

**TOWN OF CEDAR BLUFF**

**ZONING ORDINANCE**

**JUNE, 1999**

*Prepared for the*

**TOWN OF CEDAR BLUFF**

*by the*

**EAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION**

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**A**N ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF CEDAR BLUFF, ALABAMA, PROVIDING FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE TOWN OF CEDAR BLUFF, 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 PROVIDE FOR OFF-STREET LOADING AND UNLOADING OF TRUCKS AND OTHER MOTOR VEHICLES: TO PROVIDE FOR METHODS OF ADMINISTRATION OF ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF: TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF ADJUSTMENT: TO ASSIST IN CERTAIN PHASES OF THE ADMINISTRATION OF THE ORDINANCE: AND TO REPEAL EXISTING ZONING ORDINANCES AND CONFLICTING LAWS.



**ARTICLE I  
PREAMBLE**

**SECTION 1 - AUTHORITY**

This ordinance is established in pursuance of the authority conferred unto the Town of Cedar Bluff by Title 11, Chapter 52, Article 4, Sections 70 to 84 inclusive, Code of Alabama 1975, as amended, and for the general purposes of:

promoting the health, safety, morals, public peace, order, or general welfare of the Town of Cedar Bluff, Alabama;

lessening congestion in the streets;

securing safety from fire, panic, and other dangers;

providing adequate light and air;

preventing the overcrowding of land;

avoiding undue concentration of population;

facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

conserving the value of buildings; and

encouraging the most appropriate use of land and buildings throughout the Town;

all in accordance with a comprehensive plan, the Town Council of the Town of Cedar Bluff, Alabama, does hereby ordain and enact into law this Zoning Ordinance.

**SECTION 2 - SHORT TITLE**

This Ordinance shall be known and may be cited as the “Cedar Bluff Zoning Ordinance”.

**SECTION 3 - INTERPRETATION**

In this interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for promotion of the health, safety, morals, convenience, order, prosperity, and general welfare of the community. The standards and requirements of this ordinance should be applied and enforced to balance public and private interests in the development of land in a manner that promotes mutual understanding and respect, and with prompt and just consideration given to the various interests involved in land investment, ownership, and development.

**SECTION 4 - JURISDICTION OF ORDINANCE**

The requirements and standards contained in this Ordinance shall apply to all areas within the corporate boundaries of the Town of Cedar Bluff.

## ARTICLE II DEFINITIONS

### SECTION 1 - GENERAL INTERPRETIVE GUIDELINES

- 1.1 Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. Words of the masculine gender include the feminine, and words of the feminine gender include the masculine. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “lot” includes “plot” or “parcel”. The word “building” includes “structure.” The word “lot” includes the words “plot” or “parcel.” The word “shall” is mandatory. The word “may” is permissive. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- 1.2 Where any word specifically defined in the Cedar Bluff Subdivision Regulations is used within these regulations, but is not specifically defined herein, then the specific definition contained in the Cedar Bluff Subdivision Regulations shall apply. If a word used and defined in the Cedar Bluff Subdivision Regulations bears a different or conflicting definition within this Zoning Ordinance, then the word shall be used and interpreted within each code in accordance with the specific definition contained therein.
- 1.3 Any words specifically defined in a subsequent section or article of this Ordinance shall carry that meaning within the context of the specific section or article within which it is defined.
- 1.4 Any lingering confusion or questions regarding the definition of a term used in these regulations shall be decided by the Board of Adjustment.

### SECTION 2 - SPECIFIC DEFINITIONS

When used in these regulations, the following words and phrases shall have the meaning given in this section, unless specifically defined in a subsequent section or article:

- 2.1 ***Accessory Structure or Use.*** A subordinate structure or a portion of the main structure, the use of which is incidental to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.
- 2.2 ***Alley.*** A public service way which affords only a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation.
- 2.3 ***Alteration and Altered.*** The word “alteration” shall include any of the following:
  - A. Any addition to the height, width, or depth of a building or structure;

- B. Any change in the location of any of the exterior walls of a building or structure;
  - C. Any change in the position or placement of a existing structure or building on a lot;
  - D. Any increase in the interior accommodations of a building or structure;
  - E. Any repairs, renovation, remodeling, or rebuilding to a building or structure which costs, in total, more than fifty (50) percent of the original value of the building or structure prior to the initiation of said activity.
- 2.4 ***Automobile Filling and Service Stations.*** Any place of business having pumps and storage tanks at which fuels or oils for the use of motor vehicles are dispensed, sold, or offered for sale at retail and where minor repairs, services, and inspections may be carried on and rendered incidental to the sale of such fuels and oils.
- 2.5 ***Bed and Breakfast Inn.*** A lodging facility consisting of ten (10) or fewer rental rooms that are served by shared kitchen facilities. The lodging facility shall also contain the primary living facilities for the resident manager of the facility. Breakfast shall be the only meal served to paying guests of the facility. A Manufactured Home shall not be used as a Bed and Breakfast Inn.
- 2.6 ***Board of Adjustment or Board.*** The Zoning Board of Adjustment of Cedar Bluff, Alabama.
- 2.7 ***Boarding or Rooming House.*** A building other than a hotel or motel where lodging or lodging and meals is provided for compensation for a long-term period (at least month-to-month). The structure shall contain two or more private rooms for rent and shall provide either shared kitchen facilities or shared bathroom facilities. The rooms contained within the structure shall not constitute dwelling units under the terms of this Ordinance.
- 2.8 ***Buffer.*** A densely planted strip of evergreen shrubs or trees, or solid fencing, earthen berm, a natural drainage way, or a similar condition, or any combination thereof intended to serve as a physical and visual divider between different uses or lots. No buffer shall be less than fifteen (15) feet in width at any point. Each buffer shall be improved to provide an effective year-round visual screen between adjoining uses.
- 2.9 ***Building.*** Any structure having a roof and intended for the shelter, housing, or protection of persons, animals, or property.
- 2.10 ***Building, Accessory.*** A subordinate building or a portion of the principal building, the use of which is incidental to the dominant use of the principal building on the same lot.

- 2.11 ***Building Height.*** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for pitched roofs or, for flat roofs, to the mean height level between eaves and ridges for gable, hip and gambrel roofs and to the deck line of mansard roofs.
- 2.12 ***Building, Principal.*** A structure within which the primary or dominant use of the applicable underlying lot is conducted.
- 2.13 ***Building Setback Line.*** A line establishing the minimum allowable distance between the nearest portion of any structure (excluding steps, gutters, and similar protruding fixtures on a building) and the fronting right-of-way line of the abutting street.
- 2.14 ***Business, Retail.*** A commercial establishment that generally sells commodities or personal services in varying quantities directly to the ultimate consumer. These commodities or services are primarily for the use of the purchaser.
- 2.15 ***Business, Wholesale.*** A commercial establishment that generally sells commodities or services in large quantities or by piece to retailers, contractors, other wholesale businesses, or manufacturing establishments. These commodities or services are mainly for resale, for use in the fabrication of a product, or for use by a retail business.
- 2.16 ***Comprehensive Plan.*** The most current or recently adopted land use or comprehensive plan for the Town of Cedar Bluff, as may be amended.
- 2.17 ***Condominium.*** A multi-unit residential structure where it is possible to acquire legal ownership of a unit without title to the land on which it is located or with the purchase of a partial or shared interest in the land on which it is located.
- 2.18 ***Construction, Actual.*** The commencement and continuous, uninterrupted (not to include delays caused by inclement weather conditions) prosecution of construction for the purpose of permanent placement and fastening of materials to the land or structure, said purposes for which a permit has been issued. Construction includes filling, grading, the installation of drainage facilities, and the substantial demolition, clearing, excavation, or removal of an existing structure preparatory to new construction, provided that work shall be reasonably continuous until completion of the approved construction.
- 2.19 ***Cottage Industry.*** An accessory business use which is conducted within a building accessory to the permanent dwelling unit of the business owner. All cottage industries shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance (see also “home occupation”).

- 2.20 **Development.** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling, or disturbance of land; or any use or expansion of use of land.
- 2.21 **Dwelling.** A building or portion thereof designed, arranged, or used principally for residential occupancy but not including manufactured homes.
- 2.22 **Dwelling, Multi-Family.** A building containing two or more functionally independent dwelling units on a commonly-shared lot, such as a duplex or apartment.
- 2.23 **Dwelling, Single Family.** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, not including manufactured homes.
- 2.24 **Dwelling Unit.** A dwelling or a portion thereof providing complete and separate facilities for one or more persons living as a single housekeeping unit.
- 2.25 **Family.** One or more persons occupying a dwelling or manufactured home, who live and function as a single housekeeping unit.
- 2.26 **Flood.** An overflow of water onto lands not normally covered by water, resulting in significant adverse effects in the vicinity.
- 2.27 **Flood Hazard Area.** All the land encompassed by the floodway and the floodway fringe areas.
- 2.28 **Floodplain.** Any land area susceptible to being inundated by water from any source (see definition of “flood”).
- 2.29 **Floodway.** The natural channel and the portion of the floodplain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.
- 2.30 **Floodway Fringe Areas.** Areas lying outside the floodway but within the area subject to inundation by the 100-year flood, which is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may actually occur in any year.
- 2.31 **Floor Area, Gross or Total.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage, not including: attic space providing headroom of less than seven feet; unusable basement, cellar,

or crawl space; uncovered steps or fire escapes; open porches, decks, or patios; accessory water or cooling towers; and accessory off-street parking and loading spaces.

2.32 **Frontage.** The distance along the boundary line of a lot which coincides with the public or approved private street right-of-way that provides primary vehicular access to the lot.

2.33 **Group Home.** A dwelling serving individuals who are not necessarily related by blood or marriage and who live and function as a single housekeeping unit under the supervision of one or more resident manager or resident manager teams. A resident manager team may include more than one resident care provider as may be necessary to provide around-the-clock staff support and coverage to serve the specific developmental or rehabilitation needs of the client population. Each resident manager or team and all associated individuals that are functionally or programmatically served by that resident manager or team shall constitute an individual and separate family residing within the group home. Specific individual living facilities shall be provided within the home for each family residing therein. A group home serves socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement, including homes for orphans or neglected children, homes for people with disabilities or who are mentally retarded or mentally ill, rehabilitation homes for drug or alcohol dependency, emergency care homes for abused spouses or children, and similar group residency individuals who require on-site assistance, counseling, or supervision from a resident manager. Group homes shall comply with the relevant standards contained in Article IV, Section 2 of this Ordinance.

2.34 **Hazardous Materials.** Any explosive, corrosive, flammable, toxic, or carcinogenic material, chemical, or substance that poses a threat to human health or welfare. Such substances do not include common household products and cleansers which may, by their nature, include or constitute hazardous materials, as long as they are used exclusively for their intended purpose and are not stored in quantities that are excessive for common residential use.

2.35 **Hazardous Waste.** Any discarded or disused material, chemical, or substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- A. cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

2.36 **Home Occupation.** An business activity for gain or support incidental to the use of the premises for residential purposes, conducted only by members of a family residing on the premises, and conducted entirely within a dwelling or accessory building, in connection with

which there is no advertising of any nature other than one non-illuminated accessory sign not exceeding two square feet in area. All home occupations shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance (see also “cottage industry”).

- 2.37 ***Junk Yard.*** Junk yards shall include any lot or parcels of land upon which articles commonly known as junk are kept, stored, bought, or sold, including household appliances, scrap metal, and inoperable automobile bodies and parts.
- 2.38 ***Lot.*** An unsubdivided parcel or portion of land or legal lot of record occupied or intended to be occupied by a building or group of buildings, uses, and open spaces belonging to the same. The word includes the terms “plot” and “parcel.” The establishment of lease or rental lines shall not define separate lots for purposes of this Ordinance.
- 2.39 ***Lot of Record.*** Any validly recorded unsubdivided parcel of land which, at the time of its recording, complied with all applicable laws, ordinances, and regulations.
- 2.40 ***Lot Width.*** The distance between the side lines of a lot, measured along the building setback line.
- 2.41 ***Manufactured Home.*** A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or when erected on site is 320 or more square feet, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which is connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. All manufactured homes shall comply with the relevant standards contained in Article IV, Section 3 of this Ordinance (see definition of “mobile home”). Within the context of this Ordinance, Manufactured Homes shall be divided into the following three classes:
- A. ***Class A Manufactured Home.*** A Class A Manufactured Home shall contain not less than one thousand, two hundred (1,200) gross square feet of liveable floor area.
  - B. ***Class B Manufactured Home.*** A Class B Manufactured Home shall contain not less than seven hundred fifty (750) gross square feet nor more than one thousand, two hundred (1,200) gross square feet of liveable floor area.
  - C. ***Class C Manufactured Home.*** A Class C Manufactured Home shall include all Manufactured Homes that do not do not satisfy the basic requirements of a Class A or Class B Manufactured Home.
- 2.42 ***Manufactured Home Park.*** A tract of land in single ownership having multiple spaces for lease which are used or designed to accommodate manufactured homes.

**ARTICLE II: Definitions**

**II**

- 3.43 ***Mobile Home***. A structure which complies with the definition of “manufactured home” but which was manufactured prior to June 15, 1976. After the effective date of this Ordinance, mobile homes shall be a nonconformity subject to the regulations established in Article IV, Section 1 of this Ordinance.
- 2.44 ***Motel or Hotel***. A commercial facility offering transient lodging accommodation on a daily or weekly basis to paying guests, which may include as an integral part of the facility such additional services as restaurants, laundry facilities, meeting rooms, banquet rooms, gift shops, and recreational facilities.
- 2.45 ***Net Area***. The total area of a site minus the street area.
- 2.46 ***Nonconformity***. A lot of record, structure, or use of a lot or structure that legally existed at the time of enactment of this Ordinance or of subsequent amendment to this Ordinance, but which no longer conforms to all applicable provisions of the district in which it is located.
- 2.47 ***Open Space***. Space which is not occupied by a building or structure and is maintained in a natural state or has been developed to support outdoor recreational uses.
- 2.48 ***Planning Commission or Commission***. The Town Planning Commission of the Town of Cedar Bluff, Alabama.
- 2.49 ***Public Land Use***. Any land use operated by or through a unit or level of government, either through lease or ownership, such as: municipal administration and operation; county buildings and activities; state highway offices and similar land uses; and Federal uses such as post offices, bureau of public roads, internal revenue offices, military installations, etc.
- 2.50 ***Regular Zoning District***. A zoning district which is delineated on the base zoning map.
- 2.51 ***Shopping Center***. A retail business development consisting of a group of commercial establishments designed as a unit and having shared parking and driveway facilities.
- 2.52 ***Solid Waste***. Any solid refuse materials generated by residential, commercial, industrial, or institutional uses for disposal.
- 2.53 ***Solid Waste Facility***. Any land or structure used for the long-term disposal, storage, transfer, collection, treatment, utilization, processing, incineration, or any combination thereof, of solid waste.

- 2.54 ***Special Zoning District.*** A zoning district that overlays one or more regular zoning district identified on the zoning map.
- 2.55 ***Story.*** That portion of a building included between the surface of any floor and the surface of the floor immediately above, or if there be no floor above it, then the space between such floor and the ceiling above it.
- 2.56 ***Street.*** A dedicated right-of-way within which an improved surface has been constructed for vehicular traffic, which is opened to the general public and which affords the principal means of access to abutting property. A public street is a street that has been dedicated for public use, improved according to Town standards, and accepted by the Town as a public right-of-way. A private street is a street that has been dedicated for public use, improved according to Town standards, and is owned and maintained by an individual or an association of homeowners served by the street.
- 2.57 ***Street, Arterial.*** As defined in the Comprehensive Plan.
- 2.58 ***Street Centerline.*** A line formed by the midpoint between the inside edges of the curbs or the drainage ditches along the improved roadway within a street right-of-way.
- 2.59 ***Street, Collector.*** As defined in the Comprehensive Plan.
- 2.60 ***Street, Local.*** As defined in the Comprehensive Plan.
- 2.61 ***Street, Major.*** All arterials and collectors.
- 2.62 ***Streets, Minor.*** All local streets.
- 2.63 ***Structure.*** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and outdoor advertising signs.
- 2.64 ***Substantial Improvement.*** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.
- 2.65 ***This Ordinance.*** The Town of Cedar Bluff Zoning Ordinance.
- 2.66 ***Town.*** The Town of Cedar Bluff, Alabama.

**ARTICLE II: Definitions**

**13**

- 2.67 ***Town Council.*** The Town Council of the Town of Cedar Bluff, Alabama.
- 2.68 ***Townhouse.*** Buildings containing only one (1) or two (2) dwelling units, with three (3) or more buildings attached to each other by party walls without openings. Side yards shall be required only at the end of rows of attached dwellings. In districts where permitted, the lot area of each building must be at least equal to the minimum lot area of that district.
- 2.69 ***Use.*** The purpose or activity for which land or a building or other structure is designed, arranged, or intended, or the purpose or activity for which land is or may be occupied or maintained.
- 2.70 ***Yard.*** A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 2.71 ***Yard, Front.*** A yard extending the full width of the lot, and situated between the right-of-way line of the abutting street and the nearest point of the principal building.
- 2.72 ***Yard, Rear.*** A yard extending the full width of the lot from the rear of the lot to the nearest point of the principal building.
- 2.73 ***Yard, Side.*** A yard situated between the nearest point of the principal building and the side line of the lot, generally extending from the rear line of the front yard to the front line of the rear yard.
- 2.74 ***Zoning District.*** A section of the Town of Cedar Bluff for which the zoning regulations are uniform, as delineated on the Zoning Map.
- 2.75 ***Zoning Map.*** The “Zoning Map, Town of Cedar Bluff, Alabama” which includes a base map or maps of the regular zoning districts and an overlay or overlays of the special zoning districts.



**ARTICLE III  
GENERAL REQUIREMENTS**

**SECTION 1 - USES**

Except as hereinafter provided, no building or parcel of land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered except for a use permitted within the zoning district in which it is located.

**SECTION 2 - STRUCTURES**

It is the intent of this Ordinance that no more than one principal use structure shall be located on any single lot of record, plus any permitted accessory structures. Accessory structures shall not include functionally independent living quarters.

