centers with a low degree of environmental impact. Principal industrial activities include light manufacturing, industrial services, warehousing, wholesaling, and distribution services, and other limited impact activities. The M-1 District also allows for commercial and institutional uses which are supportive of industrial employment centers.

16.2 Uses Permitted.

The following uses shall be permitted in the M-1 Light Industrial District. Similar uses to those listed below may also be permitted subject to the provisions on **Article IV, Section 6.0, Interpretation of Uses and Section 7.0, Unclassified Uses.**

- Manufacturing, light
- Warehousing, wholesaling and distribution, enclosed.
- Mini-Ware house, subject to **Article VII, Section 6.0.**
- Construction service
- Maintenance service
- Vehicle and equipment sales, major
- Vehicle repair, major and minor
- Broadcast studio
- Transmission tower
- Research lab
- Farm support business
- Business or professional office
- Business support service
- Home improvement center
- Bank or financial institution
- Transit station

16.3 Special Exception Uses.

The following uses may be permitted in the M-1 District subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Public buildings
- Public utility facility
- Airport, including helistop
- Park
- Animal Hospital
- Military installation
- Kennel
- Animal Shelter
- Special events

16.4 Area and Dimensional Regulations.

Minimum Lot Size. It is the intent of the ordinance that lots of sufficient size be used for any industrial service or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.

Minimum Yard Size. Front Yard: None specified, except where existing establishments (other than residential) are set back, any new structures shall be set back not less than the average of the set backs of the existing establishments within one hundred (100) feet each side thereof. Side Yards: None specified, excepting a lot adjoining its side lot line

another lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide. Rear Yard: None specified.

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

16.5 Buffer Requirements.

All structures and facilities developed with the M-1 Light Industrial District shall provide a twenty (20) buffer strip on all rear and side property lines abutting any commercial zone district and a fifty (50) foot buffer strip along all property lines abutting any residential district. See **Article VII, Section 20.0.**

16.6 Additional Regulations (When Applicable.)

- A. General Regulations, **Article III, page 2.**
- B. Administration, **Article IV, page 6.**
- C. Definitions, **Article V, page 19.**
- D. Supplemental Regulations, **Article VII, page 82.**
- E. Off-Street Parking and Loading Requirements, **Article VIII, page 95.**

Section 17.0 M-2 Heavy Industrial District.

17.1 Intent.

To provide suitable areas where heavy industrial uses are permitted. This district encourages employment centers where a potentially high degree of environmental impact uses can be located. Principal industrial activities include general and heavy manufacturing, and industry, salvage yards, resource processing and other heavy impact activities.

17.2 Uses Permitted.

The following uses shall be permitted in the M-2 Heavy Industrial District. Similar uses to those listed below may also be permitted subject to the provision of **Article IV, Section 6.0, Interpretation of Uses and Section 7.0, Unclassified Uses.**

- Those used permitted in Subsection 15.2 of the M-1 Light Industrial District subject to the same conditions, where specified, plus
- Manufacturing, general
- Heavy industrial
- Warehousing, wholesaling and distribution, open

17.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. See **Article IV, Section 14.0, Special Exceptions.**

- Salvage yards
- Kennel
- Animal shelter
- Animal hospital
- Airport, including helistop
- Resource extraction
- Public buildings
- Sanitary landfill
- Public utility facility
- Military installation
- Special events

17.4 Area and Dimensional Regulations.

<u>Minimum Lot Size</u>	<u>Minimum Yard Size</u>	<u>Maximum Height</u>	
		<u>Feet</u>	<u>Stories</u>
Same as M-1	None specified	50	4

17.5 Buffer Requirements.

Same as in M-1 District.

17.6 Additional Regulations (When Applicable).

- A. General Regulations, **Article III, page 2.**
- B. Administration, **Article IV, page 6.**
- C. Definitions, **Article V, page 19.**
- D. Supplemental Regulations, **Article, VII, page 82.**
- E. Off-Street Parking and Loading Regulations, **Article VIII, page 95.**
- F. Gasoline, fuel lubricating oil and all petroleum refractories, distribution plants and all bulk storage tanks and loading platforms shall be set back from adjoining property lines a distance of not less than 200 feet.

Section 18.0. MR Municipal Reserve District.

18.1 Purpose.

This district serves as an interim zone for newly annexed areas of the municipality. The MR District seeks to protect newly annexed areas prior to the time comprehensive zoning can be applied to the area.

18.2 Zoning of Annexed Property.

On the effective date of annexation, all newly annexed property shall be zoned MR Municipal Reserve District.

18.3 Rezoning from the MR District.

As soon as practical following annexation, the Planning Commission shall initiate a petition to rezone property annexed into the City from the MR District to any other district contained within this Ordinance. In determining the most appropriate zone or zones, the Planning Commission shall duly consider the following items, among others:

- A. The Comprehensive Plan.
- B. The desires of property owners in the area subject to rezoning;
- C. The purposes and considerations of zoning as contained in this Ordinance as well as in **Section 11-52-72, Code of Alabama.**

18.4 Permitted Used and Development Standards.

All uses in existence at the time of annexation may lawfully continue under the provision of the MR District.

18.5 Action on Annexation Ordinances.

All annexation ordinances enacted by the City of Oneonta shall include the provision that the property shall be temporarily zoned MR. A copy of the annexation ordinance shall be transmitted to the Building Inspector and the Planning Commission for action.

ARTICLE

VII. SUPPLEMENTAL REGULATIONS

Section 1.0. Purpose of Supplemental Regulations.

This Article assigns Supplemental Standards over and above those imposed by other sections of this Ordinance. Although permitted in certain districts, some uses have unique characteristics that require these Supplemental Standards.

Section 2.0 Farm.

- A. The minimum land area shall be 5 acres.
- B. The following farming activities shall be permitted:
 - 1. forage and sod crops;
 - 2. grain and seed crops;
 - 3. dairy animal and products;
 - 4. poultry, including egg production but excluding commercial poultry processing;
 - 5. Livestock, such as beef cattle, swine, sheep, goats or any similar livestock; including the breeding and grazing of such animals but excluding commercial meat processing operations;
 - 6. Nursery operations involving the raising of plants, shrubs and trees for sale and transplantation and including greenhouses and incidental sale of items customarily associated with a nursery operation;
 - 7. Bees and apiary products;
 - 8. Fisheries, excluding fish and seafood processing;
 - 9. Fruit and vegetables of all kinds, including the growing and harvesting of such fruit and vegetables, but excluding commercial food processing operations;
 - 10. Livestock, dairy animals, small animals and poultry shall not be housed closer than 200 feet from any adjacent lot not zoned AG.
 - 11. Temporary sawmills and chippers used in connection with commercial forestry operations shall be set back at least 200 feet from any lot line.

