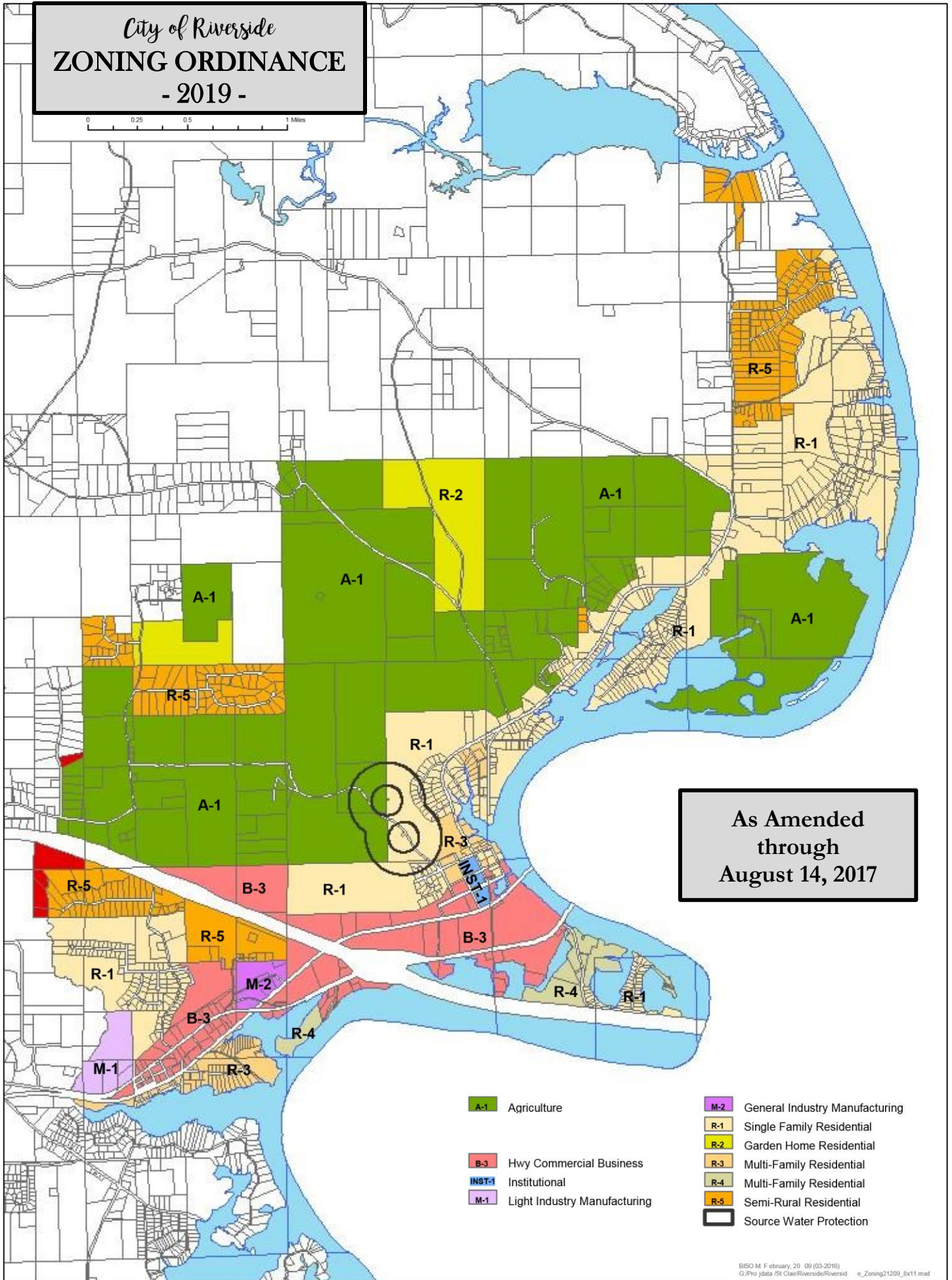


City of Riverside
ZONING ORDINANCE
 - 2019 -

0 0.25 0.5 1 Miles



As Amended
 through
 August 14, 2017

- | | |
|--|--|
| A-1 Agriculture | M-2 General Industry Manufacturing |
| B-3 Hwy Commercial Business | R-1 Single Family Residential |
| INST-1 Institutional | R-2 Garden Home Residential |
| M-1 Light Industry Manufacturing | R-3 Multi-Family Residential |
| | R-4 Multi-Family Residential |
| | R-5 Semi-Rural Residential |
| | Source Water Protection |

- *City of Riverside* - 2019 ZONING ORDINANCE -

ZONING ORDINANCE

for the
CITY OF RIVERSIDE
RIVERSIDE, ALABAMA

Adopted on May 7, 2002

As Amended through August 14, 2017

Prepared under the direction of the City of Riverside
By the
Regional Planning Commission of Greater Birmingham

City of Riverside City Council

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Jimmy Hollander
Rachelle Painter
Robert Hayes
Kenny Womack

City of Riverside Planning Commission

Rachelle Painter, Chairman
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379 Depot Street
Riverside, Alabama 35135
205.338.7692

ORDINANCE NO. 2010-0601

AMENDED ZONING ORDINANCE OF THE CITY OF RIVERSIDE, ALABAMA

AN AMENDMENT TO ORDINANCE # 2002-0507, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, ARTICLES 1 THROUGH 4 INCLUSIVE, OF THE 1975 CODE OF ALABAMA, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVERSIDE, 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 REPEAL 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 Riverside, Alabama, that said ordinance # 2002-0507 be amended to read as follows:

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ARTICLE I. TITLE, PURPOSE AND JURISDICTION

Section 10.00. TITLE.

This amendment to Ordinance # 880202 shall be known as the “Amended Zoning Ordinance of Riverside, Alabama,” and shall be further identified by the signature of the Mayor of Riverside, and attested by the City Clerk. The Zoning Map of Riverside is hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the City Clerk and shall show thereon the date of adoption of this ordinance.

Section 11.00. PURPOSE.

The purpose of this Ordinance is to implement the **City of Riverside Sketch Plan**, and is designed to lessen congestions in the streets, to secure safety from fire, panic and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, to the character of the City and to the peculiar suitability of the City for particular uses and with a view to conserving the value of buildings and property and toward encouraging appropriate uses of land throughout the City as defined in the City’s Sketch Plan and parts thereof.

The purpose of this Ordinance is to implement the **City of Riverside Sketch Plan**, and to promote the health, safety and general welfare of the present and future inhabitants of Riverside by:

- 11.00.01.** Giving effect to policies and proposals of the City’s Sketch Plan.
- 11.00.02.** By controlling and regulating the growth of Riverside, concentrating development in areas where adequate sewerage facilities and roads can be provided, and limiting development in areas where these facilities are not and should not be provided.
- 11.00.03.** Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
- 11.00.04.** Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the region’s housing needs.
- 11.00.05.** Lessening the danger of congestion of traffic on the roads and highways, limiting excessive numbers of intersections, driveways, and other friction points, minimizing other hazards, and insuring the continued usefulness of all elements of the existing highway system for their planned function.
- 11.00.06.** Securing safety from fire, panic, flood and other dangers.
- 11.00.07.** Providing adequate privacy, light and air.
- 11.00.08.** Protecting the tax base by facilitating cost-effective development within Riverside.
- 11.00.09.** Securing economy in local governmental expenditures.
- 11.00.10.** Conserving property values throughout Riverside.
- 11.00.11.** Protecting landowners from adverse impacts of adjoining developments.

-
- 11.00.12.** Dividing the incorporated area of Riverside into districts according to use of land and buildings, the intensity of land use (including bulk and height), and surrounding open space.

Each purpose listed above serves to balance the interests of the general public of Riverside and those of individual property owners.

Section 12.00. JURISDICTION.

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

ARTICLE II. DEFINITIONS

Section 20.00. PURPOSE.

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

Section 21.00. WORD USAGE.

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

- 21.00.01. Words used or defined in one tense or form shall include other tenses and derivative forms.
- 21.00.02. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- 21.00.03. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- 21.00.04. **The word “shall” is mandatory.**
- 21.00.05. The word “may” is permissive.
- 21.00.06. The word “person” includes individuals, firms, associations, organizations, partnerships, trusts, corporations and other similar entities.
- 21.00.07. The word “Riverside” means Riverside, Alabama.
- 21.00.08. The words “governing body” refers to the City Council of Riverside.
- 21.00.09. The words “Planning Commission” shall mean the Riverside Planning Commission.
- 21.00.10. The word “Board” refers to the Board of Zoning Adjustment of the City of Riverside.
- 21.00.11. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

Section 22.00. ABBREVIATIONS

Section 23.00. DEFINITIONS.

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

- 23.00.01. **Abutting.** Having a common border with, or being separated from such common border by alley or easement.
- 23.00.02. **Access.** A means of vehicular approach or entry to or exit from property.
- 23.00.03. **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.
- 23.00.04. **Accessory Dwelling.** A dwelling structure either attached or detached from the principal building on the same lot, occupied by household servants or immediate family members of the resident of the principal dwelling.

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- 23.00.05. Accessory Structure.** A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.
- 23.00.06. 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 insubstantial part of the total activity on the lot.
- 23.00.07. Acre.** A measure of land area containing forty-three thousand, five hundred and sixty (43,560) square feet.
- 23.00.08. Addition.** A structure added to the original structure at some time after completion of or after a certificate of occupancy has been issued for the original structure.
- 23.00.09. Airport.** A place where aircraft can land and take off with related facilities such as terminals, hangars, refueling and repair facilities, passenger accommodations, and other integrally related facilities.
- 23.00.10. Alley.** A thoroughfare either used or shown on any recorded description of the subject parcel(s) which is not more than thirty feet (30') wide and which affords only a secondary means of access to abutting property.
- 23.00.11. Alteration.** Any change to the height, width or depth of a building or structure; or any change in the location of any of the exterior walls. A building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of fifty percent of its fair value prior to the commencement of such repairs, renovation, remodeling or rebuilding.
- 23.00.12. 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.
- 23.00.13. Animal Shelter.** Non-profit (SPCA) or public organization providing shelter for small domestic animals.
- 23.00.14. Antenna.** An electromagnetic device, which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically, this includes "whips", "panels" and parabolic "dishes".
- 23.00.15. Antenna Support Structure.** Any structure on which radio antennas and cabling can be attached. Typically this includes steel towers with guy wires (guy towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four "legs"; rooftops of existing buildings or structures such as elevated water storage tanks.
- 23.00.16. Apartment.** A dwelling unit in which the property owner gives consent to tenants to occupy the premises. A contract to rent may exist between the parties. The tenant acknowledges that the owner has title to and a future interest in the premises and property. The dwelling unit is contained in a building comprising more than three (3) dwelling units, each of which has an entrance to a hallway, balcony, a stoop or a parking lot in common with at least one (1) other dwelling unit.
- 23.00.17. Appeal.** A means for obtaining review of a decision, determination order, or failure to act pursuant to the terms of the Ordinance as expressly authorized by the provisions of Article XIV.
- 23.00.18. Applicant.** A person submitting an application for development.

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- 23.00.19. Automobile Service Station.** See vehicle service station.
- 23.00.20. Bank.** A business engaged in providing banking or financial services to business and the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.
- 23.00.21. Bedroom.** A room marketed, designed or otherwise likely to function primarily for sleeping.
- 23.00.22. Billboard.** A freestanding, off-premises sign located on a lot not containing a building.
- 23.00.23. Board or Board of Adjustment.** The Zoning Board of Adjustment of Riverside, Alabama.
- 23.00.24. 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.
- 23.00.25. Boarding House.** An establishment other than a hotel, motel or restaurant where lodging and meals are provided for compensation to six (6) or more persons. Lodging is temporary and meals are not served on an individual basis.
- 23.00.26. BR.** Bedroom or guest accommodations.
- 23.00.27. Building.** A structure designed to be used as a place of occupancy, storage, or shelter.
- 23.00.28. Building, Accessory.** A building which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Ordinance, and/or (4) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.
- 23.00.29. Building Area.** The portion of the lot occupied by the main building, including porches, carports, accessory building and other structures.
- 23.00.30. Building, Front.** The exterior wall of a building, which faces a front lot line of the lot.
- 23.00.31. Building Height.** The vertical distance from the lowest point of the foundation at grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.
- 23.00.32. Building Line.** A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance there from to provide the minimum yards required by this Ordinance. The building line delimits the area in which buildings are permitted subject to all applicable provisions of this Ordinance.
- 23.00.33. Building, Principal.** The building in which is conducted, or in which is intended to be conducted, the main or principal use of a lot on which it is located.
- 23.00.34. Building Spacing.** The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices, and gutters.

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- 23.00.35. 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, real estate agency, insurance agency, architect, secretarial service, the administrative staff of business or industry, and the like.
- 23.00.36. 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.
- 23.00.37. Campground.** A group of buildings or structures on a site of ten (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.
- 23.00.38. Canopy.** A roof-like cover extending over a pedestrian way or right-of-way as a shelter or shield. This definition shall include the term "awning" and shall apply regardless of the materials used in its construction.
- 23.00.39. Carport.** An unenclosed paved and covered space for the private use of the owner or the occupant of a principal building and situated on the same lot as the principal building, intended for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature, and with no storage areas or walls.
- 23.00.40. Car Wash.** A commercial establishment engaged in washing or cleaning automobiles and light vehicles.
- 23.00.41. Cellular / Communication Site.** A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations. In cases involving vacant land, or low lying existing structures, a support structure for transmitter/receiver antennas are usually required.
- 23.00.42. Cemetery.** Human burial grounds.
- 23.00.43. Church Building.** A building used exclusively for regular religious worship, (including no living quarters) by the congregation or parts thereof, of an organized church.
- 23.00.44. City.** The City of Riverside, Alabama¹
- 23.00.45. Clinic.** A facility providing medical, dental, psychiatric or surgical services for sick or injured persons exclusively on an out patient basis.
- 23.00.46. 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.
- 23.00.47. Combination Dwelling.** A dwelling unit (other than a mobile home) used in combination with a nonresidential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of an institutional, commercial or industrial establishment.
- 23.00.48. Commercial Greenhouse.** A private establishment that grows and sells plant material on a wholesale and retail basis.
- 23.00.49. Commercial School.** Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

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- 23.00.50. Commission or Planning Commission.** The Planning Commission of Riverside, Alabama.
- 23.00.51. Community Center.** Buildings arranged for the community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, and similar uses.
- 23.00.52. 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.
- 23.00.53. Condominium.** An ownership arrangement of an attached single family dwelling unit placed in a group development characterized by private ownership of individual units and undivided common ownership and maintenance of designated exterior and interior spaces by a condominium association of unit owners.⁴
- 23.00.54. 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 supplies store.
- 23.00.55. 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), including automotive fuel service islands.
- 23.00.56. Corner Lot.** See lot, corner.
- 23.00.57. Council or City Council.** The City Council of Riverside, Alabama.
- 23.00.58. Country Club.** Land and buildings containing recreational facilities and club house for private club members and their guests.
- 23.00.59. Curb Cut.** See access.
- 23.00.60. Day Care Center.** A licensed and approved public or private operation; the purpose of which is to care for children in a group setting, where education may be involved and meals may be served.
- 23.00.61. Dedication.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be a fee-simple interest or of a less than fee interest, including an easement.
- 23.00.62. Density.** The quotient of the total number of dwelling units divided by the gross site area of the site.
- 23.00.63. Development.** The division of a parcel of land into two (2) or more parcels (see Subdivision); the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any use or change in use of any building or land; any extension of any use of land or any clearing, grading or other movement of land, for which permission may be required pursuant to this Ordinance.
- 23.00.64. 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 twenty-four (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.