**SECTION 3 - HEIGHT AND DENSITY**

- 3.1 *Height of Structures.* In each district, each structure hereafter erected or altered shall not exceed the height limits specified in this Ordinance. Height limitations shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television or telecommunications towers and aerials, cooling towers, water tanks, and similar structures not intended for human occupancy.
- 3.2 *Intensity of Use.* Each building and lot shall not be used or occupied hereafter by more families or for a higher intensity of use than permitted in the zoning district in which it is located.

**SECTION 4 - ACCESSORY STRUCTURES**

- 4.1 *In residential districts.* Accessory structures in residential districts or the agricultural district, or any lot used primarily for residential purposes, shall conform to the following regulations:
  - A. Accessory structures shall be permitted in the rear yard only. Accessory structures shall not exceed two stories in height, shall not cover more than 30% of the rear yard, and shall be located at least five feet from all lot lines.
  - B. When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.
- 4.2 *In nonresidential districts.* On any nonresidential lot sharing a side lot line with a lot in a residential district, no part of any accessory building shall be located within fifty (50) feet of the property line dividing the non-residential lot and the residentially zoned property.

- 4.3 *Minimum separation.* Except as herein provided, no accessory building shall be located closer than ten (10) feet to a principal building or to any other accessory building on the same lot.

## **SECTION 5 - LOTS**

- 5.1 *Minimum lot size.* All lots created after the effective date of this Ordinance shall comply with the minimum lot size requirements for the zoning district within which they are located.
- 5.2 *Yard reduction.* Except as herein provided, no lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance.
- 5.3 *Minimum frontage.* All lots shall have a minimum frontage of not less than forty (40) feet along a public street or a private street dedicated for public use and constructed in accordance with all applicable Town street standards. The minimum required frontage shall be reduced to thirty (30) feet for lots fronting on the turn-about at the end of a permanent cul-de-sac.
- 5.4 *Minimum lot width-to-length ratio.* No part of any lot shall be narrower than one (1) foot for each three (3) feet of length as measured along the longest side boundary of the lot.

## **SECTION 6 - YARDS AND OPEN SPACE**

- 6.1 *Required yards and open spaces.* In each district, each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified in this Ordinance. No open space or lot required for a building or structure shall, during its life, be occupied by or counted as open space for another building or structure. Except as hereafter provided, no yard or other open space provided, nor the off-street parking and loading spaces required, about any building for the purpose of complying with the regulations of this Ordinance shall hereafter be included as a part of a yard or other open space, or the off-street parking or loading spaces, for any other building.
- 6.2 *Yards and open spaces on substandard lots.* Where the owner of a property, at the time of adoption of this Ordinance, has a lot or lots of official record which are substandard to the requirements of the district in which they are located according to this Ordinance, the building and its accessory structures may be built, provided:
- A. The yard space and other requirements conform as closely as possible, in the opinion of the Board of Adjustment, to the requirements of the district in which the property is located.
  - B. That neither side yard shall be reduced to less than five (5) feet.

- C. No building shall be required to set back more than the average of the setbacks of the existing residences within 100 feet each side thereof, but in no case shall the setback of any building hereafter erected or altered be less than 20 feet.

**SECTION 7 - BUILDING SETBACK LINES**

When any required yard abuts a street in any zoning district, the following setbacks from the center line of such street shall be required; however, in no case shall the setback from the right-of-way line be less than that which is required by the applicable zoning district.

<b>SETBACKS FROM STREET CENTERLINE BY ZONING DISTRICT</b>		
<b>Street Classification</b>	<b>Residential (Feet)</b>	<b>Nonresidential (Feet)</b>
Arterial	100	100
Collector	75	85
Local	50	60

**SECTION 8 - FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS**

On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this Ordinance.

**SECTION 9 - ACCESS TO STREETS**

No building for human occupancy shall be erected without unrestricted vehicular access to a public street or a private street dedicated for public use and constructed in accordance with all applicable Town street standards.

**SECTION 10 - FENCES AND WALLS**

10.1 *Height on residential properties.* Fences or walls may be erected, placed, maintained, or grown along a side or rear lot line on residentially zoned property, or adjacent thereto, to a height not exceeding eight (8) feet above the ground. Fences or walls located in a required front yard shall not exceed a height of four (4) feet, and in the first ten (10) feet from the right-of-way the height shall not exceed two-and-one-half (2½) feet. Where such lot line is adjacent to a non-residentially zoned property, fences and walls may be maintained at a height not exceeding ten (10) feet.

10.2 *Height on nonresidential properties.* No fence or wall erected, placed, maintained, or grown along a lot line on any non-residentially zoned property shall exceed a height of ten (10) feet.

10.3 *Prohibited materials.* Barbed wire shall not be used as fencing for any residential property.

## **SECTION 11 - TRAFFIC VISIBILITY AT INTERSECTIONS**

On any corner lot, nothing shall be erected, placed, or grown in such a manner as to limit or obstruct traffic visibility at the street intersection. A clear sight triangle shall be maintained upon such lot, such sight triangle beginning at the intersection of the two lot lines along the street and running along each lot line for twenty-five (25) feet; the third leg of the triangle is formed by connecting the other two legs of the triangle. Within such sight triangle, nothing shall be erected, placed, or grown taller than a height of thirty-six (36) inches above the centerline grades of the intersecting streets.

## **SECTION 12 - STORMWATER MANAGEMENT**

Stormwater runoff from construction sites and urban development is a significant source of surface water contamination. Since Weiss Lake is an important economic resource to Cedar Bluff, new development and construction activity must be designed to minimize on-site erosion and the resulting sedimentation of off-site water resources that can be generated by stormwater runoff. Therefore, all development shall comply with the following requirements. The Town may request assistance from the Natural Resource Conservation District or other qualified experts in evaluating the applicant's proposed measures to comply with these requirements.

12.1 *Exempt activities.* The following activities shall be exempt from these stormwater management requirements:

- A. Minor land disturbing activities normally associated with single family uses, such as home gardens, landscaping, building repairs or alterations, swimming pool installation, or other related, low-impact activities.
- B. Construction of a single family dwelling on an individual lot and the installation or replacement of a manufactured home.
- C. Agricultural practices or the construction of farm buildings, when conducted in full compliance with all applicable Best Management Practices.
- D. Private and commercial forestry activities, when conducted in full compliance with all applicable Best Management Practices.

12.2 *ADEM permit required.* Construction projects or land disturbing activities involving five (5) or more acres of land must be approved by the Alabama Department of Environmental Management prior to development. Applicants subject to this requirement shall provide evidence that a stormwater discharge permit has been issued by ADEM prior to the issuance of a zoning permit by the Enforcement Officer.

- 12.3 *Tie-in required.* All proposed drainage improvements shall tie into any existing man-made or natural drainageways along the existing public streets adjoining the development site. Under no conditions shall stormwater drainage be emptied into the sanitary sewer system or vice-versa.
- 12.4 *Basic guidelines.* Stormwater management measures shall be designed in accordance with all applicable Best Management Practices for the proposed type of construction activity. Appropriate short-term (during construction) and long-term (after construction is complete) measures shall be applied to minimize potential erosion of disturbed soils on the development site. All slopes on the development site in excess of ten (10) percent grade shall be permanently stabilized through the use of natural vegetation, retaining walls, or a combination of both, as may be appropriate. Development sites which will contain more than twenty thousand (20,000) square feet of impervious surfaces or upon which more than fifty (50) percent of the total lot area will consist of impervious surfaces shall contain adequate stormwater management facilities (detention or retention basins, drainage ways, storm drains, etc.) to accommodate on-site and safely release or transmit the runoff that would be generated by a twenty-five (25) year storm event, without causing an increase or surge in the volume and velocity of off-site peak stormwater runoff over the pre-development state. However, if the site is located within the FH: Flood Hazard Area Zone, the stormwater management facilities shall be designed to accommodate on-site and safely release or transmit the runoff that would be generated by a one hundred (100) year storm event, without causing an increase or surge in the volume and velocity of off-site peak stormwater runoff over the pre-development state.
- 12.5 *Creative and innovative polluted runoff management practices.* Where feasible and appropriate, proposed developments may incorporate creative and innovative design to minimize the impacts of polluted runoff on the environment. Such design features may include, but are not limited to, undisturbed natural buffers between impervious surfaces and adjoining streams and drainageways, maximum retention of existing mature trees on building lots, the use of seeded shallow "V" drainage swales (with stabilized cut slopes not to exceed a ten [10] percent grade) rather than concrete curb and gutter, and the creation of wetlands for stormwater detention and retention, and other practices as may be appropriate to address on-site stormwater drainage needs. Such creative and innovative design features should be used in the following development settings;
- A. where they will be compatible with existing off-site stormwater management infrastructure improvements serving the drainage basin, and
  - B. where appropriate to adequately and safely accommodate the stormwater runoff that would be generated by the proposed level of impervious surfaces without the need for excessive perpetual maintenance.
- 12.6 *Stormwater management on privately owned common open space lands.* Where any stormwater management improvements are to be constructed on common open space lands

within the development, such improvements shall be subject to special maintenance provisions as required in Article III, Section 7 (Common Open Space Requirements) of the Cedar Bluff Subdivision Regulations. The Town of Cedar Bluff shall assume no responsibility or liability for the continued, maintenance, improvement, or repair of privately owned stormwater management facilities.



## ARTICLE IV SPECIAL USE PROVISIONS

### SECTION 1 - NONCONFORMING USES AND STRUCTURES

- 1.1 *Purpose of Provisions.* Within the zoning districts established by this Ordinance or by subsequent amendments to this Ordinance, there exist lots, structures, uses of land and structures, and characteristics of use which were lawfully created, established, or constructed before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or of subsequent amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or discontinued, but not to actively encourage their survival. It is further the intent of this Ordinance to assure that nonconformities shall not be enlarged, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming status runs with the land; i.e., a change in ownership or tenancy does not terminate the nonconforming status of a lot and/or structure.
- 1.2 *Incompatibility of Nonconforming Uses.* Nonconforming uses are declared by this Ordinance to be incompatible with the permitted uses in the zoning districts in which they are located. A nonconforming use of land, of structure, or of land and structure in combination shall not be extended, enlarged, or otherwise intensified after passage of this Ordinance either by additions to any existing structure or by the addition of other uses of the property which would be generally prohibited in the district in which such use is located.
- 1.3 *Avoidance of Undue Hardship.* To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building upon which actual construction was lawfully initiated prior to the effective date of adoption of or amendment to this Ordinance.
- 1.4 *Single Nonconforming Lots of Record.* A single lot of record which does not meet the minimum space and height requirements of the zoning district in which it is located at the effective date of adoption of or amendment to this Ordinance may be used or sold for the erection of those buildings and accessory buildings necessary to carry out the permitted uses in that district, provided:
  - A. Minimum space and height requirements of the lot shall conform as closely as possible to the applicable standards for the district.
  - B. Requirements for yards and setbacks, accessory buildings and uses, and off-street parking and loading spaces shall conform as closely as possible to the applicable standards for the district.
  - C. Variance for area, dimensional, and other requirements shall be obtained only through action of the Board of Adjustment as authorized in Article VII, Section 5.3

of this Ordinance. A variance shall only be required where the proposed structure cannot be designed to comply with the applicable dimensional requirements of the zoning district.

- D. Such lot must not have continuous frontage with other lots in the same ownership that could be combined to eliminate the nonconformity.

1.5 *Procedure to Cure Nonconforming Lots of Record.* If two (2) or more lots or a combination of lots and portions of lots are contiguous, have continuous frontage, are in single ownership, and are of record at the time of passage of or amendment to this Ordinance, and if all or part of the lots do not meet the minimum space and height standards of this Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with the minimum space and height standards. Nor shall any existing lot of record be divided in a way that would create a lot that does not comply with the applicable minimum space and height standards of this Ordinance. Nothing in this provision shall be interpreted to prevent the adjustment of an adjoining lot line or the resubdivision of a lot so combined, where sufficient land area exists to establish more than one conforming lot.

1.6 *Nonconforming Structures.* Where, at the effective date of adoption of or amendment to this Ordinance, a lawful structure exists that could not be built under the terms of this Ordinance by reason of not complying with minimum dimensional requirements or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than 50% of its current replacement value, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- C. Should such structure be voluntarily relocated for any reason for any distance whatsoever, it shall thereafter conform to the requirements or standards for the district in which it is located after it is moved. This provision shall not be interpreted to prohibit the replacement of a pre-existing, nonconforming manufactured home, as long as the replacement manufactured home is placed in the exact location of the previous home or a more conforming location on the lot, and the replacement manufactured home does not occupy any greater land area than did the previous home.

- 1.7 *Nonconforming Uses of Land, Structure, or Land and Structure in Combination.* Where, at the time of adoption of or amendment to this Ordinance, lawful uses of land, structure, or land and structure in combination exist which, under the terms of this Ordinance, would not be permitted in the zoning district in which they are located, the uses may be continued so long as they remain otherwise lawful, provided:
- A. No such nonconforming uses, nor structures devoted to nonconforming uses, shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of or amendment to this Ordinance.
  - B. No such nonconforming uses, nor structures devoted to nonconforming uses, shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption of or amendment to this Ordinance.
  - C. No additional structures shall be erected in connection with such nonconforming uses.
  - D. If any such nonconforming uses are discontinued for a period of more than two (2) years, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards specified by this Ordinance for the zoning district in which such land and/or structure is located.
  - E. If any nonconforming use is replaced by a permitted use, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards for the district in which it is located, and the nonconforming use may not thereafter be resumed.
  - F. A nonconforming use may change to a new nonconforming use, provided the new use is more consistent with the permitted uses of the district in which it is located and is less objectionable and generates fewer external impacts on neighboring uses and properties than the previous 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. The degree to which traffic generation and congestion, including truck, passenger car, and pedestrian traffic would be reduced.
    - 2. The degree to which external noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration would be reduced.
    - 3. The degree to which the nature of the new use or business activity is consistent with other business uses permitted in the district.

- G. Where nonconforming use status applies to land and structure in combination, removal or destruction of the structure to the extent of more than 50% of its current replacement value shall terminate the nonconforming status of the structure but shall not terminate the nonconforming status of the land.

1.8 *Repairs and Maintenance.*

- A. On any structure devoted entirely or in part to a nonconforming use, work may be done on ordinary maintenance, including remodeling, or on repair or replacement of nonbearing 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.
- B. On any lot devoted entirely or in part to a nonconforming use, work may be done on ordinary maintenance, repair, or 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 section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or exterior amenity declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**SECTION 2 - GROUP HOMES**

Group homes shall be conducted within a building that is consistent or compatible with the character of the district in which it is located.

- 2.1 *No exterior changes incompatible with residential character.* A group home located in a single family or medium density residential district shall be conducted within a building that shall maintain the exterior appearance of a single family dwelling, with no separate outside entrances to individual bedrooms.
- 2.2 *Group homes in multi-family and nonresidential districts.* A group home in a multi-family or business district may be conducted in a building other than a single family dwelling, provided that the group home conforms to the characteristics described in the definition of “group home” in Article II, Section 2.33 of this Ordinance.
- 2.3 *Compliance with all applicable State laws.* Where applicable, the group home shall provide evidence that it will operate in compliance with any State licensing requirements.

**SECTION 3 - MANUFACTURED HOMES**

All manufactured homes shall comply with the following requirements:

- 3.1 *H.U.D. seal required.* Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development. Any existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be subject to the regulations established in Section 1 of this Article.
- 3.2 *Anchoring requirements.* All manufactured homes shall be installed according to the tie-down requirements of the Standard Building Code.
- 3.3 *Skirting required.* All manufactured homes not otherwise placed on a permanent foundation shall be skirted with a weather-resistant material which resembles a permanent foundation commonly found on a single family dwelling. Skirting shall be adequately vented.
- 3.4 *Concrete pad required.* All Class A and B Manufactured Homes installed on individual lots shall be installed upon a poured concrete pad or a properly vented permanent foundation.
- 3.5 *Minimum roof pitch.* All Class A and B Manufactured Homes shall have a minimum roof pitch of not less than 1:3 (one foot of height for every three feet of length along the roof line).
- 3.6 *Landscaping.* When placed in residential neighborhoods, all Class A and B Manufactured Home sites shall be landscaped in a manner consistent with other adjoining residential home sites.
- 3.7 *Axles and tow bars removed.* Once a Class A or B Manufactured Home has been placed on an individual lot, all tow bars and axles shall be removed and stored in a location on the lot where they will not be seen from the street or neighboring homes.

#### **SECTION 4 - HOME OCCUPATIONS AND COTTAGE INDUSTRIES.**

- 4.1 *Home Occupations.* A home occupation may consist of any accessory business use that fully complies with all of the standards contained in this section. No home occupation shall be allowed in any multi-family dwelling.
- 4.2 *Cottage Industries.* A cottage industry may consist of any accessory business use, except solid waste facilities, junk or scrap metal shops, automobile repair shops or garages, or food processing/packing operations, that fully complies with all of the standards contained in this section. Cottage industries may be permitted only within the Rural Residential Zoning District.
- 4.3 *Standards Applicable to both Home Occupations and Cottage Industries.* The following standards shall apply to both home occupations and cottage industries.
  - A. The home occupation or cottage industry must be owned and operated by the owner of the dwelling within which or property upon which such business use is to be

located, or the business owner must have written approval of the owner of the premises, if the applicant is a tenant.

- B. The home occupation or cottage industry shall be operated only by the members of the family residing in the principal dwelling located on the lot upon which such business use will be located.
- C. The home occupation or cottage industry shall not involve the use of or result in the production of any hazardous materials or hazardous waste.
- D. The home occupation or cottage industry shall not generate smoke, glare, vibrations, electrical disturbance, radioactivity, or other conditions that will be a nuisance to the surrounding area. The home occupation shall not involve the use of any equipment or process that creates visual or audible interference on any radio or television receivers on the premises or that causes fluctuations in line voltage off the premises.
- E. The home occupation or cottage industry shall not generate any business or customer traffic (either by the business operators or customers) between the hours of 8:00 p.m. and 6:00 a.m..
- F. At least three (3), but no more than five (5), off-street parking spaces shall be provided for the home occupation or cottage industry.
- G. No home occupation or cottage industry shall require the use of more than one vehicle for exclusive use of the business. Any vehicle used for such business that has attached to its surface a trademark, business advertisement, or other device that represents the business use shall not be parked along the street or within the required front yard setback of the property.
- H. No sign shall be allowed to advertise the home occupation or cottage industry.