12. Temporary or permanent living accommodation for farm tenants performing agricultural labor shall be permitted.
- C. A booth or stall (farm stand) from which produce and farm produce is sold to the general public shall be permitted subject to the following limitations.
 1. Sales areas shall be set back from all lot lines as to meet the direct yard requirements.
 2. Sales areas shall not occupy any part of a required off-street parking or loading area.
 - D. Incidental structures and activities commonly associated with a farm any include barns, silos, animal pens, loading and unloading platforms or chutes and other accessory uses.
 - E. Except for kennels, as defined by this ordinance, the keeping of small domestic animals, small fur-bearing animals, or bees for personal enjoyment or use shall not be deemed a farm and shall be permitted as an accessory use to a permitted dwelling in any district. Further, the cultivation of a garden or orchard; the raising of plants, vegetables, shrubs and the like; the keeping of greenhouses; and similar activities for personal enjoyment or use shall not be deemed a farm and shall likewise be permitted as an accessory use to a permitted dwelling in any district.

Section 3.0. Hobby Farm.

- A. Unless otherwise provided by this Ordinance, the keeping of farm animals and fowl (livestock and fowl) shall be limited to the following types:
 1. poultry;
 2. small livestock, such as sheep and goats, and;
 3. horses and similar animals, such as ponies and donkeys.
 4. The keeping of swine shall be prohibited.
- B. The use shall be subject to the following setback and area requirements:
 1. Farm animals shall be housed not less than 100 feet from any adjacent lot not zoned AG.
 2. At least one acre of lot area shall be required for each small livestock animal, horse and similar animal and a maximum of 20 poultry for every 8,000 square feet of lot area shall be permitted.
- C. Except for kennels, as defined by this Ordinance, the keeping of small domestic animals for personal enjoyment shall not be deemed a hobby farm and shall be permitted as an accessory use in any district.

Section 4.0. Family Care Home.

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

- B. The building shall maintain the exterior appearance of a single-family residence with no separate outside entrances to individual bedrooms.
- C. The family care home must be sponsored by a public or non-profit organization. State licensing requirements shall be met as well as all applicable County licensing requirements where they exist.
- D. No family care home shall be located within 1,000 feet of another family care home as measured between lot lines.

Section 5.0. Home Occupation.

- A. The home occupation shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the use permitted in the district of which it is a part.
- B. Such use shall not adversely affect the general welfare of the surrounding residential area due to potential noise, odor, electrical interference, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use of residentially zoned property.
- C. Customary home occupations shall be limited to an office or a business of a personal service nature.
- D. The home occupation shall be confined to twenty-five (25) percent of the principal building, and shall not be conducted in any accessory building located on the same lot as the principal dwelling. No outside storage shall be used in connection with a home occupation.
- E. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than those members of the residential family.
- F. No display of products shall be visible from the street and only articles made on the premises may be sold.
- G. The activity carried on as a home occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
- H. Not more than one, non-illuminated, wall mounted sign of two or less square feet of area shall be permitted per dwelling.

Section 6.0. Mini-Warehouse.

- A. No outdoor storage shall be permitted on the site.
- B. No storage of volatile or explosive materials shall be permitted, either inside the structure or structures, or on the premises.
- C. The facility or site shall not be used for wholesale or retail sales operations.

- D. A minimum lot size of two (2) acres shall be required for mini-warehouse development, and such facility shall not exceed one (1) story in height.

Section 7.0. Garage or Yard Sale.

- A. Garage or yard sales on the same lot shall not be conducted for more than three (3) days (whether consecutive or not) during any 90 day period. (Permit required)
- B. All posters and/or signs shall be removed immediately after such sale by the person or persons conducting the garage or yard sale.

Section 8.0. Accessory Buildings.

- A. Non-residential accessory buildings up to 12 feet in height shall be permitted within 5 feet of any side or rear property line, but shall not occupy any portion of a front yard. Accessory building above 12 feet in height shall be set back an additional one foot for each four feet height above 12 feet up to the district maximum building height limitation set for the specific zoning district.
- B. Residential, detached accessory buildings, carports and garages on residential lots shall meet the following dimensional requirements:
 - 1. In no case shall the total ground coverage of any accessory structure(s) exceed the ground coverage of the main structure.¹⁷
 - 2. The maximum height shall be 18 feet, but in no case greater than the principal building height.
 - 3. Such structures and additions shall be subject to the district front yard requirements in that respective zoning district.
 - 4. Such structures shall be no closer than 5 feet to any property line, except structures above 12 feet shall be set back an additional one (1) foot for each foot above 12 feet in height.
- C. Accessory structures shall be constructed of materials which are compatible with other buildings in the zoning district in which located in order to insure that the aesthetic value and appearance of the neighborhood is retained.
- D. Accessory structures shall not be built prior to construction of the primary residence.
- E. Residential, Attached accessory building, carports and garages shall have no dimensional limitations, provided the structure meets setback and zoning district requirements.

Section 9.0. Cemetery.

- A. The minimum site area shall be 5 acres.

¹⁷ Amended October 12, 2010.

- B. Each gravesite shall be set back a minimum distance of fifty feet from any property line of the cemetery. Each columbarium or mausoleum shall be set back a minimum distance of 200 feet from any property line of the cemetery.
- C. A 6 feet high protective wall or fence may be required along all property lines, except at points of vehicular access where gates with locks may be required. The cemetery shall be exempt from any required screening or buffering along a public right-of-way.
- D. No gravesite shall be located closer than 150 feet from a water line or underground water supply.

Section 10.0. Satellite Dish Antennas.

- A. Satellite dish antennas and other ground-mounted antennas shall not be permitted in the front yard. Setbacks shall be from all property lines a distance equal to the height of the antenna. The setback of a satellite dish antenna shall be the minimum distance measured from the closest edge of the dish to the property line. Satellite dishes are subject to the district maximum building height limitations.
- B. These satellite dish antennas shall be neutral in color and, to the greatest extent possible, compatible with the appearance and character of the neighborhood in which located. In case the required placement prevents satisfactory reception, or other problems exist, of a unique nature, such shall be referred to the Zoning Board of Adjustment for resolution of the problem.

Section 11.0. Regulations Pertaining to Mobile Homes.

All mobile homes are prohibited in all zoning districts of the City of Oneonta except in the RMHP and MS districts, provided, however, that mobile homes shall be allowed in the AG Agriculture District upon compliance with the following requirements:

The mobile home as located on the proposed site shall be at least seventy-five (75) feet from the nearest residential structure (excluding another mobile home) located on property under separate ownership.

Water and sanitary facilities must be approved by the City of Oneonta.

Site requirements:

Minimum Lot Width at Front Setback Line	100 feet
Minimum Lot Area	15,000 square feet

Yard Requirements:

Front:	35 feet
Undedicated Road:	60 feet from centerline
Side:	15 feet

Rear: 35 feet

Parcel or parcels and adjacent property under same ownership will allow the following:

1 Mobile Home	15,000 square feet minimum area
2 Mobile Homes	1 acre minimum
3 Mobile Homes	2 acres minimum
4 or more Mobile Homes	Must be rezoned RMHP or MS

Section 12.0. Swimming Pools.

- A. Permanent swimming pools which are wholly or partially above ground level shall be located in the rear yard of a single or two family dwelling and be located not closer than 25 feet from any property line. No mechanical appurtenance shall be located within ten feet of any property line.
- B. Private swimming pools constructed below grade level shall be:
 - 1. Located in the rear yard only when in a single family or two family residential zone.
 - 2. Located, including mechanical appurtenances, no closer than 10 feet from any property line.
- C. Enclosed by a fence of not less than 5 feet in height measured from ground level to the highest portion of the fence. Fences and gates shall be so constructed and of such materials as to prevent the unauthorized entry of children and household pets into the pool area. Moreover, gates shall be provided with adequate locking devices and shall be locked at all times when pool is not in use.
- D. All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property.
- E. Swimming pools for multi-family, planned residential and commercial use shall meet minimum standards deemed by the Planning Commission to be appropriate upon review of the specific proposal.