- 23.00.65. Drainage.** The removal of surface water or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.
- 23.00.66. DU.** Dwelling unit.
- 23.00.67. Duplex.** A building designed for or occupied exclusively by two families living independently of each other.
- 23.00.68. Dwelling.** Any building or portion thereof, which is designed and used for residential purposes.
- 23.00.69. Dwelling, Attached.** Two (2) or more dwelling units adjoining one another by a common roof, wall or floor, such as a duplex, Cityhouse or apartment.
- 23.00.70. Dwelling, Detached.** A dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit, such as a single-family residence or mobile home.
- 23.00.71. Dwelling, Multi-family.** A building designed for or occupied exclusively by three (3) or more families living independently of each other.
- 23.00.72. Dwelling, Semi-detached.** Two (2) dwelling units, each of which is attached side to side, each one (1) sharing only one (1) common wall with the other; also referred to as a duplex.
- 23.00.73. Dwelling, Single family.** A building designed for or occupied exclusively by one (1) household or family.
- 23.00.74. Dwelling Unit.** A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family.
- 23.00.75. Easement.** Authorization by a property owner of the use by another and for a specified purpose of a designated part of his property.
- 23.00.76. Emergency Care Facility.** A group care home, serving up to ten (10) individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one (1) or two (2) resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.
- 23.00.77. 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.

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- 23.00.78. Entertainment, Indoor.** A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.
- 23.00.79. Entertainment, Outdoor.** A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing facilities, drive-in movie theaters, and amusement parks.
- 23.00.80. Erosion.** The detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.
- 23.00.81. Exterior Storage.** Outdoor storage of fuel, raw materials, products and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds and truck trailers stored outdoors.
- 23.00.82. Family.** One (1) or more persons related by blood, marriage, adoption or guardianship occupying a dwelling unit and living as a single housekeeping unit.
- 23.00.83. Family Care Home.** A group care home, serving up to ten (10) individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one (1) or two (2) resident managers, whose purpose is to serve socially, physically, mentally or developmentally impaired children in a family-type living arrangement, and which meet or exceed to minimum requirements of Section 11-52-75.1 *Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone*, Code of Alabama, 1975, as amended.
- 23.00.84. 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.
- 23.00.85. Farm Support Business.** A commercial establishment engaged in the sale of farm support goods and services.
- 23.00.86. Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 23.00.87. Filling.** The depositing on land, whether submerged or not, of sand, gravel, earth or other materials of any composition whatsoever.
- 23.00.88. Financial Service.** See bank.
- 23.00.89. Floodplain.** Areas in which there is a one percent (1%) chance of flooding during any given year, as identified by the Federal Emergency Management Agency (FEMA). Floodplains serve three major purposes: natural water storage and conveyance; water quality maintenance; and ground water recharge.
- 23.00.90. Floor Area, Gross.** The sum of the gross floor area for each story of a building measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area meets the current building code standards of the City of Riverside for habitable floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.
- 23.00.91. Funeral Home.** A commercial establishment engaged in funeral and undertaking services for human burial.

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- 23.00.92. Garage.** A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.
- 23.00.93. Garden Center.** A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery, and/or greenhouse, import most of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels and other garden and farm tools and utensils.
- 23.00.94. Garden Home.** A detached, single family dwelling constructed on-site in accordance with the Standard Building Code that occupies a small lot and has an enclosed yard area with a porch or patio. Sometimes called patio home.
- 23.00.95. General Retail Business, Enclosed.** Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, video rental stores, gift shops, specialty stores, jewelry stores, cosmetics sales, tobacco stores, drug stores, variety stores, catalogue stores, nurseries and garden centers, and similar retail businesses.
- 23.00.96. 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 outdoor display or sales.
- 23.00.97. Gross Leasable Area (GLA).** 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.
- 23.00.98. Heavy Industry.** Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.
- 23.00.99. Hobby Farm.¹** A five (5) acre or larger tract of land used for the production, keeping or maintenance of farm animals including horses, but excluding large swine and other livestock, personally useful to the occupants of a dwelling on the same tract.
- 23.00.100. Home Improvement Center.** A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.
- 23.00.101. Home Instruction.** Instruction in the arts, music, or academic subjects given from a dwelling by the resident to up to four (4) students at a time, except in the case of musical instruction which shall be limited to up to two (2) students at a time.
- 23.00.102. Home Occupation.** A business, profession, occupation, or trade, specifically excluding beauty parlors, barbershops and medical offices for the treatment of patients, conducted for gain or support and located entirely within the living area of a dwelling as an incidental activity of the resident and without other employees.

¹ Updated Ordinance 2015-1201-3

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- 23.00.103. 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, outpatient clinics, training facilities, gift shops, coffee shops, cafeterias, and staff offices.
- 23.00.104. Hotel.** A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction of a rooming house or boarding house, which are herein separately defined.
- 23.00.105. Impervious Surface.** A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt are impervious surfaces. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.
- 23.00.106. Improvement.** Any man-made, immovable item, which becomes part of, placed upon, or affixed to real estate.
- 23.00.107. Junkyard.** Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal and discarded materials and the collection, dismantlement, storage and salvage of two (2) or more unlicensed, inoperative vehicles. (Sometimes referred to as salvage yard).
- 23.00.108. Kennel.** Any place in or at which any number of dogs or other small household pets are kept for the purpose of sale or in connection with boarding, care or breeding, for which any fee is charged.
- 23.00.109. Lakes and Ponds.** Natural or artificial bodies of water, which retain water year round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.
- 23.00.110. Laundry Service.** A commercial establishment providing laundering, dry cleaning or dyeing 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.
- 23.00.111. Livable Floor Area.** Any floor area within a dwelling usable for any combination of sleeping, eating, cooking, recreation, or working purposes.
- 23.00.112. Livestock Sales.** The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.
- 23.00.113. Loading Area.** That area used to satisfy the requirements of this Ordinance for truck loading and unloading.
- 23.00.114. Loading Space.** An off-street space or berth used for the unloading or loading of commercial vehicles.
- 23.00.115. Lot.** A parcel of land undivided by any street or private road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use or development.

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- 23.00.116. Lot Area.** The area contained within the boundary of lines of a lot.
- 23.00.117. Lot, Corner.** A lot abutting two (2) or more streets at their intersection.
- 23.00.118. Lot Depth.** The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.
- 23.00.119. Lot, Double Frontage.** A lot, other than a corner lot, which has frontage on more than one (1) street.
- 23.00.120. Lot Frontage.** Lot width measured at the street lot line. When a lot has more than one (1) street lot line, the lot width shall be measured and the minimum lot width required by this Ordinance shall be provided at each line.
- 23.00.121. Lot Line.** A line bounding a lot, which divides one (1) lot from another or from a street or any other public or private space.
- 23.00.122. 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, triangular or gore-shaped lot, a line twenty feet (20') 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 lots that have frontage on more than one (1) road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
- 23.00.123. Lot Line, Side.** Any lot line other than a front or rear lot line.
- 23.00.124. Lot Line, Street.** In the case of a lot abutting only one (1) street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of the two (2) opposing yards shall be a rear yard.
- 23.00.125. Lot of Record.** Any validly recorded lot, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.
- 23.00.126. Lot Width.** The mean horizontal distance between the side lot lines measured at right angles to those side lines at the building line. Where there is only one (1) side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.
- 23.00.127. Maintenance Service.** An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.
- 23.00.128. Manufacturing, General.** The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.
- 23.00.129. Manufacturing, Light.** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assemble, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.
- 23.00.130. Medical Clinic.** A facility providing medical, dental, psychiatric or surgical services for sick or injured persons exclusively on an out patient basis.

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- 23.00.131. 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.
- 23.00.132. Mini-Warehouse.** A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.
- 23.00.133. Manufactured Home (Single Wide).¹** A structure, transportable in one section which, in the traveling mode, is eight feet (8') or more in width and thirty-six feet (36') or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Such term shall include any structure meeting all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.
- 23.00.134. Manufactured Home (Double/Triple Wide).¹** A structure, transportable in two or more sections which, in the traveling mode, is eight feet (8') or more in width and thirty-six feet (36') or more in length, or when erected on site, is 864 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Such term shall include any structure meeting all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.
- 23.00.135. Manufactured Home Subdivision.** A parcel of land developed under single ownership where lots are sold for the use of mobile homes and where such services as water, sewage disposal, recreational facilities and laundry services may be provided by the management for a service charge.
- 23.00.136. Mini-Cellular Site.** To accommodate the use of existing structures such as buildings, billboards and water towers, a mini-cellular site is defined as: a parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, such that towers and/or antennae do not exceed twenty feet (20') in height above the existing structure, and "whips", "panels" and parabolic "dishes" do not exceed 100 square feet.
- 23.00.137. Mobile Home.¹** A structure designed and constructed prior to June, 1976 as a movable dwelling; built upon its own permanent chassis; transported on its own chassis (normally by towing) in one (1) or more sections; occupiable with or without a foundation; and containing within it all of the normal utility systems, and adequate provisions for connecting utilities to approved public or private utility systems.
- 23.00.138. Modular Home.** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent

structure to be used for residential purposes and which bears a seal of compliance with regulations of the Alabama Manufacturing Housing Commission.

- 23.00.139. Motel.** A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made from the outside. A motel is open to the transient public in contradistinction of a rooming house or boarding house, which are herein separately defined.
- 23.00.140. Nonconforming Use.** The use of any building or land which was lawful at the time of passage of this Ordinance, or amendment hereto, but which use does not conform, after the passage of this Ordinance or amendment thereto, with the use, height, yard, off-street parking, or off-street loading and unloading regulations of the district in which it is situated.
- 23.00.141. Nursery.** An enterprise which conducts the retail and wholesale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.
- 23.00.142. 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.
- 23.00.143. Occupancy Load.** The maximum number of persons, which may be accommodated by the use as determined by its design or by fire code standards.
- 23.00.144. On-Site.** Located on the lot in question, except in the context of on-site detention of stormwater, when the term means within the boundaries of the development site as a whole.
- 23.00.145. Open-Air Market.** Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.
- 23.00.146. 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 nonresidential 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.
- 23.00.147. Ordinance.** The Riverside Zoning Ordinance.
- 23.00.148. Outdoor Storage.** The keeping, in an unenclosed area, of any goods, materials, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
- 23.00.149. 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.
- 23.00.150. Parcel.** A part or portion of land. Parcel in relationship to land is a contiguous quantity of land in possession of an owner. The words lot, parcel and tract can be used interchangeably.

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- 23.00.151. Park.** Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.
- 23.00.152. Parking Aisle.** That portion of the parking area consisting of lanes providing access to parking spaces.
- 23.00.153. 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. The repair, rental, or sale of motor vehicles, the storage of inoperative motor vehicles, the placement of a structure or sign, the display or sale of merchandise, and the conduct of any activity other than parking on a parking area is prohibited.
- 23.00.154. Parking Space.** That portion of the parking area set aside for the parking of one (1) vehicle.
- 23.00.155. Perimeter.** The boundaries or borders of a lot, tract, or parcel of land.
- 23.00.156. 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.
- 23.00.157. 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.
- 23.00.158. 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 fifty percent (50%) windowed or screened.
- 23.00.159. Premises.** A lot, parcel, tract, or plot of land together with the structures thereon.
- 23.00.160. Professional Office.** A place where the administrative affairs of a business or profession is conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial service, the administrative staff of business or industry, and the like.
- 23.00.161. Property Line.** The lot line.
- 23.00.162. Public Facility.** Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations, and similar uses.
- 23.00.163. Public Improvement.** Any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

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- 23.00.164. 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, cable and telephone transmission and distribution facilities.
- 23.00.165. Public Utility Service.** Essential utility services which are necessary to support development and which involve only minor structures such as lines and poles.
- 23.00.166. Recreation, Indoor.** A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, ice and roller skating rinks and other commercial indoor recreational and sports activities.
- 23.00.167. Recreation, Outdoor.** A commercial establishment providing recreational or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts and other commercial outdoor recreational and sports activities.
- 23.00.168. Recreational Vehicle.** A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers and motor homes.
- 23.00.169. Recreational Vehicle Park.** A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.
- 23.00.170. Rehabilitation Facility.** An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.
- 23.00.171. 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.
- 23.00.172. Resource Extraction.** The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining.
- 23.00.173. Restaurant, Fast Food.** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the restaurant building, or within a motor vehicle parked on the premises or off the premises as a carry-out order; or (2) to be served through a drive-up window, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
- 23.00.174. Restaurant, Standard.** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customer, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.
- 23.00.175. Restaurant, Take-Out.** An establishment where food and beverages are prepared and purchased for consumption off premises.

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- 23.00.176. Retail.** The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption.
- 23.00.177. Rooming House.** A dwelling where lodging is provided, for compensation for from six (6) to ten (10) persons, who are not members of a family occupying that dwelling unit, who do not occupy the dwelling as a single housekeeping unit, and who do not take their meals on the premises.
- 23.00.178. 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.
- 23.00.179. Sanitary Landfill.** A State-approved site for solid waste disposal.
- 23.00.180. Satellite Dish Antenna.** An accessory structure designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites.
- 23.00.181. School.** Public or non-profit school.
- 23.00.182. Screen.** To visually shield or obscure one abutting or nearby structure or use from another by opaque fencing, walls, berms, or densely-planted vegetation.
- 23.00.183. 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.
- 23.00.184. Sedimentation.** The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a result of erosion.
- 23.00.185. Setback.** The required minimum horizontal distance between the building line and the related front, side or rear lot line.
- 23.00.186. Shopping Center, Major.** A group of commercial establishments (as permitted in the district) locate on a lot of ten (10) or more acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.
- 23.00.187. Shopping Center, Minor.** A group of commercial establishments (as permitted in the district) locate on a lot of three (3) to less than ten (10) acres, planned and developed in a unified design with shared parking and driveway facilities, and under common management authority.
- 23.00.188. 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.
- 23.00.189. Single Family Residence.** A detached, single family dwelling constructed on-site in accordance with the adopted building code of the City.
- 23.00.190. Site.** A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.
- 23.00.191. 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:

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- 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.

23.00.192. sf. Square feet.

23.00.193. Sketch Plan. A composite of the City of Riverside Sketch Plan, all accompanying maps, charts and explanatory material adopted by the City of Riverside Planning Commission and City Council and all amendments thereto.

23.00.194. Special Event. Circuses, fairs, carnivals, festivals, benefits, religious events, or similar types of temporary outdoor events that run longer than one (1) day but no longer than thirty (30) days, are likely to attract large crowds, and are unlike the usual activities on the lot where the event occurs.