4.4 *Standards Applicable to Home Occupations.* The following standards shall apply to only home occupations.

- A. All business operations, activities, and transactions associated with the home occupation shall be conducted entirely within the dwelling unit. No business operations, activities, or transactions shall be conducted in any portion of the dwelling not approved for home occupation use by the Town.
- B. The home occupation shall not occupy more than 25% of the total dwelling unit floor area. In no instance shall the total floor area devoted to a home occupation exceed 750 square feet.

- C. The home occupation shall not cause or result in any change in the outside appearance and residential character of the dwelling unit.
- D. The home occupation shall not generate more customers to the home at any point in time than can be accommodated in the improved off-street parking area on the property, and in no instance shall the total customer traffic at the home exceed more than three vehicles at a time.
- E. The home occupation shall not produce any vibrations, noises, or odors that may be discernable by the average person outside of the dwelling unit.
- F. All equipment, materials, and products of the home occupation, with the exception of one vehicle intended for business use, shall be safely and securely stored inside the dwelling unit at all times.
- G. The home occupation and dwelling unit shall comply with all applicable building and fire codes. Home occupations will not be permitted in any dwelling unit in which the primary residential use does not fully comply with the applicable requirements for the zoning district within which it is located.

4.5 *Standards Applicable to Cottage Industries.* The following standards shall apply to only cottage industries.

- A. No cottage industry shall be permitted on a lot smaller than three (3) acres in total land area.
- B. All business operations, activities, and transactions associated with the cottage industry shall be conducted entirely within the primary dwelling unit and/or in an accessory building on the same lot. No activities associated with a cottage industry, including materials storage, shall be located or conducted within an accessory building that is more than fifty (50) feet from the closest part of the principal dwelling or less than fifty (50) feet from an adjoining property line. No business operations, activities, or transactions shall be conducted in any portion of the dwelling or lot not specifically approved by the Town for cottage industry use.
- C. The cottage industry shall not occupy a total area greater than 40% of the total dwelling unit floor area or 1,000 square feet, whichever is less.
- D. The cottage industry shall not cause or result in any change in the outside appearance or character of any structure on the lot.
- E. The home occupation shall not generate more customers to the home at any point in time than can be accommodated in the improved off-street parking area on the

property, and in no instance shall the total customer traffic at the home exceed more than four (4) vehicles at a time.

- F. The cottage industry shall not produce any vibrations, noises, or odors that may be discernable by the average person beyond the boundaries of the lot.
- G. All equipment, materials, and products of the cottage industry, with the exception of one vehicle intended for business use, shall be safely stored inside a secured structure on the lot.
- H. The cottage industry and dwelling unit shall comply with all applicable building and fire codes. Cottage industries will not be permitted in any structure which does not fully comply with all applicable requirements for the zoning district within which it is located.

4.6 *Expiration of Permit.* A permit for a home occupation or cottage industry shall expire under the following conditions:

- A. Whenever the applicant ceases to occupy the structure or lot for which the home occupation or cottage industry permit was issued. No subsequent occupant of such premises shall engage in any home occupation or cottage industry until a new permit has been issued for the proposed business activity. A permit to operate a home occupation or cottage industry is not transferable to a new residence or lot.
- B. Whenever the holder of a home occupation or cottage industry permit ceases operation of the permitted business activity for any period of ninety (90) consecutive days.
- C. When the owner of a permitted home occupation or cottage industry is issued a notice of violation of this Ordinance, the owner shall cease and desist from all business operations until such time as the enforcing officer has verified, through on-site inspection, that the violation has been remedied. Failure to cease and desist from all business operations, in accordance with this provision, shall constitute a separate violation. If the owner fails to comply with a cease and desist order, or the violation has not been remedied within fifteen (15) days of the date that the notice of violation was issued, the home occupation or cottage industry permit and business license shall expire and no resumption of business activities associated with such business may occur without first obtaining a new permit and business license.

**SECTION 5 - OFF-STREET PARKING REQUIREMENTS**

5.1 *Basic design requirements for parking lots.* Required parking spaces, as set forth below, shall provide not less than two hundred fifty (250) square feet of total parking lot area per

space and shall be located entirely off of street rights-of-way. Each individual parking space shall be at least eight (8) feet, six (6) inches in width. Required spaces shall have an all-weather surface, an unobstructed maneuvering space, and access lanes of adequate width leading to a street or alley. Overflow or reserve parking areas in excess of the minimum spaces required herein may be constructed of permeable surface materials, including gravel, crushed stone, or other porous pavement materials designed to serve the anticipated intensity or frequency of overflow parking and to prevent excessive soil erosion. Except for one and two-family dwellings, maneuvering and turning areas shall be provided so that no vehicles will be required to back into a street. Only vehicles in operating condition shall be allowed to occupy these spaces. The following identifies the minimum number of automobile parking spaces for specified uses. Where a particular use is not specifically mentioned, the requirements of a similar or related use shall apply. Where more than one use will be conducted on a specific site, the site shall satisfy the combined requirements of all specified uses. Required parking spaces shall include spaces designated for people with disabilities, the number and design of which shall be in accordance with the standards set forth by the Americans with Disabilities Act.

- A. *Automobile Service Stations* - Three (3) parking spaces for each grease rack, vehicle lift, or similar facility, plus one (1) for each attendant.
- B. *Bowling Alleys* - Three (3) parking spaces for each alley.
- C. *Churches, Theatres, Auditoriums, Stadiums or Other Places of Public Assembly* - One (1) parking space for every four (4) seats in the principal assembly room or area.
- D. *Dwellings* - Two (2) parking spaces per dwelling unit, except that residential structures containing three (3) or more dwelling units shall have one and one-half (1 ½) parking spaces per unit.
- E. *Hospitals, Sanitariums or Nursing Homes* - One (1) space for each four (4) beds intended for patients, plus one (1) space for each staff member employed during the peak work shift.
- F. *Manufactured Home Parks* - Two (2) parking spaces located on each manufactured home site, plus one-half (½) parking space per site to be located so as to serve the parking needs of visitors to the park and of occupants who have more than one automobile. However, for each manufactured home space that fronts along a private road that does not provide through-traffic service, the minimum space required for each off-street parking space on the lot shall be reduced to one hundred two (102) square feet, and the requirement to provide off-street space for vehicle turn-around without backing into the street shall be waived.

- G. *Motels and Hotels* - One (1) parking space for each room leased for guest accommodation, plus one (1) additional space per full-time equivalent employee during the peak work shift.
  - H. *Private Club or Lodge* - One (1) space for every five (5) members.
  - I. *Offices, or Professional or Public Buildings* - One (1) parking space for each two hundred fifty (250) square feet of gross floor area. Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
  - J. *Restaurant or Other Eating Place* - One (1) parking space for every three (3) seats. Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
  - K. *Retail or Services* - One (1) parking space for each three hundred 300 square feet of gross floor area devoted to trade or service activity (including inventory storage space and administrative office space). Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
  - L. *Rooming Houses, Boarding Houses, and Bed and Breakfast Inns* - One (1) parking space for each rental room, plus two (2) spaces for each resident manager unit.
  - M. *Schools* - One (1) parking space for each administrative employee working at the school. Two (2) parking spaces for each classroom serving students below grade ten (10). One (1) parking space for every five (5) students of classroom seating capacity for each classroom serving students in grade ten (10) or higher.
  - N. *Shopping Centers* - Four (4) parking spaces for each 1,000 square feet of area devoted to trade or service activity.
  - O. *Warehousing, Manufacturing, and Industrial Establishments* - Three (3) parking spaces for every two (2) employees working during the peak work shift.
  - P. *Wholesale Establishments* - One (1) parking space for every one thousand (1,000) square feet of gross floor area.
- 5.2 *Plans and Specifications Required for Off-Street Parking Spaces.* Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning permit.
- 5.3 *Location of Parking Spaces.*

- A. Except for one and two family dwelling units, if required parking spaces cannot be provided on the same lot on which the principal use is conducted, such spaces may be provided on adjoining off-street property, provided that the required spaces are located no further than four hundred (400) feet from the main entrance of the principal use. Such parking spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
  - B. Parking spaces designated for use by people with disabilities shall be located in close proximity to the main entrance of the building with which they are associated, in accordance with the standards set forth by the Americans with Disabilities Act.
- 5.4 *Truck Parking Restrictions.* No trucks larger than 3/4 ton pick-up trucks shall be permitted to park in any residential district, except that a truck or commercial vehicle not greater than one and one quarter (1.25) tons may be parked in an accessory structure within a residential district.
- 5.5 *Joint Use of Off-Street Parking Areas.* Nothing in this Ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two or more buildings or uses if the total of such spaces, when used together, shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.
- 5.6 *Landscaping.* All paved parking lots containing more than one hundred (100) parking spaces shall incorporate, within the paved area, landscaped islands constituting not less than ten (10) percent of the total paved portions of the parking lot. Landscaped islands shall be distributed broadly throughout the parking lot and designed to provide sufficient unpaved area to support healthy plant growth.
- 5.7 *Plans and Specifications Required for Off-Street Loading and Unloading Spaces.* Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning permit.
- 5.8 *Off-Street Loading and Unloading.*
- A. All commercial and industrial structures hereafter erected or created are required to provide and maintain adequate off-street space for loading and unloading of materials, goods, or things, and for delivery and shipping. Such off-street space shall be designed so that service and delivery vehicles may use this space without encroaching on or interfering with public use of streets and alleys by pedestrians and other vehicles. All such structures are also required to have sufficient off-street parking space for all vehicles owned, controlled, or rented by such establishment.

- B. Where any commercial or industrial structure is enlarged, or any such use is expanded, the full amount of off-street loading space shall be provided and maintained for the structure or use in its enlarged size.
- C. Where the use of a structure or land, or any part thereof, is changed to a use requiring off-street loading space under this article, the full amount of off-street loading space shall be provided and maintained to comply with this Section.
- D. Off-street loading space shall be an area at least 12 feet wide by 45 feet long with 14-1/2 feet of vertical clearance. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:
  - 1. For each retail store, storage warehouse, wholesale establishment, industrial plant, freight terminal, market, restaurant, funeral home, laundry, dry cleaning plant, or similar use which has an aggregate floor space of:
    - a. Less than 8,000 square feet - No off-street loading required, but no permit will be issued without off-street loading until the enforcement officer has approved the plot plan of the proposed structure;
    - b. 8,000 square feet to less than 20,000 square feet - One space of off-street loading is required;
    - c. 20,000 square feet to less than 60,000 square feet - Two (2) spaces of off-street loading is required;
    - d. For each additional 50,000 square feet, or fraction thereof, over 60,000 square feet - One (1) additional off-street loading space is required.
  - 2. For each auditorium, convention hall, exhibition hall, hotel, office building, stadium, sanitarium, or similar use which has an aggregate gross floor area of:
    - a. Less than 10,000 square feet - No off-street loading required, but no permit will be issued without off-street loading until the enforcement officer has approved the plot plan of the proposed structure;
    - b. 10,000 square feet to less than 40,000 square feet - One (1) space of off-street parking is required;
    - c. For each additional 50,000 square feet, or fraction thereof, over 40,000 square feet - One (1) additional off-street loading space is required.
  - 3. For any use not specifically mentioned herein, the off-street loading requirements specified above for the most similar use shall apply.

- E. No area or facility supplied to meet the required off-street parking facilities shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.
  - F. Nothing in this article shall prevent the collective, joint, or combined provision of off-street loading facilities for two or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.
  - G. Plans for buildings or uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance, and access of all such required off-street loading facilities.
- 5.9 *Emergency Vehicle Access.* The enforcing officer shall require, at the specific request of the Police Chief or Fire Chief, separate additional emergency vehicle access lanes, if deemed necessary to provide for adequate emergency vehicle access to the principal structures on the property. Where required, emergency vehicle access lanes shall be located as close as possible to the main entrance of the principal structures of the property, shall be at least 15 feet in width, and shall be visibly designated for exclusive emergency use, either by painting, appropriate signage, or both.
- 5.10 *Continuing Character of Obligation.* Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure or use exists or its use requiring such parking or loading facilities continues. Apart from the discontinuance, sale, or transfer of the building or use, it shall be unlawful for said owner to discontinue, change, dispense with, or cause the discontinuance or change of the required vehicle parking or loading space without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this Ordinance; or for any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this Ordinance.

## **SECTION 6 - ACCESSORY RESIDENTIAL UNITS**

Technological and medical advances have made it possible for people to live longer lives and to live more independently than ever before. At the same time, a declining number of children must provide care and support for an expanding elderly population, despite increased work demands to make ends meet. The Town of Cedar Bluff understands the demands faced by working adults, and seeks to provide an option for families to provide special and convenient care for elderly and handicapped members. The purpose of this Section is to establish basic standards for the development of accessory residential units to provide a semi-independent living environment for family members who require special care and support from the primary household. Such a unit would provide greater

privacy and personal freedom than an added bedroom within the primary dwelling. Accessory residential units shall be allowed only for single family dwellings. Where permitted, all accessory residential units must comply with all of the following requirements.

- 6.1 *Incomplete facilities for exclusive personal use.* The purpose of this provision is to provide opportunities for families to provide essential on-site care for elderly and handicapped members, not to provide opportunities for families to create independent rental units for general leasing. Therefore, accessory residential units must be designed to prevent independent use. All accessory residential units must lack either complete kitchen facilities or bathroom facilities for exclusive personal use. The kitchen or bathroom facilities necessary to serve the accessory residential unit must be provided within the primary dwelling unit. The applicant shall provide evidence that the sewage disposal needs of the additional accessory dwelling unit can be satisfied by the existing sewage service. No separate meters for utility service shall be established or provided for any accessory residential unit.
- 6.2 *Maximum floor area.* Accessory residential units shall contain not more than five hundred (500) gross square feet or twenty-five (25) percent of the total improved floor area of the primary residential dwelling, whichever is less.
- 6.3 *Leasing agreement prohibited.* No accessory residential unit shall be leased to a tenant through any formal leasing agreement or contract. Any reimbursement arrangements for use of the unit or support services provided to the tenant shall be on an informal and incidental basis.
- 6.4 *Contained within primary dwelling.* An accessory residential unit must be attached to (by a common wall) or contained within the primary dwelling unit on a property. No accessory structure or outbuilding on the lot may be used or modified to serve as an accessory residential unit. Not more than one (1) exterior entrance to an accessory residential unit shall be permitted.
- 6.5 *Limit on number of units.* Where permitted, no more than one (1) accessory residential unit shall be allowed per primary dwelling.
- 6.6 *No change in character of structure.* An accessory residential unit shall be designed to cause no apparent change in the exterior residential character or appearance of the primary dwelling unit.
- 6.7 *Documentation of need.* Accessory residential units are intended to serve specific family or household needs that would be better satisfied by the creation of a semi-independent living environment. Applicants who desire to construct an accessory residential unit shall submit a written statement to the enforcement officer describing the need that will be served by the accessory residential unit.

**SECTION 7 - SIGN REGULATIONS**

- 7.1 *Purpose of Sign Regulations.* The public has a legitimate interest and concern in the construction, maintenance, and regulation of outdoor advertising within the Town. While Cedar Bluff acknowledges the legitimate public need for business visibility, local businesses must also recognize the legitimate public need for a beautiful and uncluttered community and the Town's legitimate need to ensure safe traffic circulation on Town streets. Local experience within Anniston, Gadsden, Atlanta, and Birmingham generally supports the contention that excessive, competing signage along public streets can create visual clutter, which makes it difficult for motorists to see traffic control and highway safety signs and to know where entrances to adjoining businesses are located. The Town also has determined that excessive, competing signage can divert motorist attention from the highway, which contributes to traffic accidents. Therefore, Cedar Bluff has determined that it is desirable to prescribe the manner of sign construction and to compel the use of safe materials; limit the number, type, surface area, height, and location of signs; and require clean and sanitary maintenance of signs in order to protect and promote the public health, safety, and welfare of the community. Further, these sign regulations are intended to lessen hazards to pedestrian and vehicular traffic; preserve property values; prevent unsightly and detrimental development which has a blighting influence upon the community; and, in general, preserve the character and aesthetic quality of the various zones within the town.
- 7.2 *Sign Terms Defined.* The following sign terms, when used in this Ordinance, shall have the meanings defined by this section.
- A. ***Advertiser.*** Any person, corporation, or other entity that seeks to convey a visual or audio message to the public.
  - B. ***Animated sign.*** Any sign which all or any part thereof visibly moves, imitates movement, or changes appearance in any fashion whatsoever.
  - C. ***Balloon sign.*** Any device which is inflated by gas or air and intended to serve as a sign or to direct attention to a specific property or location.
  - D. ***Banner.*** A temporary sign intended to be hung either with or without a frame or suspended from wires, cables, or rope. Banners generally possess letters, characters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banners shall include pennants, but shall not include official flags of a government entity or political subdivision.
  - E. ***Beacon or searchlight.*** Any light with one or more beams (including laser beams), which may be stationary, moving, or rotating, directed into the atmosphere or directed at one or more points not on the same property as the light source.

- F. **Building nameplate.** A small memorial plaque, usually composed of metal or wood, affixed flush to an exterior wall near the main entrance of a building and bearing the name of the building or occupant, the date of construction, and/or the persons, entities, or corporations that financed its construction.
- G. **Billboard.** Any sign owned by a person, corporation, or other entity that is erected for the purpose of selling, leasing, or donating the display space on that sign to an advertiser.
- H. **Canopy.** Any permanent roof-like structure projecting from the wall surface of a building or structure, generally located at or below the roof line and designed to provide shelter from the elements. A canopy shall include all structures commonly known as awnings and marquees.
- I. **Canopy sign.** Any sign attached to or made part of the front, top, or side of a canopy.
- J. **Copy.** The permanent or removable wording and/or graphics placed upon, painted upon, or bonded to the display surface of a sign.
- K. **Erect a sign.** To build, construct, attach, hang, place, suspend, paint, or affix a sign.
- L. **Exempt sign.** A sign made exempt from a sign permit, in accordance with Subparagraph 7.4 (Signs Exempt from Sign Permits) of this Section.
- M. **Face.** That portion of a sign upon which the copy is placed, attached, bonded, or painted.
- N. **Flashing sign.** Any lighted sign or sign containing a reflective surface which changes color, twinkles, or flashes regularly or intermittently. Flashing signs shall not include signs displaying the current time and temperature, as permitted by the Town Council, or traffic control signs.
- O. **Freestanding sign.** Any permanent sign that is either mounted independently upon the ground or supported by one or more columns or poles, and independent of support from any other building or structure on the site. Freestanding signs shall include, but shall not be limited to, all signs commonly known as ground signs, pole signs, pylon signs, A-frame signs, sandwich signs, and billboards.

