Zoning Ordinance

CITY OF FLORENCE, ALABAMA

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An ordinance establishing comprehensive zoning regulations for the city of Florence, Alabama, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of the Code of Ala. 1975, Title 11, Chapter 52 (11-52-1 et seq.), and for the repeal of all ordinances in conflict herewith.

Preamble

WHEREAS, Code of Ala. 1975, Title 11, Chapter 52 (11-52-1 et seq.), empowers the city to enact a Zoning Ordinance and to provide for its administration, enforcement, amendment, and

WHEREAS, the Florence City Council deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the city to enact such an ordinance, and

WHEREAS, the Florence City Council, pursuant to the provisions of Code of Ala. 1975, Title 11, Chapter 52 (11-52-1 et seq.), has appointed a Zoning Commission, which Zoning Commission is the Planning Commission of the City of Florence, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Florence Planning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with the comprehensive plan (Master Plan) heretofore made and adopted by the Florence Planning Commission, such regulations being designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Florence Planning Commission has given consideration to the character of the districts and their peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, and

WHEREAS, the Florence Planning Commission has made a preliminary report and submitted its final report to the Florence City Council, and

WHEREAS, the Florence City Council has given due public notice of hearing relating to zoning districts, regulations, restrictions, and has held such public hearing, and

WHEREAS, all requirements of Code of Ala. 1975, Title 11, Chapter 52 (11-52-1 et seq.), with regard to the preparation of the report of the Florence Planning Commission and subsequent action of the City Council have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, ALABAMA, AS FOLLOWS:

Section I. Definitions

A. General Rules

The following general rules shall govern the interpretation of words and phrases used in this ordinance:

The word "person" includes firms, associations, organizations, partnerships, trusts, company or corporations, as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The words "used or occupied" include the words "intended, designed, or arranged to be used or occupied.

The words “erected or altered” include the words “constructed, reconstructed, restored, extended or structurally altered”.

B. Words and Phrases

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

Abutting. The condition of adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only on a corner or corners.

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

Adjoining Property Owner. Property that touches or is directly across a street, private street or access easement, or right-of-way from the subject property.

Alabama Department of Environmental Managements (ADEM). ADEM is the state agency responsible for administering all federal environmental laws in the state.

Accessory Dwelling Unit. A detached accessory building used to house guests of occupants of the principal building.

Accessory structure. A detached subordinate building located on the same building site with the main building the use of which is incidental to that of the main building.

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

Alley. Any public space or thoroughfare twenty (20) feet or less in width which has been dedicated or deeded for public use.

Alteration. Any structural change in the supporting or load-bearing members of a building such as bearing walls, columns, beams or girders.

Applicant. The owner and/or developer of land proposed to be developed or a person designated in writing by the legal owner as their representative.

As-built Plans. A post construction record providing details of construction and reflecting all changes in the engineering plans during the course of the development's construction.

Bed and Breakfast. An owner-occupied, transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public in which the only meal served to guests is breakfast.

Best Management Practices Plan (BMP). A BMP is a method of reducing the amount of pollution from non-point sources to a level acceptable with state and local water quality standards for a specific site. It may include a specific method or a combination of methods designed to achieve this result. The BMP considers the site conditions, including topography, soil type, and other characteristics of the site.

Boarding House. A building arranged or used for lodging for compensation with or without meals, and not occupied as a single-family unit.

Buildable area. The portion of a building site remaining after required yards have been provided.

Building. Any covered structure intended for the shelter, housing or enclosure of persons, animals or chattels.

Building height. The vertical distance from grade to the highest finished roof surface in the case of flat (or nearly flat) roofs, or to a point at the average height of roofs having a pitch of more than three (3) feet in twelve (12) feet.

Building Official. The officer charged with the administration and enforcement of these regulations.

Building setback line. The line indicating the minimum horizontal distance between the street line and the face of buildings.

Build-to Line. An alignment established a certain distance from the curb line to a line along which the building shall be built. Front porches and handicap ramps may be exempt from build-to line requirements but must occur behind the property line. There shall be designated a minimum build-to Line and a maximum build-to line with a maximum distance between of five (5) feet in which the part of the structure nearest the street or access easement will be served. Build-to lines may be allowed in Planned Unit Developments, new subdivisions, or commercial developments by approval of the Planning Commission and in some cases, the City Council.

Buffer strip. An area of land, which may include landscaping, walls, fences, and berms that is located between land uses of different character to physically and visually separate such uses and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

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

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

City Council. The chief legislative body of the City of Florence.

City Engineer. The city engineer is responsible for supervising the execution of all contracts with the city for the improvement of streets, sidewalks, parks, bridges, and storm sewer systems in the city.

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

Clubs, private. A corporation or association; profit or non-profit

Completely enclosed structure. A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Conditional Overlay District. An overlay zone that may be required by the Planning Commission and City Council to provide for additional regulation of commercial, industrial, or residential uses of land and structures in order that uses and development of said land, buildings and structures will be harmonious and compatible with and not have an undesirable or detrimental impact on surrounding development.

Congregate Living Facilities. A building or part thereof that containssleeping units where residents share bathroom or kitchen facilities or both.

Convenience store. A store principally operated for the retail sale of gasoline dispensed solely by the purchaser and/or an assortment of container food items, refrigerated food items stored in display coolers, tobaccos, toiletries, and other convenience items.

Dead storage. The keeping of goods not in active use for residential, business, or industrial purposes.

Development. The act of installing site improvements and building structures.

Drugstore. A drugstore containing a minimum of five thousand (5,000) square feet principally operated for the sale of prescription drugs, over-the-counter drugs, and toiletries.

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

Dwelling, single-family. A residential dwelling unit, other than an apartment or a mobile home, designed for or occupied by one family only.

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

Dwelling, multi-family. A residential building designed for or occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Easement. A grant by the owner for the use of a strip of land by others for specific purposes (i.e.: utility or drainage). Drainage easements shall be specifically identified as drainage easements. If there are other utilities within the drainage easement, it shall be designated as a drainage and utility easement.

Engineer. A licensed professional engineer in the State of Alabama who serves as an agent for the applicant and/or developer and provides engineering and construction services during site development.

Engineering plans. The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

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

Fifty-year frequency rainstorm. A rainstorm with a two percent (2%) chance of being equaled or exceeded in any given year.

Gourmet food shop. A shop or store principally operated for the sale of containerized, epicurean food items and may include dairy products and fresh fruits.

Grocery store. A store principally operated for the sale of a large variety of diversified container foods, produce, and the cutting and preparation of meats by an on-premises butcher.

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

Guest House. An attached or detached accessory building used to house guests of the occupants of the principal building and which is never separately leased or offered for rent.

Guest Room. A room used or intended to be used by one or more guest for living or sleeping purposes.

Home occupation. A Home occupation is an occupation for gain or support conducted in a dwelling unit only by members of a family residing in the dwelling unit and not including the employment of any additional persons. The occupation is incidental to the residential use of the dwelling unit and does not utilize more than twenty-five (25%) percent of the floor area, and no part of the occupation is conducted in an accessory building. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

There shall be no sign and no visible evidence of the conduct of a home occupation. Home Occupations shall be regulated in accordance with Section IV-100 of these regulations.

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

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

Improvements. Street surfacing, with curb, gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities, and monuments, detention basins, hydrants, required open spaces, street-trees, etc.

Lodging House. A one-familyy dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms. Owner-occupied lodging houses with five or fewer guest rooms shall be permitted to be constructed in accordance with the International Residential Code.

Main stream. A stream on which floods are controlled by the Tennessee Valley Authority's reservoir system, or a stream which has the channel capacity adequate to accommodate the ten-year frequency rainstorm without overflow as determined by the city engineer.

Manufactured home. A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. section 5401, et seq. The definition at the date of adoption of this part is as follows:

> "Manufactured home" means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected with required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all of the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title. References herein to manufactured home or manufactured houses shall refer solely to manufactured homes designed for occupancy by a single-family unit.

Master Plan. The comprehensive plan made and adopted by the Florence City Planning Commission for the physical development of the City of Florence and surrounding area; the term includes any unit or component part of such plan separately adopted and any amendment to such plan or part thereof.

Mobile home. A mobile home is a single-family structure constructed prior to June 15, 1976, designed for occupancy by a single-family unit complying in all respects with the definition of a manufactured home herein.

Mobile home park. A plot of ground containing a minimum of eight (8) acres on which a minimum of fifty (50) mobile homes sites are located for long-term occupancy (for periods of thirty [30] days or more) for use as dwellings. Mobile home parks shall not be occupied by travel trailers. Mobile home parks must be developed in accordance with the Subdivision Regulations of the City of Florence.

Municipal or Municipality. The City of Florence and, where appropriate to the context, that area lying within the corporate limits of such city as such corporate limits exist or may exist in the future.

National Pollutant Discharge Elimination System (NPDES). The National Pollutant Discharge Elimination System program was created by the Federal Government to control point discharges of water pollution.

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

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

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

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

Pharmacy. An establishment principally operated for the sale of prescription drugs.

Planned Unit Development (PUD). A flexible development option under which land can be subdivided, developed, or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of these regulations. A PUD is site plan specific allowing controlled mixed land use under one zoning classification and prepared under design review guidelines. The Planning Commission and City Council must approve a PUD proposal.

Planning Commission. The Florence City Planning Commission, as such commission, was created heretofore by ordinances adopted by the City of Florence, pursuant to Title 11, Chapter 52, of the Code of Alabama, 1975, as amended.

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

Recreational vehicle park. Any plot of ground on which two (2) or more travel trailers are located for short-term (less than thirty [30] days) occupancy during travel, recreational or vacation use. Trailer parks shall not be occupied by any travel trailer for thirty (30) days or more nor by any mobile home.

Restaurant. A structure in which the principal use is the preparation and sale of food and beverages. The following types of Restaurants may be permitted in the City of Florence.

Carry-out/Take-out/Delivery

Establishments where food is usually ordered by telephone and prepared on the premises, primarily for consumption off the premises. There is limited or no seating provided on the premises. The establishment may deliver food to the customer, or the customer may pick food up.

Drive-in

A building and adjoining parking are used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the patrons. Services are effected principally while patrons remain in their vehicles.

Fast-food

Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed. Customer pays for food prior to consumption and orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic. Typically, self-service condiment bar is utilized and trash receptacles are provided for self-service bussing. Consumption may be either on or off the premises.

Full Menu *

An establishment maintained, operated, and/or advertised or held out to the public as serving a diversified selection of food on demand from a menu during stated business hours in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building.

Although the primary serving area is located completely within the building, an extended service area may be permitted outside the facility in an area which functions as an extension of the principal use of the private property of the restaurant. This extended service area is not located in a completely enclosed building and may encompass an outdoor, patio-seating area open to the sky except that it may have awnings, umbrellas, or building overhang and shall be used exclusively for dining and circulation therein.

Upon approval by the City Council, in B-3 and SD zones only, an extended service area may also include the sidewalk area of a public right-of-way, which is normally adjacent to a street. The City Council may set forth any conditions deemed necessary for utilization of a sidewalk area for extended service for the health, safety and welfare of pedestrian and/or vehicular traffic as well as the surrounding businesses.

Specialty Menu *

An establishment maintained, operated, and/or advertised or held out to the public as serving a specialty or limited selection of food on demand from either table service with a printed menu or counter service placing order from a menu-board during stated business hours in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building.

Although the primary serving area is located completely within the building, an extended service area may be permitted outside the facility in an area which functions as an extension of the principal use of the private property of the restaurant. This extended service area is not located in a completely enclosed building and may encompass an outdoor, patio-seating area open to the sky except that it may have awnings, umbrellas, or building overhang and shall be used exclusively for dining, and circulation therein.

Upon approval by the City Council, in B-3 and SD zones only, an extended service area may also include the sidewalk area of a public right-of-way, which is normally adjacent to a street. The City Council may set forth any conditions deemed necessary for utilization of a sidewalk area for extended service for the health, safety and welfare of pedestrian and/or vehicular traffic as well as the surrounding businesses.

**Alcohol sales may be permitted only in Full Menu and Specialty Menu Restaurants and are subject to Chapter 3, Alcoholic Beverages, of the Municipal Code.*

Roadway. The portion of a street available for vehicular traffic where curbs are laid including the portion between curbs.

Rooming or boarding house. A building where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

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

Sidewalk. The portion of a street or cross-walkway, paved or otherwise surfaced, intended for pedestrian use.

Storm-water Pollution Prevention Plan (SWPPP). The Storm-water Pollution Prevention Plan is the program by which the city monitors new construction to ensure compliance with the requirements of the city's Phase II NPDES Storm-water Permit Application.

Street. A public right-of-way which provides access to adjacent properties.

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

Street-trees. Trees currently located or required to be planted within the right-of-way of local streets, collector streets, major streets, or highways; planted in a linear fashion and provide spatial enclosures as well as other technical and aesthetic benefits, and are a tree species which is listed on the current street tree list.

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

Surveyor. A licensed professional surveyor in the State of Alabama who serves as an agent for the applicant and/or developer and provides land surveying services during site development.

Ten-year frequency rainstorm. A rainstorm with a ten percent (10%) chance of being equaled or exceeded in any given year.

Traffic calming. The Institute of Transportation Engineers (ITE) defines traffic calming as measures that involve "changes in street alignment, installation of barriers, and other physical measures to reduce traffic speeds and/or cut-through volumes in the interest of street safety, livability, and other public purposes."

Traffic control plan. If required, a traffic control plan shall be included with the engineering plans. This plan provides details for allowing the contractor to work safely during the construction of all public improvements for the site while still allowing the safe and efficient flow of traffic.

Traffic plan. A traffic plan shall be included with the engineering plans. The plan will show all traffic control features on the proposed public rights-of-ways, including, but not limited to "Stop," "Yield," speed limit, street name signs, and any traffic calming measures.

Transient. Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

Twenty-five-year frequency rainstorm. A rainstorm with a four percent (4%) chance of being equaled or exceeded in any given year.

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

(1) Ordinary projections of sills, belt courses, cornices, buttresses, eaves and similar architectural features, and necessary mechanical features may project not more than two (2) feet into any yard; and

(2) Open fire escapes may extend not more than three and one-half (3½) feet into any yard.

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

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

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

Section II. General Regulations

A. Application of District Regulations

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall hereafter be erected altered or moved except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:

a. To exceed the height or bulk;

b. To accommodate or house a greater number of families;

c. To occupy a greater percentage of building site area;

d. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.

3. No part of a yard or other open space or off-street parking or loading space required about or in connection with any structure for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or building site existing on the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or building sites created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

5. Every principle building hereafter erected, altered or moved shall have provided and continuously maintained for it a separate building site as herein defined.

B. Provisions Declared to be Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards, shall govern.

C. Official Zoning Map

The City of Florence and it's Extraterritorial Zoning Jurisdiction (*Alabama Act 2135, H.2612, October, 1971*) is hereby divided into zones, or districts, as shown on the Official Zoning Map, as amended, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning Map is maintained and displayed in the City Planning Department at City Hall.

A. *Changes in Map*. If, in accordance with the provisions of this ordinance and applicable state laws, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, then such changes shall be shown on the Official Zoning Map promptly after the amendment effecting such changes has been adopted.