Section 13.0. Temporary Structures and Building Material Storage.

- A. Building material or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land before the appropriate building permits have been approved by the Building Official and issued by the Inspection Department. Such building materials and temporary structures shall be removed upon completion or abandonment of the construction work.

Section 14.0. Fences and Walls.

- A. Walls or fences may be located within the yards except as provided herein:
- B. In any residential district, the following regulations apply:

1. Decorative wood fences, decorative masonry or brick walls and hedges may be permitted within or along the edge of all front yards so long as such do not exceed a height of forty-eight (48) inches.
 2. Fences, walls and hedges of six and one-half (6 ½) feet or less in height may be permitted within or along the edge of side and rear yards in residential districts.
 3. In the case of a lot with more than one front yard (corner or double frontage lot) decorative wood fences, masonry or brick walls and hedges of six and one-half (6 ½) feet or less in height may be permitted in all but one of the front yards but no closer than fifteen (15) feet to the front lot line(s).
- C. In any non-residential district, unless otherwise stipulated elsewhere in this Ordinance, fences, wall and hedges may be permitted within or along the edge of any yard, provided such fence, wall or hedge erected or planted within a distance of fifteen (15) feet from or along the edge of the front lot line shall not exceed four feet (48 inches) in height.

Section 15.0. Emergency Care Facility.

- A. The use shall be conducted within a single family residence
- B. The building shall maintain the exterior appearance of a single-family residence, with no separate outdoor entrances to individual bedrooms.
- C. The Emergency Care Home must be sponsored by a public or non-profit organization. State licensing requirements must be met.
- D. No Emergency Care Home shall be located within 1,000 feet of another Emergency Care Home as measured between lot line.

Section 16.0. Gasoline Service Station.

- A. Where permitted, gasoline service stations shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama on any applicable Ordinance of the City of Oneonta.
- B. All permanent storage of material, merchandise and equipment shall be within the principal building or within permanent stationary containers, located within the setback lines, with the exception of refuse, trash and temporary storage which shall be located in an area enclosed by an opaque fence which is adequate in height to screen such uses from public view.
- C. All lighting shall be arranged as to prevent direct light or glare into public streets or surrounding properties.
- D. Drains located on the premises without approved separators in the trap shall be prohibited. Gasoline storage tanks shall be located underground and be in full compliance with Alabama Department of Environmental Management requirements.

- E. All minor repair work to vehicle herein allowed shall be done within the principal building located on the premises of a gasoline service station as herein permitted.
- F. No gasoline service station shall be located within a radius of three hundred (300) feet from a public assembly center. This also includes places of worship, community centers, community service club, day care center, hospital and similar uses, which a large number of people are concentrated on a temporary or permanent basis.
- G. The following are prohibited uses in gasoline service stations located in any zone other than industrial zones:
 - 1. Major motor overhauls.
 - 2. Body work and spray painting
 - 3. Any uses performed inside the building which is offensive or dangerous or which constitutes a nuisance to the occupants of adjacent properties, by reason of the emission of smoke, fumes, dust odor, vibration, noise or unsightliness.
 - 4. Storage of vehicles on premises for purposes other than periodic maintenance or repair.
- H. Gasoline service station signs shall be of non-flicker and non-flashing type.
- I. Off-street parking facilities shall conform to requirements specified in **Article VIII, Section 3.0.**

Section 17.0. Shopping Center.

Where permitted, a shopping center shall:

- A. Consist of a building group that is architecturally unified.
- B. Provide convenient vehicular servicing of all building in the shopping center, as well as satisfactory circulation of traffic in the parking areas, and be designed to avoid undue interference with through traffic in gaining ingress and egress from the sites.
- C. Provide an integrated parking area as specified in **Article VIII** and vehicular loading space as specified in **Article VIII.**
- D. Provide convenient and safely located pedestrian walkways.
- E. Depict the location, size, character and number of all exterior signs.
- F. Have a minimum site depth of three hundred (300) feet.
- G. Provide a buffer strip of not less than twenty (20) feet wide where the shopping center abuts any residential zone, unless otherwise stipulated elsewhere in this Ordinance.
- H. Conduct a traffic analysis and provide information on the estimated effect that the proposed shopping center will have on adjacent street traffic, including volume flows to and from the proposed facility. This analysis should be prepared by a registered professional engineer.

- I. Present a preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewers and water supply, prepared by a registered professional engineer.
- J. Provide a copy of any deed restrictions intended for the property upon which said facility is to be constructed.

Section 18.0 Patio Home Located Outside the PRD District.

- A. Subdivision of lots for patio homes outside of a planned residential development shall be restricted to tracts with a minimum site area of three or more acres. The maximum density shall be seven dwelling units per acre.
- B. Except within a planned residential development, the patio home shall meet the following dimensional requirements:
 - Minimum lot area: 6,000 square feet
 - Minimum lot width: 50 feet
 - Minimum front yard: 20 feet
 - Minimum side yard: 8 feet
 - Minimum rear yard: 15 feet
 - Maximum building height: 1½ stories
- C. An attached garage to a dwelling may share a common party wall with an attached garage on an adjacent lot used for a patio home on either side.
- D. All yard areas behind the front building line shall be fully enclosed by an opaque fence or wall along the side and rear lot lines to form a private yard area of at least 600 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of 10 feet, shall be a hard surfaced patio or porch. Patio homes on adjacent lots to the rear or sides may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.
- E. All utilities shall be placed underground.
- F. All lots shall be served by public water and sewer.

Section 19.0 Townhouse Located Outside the PRD District.

- A. Subdivision of lots for townhouses outside of a planned residential development shall be restricted to tracts with a minimum site area of 9,000 square feet. The maximum density shall be 14 dwelling units per acre.
- B. Except with a planned residential development, each townhouse shall meet the following dimensional requirements:
 - Minimum lot area – interior unit: 2,500 square feet
 - Minimum lot area – end unit: 4,500 square feet
 - Minimum lot width – interior unit: 22 feet
 - Minimum lot width – end unit: 45 feet

- Minimum front yard 20 feet
 - Minimum side yard – end unit 20 feet
 - Minimum rear yard 15 feet
 - Maximum building height 35 feet
- C. Not more than eight dwelling units shall be permitted per building.
- D. A 300 square feet fenced or walled private yard area shall be provided on lots of less than 7,000 square feet. Not less than 100 square feet of the private yard area, with a minimum dimension of 10 feet, shall be a hard surfaced patio or porch. Townhouses on adjacent lots to the rear or sides may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.
- E. All utilities shall be placed underground.
- F. All lots shall be service by public water and sewer.

Section 20.0. Buffers.