- P. ***Hanging sign.*** Any sign which is attached to and projects down or dangles from a roof, canopy, or projecting brace that is attached to the face of an exterior building wall.
- Q. ***Historic marker.*** A sign prepared in accordance with National Trust for Historic Preservation guidelines and approved by the Town Council which identifies an historic landmark or district on the property. Such sign may contain a narrative describing the historic significance of the landmark or district.
- R. ***Number of signs.*** For the purpose of determining the number of signs, each sign shall be considered a single display surface or display device containing elements organized, related, and composed to form a unit. Where copy is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign. A multi-sided sign shall be considered one sign.
- S. ***Permanent sign.*** Any sign, other than a temporary sign, designed with a permanent display face. If a sign face is permanent but the copy displayed is subject to periodic changes, that sign shall still be regarded as permanent.
- T. ***Portable sign.*** Any sign that is not attached to a stationary object or structure that has a footing or that is not implanted beneath the surface of the soil. Such signs are commonly mounted on wheels or a frame that rests upon the ground. Portable signs shall include vehicles or portions of vehicles upon which signs or sign copy have been affixed that are permanently parked or displayed in one or more locations to serve exclusively as a business advertisement.
- U. ***Projecting sign.*** Any sign containing not more than two (2) faces, that is affixed directly to the exterior wall of a building or structure or to a solid brace or frame that is attached to the exterior wall of a building or structure in such a manner that the sign face extends outward from the wall surface.
- V. ***Roof sign.*** Any sign that is mounted upon, affixed to, or painted upon the roof of a building or structure or that extends above the building or structure roof line.
- W. ***Sign.*** Any identification, structure, illustration, or device, illuminated or non-illuminated, that is visible to the general public and directs attention to a product, message, service, place, activity, person, institution, business, or solicitation. A sign shall also include any emblem, painting, flag, statue, banner, pennant, balloon, or placard designed to advertise, identify, or convey information to the public.
- X. ***Sign area.*** That gross area, in square feet, of the advertising copy surface of a sign, as delineated by one continuous perimeter line, enclosing the extreme limits

of the writing, representation, or other display. Where a sign contains multiple faces, only one (1) face of the sign shall be used in computing the sign area.

- Y. **Sign structure.** Any construction used or designed to support a sign.
- Z. **Snipe sign.** A sign of any material that is attached in any way to a utility pole, tree, fence, rock, or other similar object located on public or private property. Snipe signs shall not include real estate, political, yard sale, “beware,” “keep out,” “posted,” “private property,” or “no trespassing” signs.
- AA. **Temporary sign.** Any sign fabricated of paper, plywood, fabric, window whitewash, or other light, impermanent material and intended to be displayed for a limited duration. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
- AB. **Traffic control sign.** A sign or electronic device, such as a traffic signal or signs denoting stop, danger, handicap parking, one-way traffic, no parking, fire lane, etcetera, for the purpose of directing or regulating the movement of traffic and/or pedestrians.
- AC. **Wall sign.** Any sign displaying only one (1) face that is mounted flat upon, affixed flat to, or painted upon an exterior wall surface of a building or structure and is located entirely below the roof line.
- AD. **Window sign.** A temporary sign placed inside or upon a building or structure window and intended to be seen from the exterior of the building or structure.

**7.3 Required Permits, Fees, and Inspections.**

- A. Except where this chapter explicitly exempts a sign, all signs erected shall require a sign permit issued by the Enforcement Officer. In addition, whether a sign is exempt or not, town building and electrical codes may require additional permits.
- B. Each application for a sign permit shall include the following items:
  - 1. Name, signature, and address of the property owner, authorized agent of the property owner, if any, and sign contractor.
  - 2. Address of the property where the sign is to be erected.
  - 3. Lot area, zoning, and principal land use(s) on the lot subject to erection of a sign.

4. A complete description of the sign(s) to be erected, including, but not limited to number, type, freestanding or attached, method of illumination, on or off-premises display, and setbacks.
  5. A dimensioned sketch of the sign and a plot plan showing the location of each sign on the lot.
  6. Other details sufficient for the Enforcement Officer to determine compliance with the requirements of this chapter.
  7. The required application fee.
- C. A \$25.00 fee shall accompany each application for a sign permit.
- D. The Enforcement Officer shall inspect each sign authorized by permit to determine compliance with the permit application.

7.4 *Signs Exempt from Sign Permits.* The following signs are exempt from required sign permits and all associated fees, and are permitted in accordance with the standards contained within this section and any other applicable provisions of these sign regulations. All exempt signs are permitted in any district if related to a permitted activity on a lot.

- A. *Historic markers.* Where approved by the Town Council.
- B. *Traffic control signs.* Such sign may include legal notices required by law; warning signs and no trespassing signs; identification, informational, or directional signs erected by any governmental agency or public utility.
- C. *Directional signs.* Such sign may indicate bus stops, taxi stands, off-street parking or loading facilities; other signs required for the control of vehicular or pedestrian traffic; restroom identification and direction; drive-thru window direction; telephone identification; and similar directional information. Such signs shall not exceed four (4) square feet in total sign area.
- D. *Flags.* Any official flag of a government entity and banners of a religious, charitable or fraternal organization. This exemption shall include the supporting device or flag pole. However, no property shall display more than four (4) flags without prior approval from the Town Council.
- E. *Artistic displays.* Such display may include decorative or architectural features of a building; public art works or displays; and similar artistic displays.
- F. *Real estate or rental signs.* Each property may have up to one (1) non-illuminated real estate or rental sign, containing a maximum of two (2) sign faces in compliance with the following requirements:

1. The maximum sign area shall not exceed six (6) square feet for signs in a residential zone or twenty-four (24) square feet for signs in a non-residential zoning district.
  2. Multiple listing strips, sale pending, and sold signs shall be allowed when attached to the real estate sign, as long as the combined sign area does not exceed the maximum allowed in subparagraph “a” above.
  3. One (1) on-premise ‘open house’ or ‘open for inspection’ sign, not exceeding three (3) square feet in sign area, may be allowed per property. Similar off-premise signs for directional purposes shall be allowed within the public right-of-way at subdivision entrances or on other private properties with the consent of the property owner. These signs must be removed when the premises are no longer open for inspection.
  4. All real estate signs shall be removed when ownership or occupancy of the property has changed and the property is no longer listed for sale, lease, or rent.
- G. *Construction site identification sign.* Each construction site shall be allowed to erect not more than one (1) non-illuminated, single face, temporary construction sign on a property which has been authorized for construction by the issuance of a zoning permit. Construction site signs shall not be allowed on properties where only one (1) single family or duplex home is to be constructed. Said sign shall be freestanding, and the sign area shall not exceed twenty (20) square feet within any residential zone or thirty-two (32) square feet within any non-residential zoning district. Construction signs must be set back at least ten (10) feet from all property lines. The sign may include the names of the persons and firms performing services or labor, or supplying materials for the construction project. Any temporary construction sign shall be removed before any building or structures built on the property may be occupied. Temporary construction signs for residential developments shall be allowed to remain erect until seventy-five (75) percent of the total residential lots have been sold, or until a permanent identification sign has been erected, whichever occurs first.
- H. *Window signs.* Properties not located within a residential zoning district (RR, R-1, R-2, R-3, and MHP) may display window signs, provided that the sign area of any individual window sign shall not exceed fifteen (15) square feet and no more than thirty (30) percent of the total surface area of any window may be obscured by window signs.
- I. *Political signs.* Temporary political signs advertising campaigns of candidates for political offices or advertising, proposing, opposing, or relating views or positions

upon a political question appearing or to appear upon an official election ballot may be erected in connection with elections or political campaigns. No political signs shall be allowed within or upon a public right-of-way. Within residential districts (RR, R-1, R-2, R-3, and MHP) only one (1) sign per candidate or political issue may be placed upon any single lot of record. Within all other regular zoning districts, not more than two (2) signs per candidate or political issue may be placed on any single lot of record. The total sign area for any political sign shall not exceed six (6) square feet. Political signs shall not be erected more than ninety (90) days prior to the date of the election, whether general or special, for which the person or issue advertised will appear on the ballot. Such signs must be removed within fifteen (15) days after the date of the election or run-off election (if necessary) has occurred.

- J. *Garage or yard sale sign.* A temporary sign advertising the sale of personal property on a lot may be erected on the lot where the sale is to take place. Such signs shall not exceed four (4) square feet in sign area and shall be displayed only on the day immediately prior to and day(s) during which the sale is conducted.
- K. *Special event sign and decorations.* A temporary sign indicating a special event such as a grand opening, traveling public exhibits, fair, carnival, circus, festival, personal announcements of births, marriages, birthdays, or similar events may be erected on the lot where the event is to take place, provided that such signs do not exceed the maximum applicable height and surface area requirements for the type of sign used and the sign is installed not more than thirty (30) days prior to the event and removed not more than ten (10) days after the event has occurred. Decorative flags, banners, and bunting shall be allowed only for town-wide celebrations, conventions, and commemorations when specifically authorized by the Mayor and Town Council. This exemption also shall apply to decorative lights and displays celebrating any legal holiday.
- L. *Entrance/exit signs.* Entrance and/or exist signs which have a maximum sign face length of three (3) feet, a maximum sign face height of one-and-one-half (1.5) feet, and a total maximum sign height of two (2) feet. Only one (1) entrance/exit sign shall be allowed per curb cut. Entrance/exit signs shall not be allowed in residential zones or for any single or two-family residential uses located within any zoning district.
- M. *Farm information sign.* Such sign may include farm logos or product information affixed to vehicles, equipment, buildings, silos, and tanks, and similar non-freestanding agricultural displays.
- N. *Vehicle signs.* Such sign may depict identifying name, business, product, service, logo, and similar information painted or otherwise affixed to a registered vehicle that is in operating condition and is used regularly for business transportation. This

exemption shall not apply to vehicles or portions of vehicles that are permanently parked in one or more locations to serve exclusively as a business advertisement. Such vehicles or portions thereof shall constitute a portable sign under the context of these regulations.

- O. *Building nameplates.* Not more than one (1) nameplate per non-residential building, which shall not exceed two (2) square feet in total sign area.
- P. *Legal notices and official instruments.* Legal notices and instruments required by a government or public regulatory entity to be posted or displayed shall be exempt from all aspects of these regulations.

7.5 *Sign Prohibitions.* Except where qualified below, the following signs are specifically prohibited throughout Cedar Bluff:

- A. Any sign or advertising structure which, by reason of location, position, shape, or color, interferes with, obstructs the view of, resembles, or can be confused with an authorized traffic control sign, signal, or device, or which incorporates the words “stop,” “look,” “danger,” “turn back,” or any other word, phrase, or symbol or character that would interfere with, mislead, or confuse motorists.
- B. Any sign incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) or emitting smoke or steam.
- C. Any sign of any type or support thereof placed, extending, or projecting into or upon a public right-of-way, except as expressly authorized.
- D. Animated or revolving signs.
- E. Any sign located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private drives.
- F. Any sign with illegal, obscene, or prurient words, scenes, or graphics.
- G. Any sign that blocks another sign, fire escape, door, window, parking or loading aisle or space.
- H. Any sign that is damaged or not in a structurally safe condition and good state of repair.
- I. Roof signs.
- J. Snipe signs.

- K. Portable signs.
- L. Beacons or searchlights.
- M. Flashing signs.
- N. Banners, unless approved by the Mayor or Town Council for a grand opening or a town-wide celebration, convention, or legal holiday.
- O. Billboards.
- P. Balloon signs.

7.6 *Treatment of Abandoned Signs and Signs Advertising Abandoned Uses, Products, or Services.*

- A. Any sign copy or billboard copy identifying or announcing a use or business activity that has been abandoned, closed, or relocated, or which advertises a product, service, or entertainment the production, sale, or provision of which has been discontinued or canceled, shall be removed within six (6) calendar months of the date of abandonment or discontinuance.
- B. If a sign face is left blank for a continuous period of one hundred twenty (120) days, that sign shall be considered abandoned, and within 30 days after abandonment the owner of the property where the sign is located shall cause the sign to be removed or replace the sign face or copy with an appropriate display or advertisement.

7.7 *Nonconforming Signs.*

- A. *Grandfather status.* Any permanent sign legally existing on or before the date of adoption of these regulations, or any future amendment thereto, that does not conform with the requirements of these regulations may be continued and maintained. All nonconforming portable or temporary signs shall be removed or replaced with a conforming sign within one (1) year of the date of adoption of these regulations.
- B. *Alterations.* A nonconforming sign shall not be rebuilt, expanded, or altered in a way that would increase the degree of nonconformity as it existed at the time the grandfather status was conferred. This requirement shall not be interpreted so as to prohibit proper maintenance of a nonconforming sign or changes to the copy of the sign that do not increase the existing degree of nonconformity.

- C. *Expiration.* A nonconforming sign shall not be rebuilt or re-established after its use has been discontinued for a period of one (1) calendar year, unless approved by the Town Council.
- D. *Damage repair.* A nonconforming sign shall not be reconstructed or repaired to a nonconforming status if it has sustained damage exceeding sixty (60) percent of the fair market value of the sign immediately prior to damage, unless approved by the Town Council. Fair market value shall be determined by the Town Council.

7.8 *Dimensional Requirements for Permitted Signs.*

- A. *Canopy signs.* In zoning districts where permitted, canopy signs shall be allowed on the vertical faces of any canopy, awning, or marquee that is located directly above a building entranceway. Under no circumstances shall the sign face or copy of any canopy sign be allowed to extend beyond the edges of the vertical face of a canopy, awning, or marquee. In addition, the following absolute dimensional requirements shall apply.
  - 1. *Maximum sign area per single canopy face:* sixteen (16) square feet.
  - 2. *Total cumulative sign area for all sign faces on an individual canopy, awning, or marquee:* twenty-four (24) square feet.
  - 3. *Maximum sign face or copy height:* two (2) feet.
  - 4. *Maximum sign face or copy width:* eight (8) feet.
- B. *Freestanding signs.* In zoning districts where freestanding signs are permitted, each lot of record may have not more than one (1) freestanding sign. Freestanding signs shall be securely fastened to the ground or to some other metallic or concrete supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. The Town Council may approve one (1) additional freestanding sign for any existing lot of record that is accessed by more than one collector or arterial street on opposing sides of the property. Furthermore, if a development is located on a corner lot that has at least two hundred (200) feet of frontage on each of the two intersecting public streets, then the Town Council may allow not more than one freestanding sign along each side of the development bordered by such streets. Freestanding signs shall be located as close a possible to the main traffic access to the property, but shall not be located closer than four (4) feet to the right-of-way of a public street. In addition, no freestanding sign shall be located less than thirty (30) feet from another freestanding sign on the same side of the street. All freestanding signs shall comply with the following dimensional requirements.

1. *Maximum sign area:* eighty (80) square feet. However, the Town Council may increase the maximum sign area to a total sign area of not more than one hundred (100) square feet for a freestanding sign that will serve all businesses in a shopping plaza or office park containing not less than three (3) businesses.
  2. *Maximum sign height, including the supporting structure and sign face:* thirty (30) feet. However, the Town Council may increase the maximum height of a freestanding sign to ensure sign visibility from an adjoining public street, where the elevation of the street exceeds the elevation of the property by more than five (5) feet at the point where the freestanding sign will be erected. In no instance shall the increased height allow the top of the freestanding sign face or copy to extend more than twenty (20) feet above the nearest surface elevation of the paved street.
  3. *Maximum sign face or copy height:* eight (8) feet.
  4. *Maximum sign face or copy width:* ten (10) feet.
- C. *Hanging and projecting signs.* In zoning districts where hanging and/or projecting signs are allowed, each building may have not more than one (1) hanging or projecting sign per building wall that has an exterior entrance. Hanging or projecting signs may extend into a public right-of-way, but shall not extend any closer than four (4) feet to the inside face of a street curb or the outer edge of the paved travel lane of a street, whichever is applicable. Hanging or projecting signs shall be located as close as possible to said exterior building entrance in accordance with the following requirements:
1. *Maximum sign area:* twelve (12) square feet.
  2. *Maximum sign face or copy height:* four (4) feet.
  3. *Maximum sign face or copy width:* three (3) feet.
  4. *Minimum elevation from the bottom of the sign face or copy (including all supporting frames or braces) to the finished ground level directly beneath the sign:* eight (8) feet.
- D. *Wall signs.* In zoning districts where wall signs are allowed, no portion of a wall sign shall extend above the building roof line or beyond the edges of the wall. In addition, no portion of a wall sign shall obscure any portion of a window or entranceway to the building. Each wall sign shall be affixed flush to the wall, and shall not project more than four (4) inches away from the wall surface, exclusive of

any approved lighting fixtures. The following dimensional requirements also shall apply to all permitted wall signs:

1. *Maximum sign area of any individual wall sign:* twenty-four (24) square feet.
2. *Maximum cumulative sign area of all wall signs on a single building:* forty-eight (48) square feet, or not more than thirty (30) percent of the surface area of an affected wall, whichever is less.
3. *Maximum sign face or copy height:* four (4) feet.
4. *Maximum sign face or copy width:* six (6) feet.

7.9 *Signs Allowed Within Residential Zoning Districts.* Within residential zoning districts (RR, R-1, R-2, R-3, and MHP) the only signs that shall be allowed are those classified as exempt from these regulations under Subparagraph 7.4 of this Section and residential subdivision entrance signs in accordance with the following requirements:

- A. Permanent freestanding ground signs to residential subdivision developments may be erected at principal entrances to the project. One sign shall be permitted at each principal entrance to the development.
- B. Entrance signs shall not exceed twenty (20) square feet in sign area and five (5) feet in height as measured from the base of the sign.
- C. Entrance signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be accidentally toppled or moved by the wind or other forces of nature and cause injury to persons or property.
- D. Residential subdivision entrance signs shall not be illuminated, unless indirect illumination is afforded by a street light positioned at the entranceway.
- E. Development entranceways, and, specifically, the area adjoining the entrance sign, should be appropriately landscaped and maintained to provide an attractive and inviting entrance to the subdivision.