B. *District Boundaries*. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

a. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;

b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

c. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

d. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

e. Boundaries indicated as parallel to or extensions of features indicated in (a) through (d) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

f. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by (a) through (e) above, the Board of Zoning Adjustment shall interpret the district boundaries;

g. In the case of a street vacation, where a district boundary is indicated as following the right-of-way line at the edge of the street, such boundary shall be construed as moving to the centerline of the street.

D. Annexed Territory and Extraterritorial Zoning Jurisdiction Areas

All territory which may hereafter be annexed to the city or any area placed under the extraterritorial zoning jurisdiction of the city shall be considered to be an R-1 District, Single-Family Residence District / Conventional lots, until otherwise classified through a proper rezoning.

Section III. District Regulations

A. General Provisions

Creation of Districts. For the purpose of this ordinance, the city and its zoning jurisdiction is divided into the following districts:

R-1 District: Single-Family Residence /Conventional Lots

R-2 District: Single-Family Residence /Small Lots

R-3 District: Multi-Family Residence

R-B District: Residence-Business

B-1 District: Neighborhood Business

B-1 H District: Neighborhood Business / High Impact

B-2 District: General Business

B-3 District: Central Business

H-1 District: Florence Harbor

SD District: Sweetwater

FAR District: Floodway-Agricultural-Recreational

I-1 District: Light Industry

I-2 District: Heavy Industry

CO District: Conditional Overlay

PUD District: Planned Unit Development

Districts and Other Regulations. The regulations relating to each type of district are set out in this section. Additional use, area, height, yard and other regulations applicable to particular or special situations are set out in Section V, Supplementary Regulations, Section VIII, Multi-family Development Regulations, and Section IX, Commercial Development Regulations. Other regulations applicable to particular uses or classes of use are outlined in other sections of this ordinance. Planned Unit Development District requirements and Conditional Overlay District requirements are outlined in Sections XIV and XV of this ordinance.

B. Residence Districts

1. **R-1 Districts: Single-Family Residence Districts/Conventional Lots.**
   These districts are composed mainly of areas containing single-family dwellings and open areas where such residential development seems likely to occur. The district regulations are designed to protect the residential character of the district by prohibiting all commercial activities and to encourage a suitable neighborhood environment for family life; and to preserve the openness of the districts by requiring certain minimum yard and area standards to be met.

   a. *Permitted Uses.* See Chart at end of this section.

   b. *Building Site Area.* Except as provided in Section V, the minimum building site area shall be:
      - For a single-family dwelling 10,000 sq. ft.
      - For any other permitted use 10,000 sq. ft.

c. *Building Site Coverage.* The maximum building site coverage by all buildings shall be thirty-five (35) percent.

d. *Building Height Limit.* Except as provided in Section V, no structure shall exceed thirty-five (35) feet in height.

e. *Yards Required.* Except as provided in Section V, the minimum dimensions of yards shall be:

- Front Yard 30 feet
- Side Yard 8 feet
- Rear Yard 10 feet

2. R-2 Districts: Single Family Residence Districts / Small Lots.

These districts are composed mainly of areas in which the typical lot contains less than 10,000 square feet. The district regulations are designed to protect the residential character of the districts by prohibiting all commercial activities and to encourage a suitable neighborhood environment for family life.

a. *Permitted Uses.* See Chart at end of this section.

b. *Building Site Area.* Except as provided in Section V, the minimum building site area shall be:

- For a single-family dwelling 7,200 sq. ft.
- For any other permitted use 10,000 sq. ft.

c. *Building Site Coverage.* The maximum building site coverage by all buildings shall be forty-five (45) percent.

d. *Building Height Limit.* Except as provided in Section V, no structure shall exceed forty-five (45) feet in height.

e. *Yards Required.* Except as provided in Section V, the minimum dimensions of yards shall be:

- Front Yard 25 feet
- Side Yard 8 feet
- Rear Yard 10 feet

3. R-3 Districts: Multi-Family Residence Districts.

These districts are composed mainly of areas supporting a mixture of single-family and multi-family dwellings and in which the typical lot contains less than 10,000 sq. ft. The district regulations are primarily designed to allow for controlled multi-family development by requiring certain minimum yard and open spaces for all buildings, and to avoid excessive

population density by requiring a specific building site area for each dwelling unit, and to prohibit all commercial activities.

a. *Permitted Uses.* See Chart at end of this section.

b. *Building Site Area.* Except as provided in Section V, Supplementary Regulations, the minimum building site area shall be:

- For a single-family dwelling 7,200 sq. ft.
- For a multi-family dwelling
  - first two units 8,000 sq. ft.
  - for any additional dwelling unit 2,500 sq. ft. per unit
  - for any other permitted use 10,000 sq. ft.

For developments intended for mixed-use occupancy, 10,000 sq. ft. per use shall be added to the total building site area in addition to the above requirements for dwelling uses.

c. *Building Site Coverage.* The maximum building site coverage by all buildings shall be forty-five (45) percent.

d. *Building Height Limit.* Except as provided in Section V, no structure shall exceed forty-five (45) feet in height.

e. *Yards Required.* Except as provided in Section V Supplementary Regulations, Section VIII, Multi-Family Development Regulations and Section IX, Commercial Development Regulations, the minimum dimensions of yards shall be:

- Front Yard 25 feet
- Side Yard 8 feet
- Rear Yard 10 feet

C. Business Districts

1. R-B Districts: Residence-Business Districts.

These districts are composed of areas containing a mixture of residential uses, public and semi-public uses, and light commercial uses. Although usually located between residential areas and business areas, these districts are in some instances freestanding and may include hospital, college or similar building groups and related uses or land suitable for such uses. The district regulations are designed to encourage further appropriate development by limiting the permitted uses to dwellings and uses of a public, semi-public or light commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard, area and other standards to be met, standards that are comparable to those called for in the residence districts.

a. *Permitted Uses.* See Chart at end of this section.

b. *Building Site Area.* Except as provided in Section V, Supplementary Regulations, Section VIII, Multi-Family Development Regulations, and Section IX, Commercial Development Regulations, the minimum building site area shall be:

- For a single-family dwelling 7,200 sq. ft.
- For a multiple-family dwelling
- First two dwelling units 8,000 sq. ft.
  - Any additional dwelling unit 2,500 sq. ft. per unit
- For any other permitted use 10,000 sq. ft.

For developments intended for mixed-use occupancy, 10,000 sq. ft. per use shall be added to the total building site area in addition to the above requirements for dwelling uses.

c. *Building Site Coverage.* The maximum building site coverage by all buildings shall be forty-five (45) percent.

d. *Building Height Limit.* Except as required in Section V, Supplementary Regulations, no structure shall exceed thirty-five (35) feet.

e. *Yards Required*. Except as provided in Section V, Supplementary Regulations, Section VIII Multi-Family Development Regulations, and Section IX, Commercial Development Regulations, the minimum dimensions of yards shall be:

- Front Yard 25 feet
- Side Yard 8 feet
- Rear Yard 10 feet

2. B-1 Districts: Neighborhood Business Districts.

These districts are primarily intended to accommodate low intensity office, retail and personal service uses bounded by or within close proximity to residential areas. The district is established to provide convenient locations for businesses, that serve the needs of surrounding residents without disrupting the character of the neighborhood. It is not intended to accommodate retail uses, that primarily attract passing motorists. Protection of adjoining residential districts is reflected in design standards regarding screening and landscaping and site layout.

a. *Permitted Uses.* See Chart at end of this section.

b. *Building Site Area.* Except as provided in Section V, Supplementary Regulations, and Section IX, Commercial Development Regulations, the minimum required building site area shall be 5,000 square feet.

c. *Building Site Coverage.* The maximum building site coverage by all buildings shall be forty-five (45) percent.

d. *Building Height Limit.* Except as provided in Section V, no structure shall exceed fifty-five (55) feet in height.

e. *Yards Required.* Except as provided in Section V, Supplementary Regulations, and Section IX, Commercial Development Regulations, the minimum dimensions of yards shall be:
   - Front Yard 25 feet

3. B-1H Districts: Neighborhood Business Districts / High Impact.

The B-1H District is intended to accommodate moderate intensity shopping and services close to residential areas and includes retail uses that primarily attract passing motorists. This classification is typically surrounded by R-B or B-1 districts and provides locations for businesses that serve nearby neighborhoods and less intense business zones. Although this district is typically located near the intersection of collectors or thoroughfares, site layout and access shall be closely scrutinized with limited access to maintain the integrity of the collectors or thoroughfares, and to insure the protection of the general public from hazardous traffic flow.

a. *Permitted Uses.* See Chart at end of this section.

b. *Building Site Area.* Except as provided in Section V, Supplementary Regulations, and Section IX, Commercial Development Regulations, the minimum required building site area shall be 5,000 square feet.

c. *Building Site Coverage.* The maximum building site coverage by all buildings shall be forty-five (45) percent.

d. *Building Height Limit.* Except as provided in Section V, no structure shall exceed fifty-five (55) feet in height.

e. *Yards Required.* Except as provided in Section V, Supplementary Regulations, and Section IX, Commercial Development Regulations, the minimum dimensions of yards shall be:
   - Front Yard 25 feet

4. B-2 Districts: General Business Districts

These districts are composed of land and structures occupied by or suitable for uses furnishing a wider range of retail goods and services required by residents of a group or community of neighborhoods and by residents of the city generally. Usually located on a thoroughfare or highway or near the intersection of principal thoroughfares or highways, these districts are large and within convenient distance of the area they serve. The district regulations are designed to permit the development of the districts for their purpose in a spacious arrangement

of uses and structures. To protect the abutting and surrounding residential areas, certain restrictions are placed on uses.

It is intended that additional General Business Districts will be created in accordance with the Amendment Procedure of this ordinance to serve groups of new neighborhoods of the city.

a. *Permitted Uses.* See chart at end of this section.

b. *Building Site Area.* There is no minimum required building site area with the exception of self-storage facility developments, which require a minimum of two (2) acres.

c. *Building Site Coverage.* The maximum building site coverage by all buildings shall be fifty (50) percent.

d. B*uilding Height Limit.* Except as provided in Section V, Supplementary Regulations, no structure shall exceed fifty-five (55) feet.

e. *Yards Required.* Except as provided in Section V, Supplementary Regulations, no yards are required.

5. B-3 District: Central Business District.

This district is located in the commercial downtown center of the City of Florence and composed of land and structures occupied by or suitable for uses furnishing the wide range of retail goods and services required by residents of the metropolitan area and of the trade area. The Central Business District is the focus of commerce and administrative business activities of the trade area. The district regulations are designed to preserve its historic and architectural character, and permit the further development of the district for its purpose in a compact and convenient arrangement of uses and structures.

a. *Permitted Uses.* See chart at end of this section.

b. *Building Site Area.* There is no minimum required building site area.

c. *Building Site Coverage.* No limit.

d. *Building Height Limit.* Except as provided in Section V, Supplementary Regulations, no structure shall exceed one hundred (100) feet in height.

e. *Yards Required.* Except as provided in Section V, Supplementary Regulations, no yards are required.

D. Special Districts:

1. H-1 District: Florence Harbor District.

This district is intended to guide land use in a way that recognizes the waterfront's value as a natural resource and celebrates its diversity and to offer the citizens of Florence and surrounding areas access to a lively mix of waterside activities. The district is composed of

land and structures suitable for uses that will enhance the development of the Florence Harbor, McFarland Park and other waterfront areas of the City of Florence and revitalize property where land uses have recently changed or where vacant and under-utilized properties suggest potential for beneficial change. The ultimate goal of the establishment of the Florence Harbor District is to create an attractive riverfront area as a focal point and activity center for the citizens of Florence and the surrounding region.

a. *Permitted Uses.* See chart at the end of this section

b. *Building Site Area*. The minimum building site area shall be ten thousand (10,000) square feet.

c. *Building Site Coverage*. The maximum building site coverage by all buildings shall be forty five (45) percent.

d. *Building Height Limit.* Except as provided in Section V, Supplementary Regulations, Section VIII, Multi-Family Development Regulations, and Section IX, Commercial Development Regulations, no structure shall exceed fifty-five (55) feet in height.

e. *Yards Required.*
   - Front Yard 25 feet
   - Side Yard 8 feet
   - Rear Yard 10 feet

2. SD District: Sweetwater District.

This district promotes and encourages the pursuit and development of a mix of housing, specialty retail and services, restaurants, arts and cultural venues, entertainment and "nightlife" within a creative, innovative, safe and attractive environment. Proposed development or re-development within the area shall be in such a manner to maintain the unique, historic character of the district with the incorporation of architectural and landscaping guidelines as well as a pedestrian friendly streetscape to provide a strong sense of place for the community.

a. *Permitted Uses.* See chart at end of this section.

b. *Building Site Area.* There is no minimum required building site area with the exception of multi-family development. Multi-family development shall be subject to Section VIII of these regulations and have a minimum building site area of:
   - 8,000 sq. ft. for the first two units
   - 2,500 sq. ft. per unit for any additional dwelling unit

c. *Building Site Coverage.* There is no maximum building site coverage.

d. *Building Height Limit.* Except as provided in Section V, no structure shall exceed fifty (50) feet.

e. *Yards Required.* Except as provided in Section V, Supplementary Regulations, Section VIII, Multi-Family Development Regulations, and Section IX, Commercial Development Regulations, no yards are required.

3. FAR Districts: Floodway-Agricultural-Recreational Districts.

These districts are composed of land that is used for, or is suitable for, agriculture, forestry, recreational, or other open space activities. Although usually characterized by terrain that is subject to flood or that is steep or otherwise unsuitable for building development, these districts may in some instances include land that is buildable but that should be retained as open space. The district regulations are designed to encourage the retention of the land as open space and to prohibit its use for purposes that would be hazardous to life and structures because of flooding.

a. *Permitted Uses*. See Chart at end of this section.

b. *Building Site Area*. Except as provided in Section V, the minimum building site area shall be 10,000 square feet.

c. *Building Site Coverage*. The maximum building site coverage by all buildings shall be thirty-five (35) percent.

d. *Building Height Limit*. Except as provided in Section V, no structure shall exceed thirty-five (35) feet in height.

e. *Yards Required*. Except as provided in Section V, the minimum dimensions of yards shall be:

- Front Yard 30 feet
- Side Yard 8 feet
- Rear Yard 10 feet

4. CO Districts: Conditional Overlay Districts

The Conditional Overlay District ("CO") is to provide for additional regulation of residential, commercial, or industrial uses of land and structures in order that uses and development of said land, buildings, and structures will be harmonious and compatible with and not have an undesirable or detrimental impact on surrounding development. Additionally, the Conditional Overlay District is also designed to protect the public welfare and the property value of surrounding property by securing an appropriate development that is in harmony with the objectives of the City of Florence Master Plan as adopted by the Florence Planning Commission.

In order to achieve the above stated purposes, provision is hereby made that in consideration of a change of zoning classification, the subject property shall be limited in such manner that it may not be utilized for all uses and standards ordinarily permitted in a particular zoning

classification and, further, that development of said subject property shall conform to specific conditions as determined by the Planning Commission and the City Council.

The application process and criteria for the establishment of a Conditional Overlay District is outlined in Section XV of these regulations.

5. PUD Districts: Planned Unit Development Districts

The purpose of the Planned Unit Development (PUD) District is to provide an alternate zoning classification under which land can be subdivided, developed, or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of these regulations. Further, to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations and to encourage the harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, pedestrian ways, bikeways, utilities, and city services; to preserve the natural, environmental, and scenic features of the site; and to encourage and to provide a mechanism for arranging improvements on sites so as to preserve these desirable features.