23.00.195. 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.

23.00.196. Steep Slopes. Land area where the inclination of the land's surface from the horizontal is twenty-five percent (25%) or greater. Slope is determined from on-site topographic surveys prepared with two-foot contour interval.

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

23.00.198. 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.

23.00.199. Structure, Accessory. A subordinate structure, detached from but on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure, and which requires a City building permit.

23.00.200. Studio. A place of work by an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

23.00.201. Subdivision. Any subdivision or redivision of a subdivision, tract, parcel or lot of land into two (2) or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries. All subdivisions are also developments.

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

23.00.203. Tourist Home or Bed and Breakfast Inn. 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).

23.00.204. Cityhouse. An attached single family dwelling unit with the living unit going from ground to roof and with individual outside access, placed either on an individual lot or in a group development.

23.00.205. Transmission Tower. A tower used for the transmission of wireless communication signals to the general public or private receivers, other than amateur radio towers and

towers used by a public facility. (Sometimes referred to as a communication tower or antennae).

- 23.00.206. 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.
- 23.00.207. Use.** The function, activity or purpose, for which land, a building or other structure is designed, arranged, occupied or maintained.
- 23.00.208. Use, Accessory.** An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by the provisions of this Ordinance, and/or (4) is customarily incidental to the principal structure or use.
- 23.00.209. Use, Principal.** The specific primary purpose for which land is used.
- 23.00.210. 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.
- 23.00.211. Vehicle and Equipment Repair.** A place of business engaged in the repair and maintenance of heavy trucks (over one ton), construction equipment, tractors and implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.
- 23.00.212. Vehicle and Equipment Sales.** A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance and servicing.
- 23.00.213. Vehicle Repair Service.** A place of business engaged in the repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.
- 23.00.214. Vehicle Sales or Rental.** A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, motorcycles, including incidental parking, storage, maintenance and servicing.
- 23.00.215. Vehicle Service Station.** A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles, including gas stations and express oil change businesses.
- 23.00.216. Warehousing, Wholesaling, and Distribution, Enclosed.** A place of business engaged in warehousing, wholesaling, or distribution services within a building.
- 23.00.217. Warehousing, Wholesaling, and Distribution, Open.** A place of business engaged in open air warehousing, wholesaling, or distribution services.
- 23.00.218. Wetland.** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does

support a prevalence of vegetation typically adapted for life in saturated soil condition, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

23.00.219. Woodland. An area of planted material covering one (1) acre or more and consisting of thirty percent (30%) or more canopy trees having an eight inch (8") or greater caliper, or any grove consisting of eight (8) or more trees having a ten inch (10") or greater caliper.

23.00.220. Yard. The open area between a lot line and building line.

23.00.221. Yard, Front. A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

23.00.222. Yard, Rear. A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

23.00.223. Yard, Side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

Section 30.00. ESTABLISHMENT OF ZONING DISTRICTS.

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

Section 31.00. GENERAL STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS.

- A – 1 Agricultural District.** 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. The intent of this District is to hold these lands in agricultural, forested, single family residences and other limited yet compatible uses.
- R – 1 Single Family Residential District.** Single family residences.
- R – 2 Garden Home Residential District.** Detached, single family residences on small lots with enclosed patio or porch.
- R – 3 Multi-Family Residential District.** Dwellings and apartments for not more than two (2) families.
- R – 4 Multi-Family Residential District.** Dwellings and apartments for any number of families.
- R – 5 Semi-Rural Residential District.** Single family residences, manufactured homes, public utilities, general hospitals for humans, and semi-public buildings and uses.
- B – 3 Highway Commercial Business District.** Motorist, drive-in type of retail stores and services (food stores, restaurants, motels, hotels, services stations, recreational vehicle parks, hardware, etc.).
- M – 1 Light Industry Manufacturing District.** Light industrial operations.
- M – 2 General Industry Manufacturing District.** Any industrial, service, or commercial use.
- INST – 1 Institutional District.** To include government offices, post offices, libraries, open space, etc. as defined in the chart of permitted uses.

Section 32.00. MAP OF ZONING DISTRICTS.

Zoning districts established by this Ordinance are bounded and defined as shown on the Official Zoning Map of Riverside, which, together with all explanatory materials contained thereon, is hereby made a part of this Ordinance. The official zoning map shall be in a form easily reproducible and shall be kept in the office of the Building Inspector.

The Official Zoning Map shall be updated in the quarter year following amendments to the map made by the Planning Commission and City Council.

Should the Official Zoning Map or any portion be lost, destroyed, damaged or difficult to interpret, the Building Inspector shall have a new map drawn and adopted by resolution of the City Council. The new map may correct errors or omissions in the prior map, but no such correction shall have the effect of amending the maps. Any map amendment shall follow rezoning amendment procedures contained in this Ordinance.

Section 33.00. INTERPRETATION OF DISTRICT BOUNDARIES.

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

- 33.00.01** Boundaries shown as following or approximately following any jurisdictional limits shall be construed as following such limits.
- 33.00.02** Boundaries shown as following or approximately following streets, alleys, or rights-of-way shall be construed as following such streets, alleys, or rights-of-way.
- 33.00.03** Boundary lines, which follow or approximately follow platted lot lines or other property lines as shown on the St. Clair County Tax Maps, shall be construed as following such lines.
- 33.00.04** Boundaries shown as following or approximately following section lines, half-section lines, or quarter section lines shall be construed as following such lines.
- 33.00.05** Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- 33.00.06** Boundaries shown as following or approximately following shorelines of any lakes or ponds shall be construed to follow the mean high waterlines of such lakes or ponds. In the event of a change in the mean high waterline, the boundaries shall be constructed as moving with the actual mean high waterline.
- 33.00.07** Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing water courses shall be construed as following the channel of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other watercourses, the district boundary shall be construed as moving with the channel centerline.
- 33.00.08** Boundaries shown as separated from, and parallel or approximately parallel to any of the features listed in paragraphs 33.01 through 33.07 above shall be construed to be parallel to such features. In the absence of specific dimensions, the scale of the map shall determine the distance from such features.

ARTICLE IV. REGULATIONS

Section 40.00. GENERALLY.

The general regulations contained in this Article shall apply in all districts except as specifically provided for in "Article V: Detailed Use Regulations" and "Article VII-XI: Zoning District Regulations".

Section 41.00. USE REGULATIONS.

The purpose of this section is to indicate which land uses may locate in each zoning district and which uses may not locate therein. A further distinction is made between uses that may locate in a given district only upon obtaining a conditional use permit to do so. No land shall be used except for a use permitted in the district in which it is located.

Section 42.00. USE OF STRUCTURES.

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

Combined principal and accessory uses.

- A. Unless otherwise prevented by this Ordinance, more than one permitted principal use may be combined on a lot if all of the combined uses are commonly associated with and integrally related to one another. Further, all zoning regulations for each of the combined uses shall be met.
- B. Whenever an activity, which may or may not be separately listed in the district is conducted in conjunction with a permitted use in the district as an incidental or insubstantial part of the total activity on a lot, the incidental activity shall be permitted as an accessory use if the combined uses are commonly associated with and integrally related to one another.
- C. For the purpose of this section commonly associated means that the association of such combined uses takes place with sufficient frequency that there is common community acceptance of their relatedness.

Section 43.00. LOTS AND YARDS.

In each use district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of a size at least the area and width specified in "Section 54.00: District Area, Yard, Height and Setback Requirements". No lot or yard required for a building or structure shall during its life be occupied by or counted as all or part of a lot or yard for another structure or building.

Section 44.00. HEIGHT.

In each district each structure hereafter erected or altered shall not exceed the heights specified in the district requirements. The maximum building height limitations do not apply to spires, belfries, cupolas, antennas, (except satellite dishes), water tanks, ventilators, chimneys, or other appurtenances customarily placed above the roof and not intended for human occupancy.

Section 45.00. REDUCTIONS IN LOT AREA.

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

Section 46.00. FUTURE STREET LINES.

On any lot which may be reduced in area by widening a public street to a future street line as indicated on the City's Major Street Plan, the required minimum lot area, lot width, and yards shall be measured by considering the future street line as the lot line of such lot.

ARTICLE V. DETAILED USE REGULATIONS

Section 50.00. GENERALLY.

Each of the use districts as defined and established in "Article III: Establishment of Zoning Districts" shall be subject to specific regulations regarding uses permitted, uses permitted by conditional use, uses not permitted, required lot area and width, yard setbacks, and maximum building height.

Section 51.00. USE LIMITATIONS.

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

Section 52.00. INTERPRETATIONS OF USES.

This Ordinance recognizes the limitations 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 classification 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. Appeals of the Building Inspector's use interpretation may be made to the Board of Adjustment.

Section 53.00. UNCLASSIFIED USES.

In the event the Building Inspector receives application for permitting of a use that is not listed or that cannot appropriately fit a use listed in "Section 55.00: Uses Allowed", the following procedure shall apply:

- A. If compatible with the existing use district intent, the unclassified use may be permitted as a conditional use by the Board of Adjustment pursuant to "Article XIII: Conditional Uses".
- B. If the unclassified use would not be compatible with the intent of the existing use district, the Building Inspector shall make a determination of the most appropriate use district, and require the applicant have the property rezoned, and conditional use granted by the Board of Adjustment pursuant to "Article XIII: Conditional Uses" before granting approval.
- C. Following final action of the unclassified use per above paragraphs, the Planning Commission may initiate an amendment to this Ordinance to list the newly permitted use in the most appropriate district(s).

Section 54.00. DISTRICT AREA, YARD, HEIGHT AND SETBACK REGULATIONS.

The following regulations govern the minimum lot size, minimum lot width at building line, yard setback, and height for each district, subject to "Section 44.00: Height"; "Section 56.00: Supplemental Use Regulations"; "Section 141.00: Front Yard Setback Modifications"; and "§ 56.12: Mobile Homes".

TABLE V-1

SUMMARY TABLE OF DISTRICT AREA, YARD, HEIGHT & SETBACK REGULATIONS												
REQUIREMENTS		ZONING DISTRICTS										
		R1	R2	R3	R4	R5		B3	M1	M2	A1	INST-1
Minimum Lot Size	sf	12,000	8,000* 20,000**	12,000	10,000 3,000	12,000		[b]	[c]	[c]	5 acres	12,000
Minimum Lot Width	ft	100	65* 100**	100	50	100		[b]	[c]	[c]	150	100
Front Yard Setback	ft	30	30* 40**	25	25	35		[d]	50	50	30	30
Rear Yard Setback	ft	40	20* 25*	30	30	40		20	50	50	20	40
Side Yard Setback	ft	10	10* 15[e]**	5/10	5/10	10		0	25	40	25	10
Maximum Building Height	ft	35	35	35	35	35		35	35	35	35	35

* With Public Sanitary Sewer ** Without Public Sanitary Sewer

Footnotes for "Section 54.00: District Area, Yard, Height and Setback Regulations":

- A. Except for dwellings listed in "Section 56.00: Supplemental Use Regulations".
- B. Lots must be of sufficient size to provide adequate space required for the normal operations of the uses permitted.
- C. Lots must be of sufficient size to provide adequate parking and loading space as provided in "Article VI: Parking Requirements" in addition to the space required for the other normal operations of the uses permitted.
- D. No setback permitted the property line is a required build-to line.
- E. On corner lots this distance shall be doubled on the side closest to the side street.
- F. Minimum living area per dwelling unit in R-1 is 1400 sq. feet.

Section 55.00. USES ALLOWED.

Except as otherwise provided by law or in this Ordinance, no building, structure or land shall be used or occupied except in the zoning districts indicated and for the purposes permitted in this section. The general use categories specified by Table V-2 are defined in Articles VII through IX.

Uses allowed in each district are determined from the following table. Categories for each use are:

- A. Use By Right [R]. Allowed as of right; applicant need only submit the necessary plans for review to the Building Inspector.
- B. Conditional Use [C]. Further review and special permission is required from the board of adjustment as per Section 152.04.
- C. Not Permitted [N]. Use not allowed in this district.
- D. Planning Commission Approval [P]. Uses permitted upon approval of location and the site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located.
- E. Subject to Supplemental Use District Regulations [*]. See Section 56.00 for supplemental regulations.

TABLE V-2

USES	DISTRICTS								B3	M1	M2
	A1	R1	R2	R3	R4	R5	INST1				
Agricultural											
Farm*	R	C	C	C	C	C	N		N	N	N
Hobby Farm ¹	R	R	R	R	R	R	N		N	N	N
Kennel*	R	N	N	N	N	N	N		N	N	N
Stable	R	N	N	N	N	N	N		N	N	N

USES	DISTRICTS								B3	M1	M2
	A1	R1	R2	R3	R4	R5	INST1				
Residential											
Accessory Dwelling ²	R	R	R	R	R	R	R		P	P	P
Apartments*	N	N	N	N	R	N	R		P	P	P
Combination Dwelling ²	N	N	N	N	N	N	R		P	P	P
Condominium	P	P	P	P	R	P	N		P	P	P
Garden Home ²	N	N	R	R	R	N	N		P	P	P
Duplex ²	N	N	N	R	R	N	R		P	P	P
Emergency Care Home	C	N	N	P	N	N	R		P	P	P
Family Care Home*	N	N	N	P	N	N	R		P	P	P
Mobile Home ¹	N	N	N	N	N	R	N		N	N	N
Manufactured Home Single Wide ¹	N	N	N	N	N	R	N		N	N	N
Manufactured Home Double/Triple ¹	C	N	N	N	N	R	N		N	N	N
Modular Home	R	P	R	R	R	R	R		N	N	N
Single-Family Residence ²	R	R	R	R	R	R	R		P	P	P
Cityhouse ²	N	N	N	R	R	N	R		P	P	P
Upper Story Apartments ²	N	N	N	R	R	N	R		P	P	P

USES	DISTRICTS								B3	M1	M2
	A1	R1	R2	R3	R4	R5	INST1				
Institutional											
Airport	N	N	N	N	N	N	N		N	P	P
Animal Shelter	R	N	N	N	N	N	R		N	C	C
Boarding/Rooming House	N	N	N	P	P	P	R		P	N	N
Cemetery*	R	C	C	C	N	N	C		P	N	N
Community Center	C	C	C	C	N	N	R		P	N	N
Community Service Club	N	N	N	N	N	N	R		P	N	N
Domiciliary Care Facility	C	N	N	C	N	N	R		P	N	N
Emergency Care Facility	C	N	N	C	N	N	R		P	P	P
Home Instruction	R	R	R	R	R	R	R		P	N	N
Hospital	C	N	N	C	N	N	R		P	P	P
Military Installation	C	N	N	N	N	N	N		C	P	P
Nursing Care Facility	C	N	N	C	N	N	R		P	P	P
Park	R	R	R	R	R	R	R		P	P	P
Place of Worship	C	C	C	C	C	C	R		P	P	P
Public Assembly Center	N	N	N	R	N	N	R		C	N	N
Public Facility	C	C	C	R	N	N	R		C	P	P