7.10 *Signs Allowed Within Non-residential Zoning Districts.* All signs that are exempt from these regulations shall be permitted in any non-residential zoning district in accordance with the conditions specified in Subparagraph 7.4 of this Section. In addition, owners of land within a non-residential zoning district may erect any sign identified in Subparagraph 7.8 of this Section in accordance with all dimensional requirements prescribed therein. However, in no instance shall the cumulative total sign area for all signs permitted under Subparagraph 7.8 of this Section that are erected on a single lot of record exceed the limits specified below for the

applicable non-residential zoning district. Where a lot of record is divided by two or more non-residential zoning districts, the cumulative total sign area limitation of the more restrictive zoning district shall apply to the entire non-residentially zoned area of the subject lot of record.

1. *NB- Neighborhood Business District.* Seventy-two (72) square feet of cumulative total sign area.
2. *HC - Highway Commercial District.* One hundred twenty-eight (128) square feet of cumulative total sign area.
3. *LM - Light Manufacturing District.* Eighty (80) square feet of cumulative total sign area.
4. *FH - Flood Hazard Zone.* The total permitted cumulative sign area allowed shall be determined by the underlying zoning district requirements.

7.11 *Traffic Visibility Provisions.* No permanent or temporary sign exceeding four square feet in area shall be permitted within the clear sight triangle of an intersection, as defined in Article III Section 11, Traffic Visibility at Intersections, or within fifteen feet from the front lot line. This limitation may be waived if such sign does not obstruct visibility between a height of thirty-six (36) inches and eight feet above the nearest street grade level or otherwise does not interfere with traffic visibility for entrance onto and exit from the lot and adjacent lots and the visibility of traffic flow through nearby intersections, as determined by the Enforcement Officer. In any event, no sign, regardless of size, height, or design shall extend into any right-of-way, except as expressly authorized.

7.12 *Construction and Maintenance of Signs.*

- A. All signs shall conform with applicable town building codes, which provide a comprehensive set of construction standards for signs. These specifications include wind loads, vibration resistance, seismic loads, acceptable supports, allowable stresses, materials, and electrical wiring.
- B. All signs and all components thereof, including structural supports, shall be kept in a state of good repair.
- C. The area surrounding the base of any freestanding sign shall be kept clear of all debris and undergrowth.
- D. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency

having jurisdiction over the right-of-way) or on any area where landscaping is required by this chapter.



**ARTICLE V  
ZONING DISTRICT REQUIREMENTS**

**SECTION 1 - ESTABLISHMENT OF ZONING DISTRICTS**

For the purpose of this Ordinance, the Town of Cedar Bluff is hereby divided into the type of districts designated as follows:

1.1 Regular Districts

RR	Rural Residential
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
MHP	Manufactured Home Park
NB	Neighborhood Business
HC	Highway Commercial
LM	Light Manufacturing

1.2 Special Districts

FH	Flood Hazard Area
LR	Lakefront Recreational

**SECTION 2 - ZONING DISTRICT BOUNDARIES**

The boundaries of the various zoning districts are hereby established as shown on the Zoning Map. The Zoning Map includes a base map which identifies the location of the regular districts and an overlay to the base map which outlines the boundaries of the special districts. The Zoning Map and all explanatory matter thereon accompany and are hereby made a part of this Ordinance. Official copies of the Zoning Map shall be on file in the office of the Town Clerk.

**SECTION 3 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- 3.1 Where boundaries are indicated as approximately following jurisdictional limits or platted lot lines or other property lines, such lines shall be construed to be such boundaries.
- 3.2 Where boundaries are indicated as approximately following streets, alleys, rights-of-way, or railroads, such boundaries shall be construed to follow the center lines of such streets, alleys, rights-of-way, or railroads.
- 3.3 Where boundaries are indicated as approximately following shorelines of lakes or ponds, such boundaries shall be construed to follow the mean high water lines of such lakes or

- ponds. In the event of a change in the mean high waterline, the boundaries shall be construed as moving with the actual mean high waterline.
- 3.4 Where boundaries are indicated as approximately following streams, rivers, or other perennial water courses, such boundaries shall be construed to follow the centerline of such waterways as determined by the mean high water mark along opposing banks. In the event of a natural change in the location of such waterways, the district boundary shall be construed as moving with the centerline.
- 3.5 Where boundaries are indicated as being separate from but approximately parallel to any features listed in Subparagraphs 3.1 through 3.4 of this Section, such boundaries shall be construed as being parallel to and at such distance as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- 3.6 In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the Zoning Map.
- 3.7 Where a public road, street, or alley shown on the Zoning Map is officially vacated or abandoned, the regulations applicable to the property to which the right-of-way reverts shall apply to the vacated or abandoned road, street, or alley.
- 3.8 In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the Town which will interpret the exact location of the district boundaries, following the guidelines contained in the preceding paragraphs.

#### **SECTION 4 - INTERPRETATION OF USES**

Where doubt exists as to whether a new or previously unclassified use is similar in nature to the permitted uses identified in this Ordinance, the Board of Adjustment shall approve or deny the location of the unclassified use in question. In making such a determination, the Board of Adjustment shall consider the extent to which the proposed use is consistent with the intent of the zoning district and determine the specific permitted use within the zoning district that is most similar in impact and characteristics to the proposed new use. However, in no instance shall the Board of Adjustment interpret a proposed use as being permitted in one district, when the use is more similar in impact and characteristics to a use permitted in another district. The following procedures to establish consistency of unclassified uses shall be observed.

- 4.1 *Determination by Board of Adjustment.* If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval of and subject to the conditions set by the Board of Adjustment. Such conditions of approval shall be established to prevent undue impacts of the new use on surrounding uses, and shall be limited to:

- A. Special setback requirements;
  - B. Special buffer or fencing requirements;
  - C. Special lighting requirements to prevent excessive glare on neighboring properties;
  - D. Special parking requirements;
  - E. Special landscaping requirements;
  - F. Special limitations on signage;
  - G. Special limitations on traffic access points to the property; and
  - H. Special stormwater management requirements.
- 4.2 *Rezoning required.* If the unclassified use is deemed to be incompatible with the existing zoning district intent, the Enforcement Officer shall recommend the most appropriate district classification and shall require the property in question to be rezoned before the proposed use can be conducted on the property. In addition, the unclassified use shall be permitted by special exception in the district to which the property was rezoned, upon approval of and subject to the conditions set by the Board of Adjustment.
- 4.3 *Amendment of permitted uses.* Following the final action on the unclassified use, as Subparagraphs A or B of this Section may require, the Planning Commission shall initiate an amendment to this Ordinance to add the newly permitted use to the list of permitted uses in the appropriate zoning district(s).

**SECTION 5 - RR: RURAL RESIDENTIAL ZONING DISTRICT**

- 5.1 ***District Intent.*** The purpose of this district shall be to encourage very low density single family residential development in outlying areas of the community that are just beginning to be developed, that lack full access to municipal infrastructure, or that are located upon or near sensitive natural resources.
- 5.2 ***Permitted Uses.*** The following identifies the uses permitted in the RR - Rural Residential Zoning District.
- A. Single-family dwellings.
  - B. Accessory residential dwelling units in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
  - C. Single Family Group homes, subject to the standards established in Article II, Section 2.33 and Article IV, Section 2 of this Ordinance.
  - D. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
  - E. Home occupations, subject to the standards established in Article IV, Section 4 of this Ordinance.
  - F. Cottage industries, subject to the standards established in Article IV, Section 4 of this Ordinance.
  - G. Agricultural, dairying, and poultry and livestock raising, provided that the subject lot contains not less than five (5) acres of land, and all buildings used for housing fowl or animals, storing grain or feed, or processing products shall not be located closer than one hundred fifty (150) feet to any property line.
  - H. Sale of products and commodities raised on the premises only, provided that any structure used for such sales shall not be closer than thirty (30) feet to the front or side property lines.
  - I. Non-commercial agriculture, poultry, horse, and livestock raising as an accessory use to a one family dwelling for the principal benefit of the occupant thereof, provided that the subject lot contains not less than three (3) acres of land, and all related accessory buildings are located in the rear yard and not closer than fifty (50) feet to any property line.
  - J. Harvesting of timber, provided that such activities comply with all applicable Best Management Practices promoted by the U.S. Department of Agriculture, and no

clear cutting of land shall occur within one hundred fifty (150) feet of the mean high water mark of Weiss Lake.

- K. Riding stables and academies, provided that the subject lot contains not less than five (5) acres of land, and any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than one hundred (100) feet to any property line.
- L. Public or private schools, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four feet.
- M. Publicly-owned and operated community structures and lands, including parks.
- N. Public utility structures and lands.
- O. Public or private fishing clubs, gun clubs, and other similar outdoor recreational activities, provided that all activities involving the discharge of fire arms shall conducted more than two hundred fifty (250) feet from any property line and directed away from any established residential uses.
- P. Athletic fields or stadiums, race tracks and speedways, and other recreational areas for public use, including golf driving ranges, swimming pools, fish lakes, and similar recreational uses, provided that all activities are located at least two hundred fifty (250) feet from any property line.
- Q. Public or private golf course.
- R. Churches and other similar places of worship.
- S. Cemeteries.
- T. Boat docks and boat houses, as accessory uses to a residential use.
- U. Bed and Breakfast Inns.
- V. Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes.

5.3 *Dimensional Requirements:*

- A. **Minimum Lot Size:** 0.5 Acres for lots served by municipal sewer. Lots not served by municipal sewer shall contain at least 0.5 acres, plus any additional area deemed necessary by the Cherokee County Health Department for proper siting and installation of on-site sewage disposal facilities.

- B. **Minimum Front Yard Setback:** Thirty-five (35) feet from the edge of the right-of-way line.
- C. **Minimum Side Yard Setbacks:** Ten (10) feet.
- D. **Minimum Rear Yard Setback:** Fifteen (15) feet.
- E. **Maximum Structure Height:** Fifty (50) feet for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

**SECTION 6 - R-1: LOW DENSITY RESIDENTIAL ZONING DISTRICT**

- 6.1 ***District Intent.*** This zoning district is intended to promote low density suburban tract residential development for single family uses in areas that have limited access to municipal infrastructure or are located in close proximity to sensitive natural resources.
- 6.2 ***Permitted Uses.*** The following identifies the uses permitted in the R-1: Low Density Residential Zoning District.
- A. Single-family dwellings.
  - B. Accessory residential dwelling units in single family dwellings only and in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
  - C. Class A Manufactured Homes as defined in Article II, Section 2.41 and in compliance with all applicable requirements specified in Article IV, Section 3 of this Ordinance.
  - D. Single Family Group homes, subject to the standards established in Article II, Section 2.33 and Article IV, Section 2 of this Ordinance.
  - E. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
  - F. Home occupations, subject to the standards established in Article IV, Section 4 of this Ordinance.
  - G. Non-commercial agriculture, horse, and livestock raising as an accessory use to a one family dwelling for the principal benefit of the occupant thereof, provided that the subject lot contains not less than three (3) acres of land, and all related accessory buildings are located in the rear yard and not closer than fifty (50) feet to any property line.
  - H. Public or private schools, including pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four feet.
  - I. Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.
  - J. Public utility structures and lands, provided that there is no outside storage area and a natural or landscaped buffer not less than twenty (20) feet in width is provided for the side and rear yards.

- K. Athletic fields or stadiums, race tracks and speedways, and other recreational areas for public use, including golf driving ranges, swimming pools, fish lakes, and similar recreational uses, provided that all activities are located at least two hundred fifty (250) feet from any property line.
- L. Public or private golf course.
- M. Churches and other similar places of worship.
- N. Cemeteries.
- O. Boat docks and boat houses, as accessory uses to a residential use.
- P. Bed and Breakfast Inns.
- Q. Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes.

### 6.3 *Dimensional Requirements:*

- A. **Minimum Lot Size:** Fifteen thousand (15,000) square feet for lots served by municipal sewer. Lots not served by municipal sewer shall contain at least 15,000 square feet, plus any additional area deemed necessary by the Cherokee County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. **Minimum Front Yard Setback:** Thirty (30) feet from the edge of the right-of-way line.
- C. **Minimum Side and Rear Yard Setback:** Ten (10) feet.
- E. **Maximum Structure Height:** Fifty (50) feet for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

**SECTION 7 - R-2: MEDIUM DENSITY RESIDENTIAL ZONING DIST.**

7.1 ***District Intent.*** This zoning district is intended to promote moderate density residential development for single family, duplex, and single and double-wide manufactured homes on individual lots in areas that have access to extensive municipal infrastructure and are in close proximity to places of employment and commercial districts.

7.2 ***Permitted Uses.*** The following identifies the uses permitted in the R-2 Medium Density Residential Zoning District.

- A. All uses permitted in the R-1: Low Density Residential Zoning District.
- B. Class B Manufactured Homes as defined in Article II, Section 2.41 and in compliance with all applicable requirements specified in Article IV, Section 3 of this Ordinance.
- C. Two-family or duplex dwelling units (including two-family group homes).

7.3 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** Ten thousand (10,000) square feet for single family lots and fifteen thousand (15,000) square feet for two-family lots served by municipal sewer. Lots not served by municipal sewer shall contain not less than the minimum required for the specific type of unit, plus any additional area deemed necessary by the Cherokee County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. **Minimum Front Yard Setback:** Twenty-five (25) feet from the edge of the right-of-way line.
- C. **Minimum Side Yard Setbacks:** Eight (8) feet.
- D. **Minimum Rear Yard Setback:** Ten (10) feet.
- E. **Maximum Structure Height:** Fifty (50) feet for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

**SECTION 8 - R-3: HIGH DENSITY RESIDENTIAL ZONING DIST.**

- 8.1 ***District Intent.*** The purpose of this district shall be to provide opportunities for a broad range of residential environments, including single family, duplex, manufactured homes (on individual lots), and multi-family (including townhouse and condominium developments) housing in areas that are served by the full array of municipal facilities and services offered by the town and that are immediately adjacent to places of employment and commercial districts. This zone also may be used by the town as a transitional buffer zone between commercial and lower intensity residential zones.
- 8.2 ***Permitted Uses.*** The following identifies the uses permitted in the R-3 High Density Residential Zoning District.
- A. All uses permitted in R-2: Medium Density Residential Zoning District.
  - B. Multi-family dwellings (including group homes housing three or more families).
  - C. Condominiums.
  - D. Townhouses.
  - E. Boarding and rooming houses.
  - G. Educational, training, health, medical or nursing uses of public, charitable, or philanthropic nature, including rest homes and sanitariums.
  - H. Nursing Homes.
  - I. College or School Dormitories.
- 8.3 ***Dimensional Requirements:***
- A. **Minimum Lot Size (for single family, manufactured home, group home, and two-family dwellings only):** Eight thousand (8,000) square feet for lots served by municipal sewer. Lots not served by municipal sewer shall contain not less than eight thousand (8,000) square feet, plus any additional area deemed necessary by the Cherokee County Health Department for proper siting and installation of on-site sewage disposal facilities.
  - B. **Minimum Development Site Size (for multi-family dwellings):** One and three quarters (1 <sup>3</sup>/<sub>4</sub>) acres.

- C. **Maximum Density (for multi-family dwellings):** Twenty (20) dwelling units per acre.
- D. **Minimum Front Yard Setback:** Twenty-five (25) feet from the edge of the right-of-way line.
- E. **Minimum Side and Rear Yard Setbacks:** Eight (8) feet.
- F. **Minimum Buffer along Single Family Zones (for multi-family dwellings):** Thirty (30) feet.
- G. **Minimum Separation Distance Between all Buildings on a single lot:** Ten (10) feet.
- H. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Thirty (30) percent.
- I. **Maximum Structure Height:** Seventy-five (75) feet for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

**SECTION 9 - MHP: MANUFACTURED HOME PARK ZONING DIST.**

9.1 ***District Intent.*** The purpose of this district is to provide opportunities for the development of high intensity manufactured home parks, where units are placed on rented lots.

9.2 ***Permitted Uses.*** The following identifies the uses permitted in the MHP Manufactured Home Park district.

- A. Class A and Class B Manufactured homes as defined in Article II, Section 2.41.
- B. One-family dwelling for the exclusive use of a watchman, caretaker, owner, or manager of a manufactured home park.
- C. Office, maintenance, and storage buildings incidental to a manufactured home park.
- D. Personal Service facilities, such as laundromats (including coin operated dry cleaning) and refuse disposal areas, accessory to and intended to serve residents of the manufactured home park only.
- E. Recreational facilities designed and intended for use by residents of the manufactured home park only.
- G. In addition to the manufactured home spaces, off-street parking and loading spaces for vehicles in operating condition only, subject to the standards established in Article IV, Section 5.7.

9.3 ***Dimensional Requirements:***

- A. **Minimum Development Site Size:** Two (2) acres.
- B. **Minimum Rental Lot Size:** Five Thousand (5,000) square feet.
- C. **Minimum Front Yard Setback:** Twenty (20) feet from the edge of the right-of-way line.
- D. **Minimum Buffer along all Boundaries of the Site:** Thirty (30) feet along any Single Family Zoning District (RR and R-1) boundary and Fifteen (15) feet along all other boundaries of the Manufactured Home Park.
- E. **Minimum Separation Distance Between all Buildings:** Forty (40) feet.

- F. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Thirty (30) percent.
- G. **Maximum Structure Height:** Twenty-five (25) feet for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

9.4 **Site Development Requirements.** In addition to the Dimensional Requirements listed in Section 9.3 above, each Manufactured Home Park shall comply with the following requirements.