The end result shall be a development which fulfills the objectives of the Comprehensive Plan and planning policies of the city while departing from the strict application of the use and bulk regulations of the zoning ordinance and the design standards of the subdivision control regulations.

The Planned Unit Development District is intended to permit and encourage such flexibility and to accomplish the following purposes:

- To stimulate creative approaches to the residential and commercial development of land and streetscape design;
- To provide more efficient use of land;
- To preserve natural features and provide common open space areas and recreation areas;
- To develop new approaches to the living environment through variety in type, design and layout of residential structures, commercial buildings, transportation systems, public facilities, shared parking and pedestrian ways;
- To unify building and structures through a common design scheme;
- Buffer land uses proposed for the PUD so as to minimize any adverse impact which new development may have on surrounding properties; additionally, provide buffers and transitions of density within the PUD itself to distinguish between different land use areas.

  Inherent to realizing these objectives are being followed is continuous and in-depth scrutiny of the proposed Planned Unit Development. Hence, to enable thorough analysis of a Planned Unit Development, more information is demanded about the proposal than

would be required if development were being pursued under conventional zoning requirements.

The development of a PUD allows flexibility from the restraints of the conventional Zoning Ordinance and Subdivision Regulations and shall be granted only upon a recommendation of the Planning Commission and approval by the City Council.

The application process and criteria for the establishment of a Planned Unit Development District is outlined in Section XIV of these regulations.

E. Industrial Districts

1. I-1 Districts: Light Industrial Districts.

These districts are composed of land and structures occupied by, or suitable for, light manufacturing, wholesaling and similar uses. Located for convenient access from existing and future arterial thoroughfares, highways and railway lines, these districts are usually separated from residential areas by business districts or by natural barriers. The district regulations are designed to permit a range of light industrial activities subject to limitations intended to protect nearby residential and business districts.

a. *Permitted Uses*. See chart at end of this section.

b. *Building Site Area*. Except as provided in Section V, the minimum building site area shall be ten thousand (10,000) square feet.

c. *Building Site Coverage*. The maximum building site coverage by all buildings shall be seventy-five (75) percent.

d. *Building Height Limit*. Except as provided in Section V, no structure shall exceed fifty (50) feet in height.

e. *Yards Required*. Except as provided in Section V, the minimum dimensions of yards shall be:

- Front Yard 25 feet
- Side Yard none
- Rear Yard none

2. I-2 Districts: Heavy Industrial Districts.

These districts are composed of land and structures occupied by, or suitable for, heavy manufacturing and related activities. Located for convenient access from existing and future arterial thoroughfares, highways, railway lines or waterways, these districts are usually separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The district regulations are designed to permit the development of the districts for their purpose,

including almost any industrial uses, but subject to conditions necessary for the mutual protection of the uses and the city generally.

a. *Permitted Uses*. See Chart at end of this section.

b. *Building Site Area*. Except as permitted in Section V, the minimum building site area shall be 10,000 square feet.

c. *Building Site Coverage*. The maximum building site coverage by all buildings shall be seventy-five (75) percent.

d. *Building Height Limit.* Except as provided in Section V, no structure shall exceed one hundred (100) feet in height.

e. *Yards Required*. Except as provided in Section V, the minimum dimensions of yards shall be:

- Front Yard 25 feet
- Side Yard none
- Rear Yard none

F. Chart of Permitted Uses

1. Conditions Governing Permitted Uses.

Permitted uses shall be governed by conditions set forth as follows:

a. *Uses by Right*. The uses listed as (R) below are permitted subject to the conditions specified.

b. *Special Exception Uses.* The uses listed as (X) below are declared to possess characteristics of such unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the Board of Zoning Adjustment in accordance with the provisions of Section XVII (B) Governing Special Exceptions.

2. Enclosure of Uses.

Every use in any district, except an I-1 or I-2 District, shall be conducted entirely within an enclosed structure unless expressly exempted from enclosure requirements pursuant to the terms of this Ordinance.

3. Schedules of Uses.

The uses permitted in each of the types of districts are as follows:

- R - Uses permitted by right.
- X - Uses permitted by Special Exception.
- * - Uses need not be conducted entirely within a completely enclosed structure.
- # - Requires specific approval of Planning Commission and City Council

4. Exceptions.

Developments or uses that are located within a CO/Conditional Overlay District or a PUD/Planned Unit Development District must be approved by the Planning Commission and City Council and shall be site plan specific. Additional restrictions may apply depending on location, traffic, adjoining properties, and other conditions that merit consideration.

Reserved: Chart of Permitted Uses

Section IV. Sign Regulations

A. Purpose and Intent

It is the intent of these regulations to provide for the orderly and harmonious display of signs within the community; to aid in the identification of properties and enterprises for the convenience of the public; to avoid the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment; to provide for the safety of the traveling public from distractions, hazards and obstructions; and to promote the mental and physical health, safety and welfare of the public.

B. General Conditions and Definitions

1. *Conditions.*

   The provisions of this ordinance shall apply to all areas within the corporate limits of the City of Florence and within the extraterritorial zoning jurisdiction of the city. The regulations of this ordinance describe those signs that are permitted; all others are excluded unless specifically referred to in the sections contained herein (see section E). Where in conflict with other lawfully adopted rules, policies or ordinances, Section IV shall apply.

2. *Definitions.*

   Sign. For the purpose of this ordinance, a sign is defined as any visual communication fixed to a stationary structural system and exposed to vision from public rights-of-way.

   Sign maintenance. The normal care and minor repair that is necessary to retain safe, attractive and finished structure, frame, pole, brackets and surface.

   Repairing or repainting copy or logo shall be considered maintenance if the information product or service depicted remains the same and if the sign is to serve the identification of the establishment using the same business firm name as before the change. The message or copy on a billboard lawfully existing on or before the effective date of this ordinance may be changed as a part of normal maintenance as long as the billboard structure or frame is not altered.

   Sign alteration. The replacement, enlargement, reduction, reshaping, or adding to a sign, frame, pole, brackets or any supporting member; or replacing the words, numerals, or other surface of the sign to serve a different establishment or business or create substantially different visual effect without altering, moving or replacing the structure, frame, pole or brackets supporting the sign.

3. *Sign characteristics.*

   a. *Position*. The structural positions of signs are described as:

1. *Ground supported:* A freestanding sign whose base is permanently constructed in the ground;
2. *Surface mounted:* A sign attached to a wall of a building with the exposed face of the sign parallel to the wall; A durable sign affixed to the surface of a window is a surface-mounted sign for terms of this ordinance. Surface mounted signs shall not project more than twelve (12) inches from the supporting wall.
3. *Surface projected:* A sign perpendicularly suspended or supported by a building or other structure.

b. *Density*: The number of signs permitted per units specified.

c. *Dimension*: The dimensional characteristics of the sign.

1. *Area:* The surface area of a sign including decorative borders; The area measured within the periphery of self-supporting letters or displays;
2. *Height:* The vertical distance of a sign measured from the vantage point of the primary public right-of-way to the top of the sign including its border;
3. *Maximum area:* The total area of all permitted signs contained within the boundary of the site of display.

C. Signs Permitted

1. *R-1 Districts: Single-Family Residence Districts/Conventional Lots.*

a. *Position:*

1. Ground Supported: No more than one (1) ground supported sign per site
2. Surface Mounted

b. *Density:*

1. Two (2) per site, not to exceed maximum total area

c. *Dimension:*

Area: Four (4) square feet maximum for residential; thirty-six (36) square feet maximum for all other permitted uses

d. *Height:*

1. Ground supported: Six (6) feet maximum
2. Surface mounted: Signs shall not extend above the roof or parapet.

2. *R-2 Districts: Single Family Residence Districts / Small Lots.*

a. *Position:*

1. Ground Supported: No more than one (1) ground supported sign per site
2. Surface Mounted

b. *Density:*

1. Two (2) per site, not to exceed maximum total area

c. *Dimension:*

Area: Four (4) square feet maximum for residential; thirty-six (36) square feet maximum for all other permitted uses

d. *Height:*

1. Ground supported: Six (6) feet maximum
2. Surface mounted: Signs shall not extend above the roof or parapet.

3. *R-3 Districts: Multi-Family Residence Districts.*

a. *Position:*

1. Ground Supported: No more than one (1) ground supported sign per site
2. Surface mounted

b. *Density:*

1. Two (2) per site, not to exceed maximum total area

c. *Dimension:*

Area: Four (4) square feet maximum total for single-family residences; thirty-six (36) square feet maximum for all other permitted uses

d. *Height:*

1. Ground supported: Six (6) feet maximum;
2. Surface mounted: Signs shall not extend above the roof or parapet.

4. *R-B Districts: Residence-Business Districts.*

a. *Position:*

1. Ground supported: No more than one (1) ground supported sign per site
2. Surface mounted

b. *Density:*

1. Establishment: Two (2) signs, with no more than one ground supported sign per site. For establishments on corner lots, one (1) surface mounted sign per street front shall be permitted in addition to one (1) ground supported sign per site. The square footage of said signs, combined, shall not exceed the maximum allowable total.

2. Group occupancy: One (1) per tenant plus one (1) group occupancy sign

c. *Dimension:*

1. Area: One (1) square foot per building fronting foot maximum; Signage shall not exceed a combined total of one (1) square feet per building front foot, and, in no event shall a ground supported sign exceed 200 square feet.

d. *Height*:

1. Ground supported: Six (6) feet maximum;

2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

5. *B-1 Districts: Neighborhood Business Districts.*

Regulations of this subsection shall apply to any use or combination of uses identified in the list (chart) of permitted uses for Neighborhood Business Districts (B-I Zone) under the conditions stipulated in Section III (F). In addition to the specific uses identified, the following categories of uses are defined for further determining the appropriate application of these regulations. Also see information regarding unit structures in section (7) B-2, General Business Zone.

Establishment. A place for the conduct of a specific business, service or other permitted use occupying the entire ground floor of the confines of a unit structure.

Group occupancy. A place for the conduct of business, services or other permitted uses which share the occupancy of a given structure; or two (2) or more businesses, services and other permitted uses forming a complete unit structure.

a. *Position:*

1. Ground supported: No more than one (1) ground supported sign per site;

2. Surface mounted.

b. *Density:*

1. Establishment: Two (2) signs, with no more than one ground supported sign per site; For establishments on corner lots, one (1) surface mounted sign per street front shall be permitted in addition to one (1) ground supported sign per site. The square footage of said signs shall not exceed the maximum allowable total.

2. Group occupancy: One (1) per tenant plus one (1) group cluster sign

c. *Dimension:*

Area:

1. *Establishment:* One and one half (1.5) square feet per building fronting foot maximum; Signage shall not exceed a combined total of one and one half (1.5) square feet per building front foot, and, in no event shall a ground supported sign exceed 200 square feet.

2. *Group occupancy*: One and one half (1.5) square feet per building fronting foot maximum. A group occupancy whose structural unit exceeds one hundred thirty (130) building fronting feet is permitted one ground supported sign per site not to exceed 200 square feet.

d. *Height:*

1. Ground supported: Eighteen (18) feet maximum, eight (8) foot vertical clearance. Signs six (6) feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

6. *B-1H Districts: Neighborhood Business Districts / High Impact.*

Regulations of this subsection shall apply to any use or combination of uses identified in the list (chart) of permitted uses for Neighborhood Business Districts / High Impact (B-IH Zone) under the conditions stipulated in Section III (F). In addition to the specific uses identified, the following categories of uses are defined for further determining the appropriate application of these regulations. Also see information regarding unit structures in section (7) B-2, General Business Zone.

Establishment. A place for the conduct of a specific business, service or other permitted use occupying the entire ground floor of the confines of a unit structure.

Group occupancy. A place for the conduct of business, services or other permitted uses which share the occupancy of a given structure; or two (2) or more businesses, services and other permitted uses forming a complete unit structure.

a. *Position:*

1. Ground supported: Where allowed, no more than one (1) ground supported sign per site.

2. Surface mounted

b. *Density:*

1. *Establishment:* Two (2) signs, with no more than one ground supported sign per site; For establishments on corner lots, one (1) surface mounted sign per street front shall be permitted in addition to one (1) ground supported sign per site. The square footage of said signs shall not exceed the maximum allowable total.

2. *Group occupancy:* One (1) per tenant plus one (1) group cluster sign

c. *Dimension:*

Area.

1. *Establishment:* One and one half (1.5) square feet per building fronting foot maximum; Signage shall not exceed a combined total of one and one half (1.5) square feet per building front foot, and, in no event shall a ground supported sign exceed 200 square feet.

2. *Group occupancy*: One and one half (1.5) square feet per building fronting foot maximum. A group occupancy whose structural unit exceeds one hundred thirty (130) building fronting feet is permitted one ground supported sign per site not to exceed 200 square feet.

d. *Height:*

1. Ground supported: Eighteen (18) feet maximum, eight (8) foot vertical clearance. Signs six (6) feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

7. *B-2 Districts: General Business Districts*

Regulations of this subsection shall apply to any use or combination of uses identified in the list (chart) of permitted uses for General Business Districts (B-2 Zone) under the conditions stipulated in Section III (F). In addition to the specific uses identified, the following categories of uses are defined for further determining the appropriate application of these regulations.

The uses are distinguished in terms of unit structure(s). A unit structure is defined as the space contained within the area of a structure formed by the exterior of the load-bearing walls, or planes of vertical support, and the exterior walls, or end planes, connecting the load-bearing walls combination with the ground structure and exterior of the primary roof structure. A complex is defined as more than one-unit structure for particular building group sharing mutual on-site parking or drives.

Establishment. A place for the conduct of a specific business, service or other permitted use occupying the entire ground floor of the confines of a unit structure. For structures two (2) or more stories in height, with group tenants, see "group occupancy."

Group occupancy. A place for the conduct of business, services or other permitted uses which share the occupancy of a given structure; or two (2) or more businesses, services and other permitted uses forming a complete unit structure.

Shopping center. For the purposes of this ordinance, shopping centers are identified as regional, community or neighborhood shopping centers.

Regional shopping center. A grouping of stores comprising a unit structure which contains three (3) or more retail anchor stores, each of which exceeds fifty thousand (50,000) square feet of gross floor area. Regional shopping center signage is permitted by approval of the Building Official and is exempt from other provisions of the sign ordinance.

Community shopping center. A grouping of stores forming a unit structure, or a complex of unit structures for a particular building group sharing on-site parking or drives, which contains at least two (2) retail anchor stores whose total gross square footage exceeds forty thousand (40,000) square feet. For the purposes of this ordinance the types of anchor stores for a community shopping center are grocery stores, drug stores and department stores.

Neighborhood shopping center. A grouping of stores comprising a unit structure, one of which is a retail anchor store containing ten thousand (10,000) square feet of gross floor area. For the purposes of this ordinance the types of retail anchor stores for neighborhood shopping centers are food stores, drug stores and department stores.

a. *Position:*
    1. Ground supported: Where allowed, no more than one (1) ground supported sign per site.
    2. Surface mounted

b. *Density:*
    1. Establishment: Two (2) signs, with no more than one ground supported sign per site; For establishments on corner lots, one (1) surface mounted sign per street front shall be permitted in addition to one (1) ground supported sign per site. The combined square footage of said signs shall not exceed the maximum allowable total.
    2. Group occupancy: One (1) per tenant plus one (1) group cluster sign;
    3. Shopping center: One (1) per tenant plus one (1) center cluster sign; Additional signage for community shopping centers located on corner lots may be permitted with building official approval.

c. *Dimension:*

    Area.