² Updated Ordinance 2012-0619

Public Utility Facility	C	C	C	C	N	N	R		P	P	P
Public Utility Service	R	P	P	R	P	P	R		P	P	P

USES	DISTRICTS								B3	M1	M2
	A1	R1	R2	R3	R4	R5	INST1				
<i>Institutional Con't</i>											
Rehabilitation Facility	N	N	N	N	N	N	R		P	N	P
School	P	R	R	R	R	R	R		P	P	P

USES	DISTRICTS								B3	M1	M2
	A1	R1	R2	R3	R4	R5	INST1				
<i>Commercial</i>											
Animal Hospital	P	N	N	N	N	N	N		R	P	P
Bank or Financial Service	N	N	N	N	N	N	N		R	P	P
Broadcast Studio	N	N	N	N	N	N	N		R	P	P
Business or Professional Office	N	N	N	N	N	N	N		R	P	P
Business Support Service	N	N	N	N	N	N	N		R	P	P
Campground	P	N	N	N	N	N	N		P	N	N
Car Wash	N	N	N	N	N	N	N		R	P	P
Commercial Parking	N	N	N	N	N	N	N		R	P	P
Commercial School	N	N	N	N	N	N	R		R	N	N
Convenience Store	P	N	N	N	N	N	N		R	P	P
Country Club	P	P	P	P	P	P	P		P	P	P
Day Care Center	P	N	N	N	N	N	R		R	P	P
Entertainment, Indoor	N	N	N	N	N	N	C		R	N	P
Entertainment, Outdoor	P	N	N	N	N	N	C		P	P	P
Farm Support Business	P	N	N	N	N	N	N		P	P	P
Funeral Home	N	N	N	N	N	N	N		R	P	P
Garden Center or Nursery	P	N	N	N	N	N	N		R	P	P
General Retail, Enclosed	N	N	N	N	N	N	N		R	P	P
General Retail, Unenclosed	N	N	N	N	N	N	N		P	P	P
Home Occupation*	R	R	R	R	R	R	R		R	N	N
Home Improvement Center	P	N	N	N	N	N	N		P	P	P
Hotel/Motel	N	N	N	N	N	N	N		P	P	P
Laundry Service	N	N	N	N	N	N	N		R	P	P
Livestock Sales*	P	N	N	N	N	N	N		N	N	N
Medical Clinic	N	N	N	N	N	N	N		P	P	P
Medical Support Service	N	N	N	N	N	N	N		R	P	P
Mini-Warehouse*	P	N	N	N	N	N	N		P	P	P
Open-Air Market	P	N	N	N	N	N	N		R	P	P
Personal Service	P	N	N	N	N	N	N		R	P	P
Recreation, Indoor	N	N	N	N	N	N	R		P	P	P
Recreation, Outdoor	N	N	N	N	N	N	R		P	P	P
Recreational Vehicle Park	N	N	N	N	N	N	N		P	P	P
Restaurant, Standard	N	N	N	N	N	N	N		R	R	R
Restaurant, Fast Food	N	N	N	N	N	N	N		R	R	R

USES	DISTRICTS										
	A1	R1	R2	R3	R4	R5	INST1		B3	M1	M2
Commercial Con't											
Restaurant, Take-Out Only	N	N	N	N	N	N	N		R	R	R
Shopping Center, Major*	N	N	N	N	N	N	N		P	P	P
Shopping Center, Minor*	N	N	N	N	N	N	N		P	P	P
Studio	P	N	N	N	N	N	N		R	R	P
Tourist or Bed & Breakfast Inn	P	P	P	P	P	P	C		P	P	N
Vehicle Repair Service	N	N	N	N	N	N	N		R	P	P
Vehicle Sale or Rental	N	N	N	N	N	N	N		R	P	P
Vehicle Service Station	N	N	N	N	N	N	N		R	P	P

USES	DISTRICTS										
	A1	R1	R2	R3	R4	R5	INST1		B3	M1	M2
Industrial											
Construction Service	P	N	N	N	N	N	N		P	P	P
Heavy Industry	N	N	N	N	N	N	N		N	P	P
Junkyard/Salvage Yard	N	N	N	N	N	N	N		N	N	C
Maintenance Service	N	N	N	N	N	N	N		P	P	P
Manufacturing, General	N	N	N	N	N	N	N		N	P	P
Manufacturing, Light	N	N	N	N	N	N	N		P	P	P
Research Lab	N	N	N	N	N	N	N		P	P	P
Resource Extraction	C	N	N	N	N	N	N		N	C	C
Sanitary Landfill	N	N	N	N	N	N	N		N	N	C
Communication/Transmission Tower/Antennae*	C	N	N	N	N	N	R		P	P	P
Vehicle and Equipment Repair	N	N	N	N	N	N	N		R	P	P
Vehicle and Equipment Sales	N	N	N	N	N	N	N		R	P	P
Warehousing, Wholesaling, Distribution, Enclosed	P	N	N	N	N	N	N		P	P	P
Warehousing, Wholesaling, Distribution, Unenclosed	P	N	N	N	N	N	N	3	N	P	P

⁴ Updated Ordinance 2017-0814-2

Section 56.00. SUPPLEMENTAL USE REGULATIONS.

The uses identified in “Section 55.00: Uses Allowed” are subject to supplemental use regulations and shall comply as follows.

§ 56.01. Accessory Dwelling.

- A. Occupancy of the accessory dwelling shall be limited to household servants or immediate family members of the resident of the principal dwelling. Immediate family member shall include only a person who is a naturally or legally defined offspring, spouse, parent, grandparent, sibling, aunt, or uncle.
- B. The floor area of the accessory dwelling shall be at least 300 square feet and shall not exceed fifty percent (50%) of the floor area of the principal dwelling.
- C. If attached to the principal dwelling, the accessory dwelling shall maintain the appearance of the principal dwelling, and shall not create additional entrances toward the front of the property.
- D. If detached from the principal dwelling, the accessory dwelling shall be limited to the rear of the principal dwelling or within the upper floor of a garage, and shall be so placed as to avoid objectionable views from the street and surrounding properties.
- E. The required setback for accessory dwellings shall be 5 feet from any property line.

§ 56.02. Apartment.

- A. The minimum site area shall be 44,000 square feet, and the maximum density shall be sixteen (16) dwelling units per acre.
- B. Not more than sixteen (16) dwelling units per building shall be permitted.
- C. All buildings shall be set back at least fifteen feet (15') from all parking areas.
- D. Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
- E. At least ten percent (10%) of the site area, but not less than 2,500 square feet, shall be improved for the recreational use of the apartment residents.

§ 56.03. Cemeteries.

- A. The minimum site area shall be five (5) acres.
- B. Each gravesite shall be set back a minimum distance of fifty feet (50') 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. No gravesite shall be located closer than 150 feet from a water line or underground water supply.

§ 56.04. Condominiums.

- A. The minimum site area shall be 44,000 square feet, and the maximum density shall be sixteen (16) dwelling units per acre.
- B. Not more than sixteen (16) dwelling units per building shall be permitted.
- C. All buildings shall be set back at least fifteen feet (15') from all parking areas.
- D. Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
- E. At least ten percent (10%) of the site area, but not less than 2,500 square feet, shall be improved for the recreational use of the apartment residents
- F. All utilities shall be placed underground; all lots shall be served by public water and sewer.

§ 56.05. Family Care Homes.

- 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.
- D. No family care home shall be located within 1,000 feet of another family care home as measured between lot lines.

§ 56.06. Farms. ¹

- A. The following farming activities shall be permitted:
 - Forages and sod crops;
 - Grains and seed crops;
 - Dairy animals and products;
 - Poultry, including egg production but excluding poultry processing;
 - Livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing.²
 - Nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
 - Forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities;
 - Bees and apiary products;
 - Fisheries, excluding fish and seafood processing;
 - Fur animals, limited to the breeding and raising of such animals; and
 - Fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.
- B. Livestock, dairy animals, small animals, and poultry shall be housed not less than 400 feet from any adjacent lot not zoned A-1.

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- C. Disposal of animal's waste shall be done in a manner that does not harm human safety, health or welfare.
 - D. The use of noxious or odorous fertilizers or chemicals shall not be allowed on agricultural or open pasture areas for fertilization or disposal purposes.
 - E. Temporary sawmills and chippers used in connection with commercial forestry operations shall be set back at least 200 feet from any lot line.
 - F. Temporary or permanent living accommodations for farm tenants performing agricultural labor shall be permitted.
 - G. A booth or stall (farm stand) from which produce and farm products are sold to the general public shall be permitted subject to the following limitations:
 - Sales areas shall be set back from all lot lines so as to meet the district yard requirements.
 - Sales areas shall not occupy any part of a required off-street parking or loading area.
 - H. Incidental structures and activities commonly associated with a farm may include barns, silos, animal pens, loading and unloading platforms or chutes, and other accessory uses.
 - I. Except for kennels, as defined by this Ordinance, the keeping of small domestic animals, small fur-bearing animals, or bees, or poultry, or pigs 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, within the restrictions included under Section 56.07 "Hobby Farms".²

§ 56.07. Hobby Farms.¹

- A. Unless otherwise provided by this Ordinance, the keeping of the farm animals shall be limited to the following types:
 - Poultry;
 - Small livestock, such as sheep and goats; and
 - Horses and similar animals, such as ponies and donkeys.
- B. The use shall be subject to the following setback and area requirements:
 - Farm animals shall be housed not less than one hundred feet (100') from any adjacent lot not zoned A-1.
 - At least one (1) acre of lot area shall be required for each small livestock animal, horse, and similar animals, and a maximum of twenty (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.

§ 56.08. Home Occupations.

- A. Customary home occupations shall be limited to office, artistic and craft pursuits, fix-it

services, and similar limited activities but shall exclude barber shops, beauty shops, clinics, fortune tellers, automobile repair or body shops, automobile sales, storage of contractors' supplies, and similar activities.

- B. The use shall be conducted entirely within the dwelling and be confined to not more than twenty-five percent (25%) of the livable floor area.
- C. Employment shall be limited to residents of the dwelling.
- D. Not more than one (1), non-illuminated, wall mounted sign of two (2) or less square feet of area shall be permitted per dwelling.

§ 56.09. Kennels.

All kennels shall provide shelters and fenced runs or pens.

§ 56.10. Livestock Sales.

Sales areas shall be set back at least 200 feet from any lot line.

§ 56.11. Mini-Warehouse.

- A. No storage space shall exceed 400 square feet in area and two (2) stories in height.
- B. Each storage space shall be served by a paved driveway of fifteen feet (15') minimum width for each direction of travel.
- C. The entire site shall be enclosed by security fencing of eight feet (8') minimum height and be kept lit with security lighting throughout.
- D. With the exception of recreational vehicles, no outdoor storage shall be permitted on site without Planning Board approval.
- E. No storage of volatile or explosive materials shall be permitted, either inside the structure or structures, or on the premises.
- F. The facility or site shall not be used for wholesale or retail operations.
- G. A minimum lot size of one and one half-(1.5) acres shall be required for a mini-warehouse development.

§ 56.12. Manufactured Home Subdivisions.

- A. The manufactured home shall have the tow assembly and wheels removed when possible.
- B. All manufactured homes shall be properly blocked, anchored and secured onto foundations (concrete pad or block foundation) according to all requirements of the State of Alabama and/or the adopted building code of the City; and be completely skirted with a durable material.
- C. All manufactured homes shall be in full compliance with the required setbacks from lot lines.
- D. A minimum 240 cubic feet storage area shall be provided for the storage of yard equipment. This storage shall be separate from the manufactured home.
- E. The manufactured home shall bear a seal certifying compliance with the Manufactured Home

Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development.

§ 56.13. Garden Home.

- A. Subdivision of lots for patio homes shall be restricted to tracts with a minimum site area of three (3) acres. The maximum density shall be seven (7) dwelling units per acre.
- B. The patio home lot 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
- 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 and 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 ten feet (10'), 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; all lots shall be served by public water and sewer.

§ 56.14. Shopping Centers

- A. The building group shall be architecturally unified.
- B. Parking shall be provided for in accordance with "Article VI: Parking Requirements".
- C. A site development plan shall be provided by the developer and shall include:
 - 1. General topography
 - 2. Property lines
 - 3. Scale
 - 4. Storm drainage facilities
 - 5. Utility easements

Plus the location and dimension of all:

- 6. Buildings and structures
- 7. Exterior lighting
- 8. Outside storage areas
- 9. Parking and loading areas
- 10. Points of ingress and egress
- 11. Signs

§ 56.15. Cityhouse.

- A. Subdivision of lots for Cityhouses shall be restricted to tracts with a minimum site area of at least 9,000 square feet. The maximum density shall be sixteen (16) dwelling units per acre. Not more than eight (8) dwelling units per building shall be permitted.

-
- B. Each Cityhouse lot 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
- C. 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 of ten feet (10'), shall be a hard-surfaced patio or porch. Cityhouses on lots adjacent to the rear or sides of the development may own and maintain common party fences or walls. All living spaces within the dwelling shall open onto the private yard area.
- D. All utilities shall be placed underground; all lots shall be served by public water and sewer.

Section 57.00. SUPPLEMENTAL DIMENSIONAL REGULATIONS

§ 57.01. Lots Not Served By Public Water And Sewer.

Any lot not served by public water and sewer shall have the minimum lot area required by the St. Clair County Health Department. The County Health Department may set a larger minimum lot area requirement to accommodate private wells or septic systems.

§ 57.02. Traffic Visibility At Intersections.

- A. On any corner lot, nothing shall be erected, placed, planted, or allowed to grow which would impede traffic visibility at intersections. No obstruction shall be placed within a clear sight triangle between a height of two feet (2') and seven feet (7') above the centerline grades of the intersecting streets. This clear sight area on the two (2) lot lines forms a triangle. The triangle is bounded by the two (2) lot lines along the street, each measured twenty five feet (25') from their intersection; a straight line connects the legs of the triangle. This shall be a twenty five foot (25') clear sight triangle.
- B. When one or both of the intersecting streets is a highway, the clear sight triangle shall be fifty feet (50').
- C. Where a private driveway intersects a public street, a clear sight triangle of ten feet (10') shall be maintained. The legs of the triangle shall be measured from the intersection of the street line and the edge of the driveway.

§ 57.03. Required Yards For Accessory Buildings.

- A. Non-residential accessory buildings up to twelve feet (12') in height shall be permitted within five feet (5') of any side or rear property line but not occupy any portion of a front yard. Accessory buildings above twelve feet (12') shall be set back an additional one foot (1') for each four feet (4') height above twelve feet (12') up to the district maximum.
- B. Residential accessory buildings attached and detached carports and garages on residential lots shall meet the following dimensional requirements:
1. The maximum floor area shall be fifty percent (50%) of the habitable floor area of the

-
- principal building.
2. The maximum height shall be eighteen feet (18') but in no case greater than the principal building height.
 3. Such structures and additions shall not be permitted within the front yard of the principal building, except for attached garages, which are subject to the district front yard requirement.
 4. Such structures shall be no closer than five feet (5') to any property line, except structures above twelve feet (12') shall be set back an additional one foot (1') for each foot above twelve feet (12').