- A. All proposed lots and buildings in a Manufactured Home Park shall be served by municipal water and sewer. Each manufactured home space shall be provided with a cold water tap at least four (4) inches above the ground.
- B. The proposed park shall be located on a site properly graded and improved to insure proper drainage and freedom from standing water.
- C. All driveways and walkways within the park shall be paved and adequately lighted.
- D. Electrical outlets supplying at least 220 volts each shall be provided for each manufactured home space.
- E. All manufactured homes placed in the park shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development. Any existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be subject to the regulations established in Article IV, Section 1 of this Ordinance.
- F. All manufactured homes placed in the park shall be properly anchored to the ground, and all tow bars and axles shall be removed and stored in a location on the site where they will not be seen from the street or neighboring homes.
- G. All manufactured homes placed in the park shall be skirted with a weather-resistant material. All skirting shall be adequately vented.
- H. All manufactured homes placed in the park shall have a minimum roof pitch of not less than 1:3 (one foot of height for every three feet of length along the roof line).
- I. Not less than Ten (10) percent of the total site area of a manufactured home park shall be reserved for common open space. Such common open space shall, at a minimum, be landscaped, and may be improved for recreational use by the tenants of the park only.

- J. No portion of a manufactured home park site that is located within a floodplain shall be improved for residential use.
- K. Each manufactured home park shall provide adequate on-site containers for the collection of household garbage generated by the tenants of the park. All garbage containers shall be placed and kept within three-sided enclosures with walls at least six (6) feet high to provide proper screening of the containers.
- L. All private streets within the park shall comply with all applicable street standards for the Town of Cedar Bluff.
- M. Every park shall be equipped at all times with fire hydrant equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable regulations of the Town. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

9.5 ***Manufactured Home Park Plan.*** A manufactured home park preliminary site plan shall be submitted to the Planning Commission for review and approval prior to the issuance of a Zoning Permit by the Enforcement Officer. The Plan shall be drawn to scale and shall contain or include the following information.

- A. A legend containing a site location map; the proposed name of the manufactured home park; the names of the developer, owner, and plan preparer, a north arrow; a scale; and an explanation of all symbols used on the plan.
- B. The location of all rights-of-way, streets, utility lines, hydrants, garbage containers, and other infrastructure improvements.
- C. The boundaries and dimensions of all rental lots in the park.
- D. The boundaries of all buffers and common open spaces, including all proposed recreational improvements.
- E. Proposed drainage and stormwater management improvements.
- F. The boundaries of all floodplains on the site.
- G. The location of any proposed office, showroom, or personal service facilities in the park.

**SECTION 10 - NB: NEIGHBORHOOD BUSINESS ZONING DISTRICT**

- 10.1 ***District Intent.*** The purpose of this district shall be to provide opportunities for small scale commercial business, office, and service operations utilizing not more than 2,500 square feet of gross floor area and associated compatible uses, including accessory residential uses.
- 10.2 ***Permitted Uses.*** The following identifies the uses permitted in the NB: Neighborhood Business Zoning District.
- A. *Retail establishments customarily serving residential neighborhoods*, such as: pharmacies, grocery markets, clothing stores, gift shops, card shops, book stores, music stores, consignment shops, magazine shops, toy stores, fish and tackle shops, craft and hobby shops, florist shops, video stores, and other similar establishments.
  - B. *Personal or professional service establishments, and businesses repairing and servicing small equipment*, such as: barber shops and salons, photocopiers or print shops, laundromats and cleaners, tailors, shoe repair shops, electronic or small appliance repair shops, photography studios, health and fitness clubs, newspaper offices, radio station studios, television station studios, jewelry and watch repair shops, and other similar establishments.
  - C. *Professional offices* such as: doctors offices, dentist offices, accounting services, real estate offices, attorneys offices, investment offices, tax preparation offices, consulting offices, and other similar establishments.
  - D. *Dine-in or carry-out restaurants* such as: cafes, delis, bakeries, coffee shops, ice cream parlors, pizza parlors, and other similar dining or food establishments, but not including drive-through restaurants.
  - E. *Family entertainment and cultural uses* such as: theaters and cinemas, museums, video arcades, dance studios, and other similar establishments that cater to children and families and that do not serve or offer alcoholic beverages for sale.
  - F. Clubs or lodges, public and private.
  - G. Public and private educational institutions and associated accessory uses.
  - H. Churches and cemeteries.
  - I. Public and semi-public institutions and offices, including government offices.
  - J. Bed and breakfast inns.

- K. Hotels and motels.
- L. Boarding or rooming houses.
- M. Group homes, subject to the standards established in Article II, Section 2.33 and Article IV, Section 2 of this Ordinance.
- N. Nursing homes.
- O. Multi-family apartment buildings.
- P. *Loft, efficiency, and studio apartments*, provided that all of the following requirements are satisfied:
  - 1. such residential uses are located above the first floor of a multi-story commercial use building;
  - 2. appropriate soundproofing or sound attenuation measures have been installed to limit noise impacts that may be generated by ground floor commercial uses,
  - 3. adequate off-street parking for all proposed apartment units is provided in the rear yard of the lot,
  - 4. separate building entrances are available for the proposed apartments,
  - 5. all exterior apartment windows and doors are secured by appropriate locks or security devices,
  - 6. adequate fire escape ladders are available for each apartment unit and hard-wired fire alarms and sprinkler systems are provided on all floors of the building, and
  - 7. the lower floor commercial uses in the building will not operate between the hours of 8:00 p.m. and 6:00 a.m..
- Q. Public utility structures and lands.
- R. Accessory off-street parking and loading spaces, subject to the standards established in Article V, provided that no equipment or inoperable vehicles are externally parked or stored.

### 10.3 ***Dimensional Requirements:***

- A. **Maximum business Size:** Not more than two thousand, five hundred (2,500) square feet of gross floor area devoted to the business use, including areas used for inventory storage and administrative offices.
- B. **Minimum Front Yard Setback:** Ten (10) feet from the edge of the right-of-way line.
- C. **Minimum Setback from the Mean High Water Mark of Weiss Lake:** Twenty-five (25) feet .
- D. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Seventy-five (75) percent for all lots not fronting on Weiss Lake and fifty (50) percent for all lots with frontage along the mean high water mark of Weiss Lake.
- E. **Maximum Structure Height:** Fifty (50) feet.

**SECTION 11 - HC: HIGHWAY COMMERCIAL ZONING DISTRICT**

- 11.1 ***District Intent.*** This zoning district is intended to provide development opportunities for large scale, auto-oriented commercial uses requiring large lots and good highway access, and which serve a broader market that may extend beyond the town's corporate limits.
- 11.2 ***Permitted Uses.*** The following identifies the uses permitted in the HC: Highway Commercial Zoning District.
- A. *Retail establishments*, such as: drug and sundry stores, supermarkets, department stores, outlet stores, appliance retailers, convenience stores, automobile sales businesses, hardware and building supply stores, boating and recreational equipment sales establishments, manufactured home sales businesses, discount retailers, video stores, and other similar high volume, auto-oriented retail establishments.
  - B. *Service establishments, and repair shops*, such as: automobile filling and service stations, barber shops and salons, photocopiers or print shops, laundromats and cleaners, electronic or repair shops, photography studios, health and fitness clubs, newspaper offices, radio station studios, television station studios, jewelry stores, and other similar establishments.
  - C. *Professional offices* such as: doctors offices, dentist offices, accounting services, real estate offices, attorneys offices, investment offices, tax preparation offices, consulting offices, and other similar establishments.
  - D. *Restaurants* including dine-in, carry-out, and drive-through restaurants and dining establishments.
  - E. *Family entertainment and cultural uses* such as: theaters and cinemas, museums, video arcades, dance studios, and other similar establishments that cater to children and families and that do not serve or offer alcoholic beverages for sale.
  - F. Clubs or lodges, public and private.
  - G. Public and private educational institutions and associated accessory uses.
  - H. Churches and cemeteries.
  - I. Public and semi-public institutions and offices, including government offices.
  - J. Bed and breakfast inns.
  - K. Hotels and motels.

- L. Residential, boarding or rooming houses.
- M. Hospitals and medical clinics.
- N. Miniature golf courses.
- O. Indoor gun clubs and shooting ranges.
- P. Marinas.
- Q. Campgrounds and Recreational Vehicle parks.
- R. Golf courses, public and private.
- S. Shopping plazas, shopping malls, and office parks.
- T. Public utility structures and lands.
- U. Wholesale business establishments.
- V. Mini-storage facilities.
- W. Campgrounds and Recreational Vehicle Parks.
- X. Accessory off-street parking and loading spaces, subject to the standards established in Article V, provided that no equipment or inoperable vehicles are externally parked or stored.

11.3 ***Dimensional Requirements:***

- A. **Minimum Front Yard Setback:** Thirty (30) feet from the edge of the right-of-way line.
- B. **Minimum Side and Rear Yard Setback:** Twenty-five (25) feet from all adjoining property lines and an additional ten (10) feet from any property line that abuts a residential zoning district (RR, R-1, R-2, R-3, or MHP). All required setbacks along residential zoning districts shall be improved and maintained as a vegetated buffer to provide an effective year-round visual screen between the commercial use and the neighboring residential areas.
- C. **Minimum Setback from the Mean High Water Mark of Weiss Lake:** Thirty (30) feet . All required lakefront setback areas shall be maintained

in a natural vegetated state and shall be kept free of all materials and supplies associated with the commercial use.

- D. **Maximum Percentage of Lot Covered by Impervious Surfaces:**  
Sixty (60) percent for all lots not fronting on Weiss Lake and fifty (50) percent for all lots with frontage along the mean high water mark of Weiss Lake.
- E. **Maximum Structure Height:** Fifty (50) feet.

**SECTION 12 - LM: LIGHT MANUFACTURING ZONING DISTRICT**

- 12.1 ***District Intent.*** The purpose of this district is to provide opportunities for the development of large industrial operations that will have minimal impacts on the natural environment and that will be located in areas served by all necessary municipal facilities and services. Such uses shall not produce discharges that require the issuance of a National Pollutant Discharge Elimination System (NPDES) permit and shall not emit potentially noxious fumes, odors, or particulate matter into the air. The district also will provide opportunities for the development of limited commercial uses that are accessory and complementary to the associated primary industrial use.
- 12.2 ***Permitted Uses.*** The following identifies the uses permitted in the LM: Light Manufacturing Zoning District.
- A. *Any industrial enterprise engaged in a manufacturing, assembly, or processing activity* that does not produce discharges that require the issuance of a National Pollutant Discharge Elimination System (NPDES) permit and does not emit fumes, odors, or particulate matter into the air that would be discernable beyond the boundaries of the property.
  - B. *Accessory commercial activities limited to the sale or servicing of products manufactured by the primary industrial use*, provided such commercial activities occupy not more than twenty-five (25) percent of the total floor area of the principal use building. All commercial activities shall be conducted entirely within the principal use building.
  - C. Junkyards and solid waste facilities, provided that no property used for such activities shall have frontage along the mean high water mark of Weiss Lake.
  - D. Indoor and outdoor gun clubs and shooting ranges, provided that all activities involving the discharge of fire arms shall conducted more than two hundred fifty (250) feet from any property line and directed away from any established residential uses.
  - E. Warehousing and storage facilities.
  - F. Truck terminals and shipping facilities.
  - G. Railroad yards.
  - H. Lumber yards and mills.

- I. Accessory off-street parking and loading spaces, subject to the standards established in Article V, provided that no equipment or inoperable vehicles are externally parked or stored.

12.3 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** One (1) acre.
- A. **Minimum Front Yard Setback:** Thirty (30) feet from the edge of the right-of-way line.
- B. **Minimum Side and Rear Yard Setback:** Twenty-five (25) feet from all adjoining property lines and an additional twenty-five (25) feet from any property line that abuts a residential zoning district (RR, R-1, R-2, R-3, or MHP). All required setbacks along residential zoning districts shall be improved and maintained as a vegetated buffer to provide an effective year-round visual screen between the commercial use and the neighboring residential areas.
- C. **Minimum Setback from the Mean High Water Mark of Weiss Lake:** Fifty (50) feet . All required lakefront setback areas shall be maintained in a natural vegetated state and shall be kept free of all materials and supplies associated with the industrial use.
- D. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Sixty (60) percent for all lots not fronting on Weiss Lake and fifty (50) percent for all lots with frontage along the mean high water mark of Weiss Lake.
- E. **Maximum Structure Height:** Fifty (50) feet.

**SECTION 13 - FH: FLOOD HAZARD AREA ZONE**

- 13.1 ***District Intent.*** Within floodplain areas, special land use restrictions are desired to: minimize human exposure to flood hazards, prevent excessive pollution or contamination of surface water resources during floods, provide maximum transmission and absorption of flood waters by restricting the intensity of impervious surfaces and man-made obstructions within floodplains, ensure that structures built within floodplains are properly floodproofed, to minimize private investment losses due to flooding, and ensure the Town’s continued participation in the National Flood Insurance Program. The purpose of this “overlay zone” is to impose special development standards and restrictions in areas identified by the Federal Emergency Management Agency as subject to special flood hazard to serve the aforementioned objectives. An “overlay zone” imposes special development requirements and restrictions in addition to the provisions of the underlying regular zoning district. Where the requirements of this district conflict with the requirements of an underlying regular zoning district or with other applicable ordinances and regulations, the more restrictive requirements shall be followed. All land use and development activities on lands within the FH: Flood Hazard Area Zone shall also comply with all requirements of the Town of Cedar Bluff Flood Damage Prevention Ordinance.
- 13.2 ***Boundaries.*** The boundaries of the Flood Hazard Area Zone shall encompass all areas of Cedar Bluff lying within a Special Flood Hazard Area or 100-year floodplain, as shown on the latest published Flood Hazard Boundary Map or Flood Insurance Rate Map for the subject property, prepared for the National Flood Insurance Program by the Federal Emergency Management Agency.
- 13.3 ***Prohibited Uses.*** The following uses shall be prohibited within the FH: Flood Hazard Area Zone.
- A. On-site septic systems and temporary sewage holding tanks.
  - B. Open air storage or holding pits, bunkers, or ponds for the storage of animal manure or wastes.
  - C. Sanitary landfills and other solid waste facilities.
  - D. Junkyards.
  - E. Animal corrals, stockyards, and poultry houses.
  - F. Multi-family residential structures.
  - G. Nonresidential buildings exceeding twenty thousand (20,000) square feet in gross floor area. However, a nonresidential building containing more than twenty-

thousand (20,000) square feet of floor area may be partially located within a floodway fringe area, provided that not more than twenty-thousand square feet of total building floor area is located within said floodway fringe area, no portion of the building encroaches upon or extends into the floodway, and the building has been properly floodproofed in accordance with all applicable requirements of the Flood Damage Prevention Ordinance.

- H. Mini-storage facilities.
- I. Group homes, nursing homes, and other congregate care facilities.
- J. Public and private schools or educational buildings.
- K. Hotels, motels, and bed and breakfast inns.
- L. Warehouse facilities used for the storage of hazardous waste or materials.
- M. Residential uses not otherwise prohibited within the FH: Flood Hazard Area Zone shall not be permitted within the floodway, nor shall any such residential structure encroach upon the floodway.

#### 13.4 ***Dimensional Requirements:***

- A. Development activities and land uses within the FH: Flood Hazard Area Zone shall comply with all requirements contained in the Town of Cedar Bluff Flood Damage Prevention Ordinance in addition to the specific requirements contained in this Zoning Ordinance.
- B. **Maximum Percentage of Lot Covered by Impervious Surfaces:**  
Twenty (20) percent.

**SECTION 14 - LR: LAKEFRONT RECREATIONAL ZONE**

- 14.1 ***District Intent.*** The purpose of this “overlay zone” is to impose special standards and restrictions to govern recreational use and development in areas governed by the Alabama Power Flood Easement along the shores of Weiss Lake that will balance private property rights with the need to protect and enhance the aesthetic quality of the lakefront. An “overlay zone” imposes special development requirements and restrictions in addition to the provisions of the underlying regular zoning district. Where the requirements of this district conflict with the requirements of an underlying regular zoning district or with other applicable ordinances and regulations, the more restrictive requirements shall be followed.
- 14.2 ***Boundaries.*** The boundaries of the LR: Lakefront Recreational Zone shall encompass all areas of Cedar Bluff lying within the Alabama Power Flood Easement along the shores of Weiss Lake.
- 14.3 ***Review by Alabama Power.*** All proposed land uses and development activity that is located within the LR: Lakefront Recreational Zone shall be approved by Alabama Power *prior* to the issuance of a zoning permit from the Enforcement Officer. All property owners in the LR: Lakefront Recreational Zone shall furnish written documentation of Alabama Power approval of the specific land uses or development activities proposed for the subject property as an attachment to the Zoning Permit application.
- 14.4 ***Permitted Uses.*** The following uses shall be permitted within the LR: Lakefront Recreational Zone.
- A. Campers and Recreational Vehicles occupied on a seasonal basis only.
  - B. Campgrounds and Recreational Vehicle Parks.
  - C. Cultivation of agricultural crops, provided that such activities comply with all applicable Best Management Practices promoted by the U.S. Department of Agriculture.
  - D. Harvesting of timber, provided that such activities comply with all applicable Best Management Practices promoted by the U.S. Department of Agriculture, and no clear cutting of land shall occur within one hundred fifty (150) feet of the mean high water mark of Weiss Lake.
  - E. Public or private parks, playgrounds, community buildings, and similar public service facilities serving residential areas.

- F. Public utility structures and lands, provided that there is no outside storage area and a natural or landscaped buffer not less than twenty (20) feet in width is provided for the side and rear yards.
- G. Public or private golf course.
- H. Cemeteries, provided that no grave sites shall be located within a floodway.
- I. Boat docks and boat houses, as accessory uses to a residential use.

14.5 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** Five thousand (5,000) square feet.
- B. **Minimum Front Yard Setback:** Twenty (20) feet from the edge of the right-of-way line.
- C. **Minimum Distance Between Structures:** Ten (10) feet.
- D. **Minimum Setback from the Mean High Water Mark of Weiss Lake:** Twenty (20) feet . All required lakefront setback areas shall be maintained in a natural vegetated state.
- E. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Twenty (20) percent.
- F. **Maximum Structure Height:** Fifteen (15) feet.

14.6 ***Special Requirements.*** In order to ensure public safety and protection of personal property and to protect the aesthetic qualities of the Weiss Lake shoreline, the following special requirements shall be satisfied by all land use activities within the LR: Lakefront Recreational Zone.

- A. All seasonal homes shall be maintained in an immediately transportable or moveable condition. No permanent buildings or additions to seasonal homes shall be permitted.
- B. All seasonal homes shall be oriented on the lot so that the tow bar or windshield of the home faces the adjoining street or is on the opposite side of the structure from the lakeshore.