    1. Establishment: Two (2) square feet per building fronting foot maximum; Signage shall not exceed a combined total of two (2) square feet per building front foot, and, in no event shall a ground supported sign exceed 200 square feet.
    2. Group occupancy: Two (2) square feet per building fronting foot maximum. A group occupancy whose structural unit exceeds one hundred (100) building

fronting feet is permitted the same signage as a neighborhood shopping center (see 4 below).

3. Community shopping center: Two (2) square feet per tenant fronting foot of building. Shopping center is considered one tenant and is permitted one sign with maximum of two hundred (200) square feet.

4. Neighborhood shopping center: Two (2) square feet per building fronting foot. Neighborhood shopping center is considered one tenant and is permitted one sign with maximum of two hundred (200) square feet.

d. *Height:*

1. Ground supported: Twenty-five (25) feet maximum height with eight (8) feet vertical clearance. Signs six (6) feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

8. ***B-3 District: Central Business District.***

a. *Position:*

1. Ground supported;

2. Surface mounted: Can extend no more than twelve (12) inches into public right-of-way;

3. Surface projected: Can extend no more than two thirds (2/3) width of the sidewalk with a maximum of four (4) feet and a minimum vertical clearance of eight (8) feet. Surface projected signs shall not exceed twelve (12) square feet in area with no one dimension to exceed four (4) feet in any direction.

b. *Density:*

1. One per establishment; one per tenant in group occupancy. Signs shall be limited to one per street front per establishment.

c. *Dimension:*

Area.

Signs shall not exceed fifteen (15) percent of the exposed principle building surface, or two hundred (200) square feet, whichever is less; and shall not project more than twelve (12) inches into public right-of-way. Where a building has more than one frontage, one on-site identification sign shall be permitted on each front. On a one-story building, such on-site identification signs shall not exceed three (3) square feet per front foot of the building or fifteen (15) percent of such building surface, whichever is greater; on a multi-storied building, four (4) stories or more,

a larger sign may be approved as a special exception if the design of the sign is integrated with that of the building. Ground supported signs shall not exceed thirty-six (36) square feet in area. Signs six (6) feet or less in height are exempt from vertical clearance, provided there is no visual hindrance.

d. *Height:*

1. Ground supported: Sixteen (16) feet maximum height with eight (8) feet vertical clearance;
2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

9. *H-1 District: Florence Harbor District.*

Regulations of this subsection shall apply to any use or combination of uses identified in the list (chart) of permitted uses for Florence Harbor District (H-1) under the conditions stipulated in Section III (F). In addition to the specific uses identified, the following categories of uses are defined for further determining the appropriate application of these regulations. Also see information regarding unit structures in section (7) B-2, General Business Zone.

Establishment. A place for the conduct of a specific business, service or other permitted use occupying the entire ground floor of the confines of a unit structure.

Group occupancy. A place for the conduct of business, services or other permitted uses which share the occupancy of a given structure; or two (2) or more businesses, services and other permitted uses forming a complete unit structure.

a. *Position:*

1. Ground supported: Where allowed, no more than one (1) ground supported sign per site;
2. Surface mounted

b. *Density:*

1. Establishment: Two (2) signs, with no more than one ground supported sign per site. For establishments on corner lots, one (1) surface mounted sign per street front shall be permitted in addition to one (1) ground supported sign per site.
2. Group occupancy: One (1) per tenant plus one (1) group cluster sign

c. *Dimension:*

Area:

1. *Establishment.* One and one half (1.5) square feet per building fronting foot maximum. Signage shall not exceed a combined total of two (2) square feet per

building front foot, and, in no event shall a ground supported sign exceed 200 square feet.

2. *Group occupancy*. One and one half (1.5) square feet per building fronting foot maximum. A group occupancy whose structural unit exceeds one hundred thirty (130) building fronting feet is permitted one ground supported sign per site not to exceed 200 square feet.

d. *Height:*

1. Ground supported: Eighteen (18) feet maximum, eight (8) foot vertical clearance. Signs six (6) feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.
2. Surface mounted: The height of a surface mounted sign shall not be limited; however, in no case shall a surface mounted sign extend above a roof or parapet.

10. *SD District: Sweetwater District.*

Regulations of this subsection shall apply to any use or combination of uses identified in the list (chart) of permitted uses for Sweetwater District (SD) under the conditions stipulated in Section III (F). In addition to the specific uses identified, the following categories of uses are defined for further determining the appropriate application of these regulations. Also see information regarding unit structures in section (7) B-2, General Business Zone.

Establishment. A place for the conduct of a specific business, service or other permitted use occupying the entire ground floor of the confines of a unit structure.

Group occupancy. A place for the conduct of business, services or other permitted uses which share the occupancy of a given structure; or two (2) or more businesses, services and other permitted uses forming a complete unit structure.

a. *Position:*

1. Ground supported: No more than one (1) ground supported sign per site
2. Surface mounted
3. Surface projected: Can extend no more than two thirds (2/3) width of the sidewalk with a maximum of four (4) feet and a minimum vertical clearance of eight (8) feet. Surface projected signs shall not exceed twelve (12) square feet in area with no one dimension to exceed four (4) feet in any direction.

b. *Density:*

1. Establishment: Two (2) signs with no more than one ground supported sign per site; For establishments on corner lots, one (1) surface mounted sign per street front shall be permitted in addition to one (1) ground supported sign per site.
2. Group occupancy: One (1) per tenant plus one (1) group cluster sign

c. *Dimension:*

Area.

1. *Establishment.* One and one half (1.5) square feet per building fronting foot maximum; Signage shall not exceed a combined total of one and one half (1.5) square feet per building front foot, and, in no event shall a ground supported sign exceed 200 square feet.

2. *Group occupancy*. One and one half (1.5) square feet per building fronting foot maximum. A group occupancy whose structural unit exceeds one hundred thirty (130) building fronting feet is permitted one ground supported sign per site not to exceed 200 square feet.

d. *Height:*

1. Ground supported: Eighteen (18) feet maximum, eight (8) foot vertical clearance. Signs six (6) feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

11. ***FAR Districts: Floodway-Agricultural-Recreational Districts.***

a. *Position:*

1. Ground Supported: No more than one (1) ground supported sign per site.

2. Surface Mounted

b. *Density:*

1. Two (2) per site, not to exceed maximum total area

c. *Dimension:*

Area.

1. Two (2) square feet maximum total for residential; thirty-six (36) square feet maximum total, all other permitted uses

d. *Height:*

1. Ground supported: Six (6) feet maximum

2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

12. ***I-1 Districts: Light Industrial Districts.***

a. *Position:*

1. Ground supported
2. Surface mounted

b. *Density:*

1. One per entrance, maximum three (3) per establishment

c. *Dimension:*

Area:

1. Two (2) square feet per building fronting foot; Signage shall not exceed a combined total of two (2) square feet per building front foot, and, in no event shall a ground supported sign exceed 200 square feet.

d. *Height:*

1. Ground supported: Twenty-five (25) feet maximum height with eight (8) feet vertical clearance. Signs six (6) feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.
2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

13. ***I-2 Districts: Heavy Industrial Districts.***

a. Position:

1. Ground supported.
2. Surface mounted.

b. *Density:*

1. One per entrance, maximum three (3) per establishment.

c. *Dimension:*

Area:

1. Two (2) square feet per building fronting foot; Signage shall not exceed a combined total of two (2) square feet per building front foot, and, in no event shall a ground supported sign exceed 200 square feet.

d. *Height:*

1. Ground supported: Twenty-five (25) feet maximum height with eight (8) feet vertical clearance; Signs six (6) feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.
2. Surface mounted: The height of a surface mounted sign shall not be limited. However, in no case shall a surface mounted sign extend above a roof or parapet.

14. ***Planned Unit Development Districts***

All signage within a Planned Unit Development District shall be reviewed for compatibility with the overall development plan in terms of square footage, density, position, and height. Signage within a Planned Unit Development may not be restricted to current zoning standards if it is determined by the Planning Commission and City Council that the proposed character of such meets the intent of the PUD regulations.

15. ***Conditional Overlay Districts***

All signage within an area designated as a Conditional Overlay District shall be reviewed for compatibility with the overall development plan in terms of square footage, density, position, and height and may be held to higher standards than outlined in the current sign regulations. The Building Official shall review signage under a Conditional Overlay proposal based on the underlying zoning district, although, more restrictive measures may be imposed based on the individual circumstances of the application. The Building Official shall make a recommendation to the Planning Commission regarding signage. The Planning Commission and City Council shall consider the proposed signage as a part of the Conditional Overlay review process.

16. ***Dynamic Signs***

a. Purpose and intent.

The purpose of this section is to standardize dynamic signs in the city with appropriate size, number, location, brightness, nighttime lighting levels, motion, and design using scientific evidence from industry research to control light pollution, ensure ecological responsibility, protect the overall health, safety, and welfare of the public, and to promote the high standards established by the citizens of the city to achieve and maintain a high quality of life and economic vitality.

b. General conditions and definitions

1. *Conditions*. The provisions of this section shall apply to all areas within the corporate limits of the city and within the extraterritorial zoning jurisdiction of the city. The regulations of this section describe those signs that are permitted; all others are excluded unless specifically referred to in the sections contained herein. Where in conflict with other lawfully adopted rules, policies or ordinances, this section shall apply.

2. *Definitions.*

    a. *Dynamic sign*: A non-static (traditional print) sign utilizing actual motion or the illusion of motion by artificial means. Such means include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix. Dynamic signs constitute a broad category of which are differentiated from manually

changeable signs as defined and regulated by this section and include the following types:

i. *Electronic display screen*: A sign, or portion of a sign, that displays an electronic image, which may or may not include text. This definition includes television screens, multiprism screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

ii. *Electronic message center*: Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes electronic changeable copy signs and menu boards.

iii. *Electronic message display*: A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

b. *Footcandle*: A unit of illuminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

c. *Illuminance*: The measure (footcandle) of the amount of light intercepting an object at a given distance from its source.

d. *NITS*: Units of visible-light intensity, commonly used to specify the brightness of a cathode ray tube or liquid crystal display (LCD) display. One (1) nit is equivalent to one (1) candela per square meter.

3. Zoning districts.

a. On-site dynamic signs, in accordance with all applicable requirements, are permitted by right within the B-1, B-1H, B-2, I-1 and I-2 zones.

On-site dynamic signs are permitted as a special exception by the board of zoning adjustment for the following uses: church; schools (public, parochial, private); university (college, schools of higher learning).

Standards for dynamic signs may be modified by regulations which apply in designated overlay districts and planned unit developments (PUD).

b. On-site dynamic signs, in accordance with all applicable requirements, are permitted within R-B zones on properties adjoining the rights-of-way of the following geographic areas:

i. Helton Drive—From its intersection with Rickwood Road north to its intersection with Cox Creek Parkway.

ii. Florence Boulevard—From its intersection with Helton Drive east to Shoal Creek.

iii. Cox Creek Parkway—From its intersection with Florence Boulevard west to its intersection with Highway 20.

iv. Cloverdale Road—From its intersection with Cox Creek Parkway north to its intersection with Taylor Road.

c. On-site dynamic signs are permitted as a special exception by the board of zoning adjustment for the following uses: church; schools (public, parochial, private); university (college, schools of higher learning).

d. Standards for dynamic signs may be modified by regulations, which apply in designated overlay districts and planned unit developments (PUD).

e. On-site dynamic signs are prohibited within historic districts.

f. All signs fronting or adjacent to rights-of-ways controlled by the state department of transportation are subject to additional study, permitting, and regulations deemed necessary by the agency.

4. Sign characteristics.

a. Position and dimensions.

i. Dynamic signs shall not constitute the principal on-premise sign.

ii. Dynamic signs shall be permitted on as a portion of the principal ground supported on-premise sign.

iii. Shall not exceed fifty (50) percent of the total sign area the dynamic portion is attached to.

iv. Surface mounted dynamic signs are prohibited on buildings, in windows, vehicles, and accessory structures.

v. Dynamic signs shall be oriented away from residential structures and neighborhoods.

b. Illumination (brightness).

i. Illumination is the only accepted measurement of brightness as it is scientific and has the ability to account for ambient light conditions as opposed to lumination.

ii. A footcandle meter (or luxmeter) will be used to measure illumination. All measurements shall be taken perpendicular to the face of the dynamic sign with accuracy to at least two (2) decimal places.

iii. Measurement distance shall be calculated based upon the following formula rounded to the nearest whole number: √Area of sign sq. ft. x 100

iv. *Internal Illumination* shall not exceed six (6) footcandles at a distance of eight (8) feet from the centerline of the sign.

v. *External illumination.*

1. Shall not exceed seventeen (17) footcandles at the face of the sign.
2. Shall not exceed four thousand (4,000) K (amber to white color range only).
3. Shall consist of a uniform distribution of light intensity.
4. Maximum illuminance levels must be programmed.
5. Automatic dimming capability to adjust illuminance as ambient light conditions change is required. Scheduled dimming using sunset-sunrise tables or manual dimming methods is prohibited.

c. Motion, performance, and glare control.

i. *Motion and sound.*

1. Hold time. Each message displayed must be static or depicted for a minimum of ten (10) seconds.
2. Transitions. Transitions from one (1) image or text change to the text must be accomplished in one (1) second or less.
3. No sequential messages are allowed. All messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
4. Animation. Fading, flashing, scrolling, spinning, dissolving, traveling, blinking, stroboscopic lights, or other animated effects are prohibited.
5. Emittance of any audio, verbal announcement or noise of any kind is prohibited.

ii. *Copy dimensions and display.*

1. Static copy only.

2. Height of all text including letters and numbers shall be no less than seven (7) inches.

iii. *Image dimensions and display.*

1. Static images only. No video.
2. Only one (1) image, other than text, shall be permitted per hold time message.
3. Images shall not resemble any traffic signalization, traffic control sign, or emergency response implements (i.e. vehicles, lights, equipment).

iv. *Performance.*

1. Dynamic signs shall be designed and equipped to immediately freeze or discontinue the device in one (1) position if a malfunction occurs.
2. Sign owner is responsible for making any adjustments to the dynamic sign following notification by the city.

v. *Glare control.* The external light source of the dynamic sign shall be shaded, hooded, or otherwise screened to prevent the source of the light from causing glare upon traveling motorists or visible on adjacent property. Glare control shall be achieved primarily through the use of means such as cutoff fixtures, shields and baffles, appropriate mounting, height, aiming angle, and fixture placement. Vegetative screens shall not be used as the primary means for controlling glare.

vi. *Hours of operation*. Dynamic signs shall be de-energized between 12:00 a.m. and 5:00 a.m.

d. Electrical standards.

i. Application for an electrical permit shall be filed at the same time as the sign permit application.

ii. All work shall be completed in accordance with electrical codes and standards adopted by the city.

iii. Sign owner is responsible for providing a certificate showing compliance with the illumination standards set forth herein by an independent, licensed contractor. Such certification is required prior to the issuance of a sign permit and annually for the life of the sign.