20.1 Definition.

A buffer is herein defined as a strip of land that is retained, for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, restricting passage and enhancing the natural environment – thereby providing for a compatible mix of otherwise conflicting uses. A buffer may consist of the following:

- A. A natural barrier such as existing or planted trees or shrubs, a combination of trees, shrubs or vegetation. Any combination of evergreen trees and/or evergreen shrubs, evergreen trees and other deciduous trees (hardwoods) are acceptable as long as the visual barrier will be uniformly dense at the minimum height required.
- B. A solid opaque fence, a brick or masonry wall, or earth berm.

20.2 General Requirements for Buffers/Screening.

Specifications for buffers shall be determined by the Planning Commission in its review of site development plans at minimum, buffers shall meet the following criteria: If a natural barrier is specified in the buffer strip, such barrier shall be a planting strip so planted that within one full growing season after installation, said planting strip shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of 4 feet tall throughout the entire length of the planting strip. The entire surface area of the buffer shall be planted with trees and/or shrubs. Within 3 full growing seasons after installation, said planting strip shall have reached a minimum height of 6 feet in height or greater.

- A. If man-made screening methods are specified, the following shall apply:

1. Screening materials shall be continuously maintained, present an attractive exterior appearance and be of durable construction.
 2. Unless otherwise noted, acceptable screening materials include wood stockade fences, decorative masonry walls, brick walls, and earth berms. Screening walls or fences shall be minimum of six (6) feet in height (or as modified by the Planning Commission) but not to exceed three (3) feet in any required front yard.
 3. Location of screening shall not obstruct the visibility of traffic circulation.
- B. Buffers shall be of sufficient width, height, and opacity, and density to eliminate the adverse impact on adjacent single family residences.

20.3 Modification or Waiver.

The screening and planting requirements of this section shall be applied equally to all similarly classified and situated properties but may be modified or waived altogether in certain cases where a building site is subject to any of the following circumstances, as determined by the Planning Commission.

- A. Where natural vegetation (trees and/or shrubs) exist on a piece of property when application is made for a building permit, a strip of natural vegetation shall be left undisturbed until the Building Inspector has evaluated it with regard to the width requirements set forth in the Zoning Ordinance for that specific use and zone. The Building Inspector may require that the developer retain a portion of the natural vegetation as a greenbelt, where natural vegetation (trees and/or shrubs) already exists, rather than require a man-made planting strip. However, such vegetation shall be adequate in density to provide the desired barrier;
- B. Where impending development of adjacent property would make these standards unreasonable or impractical;
- C. Where, after inspection by the Building Inspector, it is found that two different and incompatible zone districts abut each other, but are separated by a street or alley, or where the view from the adjoining district is blocked by a change in grade or other natural or man-made features;
- D. Where a greenbelt or planting strip cannot reasonably be expected to thrive due to soil conditions, intense shade or similar conditions;
- E. Fencing, where installed, shall be constructed prior to the issuance of a certificate of occupancy;
- F. All plantings shall be permanently maintained in good growing condition by the party or parties required to provide such plantings and, when necessary, replaced with new growth. All fencing shall be permanently maintained in good condition, and whenever necessary, repaired or replaced by the party or parties required to provide such fence.

- G. In special cases where the side and/or rear yards may be inadequate to meet the width requirements for the buffer strip, as set forth in each respective zone district, the Planning Commission shall determine, based on the site plan review or other pertinent information required, an alternative method of separation.

ARTICLE

VIII. OFF-STREET PARKING AND LOADING REGULATIONS

Section 1.0. Purpose of Off-Street Parking and Loading Regulations.

The primary purpose of these provisions is to reduce traffic congestion on public streets of Oneonta by requiring certain minimum parking and loading areas be provided off-street. Further, these provisions insure safe and convenient access to and from each site, insure safe and efficient on-site traffic circulation, and encourage the design of attractive and harmonious facilities.

Section 2.0. Off-Street Parking and Loading Terms Defined.

Access Driveway. That portion of the parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.

BR. Bedroom or guest accommodations.

DU. Dwelling unit.

Employee. The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

GLA. Gross leasable area. The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Inoperative Motor Vehicle. An unlicensed motor vehicle or any motor vehicle, due to disrepair or dismantling, that is incapable of being driven safely upon a public street.

Loading Area. That area used to satisfy the requirements of this ordinance for truck loading and unloading.

Loading Space. An off-street space or berth used for the unloading or loading of commercial vehicles.

Occupancy Load. The maximum number of persons which may be accommodated by the use as determined by its design or by fire code standards.

Parking Aisle. That portion of the parking area consisting of lanes providing access to parking spaces.

Parking Area. An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.

Parking Space. That portion of the parking area set aside for the parking of one vehicle.

Stacking Space. An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller window, take-out food window, dry cleaning/laundry pick-up window, day care center drop-off/pick-up or similar type activity station.

Section 3.0. Required Off-Street Parking Spaces.

Unless otherwise provided for, all uses shall conform to the minimum parking space requirements outlined below. In situations where the required number of parking spaces is not readily determinable by the below table, the Building Inspector is authorized to determine the parking space requirements using the table as a guide.

Agricultural Uses

Farm	1 per 1.5 employees
Farm Stand	1 per 100 S.F. of display area

Residential Uses

Duplex, manufactured home, garden home Single family resident, townhouse, Apartment	2 per DU
Elderly apartment	.5 per DU
Emergency care home	1 per resident manager plus 1 per family at occupancy load.
Family care home	1 per resident manager plus 1 per 3 children at occupancy load

Institutional Uses

Boarding house	1 per BR
Community center	1 per 300 S.F. of GLA
Community service club	1 per 100 S.F. of GLA
Country club	1 per 3 persons at occupancy load
Day care center	1 per employee plus 1 stacking or parking space per 8 persons enrolled at occupancy load

Hospital	1 per patient bed plus 1.5 per emergency room bed plus 1 per employee
Nursing care, domiciliary care, or rehabilitation facility	1 per 2 residents at occupancy load plus 1 per employee
Place of worship	1 per 3 persons seated in the main sanctuary at occupancy load
Post office	1 per 300 S.F. of GLA plus 1 per 1.5 employees
Public assembly center	1 per 3 persons at occupancy load
Public facility	1 per 300 S.F. of GLA
School – college or university	1 per 3 students at occupancy load plus one per 1.5 employees
School – high school or vocational	1 per 6 students at occupancy load plus one per 1.5 employees

Commercial Uses

Appliance store	1 per 400 S.F. of GLA
Bank	1 per 250 S.F. of GLA plus 4 stacking spaces per drive-in window
Billiard room – pool hall	1 per table
Barber or beauty shop	1 per 100 S.F. of GLA
Bowling alley	4 per alley
Farm support business	1 per 1.5 employees plus 1 per company vehicle
Car wash	1 per 1.5 employees plus 4 stacking spaces per bay
Clinic	6 per practitioner
Commercial school	1 per 3 students at occupancy load plus 1 per 1.5 employees
Convenience store	1 per 150 S.F. of GLA