- C. Any clothes lines or external accessory improvements shall be located within a side yard and shall be located in such a manner as to minimize their visibility from either the lake or the adjoining street. No barbecue pits or other cooking apparatus designed to support an open flame shall be located within ten (10) feet of a residential structure.
  
- D. No on-site septic systems and external temporary sewage holding tanks shall be permitted on any land within the LR: Lakefront Recreational Zone. All sewage shall be contained in a holding tank within or immediately attached to the residential structure and shall be properly disposed at an off-site sewage treatment facility.



**ARTICLE VI  
ADMINISTRATIVE AND ENFORCEMENT GUIDELINES**

**SECTION 1 - ZONING PERMIT REQUIRED**

No construction, renovation (except repairs, not changing the character of the structure and not exceeding \$1,000.00 in cost or value, or painting and wallpapering), reconstruction, or development activity governed by this Ordinance shall be conducted prior to the issuance of a Zoning Permit by the Enforcement Officer.

**SECTION 2 - GENERAL ADMINISTRATION**

2.1 *Enforcement Officer.* The provisions of this Ordinance shall be administered and enforced by a Town official appointed by the Town Council. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of building or premises necessary in carrying out his duties in the enforcement of this Ordinance.

2.2 *Invalid Permits.*

- A. No zoning permit, building permit, certificate of occupancy, or business license, or any other permit or license shall be issued by any Town department, official, or employee except in full compliance with this Ordinance.
- B. Any permit or license issued by any Town department, official, or employee, where issued in conflict with or violation of any terms of this Ordinance or other applicable codes or ordinances, shall hereby be declared null and void.

2.4 *Approval of Plans and Issuance of Zoning Permit.*

- A. The Enforcement Officer shall not issue a zoning permit for any proposed construction or development activity until an application and accompanying plans or documentation has been filed and reviewed in conformance with this Ordinance. To this end, the Enforcement Officer shall require that every application for a zoning permit for excavation, construction, use of land, moving, or alteration be accompanied by appropriate documentation of compliance with all other applicable codes, ordinances, and regulations and a map or plat drawn to scale and showing the following in sufficient detail to enable the Enforcement Officer to ascertain whether the proposed excavation, construction, use of land, moving, or alteration is in conformance with this Ordinance:
  - 1. The actual shape, proportion, and dimensions of the lot to be built upon.
  - 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.

3. The existing and intended use of all such buildings or other structures.
  4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or the adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
  5. The locations of all existing zoning district boundaries that apply to the lot.
- B. If the proposed excavation, construction, moving, or alteration as set forth in the application are in conformity with the provisions of this Ordinance and other Town codes, the Enforcement Officer shall issue a zoning permit accordingly. The issuance of a zoning permit shall, in no case, be construed as waiving any provision of this Ordinance.
- C. If the application is rejected, the Enforcement Officer shall state in writing on the application the reason for rejection.

#### *2.5 Certificate of Occupancy Required.*

- A. No land or building or other structure or part thereof hereafter constructed, moved, or altered in accordance with a zoning permit shall be occupied until the Enforcement Officer has issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.
- B. Within three (3) regular business days after the owner or his agent has notified the Enforcement Officer that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Enforcing Officer to make final inspection of the development site, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance and other Town codes.
- C. If a Certificate of Occupancy is denied, the Enforcement Officer shall state in writing the reason for rejection.

### **SECTION 3 - TEMPORARY LAND USES**

- 3.1 Temporary uses, as set forth below, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the districts within which they are proposed for location. The Enforcement Officer is authorized to issue a Temporary Certificate of Zoning Compliance for any of the following temporary uses:
- A. Carnival, circus, or fair in any commercial district, for a period not to exceed 21 days, subject to the approval of the Town Council.

- B. Religious meeting in a tent or other temporary structure in any district, for a period not to exceed 60 days.
  - C. Open lot sale of Christmas trees in any district, for a period not to exceed 45 days.
  - D. Real estate sales office in any district, for a period not to exceed one (1) year, provided that such office is placed on the property to which it is appurtenant.
- 3.2 All Temporary Certificates of Zoning Compliance may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

**SECTION 4 - VIOLATION PROCEDURES**

Where a violation of the requirements of this Ordinance has been identified, either by complaint or by Town staff inspection, the following procedures shall be followed.

- 4.1 *Investigation.* If a complaint is received regarding an alleged violation of this Ordinance, the Zoning Enforcement Officer shall investigate the complaint and document the extent of the violation.
- 4.2 *Initial notification of violation.* Once a violation has been confirmed and documented by investigation, the Zoning Enforcement Officer shall issue a stop work order (if applicable) and/or prepare a letter to the owner of record of the property stating the nature of the violation, the date that the violation was verified, and requiring that the property owner cure the violation within a specified number of days from the date that the letter was mailed. The deadline for correction of the violation shall be established by the Zoning Enforcement Officer with due consideration and respect for the nature of the violation, the amount of work necessary to correct the violation, and the need for expeditious remedy of the violation to prevent undue public impacts. However, in no instance shall the deadline for correction of the violation be less than fifteen (15) days nor more than thirty (30) days from the date that the letter was mailed. The letter also shall state that the owner must correct the violation, or the Town will issue a citation. Finally, the letter shall afford the offending property owner an opportunity to schedule a meeting with the Zoning Enforcement Officer within five (5) business days to discuss objections to the violation or to make special arrangements to cure the violation. Such notification letter shall be sent to the property owner via certified mail, return receipt requested. The Town may, at the discretion of the Zoning Enforcement Officer, send a copy of the letter to the developer or tenant of the property (as the case may be) by first class mail.
- 4.3 *Re-inspection.* The Zoning Enforcement Officer shall, at the expiration of the prescribed deadline for correction of the violation, re-inspect the property for compliance with the notification of violation.

- 4.4 *Notice of citation.* If, upon re-inspection, the Zoning Enforcement Officer confirms that the violation has not been cured as ordered, the Zoning Enforcement Officer shall prepare a notice of citation, which shall be sent to the offending property by certified mail, return receipt requested. The notice shall state the date upon which the initial violation was confirmed, the nature of the violation (including references to the specific code provisions that have been violated), the required corrective measures, the dates upon which the initial notification of violation was sent and received, the time frame afforded to the property owner for correction of the violation, the date that the failure to correct the violation was confirmed, and the amount of the applicable fine, which shall be calculated from the date of citation and full payment of which shall constitute an additional remedial action for correction of the violation. The notice also shall require the property owner to fully correct the violation within ten (10) days of the date of citation, or the owner will be required to appear before the Municipal Court, at a time and date to be determined by the Municipal Court, to answer the charge of violation as explained in the notice of citation.
- 4.5 *Court action.* If the Zoning Enforcement Officer confirms that the violation has not been cured within the time frame specified in the notice of citation, the Zoning Enforcement Officer shall file a written complaint for relief of the violation with the Municipal Court.

**ARTICLE VII  
BOARD OF ADJUSTMENT**

**SECTION 1 - CREATION**

A Board of Adjustment is hereby established. The appointment, procedure, powers, and action of said Board of Adjustment shall be governed and controlled by Title 11, Chapter 52, Article 4, Section 80, Code of Alabama 1975, as amended.

**SECTION 2 - COMPOSITION AND APPOINTMENT**

The Board of Adjustment shall consist of five members, each to be appointed for a term of three years, except in the first instance as provided by law. In addition, two supernumerary members shall be appointed to serve on the Board at the call of the Chairman in the absence of regular members. Such supernumerary members shall be appointed to serve three year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term become vacant.

**SECTION 3 - PROCEDURES OF THE BOARD OF ADJUSTMENT**

- 3.1 *Bylaws.* The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other time as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be opened to the public.
- 3.2 *Records.* The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep the records of its examination and other official actions, all of which shall be of public record and be immediately filed in the office of the Town Clerk.

**SECTION 4 - APPEALS TO THE BOARD OF ADJUSTMENT**

Appeals to the Board of Adjustment may be filed by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the enforcing officer. Such appeal and subsequent hearing of the appeal by the Board of Adjustment shall proceed as established by Section 80 of Title 11 of the Code of Alabama 1975, as amended, and by the rules of the Board.

**SECTION 5 - POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT**

- 5.1 *Administrative Review.* To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by the enforcing officer in the enforcement of this Ordinance.

- 5.2 *Special Exceptions.* To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance.
- 5.3 *Variances.*
- A. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating all of the following:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  3. That special conditions and circumstances do not result from the actions of the applicants or the legal owners of the property.
  4. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- B. No variance may be granted for a use of land or building or structure that is not permitted by this Ordinance.
- C. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- 5.4 *Decisions of the Board of Adjustment.* In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the enforcing officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

**SECTION 6 - APPEALS FROM ACTIONS BY THE BOARD OF ADJUSTMENT**

Any interested party who is aggrieved by any action or decision of the said Board of Adjustment may make an appeal therefrom as provided by law.



**ARTICLE VIII  
AMENDMENTS**

**SECTION 1 - PROCEDURES**

The regulations and the number, area, and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the Town Council, but no amendment shall become effective unless and until it is first submitted to the Town Planning Commission for its recommendation. The Planning Commission, upon its own initiative, shall hold public hearings, public notice of which shall be provided, for the consideration of any proposed amendment to the provisions of this Ordinance or to the Zoning Map of Cedar Bluff, and report its recommendations to the Town Council. The provisions of Section 78 of Title 11 of the 1975 Code of Alabama, as the same may be amended, shall apply to all changes and amendments.

**SECTION 2 - AUTHORIZED PETITIONERS**

A petition for amendment of this Ordinance or the zoning district boundaries may be initiated by the Town Council, the Planning Commission, or the owner of a property or his agent.

**SECTION 3 - PETITION FOR AMENDMENT**

A petition for amendment, when initiated by the property owner or authorized agent of such owner, shall meet the application requirements of this section.

3.1 Any persons, firm, or corporation desiring to petition for rezoning under the authority of this section must present such petition to the Enforcement Officer in writing, at least ten (10) regular business days prior to the Planning Commission hearing. The petition shall be accompanied by the following information and materials:

- A. Name, signature, and address of the property owner and agent of the property owner, if any.
- B. 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.
- C. Present and proposed zoning and land use of the property under consideration.
- D. Reason for the rezoning request.
- E. A site plan, drawn to scale and dimensioned, showing the size and location of the property boundaries, public right-of-ways, and the proposed use and development layout.

- F. A certified check, payable to the Town of Cedar Bluff in the amount of \$25.00 minimum (any additional cost above the minimum will be borne by the applicant).

#### **SECTION 4 - PLANNING COMMISSION ACTION**

- 4.1 *Notice of public hearing.* Where a zoning amendment or rezoning is petitioned by a property owner, the Town Clerk shall post, at least six (6) days prior to the date of the scheduled planning commission hearing, a public hearing notice regarding the proposed rezoning in four (4) conspicuous places within the Town. The notice shall state the following information:
  - A. The name of the petitioner.
  - B. The location of the property and the nature of the petition.
  - C. The current and proposed zoning and land use of the property.
  - D. The time, date, and location of the Planning Commission hearing of the proposed zoning amendment.
- 4.3 *Scheduling of hearing.* 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.
- 4.4 *Planning Commission recommendation.* The Planning Commission, by majority vote, shall recommend approval or denial of the requested zoning amendment or rezoning. Once a recommendation has been approved, the Planning Commission report its recommendations and the findings thereof to the Town Council. The Planning Commission report shall be transmitted to the Town Council within 30 days of the hearing, unless an extension period is granted by the Town Council. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission. To obtain an extension period from the Town Council, the Planning Commission shall entertain a motion to request such extension then shall immediately forward such request to the Town Council for consideration at the next regularly scheduled Town Council meeting.

#### **SECTION 5 - TOWN COUNCIL ACTION**

- 5.1 *Scheduling of public hearing.* Upon receipt of the recommendation of the Planning Commission, the Town Council shall schedule a public hearing on the proposed amendment at the next regularly scheduled Town Council meeting.
- 5.2 *Public hearing notice.* At least 15 days in advance of the passage of the amendment to the Zoning Ordinance, a notice of a public hearing on the proposed amendment shall be posted

in full in four (4) conspicuous places within the Town, together with a notice stating the time and place that the amendment is to be considered by the Town Council 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 amendment. The Town Council shall hold a public hearing at the first regularly scheduled meeting after compliance with the notice requirements of this Ordinance.

- 5.3 *Approval or denial.* After the public hearing on a rezoning petition or proposed amendment to the zoning ordinance, the Town Council shall vote to approve or deny the amendment. Failure by the Town Council to vote in favor of a proposed amendment shall constitute denial of the amendment without a formal vote.

**SECTION 6 - TIME LIMIT**

After the Town Council has voted on an application for rezoning or other amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the Zoning Ordinance, will not be considered until a period of one (1) year has elapsed from the date of such action by the Town Council. Provided, however, that the Town Council may adjust this time period, if in the opinion of a majority of the Town Council an unusual situation or circumstance exists.

**SECTION 7 - INITIAL ZONING OF ANNEXED PROPERTY**

- 7.1 *Application for zoning.* An application for zoning of property to be annexed shall accompany each petition for annexation. The application for zoning shall be made on a form available from the Town Clerk and be filed with the Town Clerk at least ten (10) regular business days prior to the Planning Commission hearing. The Town Clerk shall transmit such petition and application to the Planning Commission, which shall hold a public hearing and give notice of such hearing in accordance with the notice requirements in Subparagraph 4.1 (Notice of public hearing) of this Article.
- 7.2 *Planning Commission action.* The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after submission and acceptance of the application. The Planning Commission, by majority vote, shall report its recommendations to the Town Council as to whether the property to be annexed should be brought into the Town in the zoning district requested by the applicant or, if the Planning Commission believes the requested zoning designation to be inappropriate, in the RR - Rural Residential Zoning District. The Planning Commission report shall be transmitted to the Town Council within thirty (30) days of the hearing date, unless the Town Council grants an extension of such period. Otherwise, the zoning classification requested by the applicant shall be deemed to have been recommended by the Planning Commission.
- 7.3 *Town Council action.* Upon receipt of the recommendation of the Planning Commission, the Town Council shall schedule and hold a public hearing on the recommended zoning of the

property to be annexed. Such hearing shall not be held until the Town Council has annexed said property into the Town, but may be conducted immediately following adoption of the annexation ordinances. The Town Council shall give public notice of the hearing on the recommended zoning in accordance with Subparagraph 5.2 (Public hearing notice) of this Article. Following such hearing, the Town Council shall decide by majority vote to accept or reject the recommended zoning. If the recommended zoning is accepted, such property shall be added to the Cedar Bluff Zoning Map. If the recommended zoning is rejected, such ordinances shall be remanded to the Planning Commission for reconsideration.

7.4 *Planning Commission reconsideration.* If the Town Council rejects the zoning recommended by the Planning Commission, the Planning Commission, within thirty (30) days following annexation, shall review the zoning of the newly annexed property and, if determined necessary, initiate a petition to rezone the property to the most appropriate district, in accordance with Section 3 (Petition for Amendment) of this Article. No fee shall be paid by the applicant for any reconsideration and rezoning action by the Planning Commission conducted in accordance with this Subparagraph. In determining the most appropriate zoning, the Planning Commission shall duly consider the following minimum items:

- A. The Cedar Bluff Comprehensive Plan, as adopted by the Planning Commission, as well as other relevant land use and planning studies;
- B. The desires of the property owner subject to rezoning, as well as concerns of adjacent property owners;
- C. The purposes and considerations of zoning, as required by this ordinance and Section 11-52-72 of the Code of Alabama, as amended.

7.5 *Action on Planning Commission petition.* The Planning Commission and Town Council shall act on the Planning Commission petition to rezone the newly annexed property in accordance with the procedures set forth in Sections 4 and 5 of this Article.

## **SECTION 8 - SPECULATIVE REZONINGS**

The Town of Cedar Bluff discourages the use of rezonings as a strategy to increase speculative land value, where the applicant has no actual or immediate intent to develop in accordance with the rezoning. Rezoning is intended to grant the applicant an opportunity to exercise appropriate alternative development options in situations where development in compliance with existing zoning is not possible or practicable, as long as the proposed uses are consistent with the Comprehensive Plan and the character of the surrounding area. The granting of this privilege by the Town carries with it a good faith expectation that the proposed development will occur in a timely and deliberate manner. Therefore, when the Town Council grants approval of a rezoning, the applicant should acquire a zoning permit or final plat approval (whichever is applicable) and commence construction activities in compliance with that permit or approval within one (1) year of the date upon which the

rezoning is approved. If such actions have not been taken within the specified time frame, the Planning Commission may initiate actions to further rezone the subject property and/or to reinstate the original zoning classification.

## **ARTICLE IX LEGAL PROVISIONS**

### **SECTION 1 - CONFLICTS WITH OTHER ORDINANCES**

Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. Whenever the requirements of this ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern, unless otherwise specifically stated in this Ordinance. No certificate of zoning compliance or plat approval shall be issued or considered valid for any use or activity which is or would be otherwise illegal under the terms of any applicable local, State, or Federal Law. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

### **SECTION 2 - REPEAL OF CONFLICTING ORDINANCES**

All previously adopted zoning ordinances or parts of zoning ordinances that are in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

### **SECTION 3 - 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 4 - VIOLATIONS AND PENALTIES**

Any failure to comply with the applicable requirements of this Ordinance shall constitute a violation of these Regulations under Title 11, Chapter 52, Section 83 of the Code of Alabama, 1975, as amended. Any such violation shall be punishable by a fine of up to five hundred dollars (\$500.00) and or imprisonment of not more than six (6) months, as provided in accordance with Title 11, Chapter 45, Section 9 of the Code of Alabama, 1975, as amended. Where such a violation has been confirmed to exist by the Enforcement Officer, the violation shall be cured in accordance with the administrative procedures outlined in Article VI, Section 4 of these Regulations.

### **SECTION 5 - RESTRICTIVE COVENANTS AND BYLAWS**

A property owner may impose bylaws, covenants, and deed restrictions upon any private property. Once any such bylaws, covenants, and deed restrictions have been recorded, they can be administered only by the owner of the property, and they may be enforced only by private legal action through a court of competent jurisdiction. The Town of Cedar Bluff and the Cedar Bluff

Planning Commission is in no way liable for and assumes no responsibility to approve, enforce, amend, or administer any duly adopted or recorded bylaws, covenants, and deed restrictions. Furthermore, advance knowledge by the Town prior to Final Plat approval that any such bylaws, covenants, and deed restrictions will be imposed by the land owner shall in no way constitute implied authority or responsibility to approve, enforce, amend, or administer any subsequently adopted or recorded restrictive covenants or bylaws. Finally, no such authority shall be implied by the granting of a zoning permit for any development activity on a property for which special bylaws, covenants, or deed restrictions have been or will be imposed.