5. *Administration.*

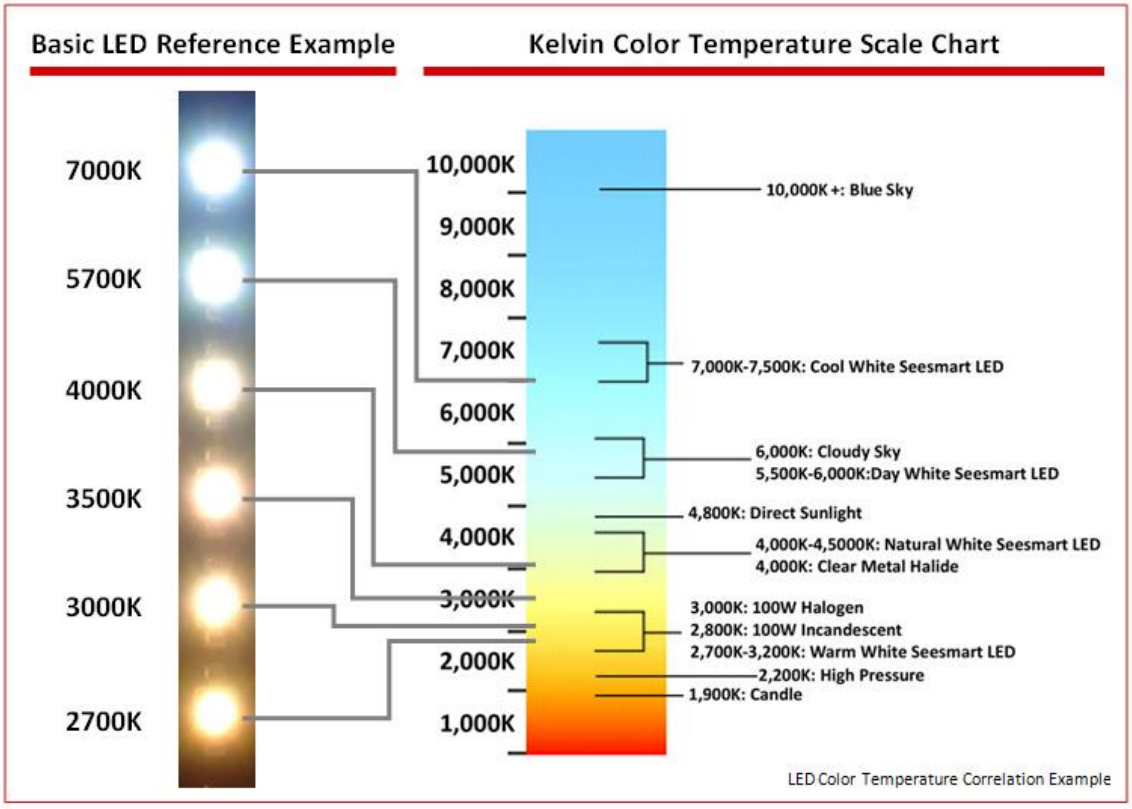
   a. A sign permit is required for all dynamic signs provided for under the conditions of this section.

   b. Additions of dynamic signage to any existing, conforming sign shall be considered the same as new signage.

   c. Additions of dynamic signage to any non-conforming sign is prohibited.

   d. Dynamic signs permitted prior to the adoption of the ordinance from which this section is derived shall be granted a grace period of sixty (60) days from the date of the adopting resolution by the city council to comply with the requirements set forth in section (4).

6. *Color temperature conversion table.*



7. Illuminations conversion table

Dynamic Signage Illumination Conversion Table
1 nit = 3.14159 lux or 0.0929 fc

nits	lux	foot-candle	Example
0.000032	0.0001	0.0000030	Starlight overcast moonless night sky
0.000064	0.0002	0.0000059	Starlight clear moonless night sky excluding airglow (nightglow)
0.000637	0.002	0.000059	Starlight clear moonless night sky including airglow (nightglow)
0.003183	0.01	0.00030	Quarter moon
0.0796	0.25	0.0074	Full moon on a clear night
0.3183	1	0.0296	Moonlight
1.00	3.14159	0.0929	Extreme of darkest storm clouds, sunset/rise
5.00	15.71	0.46	
10.00	31.42	0.93	Fully overcast, sunset/sunrise
15.00	47.12	1.39	
20.00	62.83	1.86	
25.00	78.54	2.32	
30.00	94.25	2.79	
35.00	109.96	3.25	
40.00	125.66	3.72	Fully overcast, sunset/sunrise
45.00	141.37	4.18	
50.00	157.08	4.65	
75.00	235.62	6.97	
100.00	314.16	9.29	
125.00	392.70	11.61	Sunrise or sunset on a clear day (ambient illumination)
150.00	471.24	13.94	
200.00	628.32	18.58	
250.00	785.40	23.23	
400.00	1,256.64	37.16	Typical overcast day, midday
500.00	1,570.80	46.45	Typical overcast day, midday
750.00	2,356.19	69.68	
6,366.20	20,000	591.42	Shade illuminated by entire clear blue sky, midday
35,332.43	111,000	3,282.38	Bright sunlight
38,197.22	120,000	3,548.52	Brightest sunlight

D. Signs Not Requiring Permits

The following miscellaneous signs are exempt from permits and provisions of this ordinance except as specified in the following descriptions:

a. *Banner*. A sign of canvas, plastic sheeting, paper or cloth without supporting frame, and affixed to a flat surface such as an exterior wall, window or mansard. A banner may be completely attached to a permanent freestanding sign. In no case will a banner be partly attached leaving one or more ends staked to the ground or attached to a pole or any other object. No more than one banner is allowed per site, or per tenant in a group occupancy, at a time. The size of a banner shall not exceed thirty-two (32) square feet.

b. *Construction signs*. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period to a maximum area of thirty-two (32) square feet for each firm. The signs shall be confined to the site of construction and shall be removed within fourteen (14) days of the beginning of the intended use of the project.

c. *Flags*. Category includes the United States flag, the Alabama State flag, other official governmental flags; flags representing public and private educational institutions; also religious, charitable, fraternal and corporate flags. Any flags other than the United States flag, the Alabama State flag, or other official governmental flags shall be limited to one per street front, and shall not exceed fifteen (15) square feet with no one dimension to exceed six (6) feet in any direction.

d. *Real estate signs*. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed may have up to a total area of twelve (12) square feet in R-1, R-2 and R-3 zones. Thirty-two (32) square feet of total area is allowed for real estate signs in R-B, B-1, B-1 H, B-2, B-3, H-1, SD, FAR, I-1 and I-2 zones, and in residential zones for properties containing three (3) or more acres. Such signs shall be removed within ten (10) days of the sale, rental or lease.

e. *Political campaign signs*. Political campaign signs announcing the candidates seeking public political office and other data pertinent thereto up to an area of thirty-two (32) square feet for each premises. These signs shall be confined within private property and removed within seven (7) days after the election for which they were made.

f. *Window display signs*. A sign temporarily positioned for view through a window.

g. *Marquees*. Marquees, with the following exceptions, are considered as a part of the permitted signage and, as such, do not require a separate permit. Theater marquees are permitted by special exception of the Board of Zoning Adjustment.

h. *Subdivision entrance identification signs*. The total area shall not exceed 36 square feet of signage per entrance. No more than two (2) signs per entrance will be allowed.

E. Exceptions

The following types of signs are exempt from provisions of this ordinance except as specified in the following descriptions:

1. *Public signs.* Signs of a noncommercial nature and in the public interest as duly authorized by constituted governmental bodies for reasons of safety, regulatory information, legal notices or other legal requirements.

2. *Institutional.* In R-1, R-2, and R-B zones, signs setting forth the name for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to a maximum area of one (1) square feet per building front foot. Such signs may be illuminated in accordance with the regulations of the district wherein contained. If surface mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than ten (10) feet above ground level, and in no event shall a ground supported sign exceed two hundred (200) square feet. Institutional signs shall require permits in accordance with these regulations.

3. *Integral.* Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar materials or other permanent-type construction made an integral part of the structure.

4. *On-premise directions.* Secondary on-premises signs of an informational nature for the purpose of guidance or instruction only. Maximum of three (3) feet in height, three (3) square feet in area.

5. *Official historical signs.* Signs which have been identified by the Florence Historical Board as historical signs.

6. *Vehicles.* Signs on vehicles licensed for travel upon public ways, provided the sign is painted or attached directly to the body of the vehicle.

7. In the B-3 Central Business District, one non-electric chalkboard or daily-special type sign is allowed for the announcement of menus, daily specials or special sales. The advertisement/announcement is typically hand-written. The sign shall not exceed four (4) square feet, nor be internally illuminated. It must be secured and not pose a hazard to pedestrians.

F. Prohibited Signs

1. *Signs on public rights-of-way.* Signs which are contained on, or surface- mounted signs which project into a public right-of-way more than twelve (12) inches, except public signs, as noted in Section (E). No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public, to any lamppost, public utility pole, traffic sign, street sign, trees or other natural features.

2. *Obstructions to public signs.* Signs that obstruct from view any traffic or street sign or signal, if so arranged as to interfere with traffic by blocking vision.

3. *Simulation of traffic signs.* Signs imitating an official traffic-control device by reason of working, color, shape or other characteristic.

4. *Abandoned signs.* Advertising an activity, product or business no longer conducted on the premises upon which the sign is located.

5. *Roof-mounted signs.* A sign erected upon or above the roof, parapet or fascia of a building.

6. *Wall-painted signs.* Signs painted on the exterior face of a building, except murals in business districts with approval of the building official.

7. *Portable signs.* Signs of any size and of any material, with or without changeable lettering, which are designed to be or are portable/transient. Portable signs may, or may not be, designed to be transported by means of wheels or considered temporary in nature.

   Portable signs include, but are not limited to, the following:
   - Signs, posted or displayed on utility poles or other street appurtenances
   - Signs, posted or displayed on stakes *(metal, wood, wire, etc.)*, often called "snipe" signs or "street spam"
   - Banners displayed on stakes (metal, wooden, wire, pvc, or otherwise)
   - Banners tied to utility poles or trees/bushes (*See section (D)(1) for allowable banner regulations)*
   - Inflatable structures, including air walkers
   - Non-exempt A-frame, T-frame or sandwich board signs
   - Signs attached to or painted on a vehicle, parked and visible from a public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

8. *Snipe sign.* Any sign made of any material, including paper, cardboard, wood, or metal; Transient in nature and usually found staked in the ground or tacked upon trees, official street signs, or utility poles.

G. Administration

The building official is the authorized official for the administration and enforcement of sign regulations.

1. *Permit requirement.* No sign shall be erected, altered or relocated without a permit issued by the building official, except as is otherwise provided by exceptions, specified, in Section (D), Signs Not Requiring Permits, or Section (E), Exceptions.

2. *Permit application.* The permit application shall contain the name and address of the sign owner(s) and property owner(s), location of the sign, drawing showing the design and

location of the sign on the premises and other pertinent information as the building official may require to ensure compliance with the ordinances of the city.

3. *Fees.* Fees for sign permits shall be the cost of administrative processing and inspection plus a sliding fee schedule established by the building official and approved by the City Council. A fee for maintenance, painting and repair of an approved sign is not required unless a structural change is made.

4. *Permit termination.* A sign permit shall become void if work for which the permit was issued has not been completed within a period of six (6) months from date of issuance or if construction of the sign is not in conformity with the ordinances of the city as determined by the building official.

5. *Appeals.* Any person aggrieved by any decision or order of the building official may appeal to the Board of Zoning Adjustment by serving written notice to the building official, who, in turn, shall immediately transmit the notice to the Board, which shall meet to hear it within forty-five (45) days thereafter. The building official shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public. Appeals taken to the Board shall be advertised, considered and disposed of in accordance with the procedure and bylaws set forth in the establishment of the Board.

6. *Penalties.* Any person who violates any section of this ordinance or fails to comply with any section thereof shall be guilty of a misdemeanor which shall be punishable as provided in Chapter 1, Section 1-6 of the Code of the City of Florence, Alabama, as amended.

7. *Nonconforming signs.* Nonconforming signs may remain in use and may be maintained as defined in Section (B)(2)(b). Any sign alteration as defined in Section (B)(3)(c), or, any sign requiring repairs or alterations consisting of more than fifty (50) percent of the value of said sign, any sign destroyed to the extent of more than fifty (50) percent of its depreciated valuation, or any sign subject to change in the business or tenant such as, but not limited to, name, logo or updating of corporate symbols shall be deemed a new sign and shall require a permit and shall conform to the provisions of this chapter.

H. Appendix: *Highway Beautification Act - Outdoor Advertising*

Provisions of the "Highway Beautification Act-Outdoor Advertising," State of Alabama, Act No. 276, adopted in 1971, as may be amended, are hereby adopted and made a part of these regulations by reference.

Section V. Supplementary Regulations.

A. Supplementary Use Regulations

1. *Structure to Have Access.* Every structure hereafter erected or moved shall be so located on a building site as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

2. *Accessory Buildings.* No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.

3. *Outdoor Storage.* No appliances, such as washing machines and refrigerators, and no equipment, including major recreational equipment such as boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, shall be stored or parked for more than twenty-four (24) hours in any residence district except in a carport or enclosed building or behind the nearest portion of a building to a street. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored in any residence district other than in completely enclosed buildings.

4. *Illumination of Uses.* Lighting used to illuminate signs, parking areas or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residential premises or into traffic.

5. *Development of flood-prone areas.* Development of flood-prone areas shall be subject to the requirements outlined in the City of Florence Flood Damage Prevention Regulations.

B. Supplementary Area Regulations

1. *Dwelling on Small Building Site.* Where a lot located in a residence district contains less than the minimum required building site area for the district and on the effective date of this ordinance was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, such lot may be used as the building site for one-family dwelling.

2. *Business or Industry on Small Building Site.* Where a lot located in an industrial district or in a residence-business district contains less than the minimum required building site area for the district and on the effective date of this ordinance was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, such lot may be used as the building site for any use permitted in the district.

C. Supplementary Height Regulations

1. *Height Exceptions.* The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, parapet walls, cornices or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy.

2. *Excess Height.* In any R-1, R-2, R-3, R-B, B-1, B-1H, H-1, SD or FAR District, two (2) feet in building height may be added above the height limit for the district for each one (1) foot of side yard provided in excess of eight (8) feet. Such excess building height as related to side yards shall be construed to relate portions of buildings nearest to such side yards to the adjacent side yards only, except where the portion of a building is so located and of such a height as to require an increase in the other side yard to remain within a light plane established within the interior side yard line on the adjacent building site and the highest point on a building which could be erected under general height regulations for the district on the building site involved at the interior side yard line.

   Side yards adjacent to streets shall require such increases only where height of the erected portion of the building exceeds seventy-five (75) feet in R-1, R-2, R-3, R-B, B-1, B-1H, H-1, SD, I-1 or FAR Districts or 100 feet in R-B Districts and shall not require such increases in 1-2 Districts.

3. *Compensating Bulk and Open Space.* To permit variety in the shape and bulk of structures, upon approval of the Building Official, and subject to such limitation as it may prescribe for the protection of adjacent property, in any district, part of main structure may be erected or altered to a height in excess of that specified for the district in which the structure is located, provided a volume of space at least equal to the volume of space occupied by the part of the structure exceeding the height limit is provided and kept open below the height limit. It is intended that such open space below the height limit shall compensate for the bulk above the height limit, and that both the excess bulk and the compensating open space shall be provided on the same building site.