Dance hall	1 per 100 S.F. of GLA
Funeral home	1 per 1.5 employees plus 1 per 3 chapel seats at occupancy load plus 1 per company vehicle
Furniture store	1 per 500 S.F. of GLA
Furniture repair shop	1 per 500 S.F. of GLA
Gasoline service station	2 per service bay plus 1 per company vehicle plus 1 per 1.5 employees plus 2 per stacking spaces per fuel island.
General retail business or service establishment	1 per 200 S.F. of GLA
Home improvement center	1 per 400 S.F. of GLA
Hotel or motel	1 per room plus 1 per 1.5 employees
Laundromat, dry cleaning establishment	1 per 2 machines or 1 per 200 S.F. of GLA, whichever is greater
Mini-warehouse	1 per 20 units
Motor vehicle sales	1 per 400 S.F. of GLA plus 1 per 1.5 employee plus 2 per service bay plus 1 per 2,500 S.F. of outdoor display area
Motor vehicle service	1 per 200 S.F. of sales area plus 1 per employee plus 2 per service bay
Office, business or professional	1 per 250 S.F. of GLA
Open air market	1 per 100 S.F. of display area
Outdoor recreation	
- Golf course	5 per hole
- Carpet golf	2 per tee
- Golf driving range	1 per tee
- Other	1 per 3 persons at occupancy load
Restaurant	1 per 100 S.F. of GLA plus 1 per delivery vehicle plus 4 stacking spaces per drive-in window
Shopping center	
- Under 25,000 S.F. of GLA	1 per 200 S.F. of GLA

- 25,000 or more of GLA	1 per 250 S.F. of GLA
- Add for restaurants	1 per 100 S.F. of GLA
- Add for movie theaters	1 per 3 persons at occupancy load
Stable	1 per 3 persons at occupancy load plus 1 per 1.5 employees
Tourist home	1 per guest bedroom

Industrial Uses

General industry and manufacturing	1 per 1.5 employees plus 1 per company vehicle but not less than 1 per 2,000 S.F. of GLA
Warehouse, distribution and wholesale business	1 per 1.5 employees plus 1 per company vehicle but not less than 1 per 500 S.F. of GLA

Section 4.0. Off-Street Parking Design Requirements.

- A. The minimum parking space dimensions are as follows:
 1. Each parking space shall contain a minimum rectangular area of 9 feet width and 19 feet length except as proved in (2) and (3) below.
 2. In large parking areas of 20 or more spaces, up to 20 percent of the parking spaces may be reserved for compact cars. Such spaces shall contain a minimum rectangular area of 8 feet width and 15 feet length. These spaces shall be conspicuously marked for compact cars only.
 3. Parallel parking spaces shall contain a minimum rectangular area of 9 feet width and 22 feet length.
 4. Stacking spaces shall contain a minimum rectangular area of 10 feet width and 20 feet length and be separated from parking aisles and spaces.
 5. Handicapped parking spaces shall be designed in accordance with the International Building Code.
- B. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one or two family dwelling units, although backing onto arterial streets shall be prohibited.
- C. All parking areas when adjoining a street right-of-way between adjoining lots shall be physically separated from the right-of-way.

- D. All lighting fixtures used to illuminate parking areas shall not direct lights on adjoining streets or properties.
- E. Parking areas for all developments shall be so designed so that sanitation, emergency and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous turning movements. Fire lanes may be required by the Fire Code.
- F. All parking areas shall be surfaced with dust-free materials (asphalt or concrete) in conformance with Street Department standards.
- G. Parking spaces (except those serving one or two family dwelling units) shall be demarcated with painted lines or other markings.
- H. All parking areas shall be maintained in good condition, i.e., free of potholes, weeds, trash, etc.
- I. Large parking areas of 20 or more spaces shall provide 16 square feet of landscaping within the parking area interior for each parking space.
- J. Drainage in parking areas shall direct storm water back into the site from adjacent properties toward adequate drainage channels. Large parking areas of 20 or more spaces shall provide on-site storm water detention to retard the sudden discharge of high volumes of storm water into the public drainage system. The quantity and rate of runoff before development shall not exceed the quantity and rate of runoff before development, based on a 25-year storm frequency. Drainage plans shall be subject to the City Engineer's approval.

Section 5.0. Location of Required Parking.

All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below:

1. Required parking within planned residential developments may be provided in common parking areas.
2. If the number of required parking spaces cannot reasonably be provided on the same lot as the served use, satellite parking may be provided on an adjacent lot. The satellite parking spaces shall be located within 400 feet of the nearest public entrance to the building housing the served use. If the use is not housed within a building, satellite parking spaces shall be located within 400 feet of the lot. A satellite parking exception requires satisfactory written legal documentation that the user of such satellite spaces has the right to such spaces.
3. A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the required parking for all uses. If however, the combined uses which to make use of the same spaces at different times, the same spaces may be credited to each separate use. The applicant for a combined use facility must present satisfactory legal documentation of a combined parking agreement, and if sharing the same spaces, a time schedule for allocation of such spaces.

Section 6.0. Parking Prohibitions.

- A. The keeping of an inoperative motor vehicle in a residential district shall be within a fully enclosed building or structure or be completely screened or shielded from public view, moreover, no inoperative motor vehicle shall be parked on any public street.
- B. No vehicle exceeding 7,500 pounds gross weight and no boats, trailers, recreational vehicles, campers and similar equipment, regardless of weight shall be kept on any lot within any residential district except in a private garage, carport, or entirely within an enclosed building. Special exceptions may be granted in cases where such structures are not available and rear yard space is adequate to provide parking space for such items. However, such shall not be connected to utilities nor be used for living, sleeping or housekeeping purposes. In special exception cases, screening may be required by the Zoning Board of Adjustment.
- C. The open storage of inoperative or wrecked vehicles which are stored temporarily in any district prior to obtaining insurance estimates subsequent to towing to a destination of repair shall be limited to 96 hours and such shall not be parked on any public street.

Section 7.0. Access Controls.

- A. Access to streets within the City shall be approved by the City Engineer. The proposed location, width, drainage structures, traffic conditions, site distances and surfacing shall be addressed in the request for approval.
- B. Entrances shall be held to a minimum and be located at points affording maximum sight distances, minimum grades, and maximum separation. Combined or shared driveways and entrances or marginal access streets may be required for highway service uses along major streets.
- C. Entrances to detached residential lots shall not be less than ten feet nor more than twenty feet in width. Entrances to all other developments shall be no more than thirty-five (35) feet or eighteen (18) feet per lane of travel nor less than twenty-four (24) or twelve (12) feet per lane of travel in width measured at the right-of-way line. The radius to increase the opening shall not be less than fifteen (15) but, not more than twenty-five (25) feet. A larger radius to accommodate truck traffic may be required by the City Engineer.
- D. The maximum number of entrances for each site shall be limited on the basis of street frontage as follows:

Street Frontage Width

Maximum Number of Entrances

Less than 125 feet
 125 to 300 feet
 300 to 500 feet
 500 to 1,000 feet
 More than 1,000 feet

One
 Two
 Three
 Four
 Five

- E. Property, which has frontage on two or more streets, may be allowed entrances on each street in accordance with the above criteria.