C. If the principal parcel is larger or equal to three (3) acres, sub-section B does not apply.

§ 57.04. Satellite Dish Antennas.

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.

§ 57.05. Fences, Walls, and Hedges.

Fences, walls, and hedges that are substantially opaque may not exceed thirty inches (30") in height within a required front yard, subject to the traffic visibility provisions of "§ 57.02".

§ 57.06. Projections Into Required Yards.

- A. Architectural features, chimneys, eaves, and the like may project up to two feet (2') into any required yard, but no closer than three feet (3') to any lot line.
- B. Terraces, steps, uncovered porches, and similar features less than three feet (3') above the floor level of the ground story may project into any required yard, but no closer than three feet (3') to any lot line.
- C. Covered entry porches, balconies, fire escapes and similar features may project up to four feet (4') into any required yard, but no closer than three feet (3') to any lot line.

§ 57.07. Elimination of Non-Residential Yards.

For any non-residential buildings, the side or rear yard may be eliminated to accommodate attached buildings sharing a common party wall at the lot line.

ARTICLE VI. PARKING REQUIREMENTS

Section 60.00. OFF STREET PARKING REQUIREMENTS.

Off-street parking standards shall be in accordance with the following requirements:

§ 60.01. Generally.

The primary purpose of these provisions is to reduce traffic congestion on public streets by requiring certain minimum parking and loading areas be provided off-street. Further, these provisions insure safe and convenient emergency access, to and from each site, insure safe and efficient on-site traffic circulation, and encourage the design of attractive and harmonious facilities. Whenever combined uses shall be made of the same property, the requirements for each shall apply. Whenever a structure or use may qualify under two (2) or more classifications, the one with the larger requirement shall govern.

§ 60.02. Residential.

For new structures or converted structures – single family residences, mobile homes, Cityhomes or patio homes – which are increased in capacity, two (2) off-street parking spaces for each dwelling unit shall be provided and maintained on the premises.

§ 60.03. Non-Residential.

For new structures or converted structures, which are increased in capacity, off-street parking requirements shall be as follows:

TABLE VI-1

USE		NUMBER OF SPACES REQUIRED
60.03.01	Apartment	
	• Efficiency or Studio	1.25 parking spaces per dwelling unit
	• One Bedroom	1.5 parking spaces per dwelling unit
	• Two Bedroom	1.75 parking spaces per dwelling unit
	• Three or More Bedrooms	Two (2) parking spaces per dwelling unit
60.03.02	Appliance store	One (1) parking space for each 400 square feet of gross leasable area.
60.03.03	Bank	One (1) parking space for each 250 square feet of gross leasable area, plus four (4) stacking spaces per drive-in window.
60.03.04	Barber/beauty shop	One (1) parking space for each 100 square feet of gross leasable area.
60.03.05	Billiard room, pool hall	One (1) parking space per table.
60.03.06	Boarding house, rooming house, tourist home, bed and breakfast inn	One (1) parking space for each guest room or unit offered for rent plus one (1) parking space.
60.03.07	Bowling alley	Four (4) parking spaces for each alley.
60.03.08	Car wash	One (1) parking space for every 1.5 employees, plus four (4) stacking spaces per car wash bay.
60.03.09	Church, community building, auditorium, and place of public assembly	One (1) parking space for each eight (8) seats in the main assembly area.
60.03.10	Clinic	Three (3) parking spaces plus one (1) additional space for each 400 square feet of gross floor area over 1000 square feet.

TABLE VI-1 Con't

USE		NUMBER OF SPACES REQUIRED
60.03.11	Convenience store	One (1) parking space for each 150 square feet of gross leasable area.
60.03.12	Country club	One (1) parking space for every three (3) persons at occupancy load.
60.03.13	Dance hall	One (1) parking space for each 150 square feet of gross leasable area.
60.03.14	Day care center, nursery school or kindergarten	One (1) parking space per employee, plus one (1) stacking space or parking space for every eight (8) children at occupancy load.
60.03.15	Duplex	Two (2) parking spaces per dwelling unit.
60.03.16	Family care home	One (1) parking space per resident manager plus one (1) for every three (3) children.
60.03.17	Farm, forestry and nursery	One (1) parking space for every 1.5 employees.
60.03.18	Farm stand	One (1) parking space per 100 square feet of display area.
60.03.19	Farm support business	One (1) parking space for every 1.5 employees plus company vehicles.
60.03.20	Food store and market	One (1) parking space for each 200 square feet of gross floor area.
60.03.21	Funeral home	One (1) parking space for every 1.5 employees, plus one (1) parking space for every three (3) chapel seats at occupancy load, plus one (1) parking space for each company vehicle.
60.03.22	Furniture store or furniture repair shop	One (1) parking space for each 500 square feet of gross leasable area.
60.03.23	Gasoline service station	Two (2) parking spaces for each service bay, plus one (1) per company vehicle, plus one (1) for every 1.5 employees, plus two (2) stacking spaces for every fuel island.
60.03.24	General retail business or service establishment	One (1) parking space for each 200 square feet of gross leasable area.
60.03.25	Government office building	One (1) parking space for each 300 square feet of gross leasable area.
60.03.26	Hardware store	One (1) parking space for each 500 square feet of gross leasable area.
60.03.27	Home improvement center	One (1) parking space for each 400 square feet of gross leasable area.
60.03.28	Hospital	One (1) parking space for each two (2) patient beds, plus 1.5 parking spaces for each emergency room bed, plus one (1) parking space for each employee.
60.03.29	Hotel, motel	One (1) parking space for each guest room, plus one (1) space for each employee per shift.
60.03.30	Industrial use, and wholesale use, storage building, warehouse, lumber or fuels business, truck terminal, and similar uses	One (1) parking space for each employee, plus two (2) parking spaces.
60.03.31	Laundromat or dry cleaning establishment	One (1) parking space for every 2 machines, or one (1) parking space for each 200 square feet of gross leasable area, whichever is greater.
60.03.32	Library, museum or art gallery	One (1) parking space for each 300 square feet of gross leasable area.
60.03.33	Membership club	One (1) parking space for each 100 square feet of gross leasable area.
60.03.34	Mini-warehouse	One (1) parking space for every twenty (20) units.
60.03.35	Mobile home park and subdivision	Two (2) parking spaces for each mobile home.
60.03.36	Motor vehicle sales	One (1) parking space for each 400 square feet of gross leasable area, plus one (1) parking space for every one and a half (1.5) employees, plus two (2) parking spaces for each service bay, plus one (1) parking space for each 2500 square feet of outdoor display area.

TABLE VI-1 Con't

USE		NUMBER OF SPACES REQUIRED
60.03.37	Motor vehicle service	One (1) parking space for each 200 square feet of sales area, plus one (1) parking space for each employee, plus two (2) parking spaces for each service bay.
60.03.38	Movie theaters	One (1) parking space for each three (3) persons at occupancy load.
60.03.39	Nursing home or Domiciliary Facility	One (1) parking space for each six (6) beds.
60.03.40	Open air market	One (1) parking space for each 100 square feet of display area.
60.03.41	Outdoor recreation	
	• Golf course	Seven (7) parking spaces for each hole.
	• Carpet golf	Two (2) parking spaces for each tee.
	• Golf driving range	One (1) parking space for each tee.
	• Other	One (1) parking space for each persons at occupancy load.
60.03.42	Patio Home	Two (2) parking spaces per dwelling unit.
60.03.43	Post office	One (1) parking space for each 300 square feet of gross leasable area, plus one (1) parking space for every one and a half (1.5) employees.
60.03.44	Private club or lodge	One (1) parking space for each two (2) members.
60.03.45	Professional and medical office and building	Three (3) parking spaces plus one (1) additional space for each 400 square feet of gross floor area over 1000 square feet.
60.03.46	Restaurant or other eating place	One (1) parking space for each 250 square feet of gross floor area.
60.03.47	School	
	• Commercial	One (1) parking space for every three (3) students at occupancy load, plus one (1) parking space for every 1.5 employees.
	• Elementary or junior high	One (1) parking space for every eight (8) students at occupancy load, or two (2) parking spaces for each classroom, whichever is greater.
	• High school or vocational	One (1) parking space for every six (6) students at occupancy load, plus one (1) for every 1.5 employees.
60.03.48	Shopping center	One (1) parking space for each 200 square feet of gross leasable floor area.
60.03.49	Stable	One (1) parking space for every 3 persons at occupancy load plus (1) parking space for every 1.5 employees.
60.03.50	Cityhouse	Two (2) parking spaces per dwelling unit.
60.03.51	Any use not otherwise specified	One (1) parking space for each 200 square feet of gross floor area.

§ 60.04. Existing Parking.

Any use that does not meet the parking requirements of this Ordinance, or of an amendment thereto, shall be deemed a nonconforming use.

§ 60.05. Design.

No parking space shall be so located or designed as to require the vehicle parked therein to back directly onto a public street, with the exception of those at single and two (2) family residences. All parking areas shall be surfaced with a suitable, hard surface permanent type of pavement.

The minimum parking space dimensions are as follows:

A. The minimum parking space dimensions are as follows:

1. Each parking space shall contain a minimum rectangular area of nine feet (9') width and nineteen feet (19') length except as provided in (2) and (3) below.
2. Parallel parking spaces shall contain a minimum rectangular area of nine feet (9') width

- and twenty-two feet (22') length.
3. Stacking spaces shall contain a minimum rectangular area of ten feet (10') width and twenty feet (20') length and be separated from parking aisles and spaces.
 4. Handicapped parking spaces shall be designed in accordance with the adopted Building Code of the City.

B. Parking aisle widths shall conform to the following table which varies the width requirement according to the angle of parking:

TABLE VI-2

MINIMUM PARKING AISLE WIDTHS					
	ANGLE OF PARKING (DEGREES)				
Traffic Direction	0	30	45	60	90
One-way	13'	11'	13'	18'	24'
Two-way	19'	20'	21'	23'	24'

- C. 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 (1) or two (2) dwelling units, although backing onto arterial streets shall be prohibited.
- D. All parking areas when adjoining a street right-of-way between adjoining lots shall be physically separated from the right-of-way.
- E. All lighting fixtures used to illuminate parking areas shall not direct lights on adjoining streets or properties.
- F. 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. Parking areas next to a non residential structure must provide a fifteen foot (15') wide emergency access aisle at the main entrance or in locations satisfactory to the Planning Commission.
- G. Parking spaces (except those serving one or two 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 pot holes, weeds, trash, etc.
- I. Drainage in parking areas shall direct stormwater back into the site from adjacent properties toward adequate drainage channels. Large parking areas of twenty (20) or more spaces shall provide on-site stormwater detention to retard the sudden discharge of high volumes of stormwater into the public drainage system. Drainage plans shall be subject to approval by the Planning Commission.

§ 60.06. Required Front Yard.

No off-street parking shall be permitted in the required front yard of "R" Districts except upon a driveway providing access to a garage, carport or parking area for a dwelling.

Section 61.00. OFF-STREET LOADING AND UNLOADING.

In each business and in each industrial district, each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities suitable to the use.

Any use with a gross leasable area (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.

TABLE VI-3

REQUIRED OFF-STREET LOADING SPACES	
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:	
GLA OF BUILDING (SQUARE FEET)	REQUIRED NUMBER OF LOADING SPACES
6,000 - 24,999	1
25,000 - 79,999	2
80,000 - 127,999	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 square feet	1
Every public assembly use, auditorium, convention hall, exhibition hall, stadium, office building, funeral home, multi-family apartment buildings of 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:	
GLA OF BUILDING (SQUARE FEET)	REQUIRED NUMBER OF LOADING SPACES
6,000 - 29,999	1
30,000 - 44,999	2
45,000 - 119,999	3
120,000 - 197,999	4
198,000 - 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 square feet	1

§ 61.01. Off-Street Loading Design Standards.

- A. Each loading space shall have a minimum rectangular area of twelve feet (12') width and fifty-five feet (55') length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of fourteen feet (14') height.
- B. No loading space shall be located within the required front yard or within five feet (5') 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 accord with the "Section 64.00: Location of Required Parking".

Section 62.00. FRONTAGE REQUIREMENT.

All lots shall front on a public street, if lot permits.

Section 63.00. CORNER VISIBILITY.

In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between three and one-half feet (3½') and fifteen feet (15') above street level shall be permitted within twenty feet (20') of the intersection of the right-of-way lines of two (2) streets or railroads, or of a street and a railroad.

Section 64.00. 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:

- A. 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.
- B. A joint parking area may contain required parking spaces for more than one (1') use, provided the combined number of spaces complies with the required parking for all uses. If, however, the combined uses wish to make use of the same spaces at different time, 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 65.00. PARKING PROHIBITIONS.

- A. No portable sign or any activity other than parking shall occupy any portion of a required parking area.
- B. 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.
- C. No vehicle exceeding 7,500 pounds gross weight shall be kept within a residential district unless such vehicle is parked within a completely screened area behind the front building line. This prohibition shall also apply to large trucks, boats, trailers, recreation vehicles, campers, horse and cattle trailers, heavy farm equipment and other similar equipment.

Section 66.00. ACCESS CONTROLS.

- A. 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 the accessways permitted in (B) below, such barriers shall be continuous.

- B. The total number of accessways (one ingress and one egress) to a lot shall not exceed one (1) per street frontage for lots of less than 150 feet in width and two (2) per street frontage for lots of 150 or more feet in width. To the furthest practicable extent, adjoining non residential lots which share the same street frontage shall attempt to combine and share accessways and driveways so as to permit the free flow of traffic from one lot to the next adjoining lot without traveling the public street right-of-way. The dedication and Construction of marginal access streets to serve commercial uses along highways shall likewise be encouraged.

- C. The location, alignment, and number of accessways shall be arranged so as to reduce potential traffic hazards. The design of driveways shall conform to professionally accepted traffic engineering standards, but in any event, the following minimum standards shall apply:
 - 1. At its intersection with the front lot line, the edge of any accessway shall be spaced at least thirty feet (30') from the edge of any other accessway on the same lot and at least twenty feet (20') from any side or rear lot line.
 - 2. The width of any accessway at the front lot line shall not exceed fifteen feet (15') per lane of travel (30 feet for two-way access) and shall not be less than twelve feet (12') per lane of travel (24 feet for two-way access).

Section 67.00. 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 VII. AGRICULTURAL DISTRICT

Section 70.00. AGRICULTURAL DISTRICT (A-1).

§ Section 70.01. A1 District 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 A1 District is to hold these lands in agricultural, forested, single family residences and other limited yet compatible uses.

§ Section 70.02. A1 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to "Section 42.00: Use of Structures", and similar uses to those listed below may also be permitted subject to "Section 52.00: Interpretation of Uses". All uses listed in this district are defined by "Section 23: Definitions".

- A. Permitted Uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
 - Refer to chart of permitted uses.
 - 2. Residential Uses.
 - Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - Refer to chart of permitted uses.
 - 5. Industrial Uses.
 - * Refer to chart of permitted uses.
- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.
 - Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - None
 - 5. Industrial Uses.
 - Refer to chart of permitted uses.
- C. Temporary Uses.
 - Seasonal Sales.

-
- Special Event.