D. Supplementary Yard Regulations

1. *Buffer Planting Strips*. Wherever the boundary of a building site in an R-3, R-B, B-1, B-1 H, B-2, B-3, H-1, SD, FAR, I-1 or I-2 District adjoins an R-1 or R-2 District there shall be provided on such building site a buffer planting strip not less than thirty (30) feet in width and planted in accordance with the Section XI, Landscaping Regulations. Any required yard shall be counted as part of such buffer planting strip. Buffer planting strips shall comply with the following regulations:

a. *Landscaping.* Screen planting shall be provided in sufficient density and of sufficient height (but in no case less than eight (8) feet high two years after planting) to afford protection to the residence district from the glare of lights from blowing paper, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition.

b. *Use of Land.* No part of a buffer planting strip shall be used for any purpose other than screen planting unless such screen planting is provided adjacent to the residence district in sufficient depth and density to accomplish the purpose of protection, in which case as much as twenty (20) feet of the required thirty (30) feet may be used for parking or other open space uses not in conflict with the purpose of protection of the adjacent residence district nor in violation of any other provision of this ordinance.

c. *Decorative Masonry Wall.* In the case of a lot of record on the effective date of this ordinance, such lot being so unusually small that provision of the thirty (30) foot buffer planting strip precludes the reasonable use of the property for the uses permitted in the district in which the lot is located, upon approval of the Building Official, and subject to such conditions as may be prescribed to achieve the purpose of screen planting, a decorative masonry wall eight inches (8") thick and height (8) feet high may be substituted for the screen planting. In such case, the buffer planting strip may be reduced to no less than twenty (20) feet.

   The requirement for a buffer planting strip may be waived by the Building Official to create or expand a business or industry district if future extension of the business or industry district is anticipated and that the proposed building wall will present an acceptable appearance to the adjacent district. Waiver of the requirement for a buffer planting strip shall not constitute waiver of any side yard requirement.

2. *Minimum Side Yard Width.* In any district where side yards are not required by the district regulations, if a side yard is provided it shall have a width of at least five (5) feet.

3. *Corner Building Site*. In any district, a corner building site having to its rear a building site facing toward the intersecting or side street shall have provided on the intersecting or side street side of the corner building site a side yard having a width equal at least to the depth of the front yard required for a structure on the building site to the rear of the corner building site; provided, however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than thirty (30) feet.

4. *Visibility at Intersections*. On a corner building site in all districts, except a B-3 District, no fence, wall, hedge, structure, or planting creating a material impediment to visibility between the heights of two and one-half (2-1/2) feet and eight (8) feet above the street grade at the intersection shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at

points equidistant from such point of intersection and passing yards. In determining the triangular area in a B-2 or SAE District, the yard requirements shall be the same as in a B-1 District.

5. *Side Yard Exceptions for Small Lots*. Where side yards are required and a lot is less than sixty (60) feet in width, and, on the effective date of this ordinance was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, each side yard shall have a width of not less than one-seventh (1/7) the width of the lot; provided, however, that in no case shall a side yard have a width of less than five (5) feet.

6. *Major Street Lines*. Front yard depth and, in the case of a corner building site, side yard width shall be measured from the future street right-of-way line of a major street established on the plan for circulation (major street plan).

7. *Fences, Walls and Hedges*. No fence, wall or hedge that obstructs sight shall be erected, altered or placed in any required front yard to exceed a height of two and one-half (2 ½) feet above the street grade and no fence, wall or hedge shall be erected, altered or placed in any required side or rear yard to exceed a height of eight (8) feet**.**

E. The B-3, Central Business District, Historic Districts, Historic Structures, and Historic Sites

New construction or redevelopment of existing structures within the B-3 (Central Business District of the City of Florence), historic districts, historic structures or historic sites which have been recognized or are officially determined eligible for recognition by the National Register of Historic Places or the Alabama Historic Commission as Historic Sites or Districts, shall be subject to the following regulations.

1. *Conformance with Historic Character.*

   All Historic sites and structures therein shall be designed to conform to the historical and architectural character of the district. This conformance will include building design and appearance.

2. *Standards for Rehabilitation.*

   Other than routine maintenance to existing structures, any proposed changes to the exterior of existing structures, sites, or proposed erection of new structures, including, but not limited to fencing, decks, etc., must first be reviewed and approved by the Florence Historical Board to ensure conformance with the historical and architectural character of the district. Reviews shall be based on site development plan and architectural drawings, as outlined on applications available in the Florence Building Department.

The Florence Historical Board shall apply the following advisory standards as recommended by the Secretary of the Interior for a historical review:

a. Every reasonable effort should be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment or to use the property for its originally intended purpose.
b. The distinguishing original qualities or character of a building, structure, site or its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;
c. All building, structures and sites should be recognized as products of their own time. Alterations that have no historical basis which seek to create an earlier appearance should be discouraged.
d. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and its significance should be recognized and respected.
e. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site should be treated with sensitivity.
f. Deteriorated architectural features should be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
g. The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be undertaken.
h. Every reasonable effort should be made to protect and preserve archeological resources affected by, or adjacent to, any project.
i. Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.
j. Whenever possible, new additions or alterations to structures should be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would remain.

F. Protection Standards

1. *Noise.* There shall be no production by any use of noise that at any boundary of the building site is in excess of the average intensity of street and traffic noise at that boundary.
2. *Heat, Glare and Vibration.* There shall be no emission by any use of objectionable heat, glare or vibration that is perceptible beyond any boundary of the building site on which the use is located.
3. *Dust, Dirt, Odors, Gases, Smoke and Radiation.* There shall be no emission by any use of dust, dirt, odors, gases, smoke or radiation that is in an obnoxious or dangerous amount or degree beyond any boundary of the building site on which the use is located.
4. *Hazard.* There shall not be created or maintained by any use any unusual fire, explosion or safety hazard beyond the boundary of the building site on which the uses located.
5. *Wastes.* No materials or wastes shall be stored in such a manner that they may be transferred off the building site by natural forces or causes.

Section VI. Home Occupation Regulations.

A *Home Occupation* is an occupation for gain or support conducted in a dwelling unit only by members of a family residing in the dwelling unit and not including the employment of any additional persons. The occupation is incidental to the residential use of the dwelling unit and does not utilize more than twenty-five percent (25%) of the floor area; and no part of the occupation is conducted in an accessory building. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. There shall be no sign, and no visible evidence of the conduct of a home occupation.

A. Permit Procedures

Home occupations complying with the criteria established in Section (B) shall be considered minor in character and may be approved upon application to the Building Official. Major home occupations shall commence only after the receipt of a special exception from the Board of Zoning Adjustment as outlined in Section XIII (B) (2) (b) of this ordinance.

B. Criteria for Minor Home Occupations

Uses classified as minor may be permitted in all zoning districts that allow residential land uses. The following regulations shall apply to all minor home occupations.

1. The use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no others.

2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered by the occupation within

the residence or be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises.

3. No more than twenty-five (25%) percent of the gross floor area of the dwelling may be used for the home occupation.
4. There shall be no advertising, display, signs, or other indications of a home occupation on the premises.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, that is, direct sales of products off display shelves or racks are not allowed.
6. No storage or display of goods shall be visible from outside the structure.
7. No highly explosive or combustible material should be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
8. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
9. A home occupation shall not create the need for additional parking spaces.
10. No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
11. Deliveries from commercial suppliers may not be made to the dwelling. All supplies must be picked up off-site by the individual conducting the home occupation.
12. Minor home occupations may include, but are not necessarily limited to, the following:
    a. Artists and sculptors;
    b. Authors and composers;
    c. Home crafts for sale off-site;
    d. Office facility of minister, rabbi, or priest;
    e. Office facility of a salesman, sales representative, contractor, subcontractor, or manufacturer's representative provided that no transactions are made in person on the premises and there is no outside storage of material or construction equipment;
    f. Professional home office, i.e., architect, engineer, individual counseling;
    g. Individual tutoring;
    h. Preserving and home cooking for sale off-site;

i. Individual instrument instruction provided that no instrument may be amplified;

j. Telephone solicitation work;

k. Professional consulting services, i.e., accounting, computer, etc.;

l. Dressmaking / sewing;

m. Family lawn care service. Provided equipment is stored within an enclosed garage/building, and employees of the business are immediate family members residing within the household.

C. Criteria for Major Home Occupations

Uses classified as Major Home Occupations shall be considered special exceptions administered according to Section XVII of this Ordinance. Residential R-1, R-2 and R-3 districts should, in general, be protected from major home occupations unless it can be specifically demonstrated that the use will have no short or long-term negative impact on the neighborhood. To this extent, the following regulations shall apply to all major home occupations:

1. The use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no others, except with the following exception:

   Instruction, which must by its nature, be provided outdoors, such as certain athletic instruction, may be so provided, if it generates no effects beyond the property line any greater than would normally be expected for a residence. In no event shall musical instrument instruction be provided outdoors.

2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes; and the appearance of the structure shall not be altered by the occupation within the residence, nor be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises.

3. The total area used for such purposes (including storage) shall not exceed the equivalent of twenty-five percent (25%) of the gross floor area, in square feet, of the first floor or main floor of the user's dwelling unit. In no case shall more than two rooms of the dwelling unit be used for the Home Occupation.

4. There shall be no advertising, display, signs, or other indications of a home occupation on the premises.

5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations; for example, a single-chair beauty parlor would be allowed to sell combs, hair spray and other miscellaneous items to customers. However, a

dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.

6. There shall be no exterior storage on the premises of material used in the home occupation, nor of any highly explosive or combustible material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
7. Deliveries from commercial suppliers may not be made to the dwelling. All supplies must be picked up off-site by the individual conducting the home occupation.
8. Major home occupations may include but are not necessarily limited to the following:
    a. Any use allowed as a minor home occupation;
    b. Single-chair beauty parlors and barber shops;
    c. Upholstering;
    d. Lawn Care - provided equipment is stored in an enclosed building or garage;
    e. Woodworking, excluding cabinet making.

D. Applications, Permits and Inspections

Individuals wishing to conduct a home occupation in a dwelling that they own may apply to the Building Official for a Home Occupation Permit on forms available from the Building Department. Individuals other than the dwelling owner who wish to conduct a home occupation in the dwelling must submit a notarized letter from the owner granting permission for the home occupation along with the application, or the application will not be accepted.

E. Classification and Approval

The Building Official will classify Home Occupation Permit applications as major or minor Home Occupations. Major Home Occupation applications will be referred to the Board of Zoning Adjustment for processing in accordance with Section VIII (B)(2)(b) of this ordinance. Minor Home Occupation applications will be approved administratively by the Building Official or his designee upon presentation of representations and/or verifications provided by the applicant, provided that the Building Official or his designee finds that the conditions established in Section VI (B) of this Ordinance are met. Minor Home Occupation applications that are denied administratively may be appealed to the Board of Zoning Adjustment under the provisions of Section VIII (B) (2) (b) of this ordinance.

F. Inspections

The Building Official or his designee shall have the right, at any reasonable time, and upon reasonable request, to enter and inspect the premises covered by a Home Occupation Permit to ensure compliance with the terms of said permit, or for other lawful reasons. If, upon inspection, the Home Occupation use is not being conducted in accordance with the Home Occupation Ordinance, the Building Official may revoke the Home Occupation permit.

G. Permits

Applicants whose requests for Home Occupation Permits are approved shall purchase from the City Clerk on or before January 1 of each year, a business license for the privilege of conducting the home occupation. The City Clerk shall refuse to renew a license for a Home Occupation Permit upon notification from the Building Official that representations made on the Home Occupation Permit application are, or have become, an inaccurate description of the business, or that other conditions in this ordinance are not being met.

H. Transferability

Home Occupation Permits are not transferable between individuals, nor are they valid for a location other than the location noted on the permit. An individual who moves may not resume their home occupation in the new location without reapplying for a Home Occupation Permit.

Section VII. Architectural Control Standards.

A. Purpose

The purpose of this section is to establish minimum standards for exterior architecture of commercial, office, institutional, religious, industrial and warehouse buildings to ensure a high quality of development, redevelopment and compatibility with evolving architectural or planning themes that contribute to a community image of quality, visual aesthetics, permanence and stability, which are in the best interest of the citizens of the city. These standards are intended to prevent use of building materials that are unsightly and contribute to depreciation of area property values or cause urban blight.

These standards are further intended to enhance the appearance of building exteriors, additions and accessory structures in order to prevent visual disharmony, to minimize adverse impacts on adjacent properties from buildings which are or may become unsightly, and to discourage buildings that detract from the character and appearance of the area. It is not the intent of this section to unduly restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use or site characteristics.

B. Scope of Regulations

The provisions of this section are applicable to all properties within the City of Florence and its extra-territorial zoning jurisdiction that are located within R-3, R-B, B-1, B-1 H, B-2, H-1, SD,

F-A-R, I -1 and I-2 Zones; Further, this section applies to all uses within R-1, R-2, and R-3 zones that require approval by the Board of Zoning Adjustment.

The provisions of this section are applicable only to new development, and redevelopment of existing structures that will alter the existing facade by fifty (50) percent or greater for the above referenced zones.

All proposed development or redevelopment within the B-3, Central Business District shall conform to the historic character of downtown Florence and the provisions of Section V(E), of these regulations shall apply.

Developments located within a Conditional Overlay District or a Planned Unit Development shall be subject to specific site plan controls and all aspects of the proposed construction including architecture, signage, buffering, ingress/egress, and other considerations that merit inclusion in the approval process. A Planned Unit Development and a Conditional Overlay development must be approved by the Planning Commission and City Council as outlined under Sections XIV and XV of these regulations.

The Florence-Lauderdale Industrial Park shall be exempt from these provisions.

C. Architectural Design Standards

In R-3, R-B, B-1, B-1 H, B-2, H-1, SD and FAR zones, where the exterior wall of a structure is facing a street or thoroughfare, rib-faced, lap seam, pre-finished metal wall panels, with or without exposed fasteners, are not permitted as exterior wall finish materials. *Further, the structure shall be required to meet the exterior wall finish requirements on all sides where the site abuts an R-1, R-2 or R-3 zone where buffer screen planting is not provided.*

All proposed development or redevelopment within the B-3 Central Business District shall conform to the historic character of downtown Florence and the provisions of Section V(E), of these regulations shall apply.

On proposed structures within R-1, R-2, and R-3 zones that require approval by the Board of Zoning Adjustment, where the exterior wall of a structure will face a street or thoroughfare, rib-faced, lap seam, pre-finished metal wall panels, with or without exposed fasteners, are not permitted as exterior wall finish materials. *Further, the structure shall be required to meet the exterior wall finish requirements on all sides where the site abuts an R-1, R-2 or R-3 zone or buffer screen planting will be required.*

All new structures and buildings, and all existing structures and buildings proposed to have facade changes of fifty percent or greater, and located within an R-1, R-2, R-3, R-B, B-1, B-1H, B-2, H-1, SD or FAR zoning district shall be erected and constructed so that 100 percent of exterior walls facing streets or thoroughfares shall be constructed with any combination of the following approved materials: brick; exterior insulated finish system; stucco; glass; Masonite; wood

(painted or stained); decorative masonry products (split faced, textured, glazed); stone (natural, synthetic); aluminum or vinyl lap siding; ornamental metal; or any other comparable or superior materials as approved by the Building Official.