- F. The distance between openings shall be 125 feet, except for single family detached lots.
- G. Entrances shall be located so that the curb openings are a minimum of five (5) feet from the nearest edge of a street drainage inlet and fifty (50) feet from the corner radius.
- H. Turning lanes or pavement widening at approaches to entrances may be required if deemed necessary by the City Engineer to provide safe turning movements.
- I. Each parking area on a lot shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier to control vehicular access to and from the lot. Such barrier shall be located at or along the front lot line, unless suitable barriers are located within the street right-of-way. Except for permitted access ways, such barriers shall be continuous.

Section 8.0. Required Off-Street Loading Spaces.

- A. Any use with a gross leasable (GLA) of 6,000 square feet or more which requires deliveries and shipments must provide off-street loading spaces in accordance with the following table. In situations where the required number of loading spaces is not readily determinable by the table, the Building Inspector is authorized to determine the loading space requirement, using the table as a guide.

Every retail establishment, industrial or manufacturing use, storage warehouse, freight terminal, hospital, nursing home, or similar use shall provide off-street loading spaces, as follows:

<u>GLA of Building (Square Feet)</u>	<u>Required Number of Loading Spaces</u>
6,000 - 24,999	1
25,000 – 79,999	2
80,000 –1 27,999	3
128,000 – 198,999	4
199,000 – 255,999	5
256,000 – 319,999	6
320,000 – 391,999	7
Each additional 72,000 sq. ft.	1

Every public assembly use, auditorium, convention hall, exhibition hall, stadium, office, building, funeral home, multi-family apartment building or 20 or more units, restaurants and hotels of 30,000 square feet or more, and similar uses shall provide off-street loading spaces, as follows:

<u>GLA or Building (Square Feet)</u>	<u>Required Number of Loading Spaces</u>
6,000 - 29,999	1
30,000 – 44,999	2
45,000 – 119,999	3
120,000 – 197,999	4
198,999 – 290,999	5
291,000 – 389,999	6

390,000 – 488,999	7
489,000 – 587,999	8
588,000 – 689,999	9
Each additional 105,000 sq. ft.	1

Section 9.0. Off-Street Loading Design Standards.

- A. Each loading space shall have a minimum rectangular area of 12 feet width and 55 feet length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of 14 feet height.
- B. No loading space shall be located within the required front yard or within five feet of any property line.
- C. No loading space shall be used to meet the parking space requirement, interfere with the on-site circulation of traffic, or allow a truck to extend into any right-of-way or over any property line.
- D. All lighting fixtures used to illuminate loading areas shall not direct light on adjacent streets or properties.
- E. All required loading spaces shall be located on the same lot as the principal use served by the spaces, unless a satellite or joint use loading facility is secured in equivalent as satellite or joint use parking facilities, as provided by **Section 5.0, Location of Required Parking.**

9.1 Change in Parking and Loading Requirements.

Whenever there is an alteration of a structure, an expansion of a use, or a change in use, which increases the parking and loading requirements, the use shall conform with the off-street parking and loading standards of this ordinance to the furthest practicable extent.

ARTICLE IX. SUBDIVISION REGULATIONS

Subdivisions in General

As provided by the code of Alabama in Section 11-51-1, a subdivision is defined as the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development.

All subdivision applications will consist of certified engineered drawings to include right-of-way and pavement widths, street classification and design speed street grades, base material, pavement thickness, alignment and visibility, curb and gutter details, cul-de-sacs and alleys.

Subdivision and street drainage will be calculated and shown to include all necessary easement and right of ways, storm water mitigation plans will include on site retention.

Sidewalks where required will be shown on the preliminary submittal.

All utilities and there right-of-ways will be shown on preliminary submittal.

Section 1.0. Street Names.

No street name shall be used which will duplicate by spelling or otherwise be confused with the name of any existing street.

Section 2.0 Right-Of-Way and Pavement Widths.

- A. The City Engineer shall determine the classification of all City streets.
- B. All streets shall meet the minimum requirements for right-of-way and pavement widths as follows:

TABLE I. RIGHT-OF-WAY AND PAVEMENT WIDTHS

<u>Street Classification</u>	<u>Right-Of-Way</u>	<u>Pavement</u>
All local streets	60 feet	24 feet
Subcollector	60 feet	24 feet
Collector or service	60 feet	28 feet
Alley	20 feet	18 feet
Cul-de-sac	60 feet (radius)	45 feet (radius)

- C. Subdivisions that adjoin existing roads shall dedicate additional right-of-way to meet the above minimum road width requirements.
- D. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road.

- E. When the subdivision is located on only one side of an existing road, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided. The roadway width shall be paved, unless the City Engineer gives approval to the contrary.
- F. Right-of-way for any street, road, or avenue which, in the opinion of the City Engineer, is or might become an arterial highway shall be no less than 200 feet in width.
- G. A minimum of four-foot shoulders shall be constructed at +/- one percent grade.

Section 3.0. Design Speeds.

- A. Local street – 30 M.P.H.
- B. Subcollector, collector or service street – 35 M.P.H.
- C. The minimum radius of horizontal curves, and minimum length of vertical curves, shall be based on design speed and sight distance.

Section 4.0. Base Material.

- A. A minimum of six inches of compacted, graded aggregate shall be required on all roadbeds. Additional depth of base material may be required because of anticipated traffic. Eight inches of compacted, graded aggregate shall be required for commercial collector streets. A minimum 92% compaction for base materials is required in accordance with ALDOT specifications.
- B. A minimum 100% compaction for subgrade base material is required in accordance with ALDOT specifications. The City Engineer may require compaction test results, performed by a licensed testing laboratory, prior to release of any performance bond.

Section 5.0. Pavement Thickness.

The minimum pavement thickness for the various classifications Of City streets shall be as follows:

TABLE II. PAVEMENT THICKNESS

<u>Street Classification</u>	Pavement Thickness	
	<u>Binder</u>	<u>Seal</u>
All local streets	Two inches	One and one-half inches
Subcollector	Two inches	One and one-half inches
Collector or service	Two inches	One and one-half inches
Alley	Two inches	One and one-half inches
Cul-de-sac	Two inches	One and one-half inches

Section 6.0. Street Grades.

- A. Grades of all streets shall comply with accepted engineering practices. Street grades shall not exceed fifteen percent or be less than one percent. The City Engineer may permit some variation from these grade requirements if such variation would not adversely affect the safety and general welfare of the public.
- B. Grades approaching intersection shall not exceed three- percent equivalent grade for a distance of not less than 50 feet from the centerline of said intersection.
- C. Streets shall be graded to a minimum line of four feet back of the curb line with a slope of one inch per foot.
- D. Surface cross drainage shall not be allowed.
- E. All streets shall be crowned in the center and have a one-fourth inch per foot slope.

Section 7.0. Alignment and Visibility.

- A. Minimum radii of horizontal curves shall be not less than 250 feet.
- B. There shall be a tangent for 100 feet provided between all reverse curves.
- C. Angular breaks in right-of-way alignment of more than two degrees are not permitted.
- D. Clear horizontal visibility, measured along the centerline, shall be provided for at least 250 feet in each direction.
- E. Where an existing road or other right-of-way falls within a proposed subdivision tract and the subdivider proposes to abandon this right-of-way, a request for vacation of the street right-of-way shall be filed with the Subdivision Administrator.
- F. Where there are streets and rights-of-way in existence and are proposed to be retained, they must be designed so as to eliminate all bends, crooks and other hazardous conditions.