§ 70.03. A1 District Dimensional Regulations.

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- Minimum Lot Area: 5 acres
- Minimum Lot Width: 150 feet
- Minimum Front Yard: 30 feet
- Minimum Side Yard: 25 feet
- Minimum Rear Yard: 20 feet
- Maximum Building Height: 45 feet

ARTICLE VIII. RESIDENTIAL DISTRICTS

Section 80.00. SINGLE FAMILY RESIDENTIAL DISTRICT (R-1).

§ 80.01. R-1 District Intent.

This district consists of areas suitable for single family residences. The R-1 District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

§ 80.02. R-1 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted Uses. The following uses shall be permitted subject to a appropriate permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
 - Refer to chart of permitted uses.
 - 2. Residential Uses.
 - Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - Refer to chart of permitted uses.
 - 5. Industrial Uses.
 - None.
- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
 - Refer to chart of permitted uses.
 - 2. Residential Uses.
 - None.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - None.
 - 5. Industrial Uses.
 - None.
- C. Temporary uses.
 - Seasonal Sales
 - Special Event

§ Section 80.03. R-1 District Dimensional Regulations.

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required: ⁴

- Minimum Lot Area 12,000 sq. feet
- Minimum Front Yard: 30 feet
- Minimum Side Yard: 10 feet
- Minimum Rear Yard: 40 feet
- Maximum Building Height: 35 feet
- Maximum Building Area 25 percent
- **Minimum Living Area per Dwelling 1400 Sq. Feet**

³ Updated Ordinance 2016-1206-02

Section 81.00. GARDEN HOME RESIDENTIAL DISTRICT (R-2).

§ 81.01. R-2 District Intent.

This district consists of areas suitable for garden homes. The R-2 District allows for certain accessory uses customarily associated with garden homes. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

§ 81.02. R-2 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted uses. The following uses shall be permitted subject permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.
 - Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - Refer to chart of permitted uses.
 - 5. Industrial Uses.
 - None.

- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.
 - None.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - None.
 - 5. Industrial Uses.
 - None.

- C. Temporary Uses.
 - Seasonal Sales.
 - Special Event.

§ 81.03. R-2 District Dimensional Regulations.

Except as provided in "Section 56.00: Supplemental District Regulations", the following dimensional standards shall be required:

	With Public Sewer	Without Public Sewer
▪ Minimum Lot Area:	8,000 square feet	20,000 square feet
▪ Minimum Lot Width:	65 feet	100 feet
▪ Minimum Front Yard:	30 feet	40 feet
▪ Minimum Side Yard:	10 feet	15 feet
▪ Minimum Rear Yard:	20 feet	25 feet
▪ Maximum Building Height:	35 feet	35 feet

Section 82.00. MULTI - FAMILY RESIDENTIAL DISTRICT (R-3).

§ 82.01. R-3 District Intent.

This district consists of areas suitable for dwellings and apartments for not more than two (2) families. The underlying intent of this district is to encourage affordable homeownership alternatives in select locations within the City. The R-3 District allows for certain accessory uses customarily associated with multi - family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

§ 82.02. R-3 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.
 - Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - Refer to chart of permitted uses.
 - 5. Industrial Uses.

None.

- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.

None.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.

None.
 - 5. Industrial Uses.

None.

- C. Temporary Uses.
 - Seasonal Sales.
 - Special Event.

§ 82.03. R-3 District dimensional regulations.

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- Minimum Lot Area: 12,000 square feet
- Minimum Lot Width: 100 feet
- Minimum Front Yard: 25 feet
- Minimum Side Yard: 5 feet one side, 10 feet other side
- Minimum Rear Yard: 30 feet
- Maximum Building Height: 35 feet
- Maximum Building Area: 35 percent

Section 83.00. MULTI – FAMILY DISTRICT (R-4).

§ 83.01. R-4 District Intent.

This district consists of areas suitable for dwellings and apartments for any number of families.

§ 83.02. R-4 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted Uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.
 - Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - * Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - * Refer to chart of permitted uses.
 - 5. Industrial Uses.
 - None.

- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.
 - None
 - 3. Institutional Uses.
 - * Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - None.
 - 5. Industrial Uses.
 - None.

§ 83.03. R-4 District dimensional regulations.

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- Minimum Lot Area: 10,000 sf one or two family dwellings,
3,000 sf for each additional family unit
- Minimum Lot Width: 50 feet
- Minimum Front Yard: 25 feet
- Minimum Side Yard: 5 feet one side, 10 feet other side
- Minimum Rear Yard: 30 feet
- Maximum Building Height: 35 feet, 3 stories
- Maximum Building Area: 40 percent

Section 84.00. SEMI – RURAL RESIDENTIAL DISTRICT (R-5).

§ 84.01. R-5 District Intent.

This district consists of areas suitable for rural – residential to include single family residential and manufactured homes. The R-5 District provides for institutional and accessory uses commonly associated with residential developments.

§ 84.02. R-5 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted Uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.
 - * Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - * Refer to chart of permitted uses.
 - 5. Industrial Uses.
 - None.

- B. Conditional Uses. The following uses shall be permitted subject to a Conditional Use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
 - * Refer to chart of permitted uses.
 - 2. Residential Uses.
 - None
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - None
 - 5. Industrial Uses.
 - None.

- C. Temporary Uses.
 - Seasonal Sales.
 - Special Event.

§ 84.03. R-5 District Dimensional Regulations.

Except as provided in “Section 56:00 Supplemental District Regulations”, the following dimensional standards shall be required:

A. All other principle uses shall be subject to the following standards:

- Minimum Lot Area: 12,000 feet
- Minimum Lot Width: 100 feet
- Minimum Front Yard: 35 feet
- Minimum Side Yard: 10 feet
- Minimum Rear Yard: 40 feet
- Maximum Building Height: 35 feet

ARTICLE IX. INSTITUTIONAL DISTRICTS

Section 90.00. INSTITUTIONAL DISTRICT (INST-1).

§ 90.01. INST-1 District Intent.

This district consists of uses such as government offices, post offices, libraries, open spaces etc.

§ 90.02. INST-1 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to "Section 42.00: Use of Structures", and similar uses to those listed below may also be permitted subject to "Section 52.00: Interpretation of Uses". All uses listed in this district are defined by "Section 23: Definitions".

- A. Permitted Uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
None.
 - 2. Residential Uses.
None.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - Refer to chart of permitted uses
 - 5. Industrial Uses.
None.
- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
None.
 - 2. Residential Uses.
None.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - Refer to chart of permitted uses
 - 5. Industrial Uses.
None.
- C. Temporary Uses.
 - Seasonal Sales
 - Special Event

§ 90.03. INST-1 District Dimensional Regulations.

Except as provided in “Section: 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- Minimum Lot Area: 12,000
- Minimum Lot Width: 100 feet
- Minimum Front Yard: 30 feet
- Minimum Side Yard: 10 feet
- Minimum Rear Yard: 40 feet
- Maximum Building Height: 35 feet

ARTICLE X. COMMERCIAL DISTRICTS

Section 102.00. HIGHWAY COMMERCIAL BUSINESS DISTRICT (B-3).

§ 102.01. B-3 District Intent.

This district consists of the downCity area where a wide variety of commercial and institutional activities are accommodated. The district also provides for downCity housing alternatives that may be attracted to the downCity core. The primary intent of the B-3 District is to encourage the most intensive and attractive use of the downCity core so as to preserve the City's historical center and maintain its vitality.

§ 102.02. B-3 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to "Section 42.00: Use of Structures", and similar uses to those listed below may also be permitted subject to "Section 52.00: Interpretation of Uses". All uses listed in this district are defined by "Section 23: Definitions".

- A. Permitted uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
None.
 - 2. Residential Uses.
 - Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - Refer to chart of permitted uses.
 - 5. Industrial Uses.
 - * Refer to chart of permitted uses.
- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
None.
 - 2. Residential Uses.
None.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
None.
 - 5. Industrial Uses.
None.
- A. Temporary Uses.

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- Seasonal Sales.
 - Special Event.

§ 102.03. B-3 District Dimensional Regulations.

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- A. Apartments shall be subject to the following standards:
 - Minimum Lot Area: none
 - Minimum Lot Width: none
 - Minimum Front Yard: none
 - Minimum Side Yard: none
 - Minimum Rear Yard: 20 feet
 - Maximum Building Height: 35 feet

All buildings shall be set back at least fifteen feet (15') from all parking areas.

Upper story apartments within buildings where the ground floors are devoted to above commercial and institutional uses shall be permitted.

- B. All other principal uses shall be subject to the following standards:
 - Minimum Lot Area: none
 - Minimum Lot Width: none
 - Minimum Front Yard: none
 - Minimum Side Yard: none
 - Minimum Rear Yard: 20 feet
 - Maximum Building Height: 35 feet

ARTICLE XI. INDUSTRIAL DISTRICTS

Section 110.00. LIGHT INDUSTRIAL MANUFACTURING DISTRICT (M-1).

§ 110.01. M-1 District Intent.

This district consists of areas where limited industrial uses are permitted. The 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.

§ 110.02. M-1 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to "Section 42.00: Use of Structures", and similar uses to those listed below may also be permitted subject to "Section 52.00: Interpretation of Uses". All uses listed in this district are defined by "Section 23: Definitions".

- A. Permitted Uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:
 1. Agricultural Uses.
None.
 2. Residential Uses.
* Refer to chart of permitted uses.
 3. Institutional Uses.
▪ Refer to chart of permitted uses.
 4. Commercial Uses.
▪ Refer to chart of permitted uses.
 5. Industrial Uses.
▪ Refer to chart of permitted uses.
- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 1. Agricultural Uses.
None.
 2. Residential Uses.
▪ Refer to chart of permitted uses.
 3. Institutional Uses.
▪ Refer to chart of permitted uses.
 4. Commercial Uses.
None.
 5. Industrial Uses.
▪ Refer to chart of permitted uses.

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- C. Temporary Uses.
 - Seasonal Sales.
 - Special Event.

§ 110.03. M-1 District Dimensional Regulations.

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- Minimum Lot Area: none
- Minimum Lot Width: none
- Minimum Front Yard: 50 feet
- Minimum Side Yard: 25 feet
- Minimum Rear Yard: 50 feet
- Maximum Building Height: 35 feet

Section 111.00. HEAVY INDUSTRIAL MANUFACTURING DISTRICT (M-2).

§ 111.01. M-2 District Intent.

This district consists of areas where heavy industrial uses are permitted. The district encourages employment centers with a potentially high degree of environmental impact. Principal industrial activities include general manufacturing, heavy industry, salvage yards, resource extraction, solid waste disposal, and other heavy impact activities. The M-2 District also allows for commercial and institutional uses which are supportive of industrial activities.

§ 111.02. M-2 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to "Section 42.00: Use of Structures", and similar uses to those listed below may also be permitted subject to "Section 52.00: Interpretation of Uses". All uses listed in this district are defined by "Section 23: Definitions".

- A. Permitted Uses. The following uses shall be permitted permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
None.
 - 2. Residential Uses.
 - * Refer to chart of permitted uses.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
 - Refer to chart of permitted uses.
 - 5. Industrial Uses.
 - Refer to chart of permitted uses.
- B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.
 - 1. Agricultural Uses.
None.
 - 2. Residential Uses.
None.
 - 3. Institutional Uses.
 - Refer to chart of permitted uses.
 - 4. Commercial Uses.
None.
 - 5. Industrial Uses.
 - Refer to chart of permitted uses.
- C. Temporary Uses.
 - Seasonal Sales
 - Special Event

§ 111.03. M-2 District Dimensional Regulations.

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- Minimum Lot Area: none
- Minimum Lot Width: none
- Minimum Front Yard: 50 feet
- Minimum Side Yard: 40 feet
- Minimum Rear Yard: 50 feet
- Maximum Building Height: 35 feet

ARTICLE XII. CONDITIONAL USES.

Section 120.00. PURPOSE.

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

Section 121.00. AUTHORIZATION.

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

Section 122.00. PROCEDURES.

- A. The Building Inspector shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Zoning Board of Adjustment.
- B. The Building Inspector shall, two (2) weeks before the scheduled public hearing by the Zoning Board of Adjustment, provide notice of such hearing by regular mail to the owners of property adjacent to the proposed conditional use as their names appear in the county tax records.
- C. The Zoning Board of Adjustment shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

Section 123.00. SUBMISSION REQUIREMENTS.

No request for conditional use approval shall be considered complete until all of the following has been submitted to the Building Inspector:

§ 123.01. Application Form.

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

§ 123.02. Plans and Specifications.

Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking lay out; ingress to and egress from the site, area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Building Inspector may reasonably require. Any supplementary information, exhibits, plans or maps, which are to accompany and constitute part of the application, shall be submitted to the Building Inspector at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes.

§ 123.03. Application Fee.

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

Section 124.00. STANDARDS FOR APPROVAL.

A conditional use may be approved by the Zoning Board of Adjustment only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- A. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Riverside Sketch Plan, these regulations, or any other official plan, program, map or regulation of Riverside.
- B. Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- C. Off-street parking and loading areas, with particular attention to the items in (B) above.
- D. Refuse and service areas, with reference to availability, location, and potentially adverse effects on surrounding properties.
- E. Buffering of potentially adverse views and activities from surrounding properties.
- F. Control of noise, glare, odor, excess drainage, and other potentially disturbing effects to surrounding properties.
- G. Utilities, with reference to location, availability, capacity, and potentially adverse effects to surrounding properties.
- H. Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.
- I. The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.
- J. The proposed use shall not unduly decrease the value of neighboring property.
- K. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

Section 125.00. CONDITIONS AND RESTRICTIONS ON APPROVAL.

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

ARTICLE XIII. EXCEPTIONS AND MODIFICATIONS

Section 130.00. LOT OF RECORD.

When the owner of a lot of record at a time of adoption of this Ordinance does not own sufficient land to enable strict conformance to the yard and other requirements of this Ordinance, one building and its accessory structures may be built, provided the yard space and other requirements conform as closely as possible, in the opinion of the Zoning Board of Adjustment, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five feet (5') in width.

Section 131.00. FRONT YARD SETBACK MODIFICATIONS.

Where a new structure is to be built between two (2) existing structures with front yards greater or less in depth than required, the owner should use the setbacks of adjacent buildings as a guide, and the Board of Adjustment shall account for same in its review of variance requests. No new building shall be erected closer to the street than the average front yards so established by existing buildings.

Section 132.00. NONCONFORMING USES.

§ 132.01. Purpose of Provisions for Nonconformities.

Within the districts established by this Ordinance or by subsequent amendments to this Ordinance, lawful uses, lots, buildings, and characteristics of uses existed in conformity to all applicable zoning provisions before this Ordinance was adopted or subsequently amended. However, as a result of adoption or subsequent amendment to this Ordinance, such lawful activities no longer conform to all applicable zoning provisions. These activities shall be deemed lawful nonconformities, which are permitted to remain under the provisions of this division. It is the intent of this division that the continuation of lawful nonconformities should not be indefinite and that all nonconformities with this Ordinance should gradually be removed.

§ 132.02. Types of Nonconformities.