All structures and buildings erected and constructed within I-1 and I-2 zones shall be erected and constructed so that 40 percent of the non-glazed area of exterior walls of structures facing streets or thoroughfares shall consist of any combination of the following approved materials: brick; exterior insulated finish system; stucco; wood (painted or stained); decorative masonry products (split faced, textured, glazed); stone (natural, synthetic); and/or decorative metal.

Section VIII. Multi-Family Development Regulations.

A. Scope of Regulations

These regulations shall apply to all multi-family developments constructed within the City of Florence and its extraterritorial zoning jurisdiction.

The following General Regulations and Design Standards shall apply to all multi-family developments. However, where this section may conflict with design elements required for a Conditional Overlay District or a Planned Unit Development District, the stricter provisions shall apply.

B. General Regulations

a) *Building Site Area*. All districts other than the B-3 (central business) district permitting multi-family development shall have a minimum building site area of:

- 8,000 sq. ft. for the first two units
- 2,500 sq. ft. per unit for any additional dwelling unit

b) *Structure Orientation*. Multi-family developments abutting a public right-of-way shall be required to orient the building front toward subject right-of-way. The Building Official may grant exceptions if the site is found to have irregular configurations, or the proposed building orientation is found to be more conducive aesthetically to the surrounding properties.

Exceptions to structural orientation will not be considered for the sole purpose of gaining additional dwelling units for a proposed project.

C. Design Standards

A multi-family development shall provide the following:

a) *Parking and circulation.* Parking of two (2) spaces per unit, plus one (1) additional space for any unit with more than two bedrooms, improved to City of Florence standards and

facilities for safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways and landscaped separation spaces between pedestrian and vehicular ways. Multi-family developments shall have adequate and safely located play areas for children.

b) *Stormwater Detention*. Shall be required as outlined in Article II, City of Florence Subdivision Regulations.

c) *Building Setbacks*. The following are mandatory setbacks for multi-family developments. Should there be any Section in conflict with these requirements the more stringent shall apply.

Multi-family construction, with the exception of the B-3 (central business) district, shall require the following setbacks:

a. Multi-family developments shall require a front yard setback of twenty-five (25) feet.

b. A single-story, multi-family development abutting property located within an R-1, R-2 or SD district shall have a minimum side and rear yard setback of thirty (30) feet.

c. A two-story development abutting property located within an R-1, R-2 or SD district shall have a minimum side and rear yard setback of 40 (40) feet.

d. With the exception of the above requirements, all other multi-family developments shall have a minimum side yard of fifteen (15) feet, and a minimum rear yard of twenty (20) feet for single-story or two-story construction.

d) *Screening and Landscaping*.

All Multi-family development with the exception of developments located in the B-3 (central business) district, shall require a 10-foot buffer planting strip, eight (8) feet high within two years, along the side and rear yards**,** planted in sufficient density to afford protection to the adjoining properties in terms of visual encroachment, noise, litter, lights, etc.

With the exception of the above requirements, landscaped areas for multi-family developments shall be planted and maintained in accordance with this ordinance, should there be any Section in conflict with these requirements, the more stringent shall apply.

e) *Building, Spacing and Access.*

The following building spacing and access shall be provided. Distances shall be measured between exterior walls. Minimum spacing dimensions shall not apply to corner-to-corner placement of buildings where walls do not overlap.

a. *Spacing of Buildings.* A building wall shall be located no closer to another building than a distance equal to the height of the taller building of the two; provided, however,

that for a two-story building containing dwelling units such distance shall be not less than fifty (50) feet in the case of two walls having windows and entrances, not less than thirty (30) feet in the case of two walls having windows but no entrances, not less than twenty (20) feet in the case of one wall having windows and the other no windows, and not less than twelve (12) feet in the case of two walls having no windows; provided, further, that for buildings of more than two stories, spacing shall be increased appropriately. Variations from these spacing requirements may be approved by the Building Official upon a showing that the arrangement of buildings is such that the orientation insures adequate light and air, avoids undue exposure to traffic ways and the parking and service areas of commercial establishments, and preserves reasonable visual and audible privacy between buildings.

b. *Access by Emergency Vehicles*. Buildings in a multi-family development shall be so arranged that every building is accessible by emergency vehicles.

Section IX. Commercial Development Regulations.

A. Scope of Regulations

These regulations shall apply to those commercial developments within the City of Florence and its extraterritorial jurisdiction. However, where this section may conflict with design elements required for a Conditional Overlay District or a Planned Unit Development District, the stricter provisions shall apply.

Commercial developments of less than one (1) acre shall be restricted to one (1) primary structure and accessory uses.

B. Design Standards

The following shall be mandatory for a commercial development requiring approval under this section:

9. *Parking and Circulation*. Adequate parking in accordance with the proposed use, improved to City of Florence standards, and facilities for safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street loading areas and landscaped separation spaces between pedestrian and vehicular ways.

10. *Stormwater Detention*. Shall be required as outlined in Article II, Section III, (B)(12) of the City of Florence Subdivision Regulations.

11. *Screening and Landscaping.* Shall be required in accordance with this ordinance as outlined in Section X (C).

12. *Building, Spacing and Access.* The following building spacing and access shall be provided. Distances shall be measured between exterior walls. Minimum spacing

dimensions shall not apply to corner-to-corner placement of buildings where walls do not overlap.

a. *Spacing of Buildings.* A building wall shall be located no closer to another building than a distance equal to the height of the taller building of the two; provided, however, that for a two-story building containing dwelling units such distance shall be not less than fifty (50) feet in the case of two walls having windows but not entrances, not less than twenty (20) feet in the case of one wall having windows and the other no windows, and not less than twelve (12) feet in the case of two walls having no windows; provided, further, that for buildings of more than two stories, spacing shall be increased appropriately. Variations from these spacing requirements may be made by the Building Official upon a showing that the arrangement of buildings is such that the orientation insures adequate light and air, avoids undue exposure to traffic ways and the parking and service areas of commercial establishments and preserves reasonable visual and audible privacy between buildings.

b. *Access by Emergency Vehicles.* Buildings in a commercial development shall be so arranged that every building is accessible by emergency vehicles.

Section X. Off-street Parking Regulations

A. Off-Street Parking

1. *Provision of Off-Street Parking Required.*

   The off-street parking facilities herein required shall be provided and maintained in the manner herein set forth.

   The B-3 Central Business District, the East Florence Historic District, and the North Florence Business District as shown on the Official Zoning Map, are exempt from these off-street parking requirements. Where off-street parking is provided, it shall be constructed, surfaced and landscaped in accordance with these regulations.

2. *Size and Location.*

   Each off-street parking space shall be an area of appropriate dimensions of not less than one hundred eighty (180) square feet net, exclusive of access or maneuvering area, ramps and other appurtenances. Except as otherwise permitted under a parking plan which has been approved for locating or sharing of facilities, off-street parking spaces shall be located on the building site on which the use or structure for which they are provided is located. Maneuvering area, ramps and other appurtenances shall be located off the street right-of-way and, except for one-family and two-family dwellings, facilities shall be so planned that vehicles do not back into the roadway.

3. *Dwelling Uses.*

Required off-street parking spaces shall not occupy any part of a required front yard. In addition to the required off-street parking area, parking of passenger vehicles may occupy a driveway or other space of not more than 25% of the required front yard, provided the driveway or space is surfaced with an all-weather surface so as to prevent erosion and also mud flow into a public right-of-way. Driveway or parking space must be arranged so as not to obstruct vision along the street or roadway. In no case shall parking be permitted in grassed or other areas of the required front yard, in an unimproved or grassed area of the public right-of-way, or over any public sidewalk.

For the purpose of this section, an improved or all-weather surface is defined as concrete, asphalt, brick, stone, rock or similar materials; maintained in good condition free of weeds, trash and debris. If crushed stone or rock is used, it must be properly bordered and contained to prevent the stone or rock from spreading into the yard or public right-of-way.

4. *Construction and Maintenance.*

   Except for one-family and two-family dwellings, off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

   a. *Drainage and Surfacing*. They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in proper condition, free of weeds, dust, trash and debris.

   b. *Vehicle Extension.* They shall be constructed so that no part of parked vehicles will extend beyond the parking facility.

   c. *Lighting.* If they contain ten (10) or more parking spaces, lighting shall be provided and maintained during their operation and shall be so arranged that the source of light does not shine directly into adjacent residential properties or traffic.

   d. *Entrances and Exits.* They shall have entrances and exits provided and located so as to minimize traffic congestion and to prevent vehicles backing from the area into the roadway.

   e. *Layout of Grade Level Facilities*. If the total number of parking spaces in a grade level facility is more than two hundred (200) and the public is required to park its own vehicles (self-parking), blocks of parking spaces shall be established, each containing not more than two hundred (200) parking spaces.

      The limits of such blocks shall be defined by a raised curbed area six (6) inches in height and twelve (12) feet in width running the entire length of the block which shall be improved with either planting, concrete sidewalks or both. A raised curb shall also be constructed along the side of a block feeder roadway (one which feeds vehicles into blocks of parking spaces) at the head of and for the full width of every parking group.

Roadways within parking facilities composed of blocks of parking spaces shall have minimum width of twenty-four (24) feet, except as follows:

a. A block feeder roadway which feeds vehicles into blocks of parking spaces along both sides of such roadway shall have a minimum width of thirty-six (36) feet;

b. A store roadway (one which runs parallel and adjacent to the fronts of stores or other buildings having pedestrian access) shall have a minimum width of thirty-six (36) feet;

c. A group feeder roadway (one which feeds vehicles directly into parking spaces) shall have a minimum width of twenty-four (24) feet for ninety (90) degree parking, seventeen (17) feet for sixty (60) degree parking, eleven (11) feet for forty-five (45) degree parking, or ten (10) feet for thirty (30) degree parking;

d. A major roadway (one that provides the major circulation within a parking facility) shall have a width of thirty-six (36) feet or of forty-eight (48) feet, as required by the volume of traffic.

Parking facilities composed of blocks of parking spaces shall be accessible from group feeder roadways and from no other type roadway.

f. *Screening and Landscaping.* All parking facilities within the city and the extraterritorial zoning jurisdiction shall be landscaped and screened in accordance with provisions outlined in Section XI of this ordinance.

g. *Prohibition of Other Uses.* Required off-street parking areas shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.

h. *Limitation on Size of Vehicles.* Vehicles, weighing more than 14,000 pounds, GVWR (Gross Vehicle Weight Rating), are prohibited from parking in Single-Family (R-1 and R-2) zones, with the exception of motor homes which shall be allowed, in compliance with Section V (A) (3*).*

i. *Multiple-Level Parking Facilities.* Parking facilities on more than one level shall be designed in accord with those standards set out herein for grade level parking facilities insofar as they are reasonably applicable.

5. *Number of Spaces Required.*

At least the following number of off-street parking spaces shall be provided. The classifications of uses shall be deemed to include and apply to all uses, and if the classification of any use for the purpose of determining the number of parking spaces to be provided is not readily determinable hereunder, the classification of the use shall be fixed by the Board of Adjustment.

Use	*# of Spaces Required*
Appliance store	1 space per 900 square feet of gross floor area
Art Galleries	1 space per 300 square feet of floor area.
Auditoriums	1 space per 3 seats
Automotive, Boat sales/service	1 space per 900 square feet of gross floor area
Bottling Plant	1 space per 2 employees on maximum work shift
Broadcasting	1 space per 2 employees
Business Colleges, trade schools	1 space per 3 students
Churches	1 space per 4 seats
Clubs serving alcohol, Class 1 and Class 2	1 space per 43 square feet of serving area plus one space per employee at peak shift.
Clubs, Lodges	1 space per 300 square feet of floor area.
Colleges, Universities	1 space per 3 students
Commercial Amusements	1 space per 300 square feet of floor area.
Convention Halls	1 space per 3 seats
Creamery	1 space per 2 employees on maximum work shift
Dwelling, multi-family	2 spaces per unit, plus one additional space for any unit with more than 2 bedrooms.
Dwelling, single-family	2 spaces per unit
Electrical	1 space per 2 employees
Funeral homes	1 space per 3 chapel seats
Furniture store	1 space per 900 square feet of gross floor area
General Service or Repair Establishments	1 space per 2 employees
Gymnasiums	1 space per 3 seats
Heating	1 space per 2 employees
Hospitals and sanitariums	1.5 spaces per bed
Hotels	1 space per guest room
Industrial and Manufacturing Establishments	1 space per 2 employees on maximum work shift
Libraries	1 space per 300 square feet of floor area.
Lounge	1 space per 43 square feet of serving area plus one space per employee at peak shift.
Machinery, Equipment sales/service	1 space per 900 square feet of gross floor area
Medical, Dental Clinics	1 space per 300 square feet of floor area.
Mobile home parks and trailer parks	2 spaces per mobile home or trailer
Nursing homes	1 space per 4 beds
Offices	1 space per 300 square feet of floor area.

Personal Service Establishments	1 space per 300 square feet of floor area.
Plumbing	1 space per 2 employees
Printing	1 space per 2 employees
Publishing	1 space per 2 employees
Repair Shops	1 space per 300 square feet of floor area.
Restaurants	1 space per 43 square feet of serving area plus one space per employee at peak shift.
Retail store	1 space per 300 square feet of floor area.
School, elementary	2 spaces per teaching station
School, senior high	1 space per 4 students
Stadiums	1 space per 3 seats
Theaters	1 space per 3 seats
Warehouse and Distribution Establishments	1 space per 2 employees on maximum work shift

6. *Special plan for location of off-premises parking or sharing of off-premises parking facilities.*

Under the foregoing provisions of this ordinance, off-street parking spaces are required to be provided individually for each use or structure. Pursuant to the procedure hereinafter set forth and subject to certain limitations, the location of an off-premises parking facility or the sharing of off-premises parking by two (2) or more uses may be permitted, is encouraged and, in some cases may be required.

a. Limitations on sharing facilities. No use shall be considered to have individually provided off-street parking facilities where such facilities are shared with one or more other uses unless the schedules of operation, taking into account peak requirements of all such uses, are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as any other uses sharing them.

b. Application for approval of parking plan. An application for approval of a parking plan hereunder shall be filed with the Building Official by the owner or owners of all land and structures for which off-premises or shared off-street parking spaces are to be provided. The application shall contain such information as is required by the Building Official and shall include plans showing proposed off-premises or shared facilities in relation to the uses for which they are to be provided.

1. Review standards. Required parking for a development may be located off site under certain circumstances. Requests for off-site parking must meet the following requirements:

a. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination the following factors, among other things, shall be considered:

1. Proximity of the off-site parking facilities;
2. Ease of pedestrian access to the off-site parking facilities;
3. The type of use the off-site parking facilities are intended to serve, i.e., off-site parking may not be appropriate for high turnover uses such as retail;
4. Such space shall be conveniently usable without causing unreasonable:
    a. Hazard to pedestrians;
    b. Hazard to vehicular traffic;
    c. Traffic congestion;
    d. Detriment to the appropriate use of business property in the vicinity;
    e. Detriment to any residential neighborhood.

b. A written contract among the parties that will share the parking shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

c. The location of off-site facilities in relation to the use served shall be governed by the following provisions:

1. *Commercial uses*. Parking facilities accessory to nonresidential uses may be located on other than the same site as the use served (off-site) if approval is obtained from the Building Official. All required parking spaces shall be within four hundred (400) feet of the use served. No parking spaces accessory to a use in a commercial district shall be located in a residential district.