Section 8.0. Intersections.

- A. Street alignment shall be designed to eliminate sharp curves and street jogs.
- B. Streets shall intersect as nearly at right angles as possible and in no case at an angle of less than 75 degrees.
- C. Minimum curb radius at all intersections shall be at least 25 feet.
- D. Local and collector streets shall have a clear sight triangle of 75 feet from the point of intersection.
- E. Where subdivision streets make intersection with City streets, the intersections shall be made at a point on the City street that will provide a minimum sight distance of 250 feet in each direction.

- F. All intersections shall have a sufficient turning radius to accommodate traffic in a normal manner.
- G. Any intersection of streets having an interior angle of less than 90 degrees shall have an easement radius, if deemed necessary for the safe turning of traffic.

Section 9.0. Cul-de-sacs.

Streets designed to have one end permanently closed shall be provided at the closed end with a turn around having a minimum right-of-way radius of 60 feet and a minimum pavement radius of 45 feet.

Section 10.0. Alleys.

Alleys may be required in commercial and industrial districts, except when special conditions warrant a secondary means of access.

Section 11.0. Street Drainage.

- A. Proper drainage structures shall be constructed at designated locations determined by field inspection and contour maps of the subdivisions with the approval of the City Engineer as to the size and number.
- B. Catch basins and drop inlets shall be constructed on grades exceeding 12%.
- C. Combination curb and gutter and drop inlets shall be constructed on grades over 8% or on long unbroken grades. Valley gutters will be allowed on grades not exceeding 8%.
- D. Water will not be permitted to run down the street more than 500 feet (where at all possible) without proper drainage structures to intercept surface water.

Section 12.0. Sidewalks.

Sidewalks shall be required in residential subdivisions and developments of less than 15,000 square feet of lot area per dwelling and where otherwise deemed necessary for public safety.

Section 13.0. Installation of Public Utilities.

Public utilities shall be installed prior to City acceptance of streets. All water mains, sanitary sewers and laterals, fire hydrants and storm sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk or other public improvement.

Section 14.0. Design Specifications.

Street and curb and gutter specification details are located in the Appendix of this Ordinance.

ARTICLE

X. LEGAL STATUS PROVISIONS

Section 1.0. Minimum Requirements

In their interpretation and application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals and the general welfare. Where this Ordinance imposes greater restrictions upon the use of a building or structure, or requires larger open spaces, yard area or lot area, than are imposed or required by other ordinances, rules, regulations or permits, or by easements, covenants or agreements; the provisions of this Ordinance shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants, or agreements impose greater restrictions upon the use of a building or upon the height, bulk or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the provisions of this Ordinance, such provisions shall govern.

City Not Subject to Ordinance

Any provision of this Ordinance to the contrary notwithstanding, the City, in exercising any governmental function, power or authority, shall not be subject to the provisions of this Ordinance or in anywise limited thereby in the exercise of such governmental function, power or authority.

Saving Clause

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

Section 2.0. Effective Date

This Ordinance shall take effect and be in force from and after its passage and adoption.

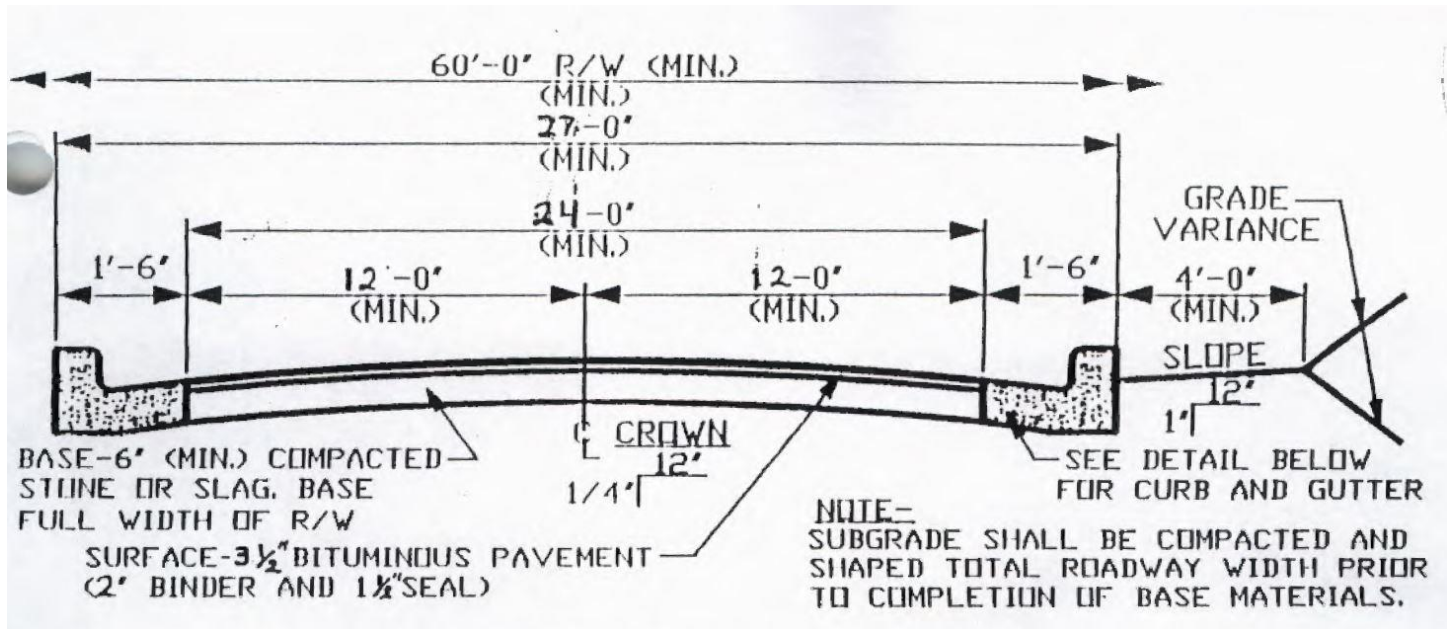
Duly adopted by the City Council this the 14th day of August, 1999