#### **SECTION 6 - EFFECTIVE DATE**

This Ordinance shall take effect five (5) days from the date of final posting by the Town, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.

**RESOLUTION # \_\_\_\_\_**

**A RESOLUTION RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN ORDINANCE OF THE TOWN OF CEDAR BLUFF, ALABAMA AND ADOPTING THE TOWN OF CEDAR BLUFF ZONING ORDINANCE, JUNE, 1999 AND ZONING MAP FOR THE TOWN OF CEDAR BLUFF, ALABAMA, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS RESOLUTION.**

**WHEREAS**, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the Town Council to enact a zoning ordinance to govern all territory within the corporate limits of the Town of Cedar Bluff, Alabama; and

**WHEREAS**, the Town of Cedar Bluff, Alabama desires to exercise its zoning powers in accordance with Alabama Law; and

**WHEREAS**, the Planning Commission has prepared a zoning ordinance and zoning map for the Town; and

**WHEREAS**, the Cedar Bluff Planning Commission conducted a formal public hearing on \_\_\_\_\_ to receive public comments on the proposed zoning ordinance and zoning map in accordance with Section 11-52-77 of the Code of Alabama, 1975, as amended;

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF CEDAR BLUFF, ALABAMA:**

SECTION 1. That the Cedar Bluff Planning Commission recommends that the Town of Cedar Bluff Zoning Ordinance, June 1999 and accompanying Zoning Map for the Town of Cedar Bluff, Alabama, entitled the Zoning Map of Cedar Bluff, Alabama, attached hereto and made a part hereof, be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

SECTION 2. That the Cedar Bluff Planning Commission recommends that conflicting ordinances and zoning maps adopted previously by the Town Council, be repealed.

SECTION 3. That the Cedar Bluff Planning Commission recommends that the aforementioned zoning ordinance and zoning map become effective five(5) days from the date of final posting in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

**APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Chairman  
Cedar Bluff Planning Commission

\_\_\_\_\_  
Secretary  
Cedar Bluff Planning Commission

**ORDINANCE NO.**

**AN ORDINANCE ADOPTING THE TOWN OF CEDAR BLUFF ZONING ORDINANCE, JUNE, 1999 AND A ZONING MAP FOR THE TOWN OF CEDAR BLUFF, ALABAMA, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the Town Council to enact a zoning ordinance to govern all territory within the corporate limits of the Town of Cedar Bluff, Alabama; and

**WHEREAS**, the Town of Cedar Bluff, Alabama desires to exercise its zoning powers in accordance with Alabama law; and

**WHEREAS**, the Planning Commission has prepared a zoning ordinance and zoning map for the Town; and

**WHEREAS**, the Planning Commission conducted a formal public hearing on the proposed zoning ordinance and map on \_\_\_\_\_ and subsequently adopted a resolution (Resolution # \_\_\_\_\_) recommending adoption by the Town Council of the aforementioned zoning ordinance and zoning map; and

**WHEREAS**, the Town Council conducted a formal public hearing to receive public comments on the proposed zoning ordinance and map on \_\_\_\_\_ as required by Section 11-52-77 of the Code of Alabama, 1975, as amended;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR BLUFF, ALABAMA:**

SECTION 1. That the Cedar Bluff Town Council hereby adopts the Town of Cedar Bluff Zoning Ordinance, June, 1999 and accompanying Zoning Map for the Town of Cedar Bluff, Alabama, entitled the Zoning Map of Cedar Bluff, Alabama, attached hereto and made a part hereof, be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

SECTION 2. That all conflicting ordinances and zoning maps adopted previously by the Town Council, be repealed.

SECTION 3. That the aforementioned zoning ordinance and zoning map become effective five(5) days from the date of final posting in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

**ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Town Clerk

Mayor, Town of Cedar Bluff

\_\_\_\_\_  
Council Member

Council Member

\_\_\_\_\_  
Council Member

Council Member

**CERTIFICATION OF ADOPTION**

I hereby certify that the attached ordinance was duly adopted by the Cedar Bluff Town Council in regular session assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 1996, and is recorded in the official minutes of the Cedar Bluff Town Council.

---

Town Clerk

Official Seal

**CERTIFICATION OF PUBLICATION**

I, \_\_\_\_\_, Town Clerk for the Town of Cedar Bluff, Alabama, hereby certify that this Zoning Ordinance was posted in three public places within the Town, one of which was in the office of the Mayor, and two other public places, beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 1999, in accordance with the provisions of Code of Alabama (1975) Section 11-45-8.

---

Date

Town Clerk

Official Seal



**APPENDIX A**

**FORMS**



**TOWN OF CEDAR BLUFF, ALABAMA**  
**ZONING PERMIT APPLICATION**

All property owners within the Town of Cedar Bluff must apply for and receive a Zoning Permit before undertaking any construction activities, which shall include site preparation and excavation for the construction of new buildings (including accessory or temporary structures), moving any structures onto a property, relocating existing structures on a property, alteration or repair of a structure (excluding painting, interior remodeling, or any alteration or repair activity that will not change the character, size, or position of the structure as it exists on the property). The purpose of this permit process shall be to establish compliance with the Zoning Ordinance prior to the commencement of construction activities. The approval of a Zoning Permit Application by the Enforcement Officer shall not imply or constitute approval of any other applicable permit requirements including, but not limited to, subdivision plat approval, building permits, septic system approval from the Cherokee County Health Department, and wetland permits from the U.S. Army Corps of Engineers. To apply for a Zoning Permit, please complete the following application and return the form with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Cedar Bluff Enforcement Officer at (256) 779-6148 during regular business hours.

**Applicant Information:**

*Name of Applicant:*

*Mailing Address:*

*Business Hours Telephone #: ( \_\_\_\_\_ )*

*Fax # (If available): ( \_\_\_\_\_ )*

**Property Information:**

*Name of Owner(s), if different from above:*

*Street Address of Subject Property:*

*Tax Map & Lot Number of Property:*

*Size of Subject Property: \_\_\_\_\_ [ ] Acres [ ] Square Feet*

*Current Zoning Classification of Subject Property:*

*Does the Subject Property Contain any Existing Structures? [ ] Yes [ ] No*

*Was the Property (if vacant) or Existing Improvements created or constructed prior to the effective date of the Zoning Ordinance? [ ] Yes [ ] No*

**Project Information:**

*Do you propose to: (Please check all activities that apply to your project)*

- Construct a new building or accessory structure on the property?*
- Move a new or used structure onto the property?*
- Construct an addition to an existing building or accessory structure on the property?*
- Move or relocate an existing building or accessory structure to a new location on the subject property?*
- Replace or repair a building or accessory structure that was damaged or destroyed by fire or act of God?*
- Other activity (please explain):*

*Please attach one reproducible copy of a site plan showing the proposed project activities. The site plan must show the entire boundaries of the subject property and must be drawn to scale in ink, preferably by a licensed and certified or registered surveyor, architect, or engineer. For single family residential projects, the required site plan may be drawn to scale on a survey plat contained in a closing document or a copy of the tax map showing the subject property. In addition, the site plan must contain or show the following information as may be applicable to the subject property or project (please contact the Enforcement Officer if you have any question as to whether one or more of the items listed below must be included on your site plan):*

- A. A north arrow.*
- B. A scale bar.*
- C. The length in feet of all property lines.*
- D. The outline of all existing buildings or structures and any proposed buildings, structures, or building additions on the property in their proper locations. (New buildings or additions should be hatched.)*
- E. The shortest distance in feet from all property lines to the closest point on any existing building or accessory structure or proposed new construction on the property.*
- F. The minimum width in feet (between opposing property lines of the property.*
- G. The maximum height in feet of any proposed new structure or addition.*
- H. The location of any existing or proposed street access or curb cut.*
- I. The location of any existing streams, lakes, ponds, or rivers on the property.*
- J. The boundaries of any floodway or 100-year Flood Hazard Area on the property as identified on the applicable Flood Insurance Rate Map.*
- K. Any boundaries of the Alabama Power Flood Easement on the property.*
- L. The outline and location of any existing or proposed septic system and associated leachfield on the property.*

**Certifications:**

*Applicant:*

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer to determine the compliance of the proposed property construction or improvement activities with the Town of Cedar Bluff, Alabama Zoning Ordinance.

\_\_\_\_\_ *Applicant's Signature*  
*Date*

*Property Owner:*

I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer to determine the compliance of the proposed property construction or improvement activities with the Town of Cedar Bluff, Alabama Zoning Ordinance.

\_\_\_\_\_ *Property Owner's Signature*  
*Date*

----- FOR TOWN OF CEDAR BLUFF USE ONLY -----

**Enforcement Officer's Information:**

*Date Filed:*

*Received By:*

*Application Fee Received:* \$ \_\_\_\_\_ [  ] *Cash* [  ] *Check #*

*Date Reviewed:*

*Decision:* [  ] *Application Approved* [  ] *Application Denied*

*Enforcement Officer's Signature:*

**Enforcement Officer's Review Checklist (To be completed by Enforcement Officer Only):**

*Proposed Land Use:*     *Allowed in Zone*     *Not Allowed (Rezoning Required)*

*Lot Size/Area:*     *Complies/Grandfathered*     *Too small (Variance Required)*

*Lot Width:*     *Complies/Grandfathered*     *Too small (Variance Required)*

*Street Frontage:*     *Complies/Grandfathered*     *Too small (Variance Required)*

*Front Yard:*     *Complies/Grandfathered*     *Too small (Variance Required)*

*Side Yard:*     *Complies/Grandfathered*     *Too small (Variance Required)*

*Rear Yard:*     *Complies/Grandfathered*     *Too small (Variance Required)*

*Imperv. Surfaces:*     *Complies/Grandfathered*     *Exceeds limits (Variance Needed)*

*Building Height:*     *Complies/Grandfathered*     *Too high (Variance Required)*

*Special Requirements/Conditions (required buffers, setbacks, etc.):*

*Other Permits/Approvals Required:*

*Approval Conditions (if necessary):*

**TOWN OF CEDAR BLUFF, ALABAMA**  
**REZONING APPLICATION**

Property owners in the Town of Cedar Bluff who wish to request a change in the zoning classification that applies to one or more specific properties must complete a Rezoning Application form. To apply for a rezoning, please complete the following application and return the form with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Cedar Bluff Enforcement Officer at (256) 779-6148 during regular business hours.

**Applicant Information:**

*Name of Applicant:*

*Mailing Address:*

*Business Hours Telephone #: ( \_\_\_\_\_ )*

*Fax # (If available): ( \_\_\_\_\_ )*

**Property Information:**

*Owner(s) of Record:*

*Street Address of Subject Property:*

*Tax Map & Lot Number of Property:*

*Size of Subject Property: \_\_\_\_\_ [ ] Acres [ ] Square Feet*

*Current Zoning Classification of Subject Property:*

*Proposed Zoning Classification of Subject Property:*

*Current Use of Subject Property:*

*Proposed Use of Subject Property:*

*Is the Subject Property Being Considered for Annexation? [ ] Yes [ ] No*

**Supporting Information:**

*Please submit the following items with the Rezoning Application form:*

- [ ] *A written request from the property owner stating the reasons for the rezoning.*
- [ ] *A Certified Check payable to the Town of Cedar Bluff in the amount of \$25.00.*
- [ ] *A reproducible plat or plan drawn to a scale sufficient to clearly show the following items:*
  1. *The actual shape, proportion, and dimensions of the lot(s) proposed to be rezoned.*
  2. *The legal description of the lot.*
  3. *The shape, size, and location of all buildings or other structures existing on the lot and a description of any planned construction, improvement, alteration, or movement of structures.*
  4. *The existing and intended use of all such buildings or structures.*

**Certifications:**

*Applicant:*

**I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Planning Commission, or Town Council to determine the compliance of the proposed property construction or improvement activities with the Town of Cedar Bluff, Alabama Zoning Ordinance.**

\_\_\_\_\_ *Date*                      *Applicant's Signature*

*Property Owner:*

**I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer, Planning Commission, or Town Council to determine the compliance of the proposed property construction or improvement activities with the Town of Cedar Bluff, Alabama Zoning Ordinance.**

\_\_\_\_\_ *Date*                      *Property Owner's Signature*

----- **FOR TOWN OF CEDAR BLUFF USE ONLY** -----

**Enforcement Officer's Information:**

*Date Filed:*

*Received By:*

*Application Fee Received:* \$ \_\_\_\_\_  *Cash*     *Check #*

*Date Reviewed:*

*Enforcement Officer's Signature:*

*Planning Commission Action:*                     *Recommend Approval*  
 *Recommend Denial*

*Planning Commission Findings:*

*Planning Commission Chairman's Signature:*

**TOWN OF CEDAR BLUFF, ALABAMA**  
**PETITION FOR VARIANCE**

Property owners in the Town of Cedar Bluff who desire relief from certain requirements of the zoning ordinance that create a specific hardship for the property owner must file a Petition for Variance. To file a petition, please complete the following form and return it with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Cedar Bluff Enforcement Officer at (256) 779-6148 during regular business hours.

**Applicant Information:**

*Name of Applicant:*

*Mailing Address:*

*Business Hours Telephone #: (\_\_\_\_\_)*

*Fax # (If available): (\_\_\_\_\_)*

**Property Information:**

*Owner(s) of Record:*

*Street Address of Subject Property:*

*Tax Map & Lot Number of Property:*

*Size of Subject Property: \_\_\_\_\_ [ ] Acres [ ] Square Feet*

*Current Zoning Classification of Subject Property:*

*Nature of the Hardship:*

*Nature of Relief Requested by Petitioner:*

**Certifications:**

*Applicant:*

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer or the Board of Adjustment to determine the need for a variance.

\_\_\_\_\_ *Applicant's Signature*  
*Date*

*Property Owner:*

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Enforcement Officer or the Board of Adjustment to determine the need for a variance.

\_\_\_\_\_ *Property Owner's Signature*  
*Date*

----- FOR TOWN OF CEDAR BLUFF USE ONLY -----

**Enforcement Officer's Information:**

*Date Filed:*

*Received By:*

*Amount of Fee Received:* \$ \_\_\_\_\_ [ ] *Cash* [ ] *Check #*

*Date Reviewed:*

*Decision:* [ ] *Petition Approved* [ ] *Petition Denied*

*Board of Adjustment Findings and Conclusions:*

*Specific Relief Granted:*

*Chairman's Signature:* \_\_\_\_\_

*Date:*

**TOWN OF CEDAR BLUFF**  
**ZONING VIOLATION COMPLAINT**

Date of complaint: \_\_\_\_\_ Complaint received by:

Form of Complaint: \_\_\_\_\_ Citizen \_\_\_\_\_ Public Official \_\_\_\_\_ Inspector

Name of Person Filing Complaint: \_\_\_\_\_ Telephone:

Nature of Complaint:

Location:

Probable violation of Article \_\_\_\_\_ Section \_\_\_\_\_, of the Cedar Bluff Zoning Ordinance,  
described as follows:

Referred for inspection to:

Date of inspection:

Inspection findings: \_\_\_\_\_

\_\_\_\_\_ Violation found \_\_\_\_\_ No violation found \_\_\_\_\_ Other:  
Initial action following discovery of violation: \_\_\_\_\_

Notice of Zoning Violation sent on:

\_\_\_\_\_ Other

Follow-up \_\_\_\_\_ inspection \_\_\_\_\_ due \_\_\_\_\_ on

Notes:

**TOWN OF CEDAR BLUFF**  
**NOTICE OF ZONING VIOLATION**

Date of notice

Name of Property Owner  
Mailing address  
City, State, Zip

Dear (Name of property owner):

On (Date of investigation), I investigated and confirmed a violation of the Cedar Bluff Zoning Ordinance on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Zoning Ordinance. I am writing to request that you take action to correct this violation on or before (Specify date by which the violation must be corrected), in order to avoid the issuance of a formal citation and penalty. If you feel that this notice has been issued in error or you feel that an extension to the deadline is necessary, please arrange a meeting with me on or before (Date - five business days after the date of notice). I will be happy to discuss this problem with you in greater detail.

Thank you for your help in addressing this problem. The Town of Cedar Bluff appreciates your cooperation.

Sincerely,

(Signature of Enforcement Officer)  
Enforcement Officer

**TOWN OF CEDAR BLUFF**

**NOTICE OF CITATION**

Date of citation

Name of Property Owner

Mailing address

City, State, Zip

Dear (Name of property owner):

On (Date upon which initial violation was confirmed), I investigated and confirmed a violation of the Cedar Bluff Zoning Ordinance on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Zoning Ordinance. Our records show that the Notice of Violation was sent to you on (Date that the notice was mailed) and received by you on (Date of receipt by property owner) explaining the nature of this violation and requesting that you correct the problem on or before (Deadline for correction of violation specified in the notice of zoning violation).

On (Dated of re-inspection), I performed a follow-up investigation to determine whether or not the violation had been corrected in accordance with the Notice of Zoning Violation. My inspection of the property revealed that the violation has not been corrected in accordance with the Zoning Ordinance. Therefore, the Town of Cedar Bluff is hereby issuing this Citation to you for failure to correct a violation of the Zoning Ordinance. To correct this violation, you must (Specify corrective measures including the amount of the fine that must be paid by the property owner) on or before (Ten days after the date of citation). If this violation is not corrected in full by the aforementioned date, the Town of Cedar Bluff will be obligated to file a written complaint with the Municipal Court for relief. If such a complaint is filed, you will be required to appear before the Municipal Court, at a time and date to be determined by the Court, to answer the charge of violation as explained in this Citation. If you have any questions regarding this violation or the subsequent actions that the Town will take, please do not hesitate to contact me at (Specify contact number and/or e-mail address) during the hours of (Specify business hours).

We appreciate your efforts to resolve this violation as soon as possible. Thank you for your cooperation.

Sincerely,

(Signature of Enforcement Officer)

Enforcement Officer