132.02.01. Nonconforming Use. The otherwise legal use of a building, structure, or lot that does not conform to the permitted uses for the district in which it is located.

132.02.02. Nonconforming Lot. An otherwise legally platted lot that does not conform to the dimensional standards for the district in which it is located.

132.02.03. Nonconforming Building. An otherwise legal building that does not conform with the yard, height, or other dimensional requirements for the district in which it is located or is designed or intended for a nonconforming use.

132.02.04. Nonconforming Characteristics of Use. An otherwise legal characteristic of use, lot, or structure which does not conform with the off-street parking and loading standards or any supplemental standards for the district in which it is located or is designed or intended for a nonconforming use.

§ 132.03. Continuation of Nonconformities.

Nonconformities may be continued as provided by this section:

- A. If any changes in ownership or tenancy occurs, any nonconformity may be continued by the new owner or tenant under the provisions of this division.
- B. A nonconformity may continue if it does not cease for any reason for a period exceeding six (6) months.

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- C. Plans for nonconforming construction, site development, site alteration, use or occupancy for which a valid building permit, certificate of occupancy, site plan, conditional use, preliminary subdivision plat, or other City license was approved prior to the effective date of this Ordinance or subsequent amendment may proceed. However, all construction, site development, or site alteration must be completed within one year and use or occupancy must be established within thirty (30) days after the effective completion date.
 - D. A lot that was legally platted prior to the effective date of this Ordinance that does not meet the lot area, width, or dimensional requirements for the district in which it is located may be developed or used in conformity with all other provisions of this Ordinance. Such lot must be in separate ownership and not of Continuous frontage with other lots in the same ownership.
 - E. Any use in existence prior to the effective date of this Ordinance or subsequent amendment that results in a nonconforming characteristic of use may continue in nonconformity with the off-street parking and loading, buffer, nuisance abatement, sign, or supplemental standards so long as the kind or extent of such use does not increase the Ordinance requirements for such characteristics of use.
 - F. A nonconforming use may occupy any part of a structure or lot that was arranged or designed for such use unless occupancy of that part of the structure or lot has been discontinued for a period exceeding six (6) months.

§ 132.04. Repair and Maintenance of Nonconformities.

- A. On any structure, devoted entirely or partly to a nonconforming use, work may be done such as ordinary maintenance, repair or replacement of walls, fixtures, wiring, or plumbing, provided the cubic content of the structure, as it existed at the effective date of this Ordinance or subsequent amendment, shall not be increased. The cost of the work shall not exceed ten percent (10%) of the appraised replacement cost of the structure or the part.
- B. On any lot devoted entirely or in part to any nonconforming use, work may be done on ordinary maintenance or repair and replacement of parking and loading areas, signs, lighting, fences, walls, and related exterior amenities provided the extent of those amenities shall not be increased or rearranged.
- C. Nothing in this Division shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or exterior amenity declared unsafe by any official charged with protecting the public safety, on order of such official, nor shall anything in this division be deemed to exempt any such structure or amenity from any requirements of any Federal, State, or local government regulation.

§ 132.05. Alteration, Enlargement or Restoration of Nonconformities.

- A. No nonconforming use shall be enlarged within a structure or occupy a greater area of land than at the effective date of this Ordinance or subsequent amendment.
- B. No nonconforming use or structure shall be moved to any portion of the lot other than that occupied at the effective date of this Ordinance or subsequent amendment.
- C. No nonconforming use, structure or characteristic of use may be altered or enlarged or intensified in any way that increases its nonconformity but may be altered or reduced to decrease its nonconformity.
- D. If a nonconforming structure is removed or damaged in any manner to the extent that the restoration costs exceeds fifty percent (50%) of the original value of the structure immediately

before the damaging occurrence, subsequent use of the lot shall be in full compliance with the district in which it is located.

§ 132.06. Change in Use.

- A. Any nonconforming use which changes to a permitted use within the district in which it is located, shall not revert to a nonconforming use.
- B. A nonconforming use may change to a new nonconforming use provided the new use is more in keeping with the district in which it is located and is less objectionable and measures less external impact than the existing nonconforming use. In determining whether the new use would be in greater conformity with this Ordinance, impact criteria such as, but not limited to, the following shall be evaluated:
 - 1. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.
 - 2. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.

Section 133.00. APPRAISED COST OR VALUE.

For the purpose of this Division, appraised cost or value shall refer to an appraised valuation by a board of not less than three (3) professionally certified real estate appraisers.

ARTICLE XIV. ADMINISTRATION, PROCEDURES AND ENFORCEMENT

Section 140.00. ENFORCING OFFICER.

The provision of this Ordinance shall be administered and enforced by the Building Inspector of the City. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

Section 141.00. PERMIT REQUIRED.

- A. It shall be unlawful to commence excavation for any purpose or for the construction of any building or other structure, including accessory structures, Signs, and advertising structures, until the Building Inspector has issued, for any and all such work, a Permit stating that the plans have been reviewed for compliance of this Ordinance. This does not apply to repairs, painting or other routine maintenance costing less than \$7,500.00 (seven thousand five hundred dollars), when the configuration, character, or the dimensions of the structure are not being changed. This does not apply to new construction of an accessory structure (such as an outbuilding or doghouse – as defined in this Ordinance) that does not exceed \$2,000.00 (two thousand dollars) in total construction costs.
- B. Application for any and all building permits required under this Ordinance shall be made to the Building Inspector on forms provided for that purpose and supplemented with appropriate plans, diagrams and specifications to demonstrate proposed compliance with the Ordinance. The City Council may from time to time set fees it finds appropriate to various types of permits.
- C. If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this Ordinance, a building permit may be issued. If an application for a building permit is not approved for zoning, the cause for such disapproval shall be stated in writing on the application. Issuance of a building permit shall in no case be construed as waiving any provision of this Ordinance.
- D. Any permit under which no construction work has been done above the foundation walls or other foundation support within ninety days from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of City codes in force at the time of said renewal.
- E. Before issuing a building permit, the Building Inspector shall examine the site and proposed development plans for compliance with this Ordinance.

Section 142.00. PLANS.

It shall be unlawful for the Building Inspector to approve any plans or issue any building permit for excavation of construction until he has inspected such plans in detail and found same to be in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a building permit be accompanied by a plan drawn to scale, dimensioned, and showing the following in detail sufficient to enable the Building Inspector to ascertain whether the proposed development is in conformance with the provisions of this Ordinance:

- A. The actual shape, proportion, and dimensions of the parcel or lot to be built upon.
- B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and or any buildings or other structures already on the lot, and all other information concerning the lot and its surroundings as may be required for ascertaining whether the provisions of this Ordinance are and will be observed.

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- C. The existing and intended use of all buildings and other structures.
 - D. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

Section 143.00. SITE PLAN REVIEW.

New construction and substantial site development expansion of all multiplexes, patio homes, planned unit developments, Cityhouses, apartments, manufactured home and mobile home parks and subdivisions, institutional uses, commercial uses, and industrial uses shall require submission and approval of a site plan prepared by an architect, landscape architect or professional engineer licensed in the State of Alabama.

§ 143.01. Site Plan Requirements.

The following shall be the minimum information required for a site plan, five (5) copies of which shall be submitted for review and approval.

- A. Cover sheet with name and location of the development; name, address, and signature of the owner; name, address, and seal of the architect, landscape architect, or professional engineer; vicinity map; zoning and existing and proposed land use of the site; and date, scale, and north arrow.
- B. 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.
- C. Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.
- D. Public and private utilities, including sewage disposal system and water system.
- E. Fire lanes and hydrants.

§ 143.02. Site Plan Review and Approval.

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 Fire Chief, and Police Chief 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 set 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 months of approval.

§ 143.03. Zoning Certificate Required.

Following Site Plan Review and approval, and prior to the issuance of any building permit, a zoning certificate shall be issued by the Building Inspector, stating all Zoning Ordinance requirements (as stipulated herein) have been met.

Section 144.00. CERTIFICATE OF OCCUPANCY REQUIRED.

A Certificate of Occupancy shall be secured by the owner or owner's agent prior to use or occupancy of any building or structure, whose construction or substantial rehabilitation is undertaken following adoption of this Ordinance. Within three days after the owner or owner's agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, the Building Inspector shall make a final inspection thereof, and issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance, or, if such certificate is refused, state such refusal in writing with the cause. Appeals from the decision of the Building Inspector shall be heard by the Board of Adjustment.

Section 145.00. PROCEDURES.

§ 145.01. Variance Procedures.

- A. Variances to the terms of this Ordinance may be granted individual cases upon a finding by the Board of Adjustment that all of the following criteria have been satisfied:
1. The variance will not be contrary to the public interest.
 2. Special conditions exist.
 3. A literal enforcement of the terms of this Ordinance will result in unnecessary hardship.
 4. The spirit of this Ordinance shall be observed.
 5. Substantial justice shall be done.
- B. An application for a variance shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the 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 site 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 owners (including those directly across a public right-of-way), as shown in the most recent records of the St. Clair County Tax Assessor.
- C. At least fifteen (15) days prior to the scheduled Board of Adjustment hearing, the Board of Adjustment shall give written notice to all adjacent property owners. All notices mailed by the Board of Adjustment shall be sent by certified mail, return receipt requested and addressed to such property owners at their addresses as submitted with the application.
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.

§ 145.02. Temporary Use Procedures.

The temporary commercial use and occupancy of public or private land and/or roadways for commercial activities or special events may be permitted by the Building Inspector subject to compliance with the standards in this section. The building inspector may require additional

submission materials specific to the planned use or event in order to make a proper determination as to whether or not the proposed use or event meets the applicable standards of this section.

- A. An applicant must demonstrate adequate provisions have been made for:
 - 1. Police supervision if necessary.
 - 2. Public parking.
 - 3. Insurance.
 - 4. Site set-up, maintenance and clean-up.
 - 5. Emergency services.
 - 6. Safety of operations.
- B. Temporary structures constructed or placed on the premises shall conform to any and all applicable building codes and other City regulations.
- C. These permits shall be issued for no more than seventy-two (72) hours. Applications activities of longer duration must be approved by the Board of Adjustment at its discretion.
- D. A fund-raising or non-commercial event for a nonprofit religious, educational or community service organization shall not require a Building Inspector permit provided the special event is conducted entirely (including parking) on private property owned or leased by the sponsoring organization as a permanent facility; any structure used in conjunction with the event shall meet all setback requirements, shall be the subject of a valid building permit, and shall be promptly removed upon cessation of the event.

§ 145.03. Administrative Appeal Procedures.

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Building Inspector. An administrative appeal shall require the submission of an application to the Zoning Board of Adjustment. The application shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the 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 attorney for the property owner, if any.
 - 2. Address of the property under consideration.
 - 3. The decision of the administrative official under appeal.
 - 4. A written statement specifying the grounds for appeal.
 - 5. Stamped no. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the St. Clair County Tax Assessor.
- B. At least fifteen (15) days prior to the scheduled Board of Adjustment hearing, the Building Inspector shall give written notice to all adjacent property owners. All notices mailed by the Building Inspector shall be sent by certified mail, return receipt requested and addressed to such property owners at their addresses as submitted with the Application.
 - 1. The name of the applicant.
 - 2. The location of the property.
 - 3. The decision of the administrative official under appeal.
 - 4. The time, date, and location of the Board hearing.

-
- C. The Building Inspector shall transmit all papers constituting the record upon which the action appealed was taken to the Board which shall take action to uphold, modify, or overturn the decision of the administrative official.

Section 146.00. PERMITS FOR UNSEWERED AREAS.

An application for a building permit or site plan approval for a development not served by public sewer shall not be submitted unless a preliminary finding by the Health Department confirms the suitability of soils for private septic facilities.

Section 147.00. VIOLATIONS.

Any uses of land or dwellings or construction or alteration of buildings or structures, including tents or trailers, used, erected, altered, razed or converted in violation of any of the provisions of this 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 activity. Whenever the Building Inspector has declared a structure to be in violation with the requirements of this Ordinance, the owner or occupant may be required to vacate such structure or premises which shall not again be used or occupied until such structure or premises have adapted to the provisions of this Ordinance.

Section 148.00. PENALTIES.

Any person violating any provision of this Ordinance shall be fined upon conviction not less than \$100.00 plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of a fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

Section 149.00. 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 of any other appropriate authority or any adjacent or neighboring property owner within 500 feet who would be damaged or caused hardship by such violation, in addition to other remedies, may:

- A. Institute an injunction or mandamus, or
- B. Take other appropriate action or proceedings to stay or prevent occupancy of such building, structure, or land.

ARTICLE XV. ZONING BOARD OF ADJUSTMENT

Section 150.00. ESTABLISHMENT AND MEMBERSHIP.

A Board of Adjustment is hereby established (hereafter referred to as the board). The board shall consist of five (5) members, each to be appointed for a term of three (3) years by the City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. In addition to the five (5) regular members provided for in this section two (2) supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing. All members of the board shall be citizens and residents of the City of Riverside.

Section 151.00. MEETINGS, PROCEDURES AND RECORDS.

Meetings of the board shall be held at the call of the chairman and at such time as the board may determine. Such chairman, or in the absence of the chairman the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 152.00. POWERS AND DUTIES.

The board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

§ 152.01. Interpretation of Boundaries.

To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Section 33.00.

§ 152.02. Appeals.

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector of this Ordinance. Such appeal may be taken to the board by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of any City officer under this Ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

§ 152.03. Variances.

To authorize upon appeal in specific cases a variance from the terms of this Ordinance such 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, but where the spirit of the Ordinance shall be observed and substantial justice done. Such special conditions shall be limited to

exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this Ordinance, or exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property as would result in peculiar, extraordinary and practical difficulties. No variance shall be authorized unless the board finds all of the following exist:

- A. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
- B. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
- C. That the condition from which relief or a variance is sought did not result from action by the applicant.
- D. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Riverside.

§ 152.04. Conditional Use.

When any modification authorized pursuant to this section will not tend to impair the health, safety, convenience or comfort of the public, including that portion of the public occupying the property immediately contiguous to the parcel of land which the modification concerns, to be determined by the board upon the adduction of competent evidence, including a view of the premises and its surroundings at the discretion of the board, the board may modify the strict application of the provisions of this Ordinance and cause a permit to be issued upon such reasonable conditions as it may prescribe for the location, construction, extension, structural alteration and operation of any of the following, in addition to those uses prescribed as being permitted upon conditional use in Section 55.00.

- A. Building on lots of record as defined in Section 140.00.
- B. Resumption, extension, reconstruction, or change of a non-conforming use as specified in Section 142.00.
- C. Erection, extension and use of a structure, or use of premises not otherwise authorized or permitted by this Ordinance for a public service corporation for public utility purposes which shall be deemed reasonably necessary for the public convenience or welfare.
- D. Reduction in parking requirements specified in Article VI.
- E. Unclassified uses as outlined in Section 53.00.

Section 153.00 HEARINGS.

The board shall fix a reasonable time for hearing of each appeal or other request for interpretation or exception, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 154.00. APPEALS FROM ACTION OF THE BOARD OF ADJUSTMENT.