Mayor Danny B. Hicks

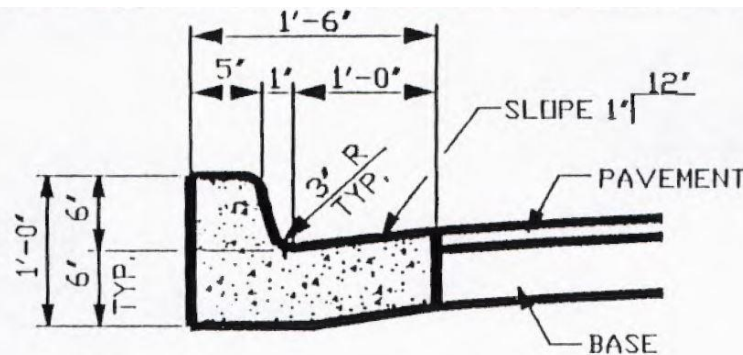
ATTEST: Martha Walker
City Clerk

APPENDIX

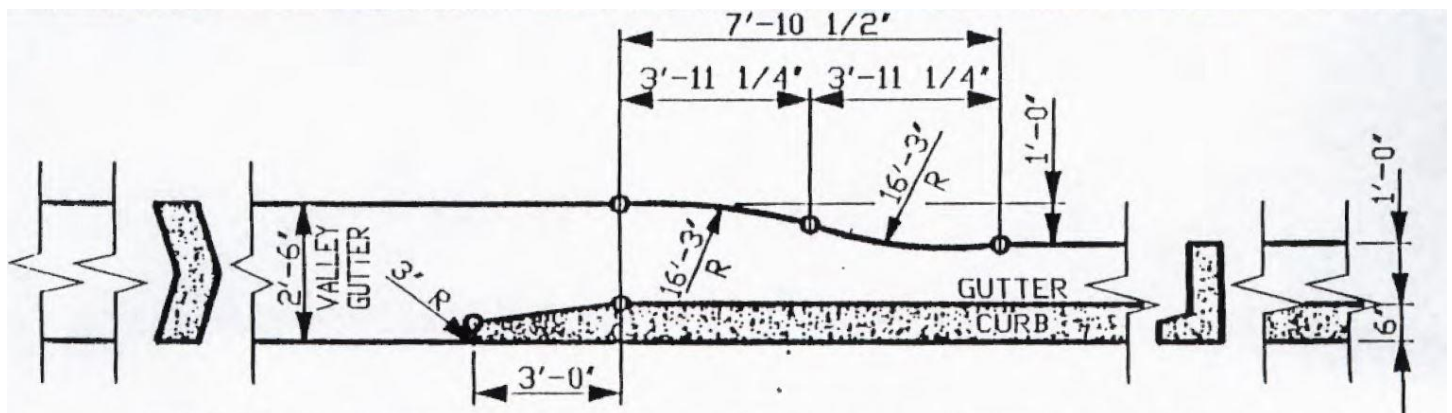
Typical Section with Curb and Gutter



Detail of Concrete Curb and Gutter



Transition from 2'-6" Valley Gutter to 1'-6" Curb and Gutter



APPLICATION FOR REZONING
ONEONTA PLANNING COMMISSION

1. **Date Application Filed**_____ **Hearing Date**_____
2. **Applicant:**_____

Address:_____

Phone Number:_____
3. **Owner of Record:**_____

Address:_____

Phone Number:_____
4. **Property Location:**_____

Tax Map Parcel Number(s):_____
5. **Acreage:**_____
6. **Existing Zoning:**_____ **Existing Land Use:**_____

Proposed Zoning:_____ **Proposed Land Use:**_____
6. **Check all required submissions with this application:**
 - ☐ **\$125.00 application fee**
 - ☐ **Reason for request**
 - ☐ **Legal description of property**
 - ☐ **Vicinity map**
 - ☐ **Availability of required utilities (if undeveloped)**
 - ☐ **Public hearing notices**
 - ☐ **Site plan**

Signature of applicant_____

****FOR OFFICE USE ONLY****

\$125.00 application fee received on _____ **by receipt #** _____

APPLICATION FOR SUBDIVISION REVIEW

ONEONTA PLANNING COMMISSION

1. **Date Application Filed**_____ **Scheduled Hearing Date**_____
2. **Applicant**_____
Address_____
Phone_____
3. **Owner**_____
Address_____
Phone_____
4. **Property Location**_____
Tax Map Parcel Number_____
5. **Acreage**_____
6. **Existing Zoning**_____ **Existing Land Use**_____
Proposed Zoning_____ **Proposed Land Use**_____
7. **Check All Required Submissions With This Application:**
 - ☐ **Legal Description of Subject Property**
 - ☐ **Vicinity Map**
 - ☐ **Availability of Required Utilities (Water, Sewer, Electric, etc.)**
 - ☐ **Site Plan (Mylar and 11 copies)**
 - ☐ **Restrictive Covenants (Must be submitted with application, if applicable)**
 - ☐ **\$125.00 Filing Fee**

Signature of Applicant_____

Signature of Authorization by Owner_____

****FOR OFFICE USE ONLY****

Date Application Received_____

This Application is a Preliminary or Final Subdivision Review (Circle One)

If Final Review, Are Streets Completed? Yes or No. If No, Completion Bond Must Be Submitted.

APPLICATION FOR VARIANCE
CITY OF ONEONTA

1. **Date Application Filed** _____ **Hearing Date** _____
7. **Applicant:** _____
Address: _____
Phone Number: _____
8. **Owner of Record:** _____
Address: _____
Phone Number: _____
9. **Property Location:** _____
Tax Map Parcel Number(s): _____
Existing Zoning: _____ **Existing Land Use:** _____

Nature of Variance with reference to applicable zoning provision:

10. Check all required submissions with this application:

- ☐ **\$125.00 application fee**
- ☐ **Reason for request (Written justification)**
- ☐ **Legal description of property**
- ☐ **Vicinity map**
- ☐ **Plot Plan with variance noted (required to setback variances)**

Signature of applicant _____

NOTICE: The applicant **must** be present at the public hearing.

****FOR OFFICE USE ONLY****

\$125.00 application fee received on _____ **by receipt #** _____

APPLICATION FOR SPECIAL EXCEPTION USE

CITY OF ONEONTA

PART I. APPLICANT INFORMATION

Name of Applicant_____

Mailing Address_____

Phone_____

Signature of Applicant_____

PART II. PARCEL DATA

Owner of Parcel_____

Mailing Address_____

Tax Map Parcel Number(s)_____

Existing Land Use_____ Existing Zoning_____

PART III. SPECIAL EXCEPTION REQUEST

Type of special exception use requested_____

PART IV. REQUIRED ATTACHMENTS

- ☐ A vicinity map showing location of property
- ☐ Plot plan (drawn to scale and dimensioned) showing the property boundaries and proposed development layout.
- ☐ \$125.00 filing fee

NOTICE: The completed application, including all required attachments must be filed at least 30 days before the Zoning Board of Adjustment public hearing. The applicant must be present at the scheduled hearing.

FOR OFFICE USE ONLY

Date Application Received_____

Scheduled Hearing Date _____

STATE OF ALABAMA

COUNTY OF BLOUNT

WAIVER BY CHURCH, SCHOOL OR LICENSED DAYCARE
PURSUANT TO ARTICLE V OF
THE ALCOHOL ORDINANCE FOR THE
CITY OF ONEONTA, ALABAMA

The undersigned individual, as the duly authorized representative for a church, school or licensed daycare, which has chosen to locate within the B3 Zoning District for the City of Oneonta, Alabama, hereby waives the provisions of Article V of the Ordinance Regulating the Sale and Distribution of Alcoholic Beverages within the City of Oneonta, Alabama which would otherwise prohibit the location of a facility or business providing on-premises sale or off-premises sale of alcoholic beverages within 250 feet of such, church, school or licensed daycare. This waiver will therefore allow such facility or business to conduct on-premises sales or off-premises sales of alcoholic beverages within 250 feet of such church, school or licensed daycare.

DONE this the ____ day of _____, 20____.

BY: _____

Its _____

STATE OF ALABAMA

COUNTY OF BLOUNT

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that _____, as a representative of _____, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the ____ day of _____, 20 ____.

 Notary Public

My commission expires: _____