Any party aggrieved by any final judgment or decision of the board may, within fifteen (15) days thereafter appeal therefrom to the circuit court or court of like jurisdiction, by filing with the board a written notice of

appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court shall be tried de novo.

The City Council of Riverside hereby appoints a Zoning Board of Adjustment. This Board shall in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of this Ordinance in harmony with its general purposes and interests and in accordance with the rules contained in this Article.

ARTICLE XVI. AMENDING THE ORDINANCE.

Section 160.00. 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 regulations or zoning district boundaries herein established.

Section 161.00. PETITION FOR CHANGE.

A proposed change of district boundaries or regulations of this Ordinance may be initiated by the City Council, the Planning Commission or by petition of property owners or agent of such owners of property within the area proposed to be changed, subject to this Ordinance.

§ 161.01. Petition by Property Owner.

- A. A petition for amendment when initiated by the property owner or authorized agent of such owner 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 at least thirty (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 applicable 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, method of stormwater 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 addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the St. Clair County Tax Assessor.

§ 161.02. Planning Commission Action.

- A. In the case of a petition by a property owner, at least fifteen (15) days prior to the scheduled Planning Commission hearing, the Building Inspector shall give written notice of the rezoning to all adjacent property owners. All notices mailed by the building inspector shall be sent by certified mail, return receipt requested and addressed 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.

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- C. At least six days public notice of the hearing shall be given in accordance with the publication or posting requirement in Section 172.00. 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 (30) 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.

§ 161.03. City Council Action.

- A. Upon receipt of the recommendation of the Planning Commission in favor of a proposed zoning amendment, 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 162.00.
- 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 (90) days after receipt of the recommendation of the Planning Commission the proposed amendment shall be deemed to have been approved by the Council.

Section 162.00. PUBLIC HEARINGS NOTICE.

- A. At least fifteen (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 within 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 (1) 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 (4) conspicuous places within the City. The Council 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 fifteen (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.

Section 163.00. CONDITIONAL REZONING.

- A. In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district. Any such proffered conditions must be made prior to the public hearing held by the City Council and must adhere to the following criteria:
 - 1. The rezoning itself must give rise for the need for the conditions.
 - 2. Such conditions shall have a reasonable relation to the rezoning.
 - 3. Such conditions shall not include a cash contribution to the City.
 - 4. Such conditions shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the **St. Clair County Subdivision Regulations**.
 - 5. Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the **St. Clair County Subdivision Regulations**.
 - 6. No condition shall be proffered that is not related to the physical development or physical operation of the property.
 - 7. No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed in accordance with this division.
 - 8. All such conditions shall be in conformity with the purposes and consideration of this Ordinance.

- B. The Building Inspector shall be vested with all necessary authority on behalf of the City Council to administer and enforce conditions attached to a rezoning amendment.

- C. The official zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Building Inspector shall keep in his office and make available for public inspection a **Conditional Zoning Index**. The Index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, B-2C), and the zoning map shall reference the Conditional Zoning Index by ordinance number.

- D. Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

Section 164.00. ACTION ON PETITION.

Any proposed amendment, modification or repeal shall first be submitted to the Planning Commission for its recommendation and report. The Planning Commission shall have sixty (60) days within which to submit its recommendations to the City Council. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment and the City Council shall proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama. Any party or parties wishing to protest an amendment shall appear and speak at the public hearing.

Section 165.00. FEES.⁵

Every petition for amendment by other than the City Council or Planning Commission shall be accompanied by a fee to partially defray the cost of processing the petition.

Section 166.00. LIMIT ON INITIATION FOR ORDINANCE AMENDMENT.

⁵ Updated Ordinance 2007-0605

Should the City Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract land will not be considered by the Planning Commission until a period of one (1) 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 (1) 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 administration fee must be paid. Under no condition shall the fee be refunded for failure of such proposed amendment to be enacted into law.

ARTICLE XVII. LEGAL STATUS PROVISIONS

Section 170.00. INTERPRETATION AND PURPOSE.

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances is mandatory. This Ordinance shall not lower the restriction of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

Section 171.00. CONFLICT WITH OTHER REGULATIONS.

Whenever the regulations of this Ordinance require or impose more restrictive standards than are required in or under any other statute or ordinance, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this Ordinance, provisions of such statute or ordinance shall govern.

Section 172.00. SEVERABILITY.

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 173.00. EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of adoption.

ADOPTED by the City Council of the City of Riverside, Alabama, and recommendation from the Planning Commission, on June 1, 2010.

Mayor M. S. Rusty Jessup

ATTEST:

City Clerk Rhonda F. Burns

AMENDMENTS TO ORIGINAL ORDINANCE

ORDINANCE 2007-0605

AN ORDINANCE ESTABLISHING A SCHEDULE OF FEES FOR THE VARIOUS APPLICATIONS REQUIRED BY CERTAIN PROVISIONS OF THE CITY OF RIVERSIDE ZONING ORDINANCE, SUBDIVISION REGULATION ORDINANCE, OR ANY OTHER ORDINANCE THAT THE CITY COUNCIL OF RIVERSIDE MAY PASS THAT WOULD REQUIRE A FEE TO ACCOMPANY THE APPLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF RIVERISDE, ALABAMA, AS FOLLOWS:

Section 1.

SCHEDULE OF FEES

A.	Annexation Petition	\$150.00 per parcel annexed
B.	Building Permit Application	As established by the City Of Riverside
C.	Appeal to Zoning Board of Adjustment or Variance Application	\$100.00 plus \$5.00 per Adjacent Property Owner For Mailing
D.	Re-Zoning Application	\$300.00 plus \$10.00 per acre And \$125.00 legal adv.; plus \$5.00 per adjacent property Owner for mailing
E.	Preliminary Subdivision Plat Application	\$50.00 per lot plus \$5.00 per Adjoining landowner for mail Fee
F.	Final Subdivision Plat Application	\$50.00 per lot
G.	Misc, Non-Country, Permitting	Project Specific, \$500.00 Minimum

Section 2.

SEVERABILITY

Each and every provision of this Ordinance or section is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid shall not affect any other provision hereof.

Section 3.

PRIOR ORDINANCE

This Ordinance repeals any other Ordinance or section thereof in conflict with this Ordinance.

Section 4.

EFFECTIVE DATE

This Ordinance shall become effective on the first day of July, 2007, and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

ADOPTED AND APPROVED THIS 19th DAY OF June, 2007.

APPROVED:

M. S. Rusty Jessup, Mayor

ATTEST: Rhonda F. Martin, CMC
Clerk

ORDINANCE NO. 2012-0619

AN ORDINANCE AMENDING RIVERSIDE ZONING ORDINANCE NUMBER 2002-0507, BY AMENDING THE USES STATED IN ARTICLE V: DETAILED USE REGULATIONS, SECTION 55.00 USES ALLOWED, PAGE 26 RESIDENTIAL USES, COLUMNS B-3, M1 and M2 FROM N (NOT PERMITTED) TO P (MUST BE APPROVED BY PLANNING COMMISSION), SHALL BE AMENDED AS FOLLOWS:

SECTION 1.

SECTION 55.00
RESIDENTIAL – B3, M1, & M2 COLUMNS

1. Accessory Dwelling	B3, M1 & M2:	“P”
2. Combination Dwelling	B3, M1 & M2:	“P”
3. Garden Home	B3:	“P”
4. Duplex	B3, M1, & M2:	“P”
5. Single Family Residence	B3, M1, & M2:	“P”
6. Cityhouse	B3, M1 & M2::	“P”
7. Upper Story Apartments	M1 & M 2:	“P”

SECTION 2. This Ordinance shall become effective when adopted and published as required by law.

ADOPTED this 19^h day of June, 2012.

Signed: _____
M.S. Rusty Jessup, Mayor

ATTEST: _____
Rhonda F. Burns, CMC
City Clerk

CERTIFICATION:

I, Rhonda F. Burns, as City Clerk of the City of Riverside, Alabama, hereby certify that the above and foregoing copy of Ordinance 2012-0619 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Riverside on the 19th day of June 2012, as appears in the official records of said City. The Ordinance was posted at Riverside City Hall, Riverside Post Office, and Grant’s Food Mart.

Rhonda F. Burns, Clerk

ORDINANCE NO. 2015-1201-3

AN ORDINANCE AMENDING RIVERSIDE ZONING ORDINANCE NUMBER 2010-0601 SHALL BE AMENDED AS FOLLOWS:

- **ENTIRE DOCUMENT**

The change of terminology in the entire document from “City” to “City”.

- **ARTICLE II. DEFINITIONS**

- 23.00.44. **City.** The City of Riverside, Alabama. – Insert definition and renumber
- 23.00.203. **City.** The City of Riverside, Alabama. – Remove definition and renumber
- 23.1.98. “but excluding large swine” shall be removed from the definition.
- 23.1.133 The definition shall read, “**Manufactured Home (Single Wide).** A structure, transportable in one section which, in the traveling mode, is eight feet (8’) or more in width...”
- 23.1.134 The definition shall be added, “**Manufactured Home (Double/Triple Wide).** A structure, transportable in two or more sections which, in the traveling mode, is eight feet (8’) or more in width and thirty-six feet (36’) or more in length, or when erected on site, is 864 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Such term shall include any structure meeting all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.”
- 23.1.137 This definition shall read, “**Mobile Home.** A structure designed and constructed prior to June, 1976 as a movable dwelling...”

- **ARTICLE V. DETAILED USE REGULATIONS**

Section 55.00 USES ALLOWED.

Changes to **Table V-2:**

Agricultural

Hobby Farm R1, R2, R3, R4, R5: “R”

Residential

Mobile Home A1: “N”

Manufactured Home Single Wide

- A1, R1, R2, R3, R4, INST1, B1, B2, B3, M1, M2: “N”

- R5 “R”

Manufactured Home Double/Triple

- A1 “C”

- R1, R2, R3, R4, INST1, B1, B2, B3, M1, M2: “N”

- R5 “R”

-
- **Section 56.06. Farms.** Removal of “(Swine are NOT permitted)”
 - **Bullet I.** shall read: Except for kennels, as defined by this Ordinance, the keeping of small domestic animals, small fur-bearing animals, or bees, or poultry, or pigs 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, within the restrictions included under Section 56.07 “Hobby Farms”.²
 - **§ Section 56.07. Hobby Farms.**

Removal of Bullet B. “The keeping of swine shall be prohibited.”

SECTION 2. This Ordinance shall become effective when adopted and published as required by law.

ADOPTED this 1st day of December, 2015.

Signed: _____
M.S. Rusty Jessup, Mayor

ATTEST: _____
Candace Smith
City Clerk

ORDINANCE NO. 2016-1206-02

AN ORDINANCE AMENDING RIVERSIDE ZONING ORDINANCE

SECTION 1. Amendments shall be revised from:

A. “§ Section 80.03. R-1 District Dimensional Regulations.

- Minimum Lot Area 20,000 feet
- Minimum Lot Width: 100 feet
- Minimum Front Yard: 30 feet
- Minimum Side Yard: 10 feet
- Minimum Rear Yard: 40 feet
- Maximum Building Height: 35 feet
- Maximum Building Area 25 percent
- Minimum Living Area per Dwelling 1400 Sq. Feet

SECTION 2. Amendments shall be as follows:

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- Minimum Lot Area 12,000 sq. feet
- Minimum Front Yard: 30 feet
- Minimum Side Yard: 10 feet
- Minimum Rear Yard: 40 feet
- Maximum Building Height: 35 feet
- Maximum Building Area 25 percent
- **Minimum Living Area per Dwelling 1400 Sq. Feet**

SECTION 2. This Ordinance shall become effective when adopted and published as required by law.

ADOPTED this _____ day of _____, 20__.

Signed: _____
M.S. Rusty Jessup, Mayor

ATTEST: _____
Candace Smith
City Clerk

ORDINANCE NO. 2017-0814-2**AN ORDINANCE AMENDING RIVERSIDE ZONING ORDINANCE**

AN ORDINANCE AMENDING ORDINANCE 2010-0601 THAT REVISES THE CURRENT DISTRICTS OF THE CITY ZONING ORDINANCE THAT WERE NOT IN USE, AMENDS USE REGULATION REQUIREMENTS FOR B-3 ZONE AND ADDS A DEFINITION AND ALLOWED USES FOR CONDOMINIUMS.

SECTION 1. Amendments shall be as follows:

§ 55. USES ALLOWED.

- Removes Zones B-1 and B-2 as a district from the chart of allowed uses.
- Adds a use of “Condominiums” and it’s district regulations.
- Amends use regulations for B-3 District.
- Changes to table V-2:

	B3
Commercial	
Animal Hospital	R
Bank or Financial Service	R
Broadcast Studio	R
Business/Professional Office	R
Business Support Service	R
Campground	P
Car Wash	R
Commercial Parking	R
Commercial School	R
Convenience Store	R
Country Club	P
Day Care Center	R
Entertainment, Indoor	R
Entertainment, Outdoor	P
Farm Support Business	P
Funeral Home	R
Garden Center or Nursery	R
General Retail, Enclosed	R
General Retail, Unenclosed	P
Home Occupation*	R
Home Improvement Center	P
Hotel/Motel	P
Laundry Service	R
Livestock Sales*	N
Medical Clinic	P
Medical Support Service	R
Mini-Warehouse*	P
Open-Air Market	R
Personal Service	R
Recreation, Indoor	P
Recreation, Outdoor	P
Recreational Vehicle Park	P

Commercial (cont'd)	B3
Restaurant, Standard	R
Restaurant, Fast Food	R
Restaurant, Take-Out Only	R
Shopping Center, Major*	P
Shopping Center, Minor*	P
Studio	R
Tourist or Bed & Breakfast Inn	P
Vehicle Repair Service	R
Vehicle Sale or Rental	R
Vehicle Service Station	R

	B3
Industrial	
Construction Service	P
Heavy Industry	N
Junkyard/Salvage Yard	N
Maintenance Service	P
Manufacturing, General	N
Manufacturing, Light	P
Research Lab	P
Resource Extraction	N
Sanitary Landfill	N
Communication/Transmission Tower/Antennae*	P
Vehicle/ Equipment Repair	R
Vehicle/ Equipment Sales	R
Warehousing, Wholesaling, Distribution, Enclosed	P
Warehousing, Wholesaling, Distribution, Unenclosed	N

SECTION 2. Amendments shall be as follows:

§ 100.00. LOCAL BUSINESS DISTRICT (B-1).

-Section deleted due to no zoned areas

SECTION 3. Amendments shall be as follows:

§ 101.00. GENERAL BUSINESS DISTRICT (B-2).

-Section deleted due to no zoned areas

SECTION 4. Amendments shall be as follows:

§ 23.00. DEFINITIONS.

23.00.53. Condominium. An ownership arrangement of an attached single family dwelling unit placed in a group development characterized by private ownership of individual units and undivided common ownership and maintenance of designated exterior and interior spaces by a condominium association of unit owners.

SECTION 5. This Ordinance shall become effective when adopted and published as required by law.

ADOPTED this 14th day of August, 2017.

Signed: _____
M.S. Rusty Jessup, Mayor

ATTEST: _____
Candace Smith
City Clerk