2. Where required parking facilities are provided on land other than the site on which the building or use served by such facilities is located, they shall be and remain in the same possession and ownership as the site occupied by

the building or use to which the parking facilities are accessory except that Building Official may authorize the use of leased, off-site land for the provision of required parking in either of the following cases:

a. The term of the lease approximates the expected life of the building or use to which the parking facilities are accessory; or

b. The number of required spaces leased for a short term does not exceed twenty-five (25) percent of total number of required parking spaces, and the applicant acknowledges in writing that a failure to continuously maintain the total number of spaces required will compel the immediate reduction of the intensity of the use served to the extent necessary to bring it into full conformance with the parking requirements of this chapter.

c. *Review of applications*. Applications hereunder shall be reviewed by the Building Official and either approved or disapproved within forty-five (45) days; approval may establish conditions and limitations.

d. *Filing of special plan*. Upon approval of a special plan, a copy of such plan shall be filed in the records of the Building Official and shall thereafter be binding upon the applicants, their heirs, successors and assigns; shall limit and control the issuance and validity of permits and certificates; and shall restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and the approvals thereof.

e. *Amendment or withdrawal of special plan*. Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and filed, any special plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such special plan comply with all the conditions and limitations of the special plan and all land and structures withdrawn from such special plan comply with all regulations established by this ordinance and unrelated to the special plan.

B. Off-Street Truck Loading

1. *Provision of Off-Street Truck Loading Required.*

The off-street truck loading facilities herein required shall be provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street truck loading facilities in excess of the amounts heretofore required by law need be neither provided nor maintained for structures annually used, occupied, and operated on the

effective date of this ordinance unless, after the effective date of this ordinance, such structures are enlarged or expanded, in which event the structures hereby excluded shall not be used, occupied, or operated unless there is provided for the increment only of such structures, and maintained as herein required, at least the amount of off-street truck loading facilities that would be required hereunder if the increment were a separate structure.

2. *Size and location.*

   For the purposes of this ordinance, there shall be considered two sizes of off-street truck loading spaces, "large" and "small". Each "large" space shall have an overhead clearance of at least fourteen (14) feet, shall be at least twelve (12) feet wide, and shall be at least fifty (50) feet long, exclusive of access or maneuvering area, platform, and other appurtenances; each "small" space shall have an overhead clearance of at least ten (10) feet, shall be at least ten (10) feet wide, and shall be at least twenty (20) feet long, exclusive of access or maneuvering area, platform, and other appurtenances. Off-street truck loading facilities shall be located on the same building site on which the structure for which they are provided is located. Access, maneuvering area, ramps and other appurtenances shall be furnished off the street right-of-way and so arranged that vehicles are not required to back from the street into the area, nor required to back from the area into the street.

3. *Construction and Maintenance.*

   Off-street loading facilities shall be constructed, maintained and operated in accordance with the following specifications:

   a. *Drainage and Surfacing*. They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition, free of weeds, dust, trash, and debris;

   b. *Lighting.* Lighting facilities shall be so arranged that the source of light does not shine directly into adjacent residential properties or traffic;

   c. *Entrances and Exits.* They shall be provided with entrances and exits so located as to minimize traffic congestion or backing from the street into the area;

   d. *Circulation.* Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than six hundred (600) cars, provision shall be made to maintain separate circulation routes within such facilities.

4. *Number of Loading Spaces Required.*

   At least the following amounts of off-street truck loading facilities shall be provided for all structures containing uses devoted to commerce, business, industry, manufacturing, storage, warehousing, processing, offices, professional purposes, hotels, hospitals, airports, railroad terminals and similar purposes; provided, however, that structures, other than structures in the Retail Core of Florence as shown on the Official Zoning Map, required to

provide and maintain less than five off-street parking spaces shall be exempt from these requirements:

Sq. Ft. of Gross Floor Area	*Required Loading Spaces*
▪ 0 up to & including 12,500	1 (Small)
▪ 12,501 up to & including 25,000	2 (Small)
▪ 25,001 up to & including 40,000	1 (Large)
▪ 40,001 up to & including 100,000	2 (Large)
▪ For each additional 80,000 over 100,000	1 (Large)

5. *Cooperative Establishment and Use of Facilities.*

   Requirements for the provision of off-street truck loading facilities with respect to two or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated; provided, however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the Building Official, a lesser number of spaces will be adequate, taking into account the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors. In order to eliminate a multiplicity of individual facilities, to conserve space where space is at a premium, and to promote orderly development generally, the Building Official is hereby authorized to plan and group off-street truck loading facilities cooperatively for a number of truck loading generators within close proximity to one another in a given area, and especially in the general business districts, in such manner as to obtain a maximum of efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.

Section XI. Landscaping Regulations.

1. Purpose.

This section is designed to:

a. Promote the city as an attractive living environment, and trade and service center;

b. Promote the general welfare, safety, and aesthetic quality of Florence;

c. Improve appearance of commercial parking areas and property abutting public rights of way;

d. Provide relief from traffic, noise, heat, glare, dust, and debris;

e. Provide transition between land uses and preserve the appearance, character, and value of surrounding properties;

f. Protect streams and watercourse from excessive runoff and erosion, and replenish underground water reservoirs by using natural drainage and infiltration systems.

2. Scope of Application.

The provisions of this section apply to all developments within the corporate limits of the City of Florence and to the extraterritorial zoning jurisdiction of the city. However, where this section may conflict with design elements required for a Conditional Overlay District or a Planned Unit Development District, the stricter provisions shall apply.

a. *General Requirements and Landscape Plans.*

A minimum of six percent (6%) of the total site area shall be landscaped in accordance with criteria outlined in this chapter.

The following landscaping criteria shall be adhered to:

Interior Landscaping - A minimum of six percent (6%) of the total land area shall be landscaped as outlined in Section (4)(d) and shall include requirements for Frontage and Perimeter landscaping. All interior landscaping shall be between the right-of-way and the primary structure, but not including plantings against the structure wall. When there are more than one hundred (100) parking spaces, a minimum of three percent (3%) of the total parking area must be landscaped between the frontage landscaping and any landscaping abutting the primary structure.

Frontage Landscaping - Frontage landscaping shall be required for all developments providing areas for parking or vehicular movement. Developments supporting up to fifty (50) parking spaces shall require Frontage and Interior landscaping only. Frontage landscaping requirements are outlined in Section (4)(b).

Perimeter Landscaping - In addition to Frontage and Interior landscaping, Perimeter landscaping shall be required for developments containing fifty-one (51) or more parking spaces. Perimeter landscaping requirements for developments containing fifty-one (51) to ninety-nine (99) spaces are outlined in Section (4)(c)1. Perimeter landscaping requirements for developments containing one hundred (100) or more spaces are outlined in Section (4)(c)2. Should the development abut an R-1, R-2, R-3, R-B or SD zoning district, the criteria outlined in Section (4)(c) 4 shall pertain.

Note: It is recommended that large shade trees be planted where feasible in or near off-street parking areas.

b. *Existing Off-Street Parking Areas.*

An off-street parking area which is in existence and does not conform to the provisions of this section may continue until such time as it is altered by more than fifty percent (50%)

of its existing parking capacity, at which time a landscaping plan must be submitted to the office of the Building Official for approval.

c. *Parking Decks.*

Only perimeter landscaping will be required for parking decks.

d. *Minimum Compliance*.

The requirements of this section are minimum standards.

e. *Exceptions*.

Single-family dwellings shall be exempt from the provisions of this section. I-1 and I-2 Districts shall require Frontage Landscaping *only*, provided the building site does not adjoin an R-1, R-2, R-3, R-B, H-1 or SD zone in which case Section (4)(c) 4 will apply.

3. Definitions.

Approving Authority. The Building Department of the City of Florence is the approving authority for landscape plans.

Berm. A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitate mowing shall have a slope not greater than one (1) foot of rise per three (3) feet of run.

Caliper. Trunk diameter of a tree used in landscaping, measured six (6) inches above ground for trees up to four (4) inch caliper and twelve (12) inches above ground for larger trees.

Crown. The branches and leaves of a tree or shrub, with the associated upper trunk.

Deciduous plants. Those that shed their leaves during their dormant season and produce new leaves the following growing season.

Evergreen plants. Those that retain their leaves during their dormant season.

Frontage landscaping. Treatment of grade, ground cover, vegetation and ornamentation between an off-street parking or maneuvering area and adjacent rights-of-way.

Ground cover. Plants, mulch, gravel and other landscape elements used to prevent soil erosion, compaction, etc.

Interior landscaping. Treatment of grade, ground cover, vegetation and ornamentation within an off-street parking or maneuvering area between the right-of-way and the primary structures not including the plantings against the structure wall.

Island. An interior landscaping feature defined by a curb and surrounded by paving on all sides.

Landscape element. A plant material (living or non-living) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding off-street parking area surfacing materials.

Mulch. A material (pinestraw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

Mulch bed. An area, generally bordered by a retaining device, with a covering of mulch over the soil.

Off-street parking area. An area, other than on public right-of-way, designated for the parking and movement of vehicles.

Organic landscaping materials. Plants or nonliving materials made from plants. (pinestraw, bark chips, etc.)

Parking deck. A structure used for parking of vehicles and having one or more parking levels above the grade of the surrounding land.

Parking space. An area marked for the parking of one vehicle.

Peninsula. An interior landscaping feature defined by a curb and surrounded by paving on three (3) sides.

Perimeter landscaping. Treatment of grade, ground cover, vegetation and ornamentation between an off-street parking area and adjoining properties and/or rights-of-way, but excluding landscaping between an off-street parking area and buildings on the same property.

Shrub. A woody plant, generally multi-stemmed, of smaller stature than a tree.

Stem. See trunk.

Tree. A woody plant, generally with no more than one or two principal stems.

Trunk. A principal upright supporting structure of a tree or shrub.

Visibility triangle. An area of critical visibility between the heights of 2.5 feet and 8 feet above the street grade at an intersection in which landscaping is restricted in the interest of vehicular traffic safety. The visibility triangle will be determined by points twenty-five (25) feet from intersecting right-of-way lines with a straight line connecting such points.

4. General Off-Street Parking Area Landscaping Requirements.

Landscaping of off-street parking areas shall be of three (3) types as described below, *Frontage Landscaping, Perimeter Landscaping and Interior Landscaping*, and shall conform to landscape plans submitted and approved in accordance with the requirements of this section.

a. *Landscape Plan Requirements.*

A master site plan in sufficient detail to indicate the number of parking spaces, the overall amount of off-street parking area, frontage landscaping, perimeter landscaping and interior landscaping, shall be submitted and approved by the Building Department before issuance of a building permit.

Landscape plans submitted under this section shall include information as listed below:

- Date, north arrow, and scale of one (1) to no more than fifty (50) feet
- Title, name of owner, and phone number of person or firm responsible for landscape plan
- Boundary lines and lot dimensions
- Location of all proposed structures and storage areas
- Parking lot layout including parking stalls, bays, and driving lanes
- Landscaping details including the locations, caliper, species (common name) and intended treatment (move, remove or save) of existing trees; locations, dimensions, and treatments of all perimeter and interior landscaping areas (islands and peninsulas)
- Schedule of all new and existing plants, including size (caliper and height, container size, etc., condition (bare-root, balled and burlapped, container-grown or pre-existing), common names and botanical names (genus, species and variety) of tree, shrubs, and ground cover, and the type and amount of turf grasses
- Existing and proposed utility lines and easements
- All paved surfaces and curbs
- Existing trees or natural areas to be retained.

b. *Frontage Landscaping Requirements.*

Frontage and interior landscaping shall be required for all developments providing areas for parking or vehicular movement. *Where a building site in a subdivision fronts on a right of way developed with required street trees, the required frontage planting scheme may be adjusted by the building official in order to achieve adequate visibility for a proposed development.*

1. Planting areas existing in a public right-of-way shall not count toward the required Frontage landscaping strip.

2. The amount of Interior landscaping required shall include the required Frontage landscaping.

3. Frontage landscaping shall require a landscaped strip five (5) feet in depth between the street right-of-way and the parking area, or vehicular maneuvering area. This depth shall be increased to eight (8) feet where parking bays are located at the frontage strip.

4. For developments of five (5) or more acres with frontage of 250 feet or more, the Frontage strip shall be thirty (30) feet in width and bermed in order to minimize the

visual impact of the off-street parking area, unless the Building Official determines that the natural topography does not require site to be bermed. The berm shall not have a slope of greater than one (1) foot of rise per three (3) feet of run, and shall not be less than four (4) feet in height at its apex. Landscaping of bermed perimeter strips shall be in accordance with all requirements as outlined in this section.

5. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip not including points of ingress/egress. Fractions of trees and shrubs shall be rounded to the nearest whole number. Trees and shrubs shall be well distributed, though not necessarily evenly spaced. Shrubs are optional in areas where a berm at least four (4) feet in height is used. The minimum spacing between trees is fifteen (15) feet, measured trunk to trunk. The maximum spacing is forty (40) feet, measured trunk to trunk. Where overhead utility lines exist, or are proposed, trees will be a species of a small mature height (less than twenty-five [25] feet).

6. Selection of trees for frontage strips shall be medium trees (mature height between twenty-five [25] and forty [40] feet) and large trees (mature height more than forty [40] feet). Small trees (mature height of less than twenty-five [25] feet) may be used in the following situations:

   - Where overhead power lines are proposed or in existence
   - In islands or peninsulas
   - When the required number of medium to large trees has first been met.

7. Frontage Landscaping, at driveways and street intersections, shall have an area of visibility between the heights of two and one half (2.5) feet and eight (8) feet above the street grade to afford a clear line of sight in the interest of vehicular traffic safety. This area at street intersections is a visibility triangle as defined in Section (3) Definitions.

8. Should the development abut an R-1, R-2, R-3 R-B, H-1 or SD district, the criteria outlined in Section (4)(c) 4 shall pertain *with the exception that a solid, unbroken visual screen will not be required.*

   Frontage landscaping required under these provisions shall be planted in accordance with Section (4)(b) 5.

c. *Perimeter Landscaping Requirements.*

In addition to Frontage and Interior landscaping, Perimeter landscaping shall be required for developments with fifty-one (51) or more parking spaces, or where parking or maneuvering areas abut R-1, R-2, R-3, R-B, or SD districts. Landscaping shall be provided within the property lines between the development and adjoining properties. Planting areas

existing on adjoining property shall not count toward the required perimeter landscaping strip.

1. Perimeter landscaping for developments containing fifty-one (51) to ninety-nine (99) spaces shall be at least five (5) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb.
2. Perimeter landscaping for developments containing one hundred (100) or more spaces shall be at least ten (10) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb.
3. Perimeter landscaping shall be planted in accordance with requirements for Frontage landscaping as outlined in Section (C)(4)(b)5.

   Note: Where a development is proposed adjacent to an existing commercial development, the respective property owners may make application to the Building Official for common access through the required perimeter strip. This application must be in writing from all property owners involved and be accompanied by a revised landscaping plan illustrating the proposed strip modifications.
4. A development adjacent to a residential district shall have a twenty (20) foot landscaped buffer for developments requiring Perimeter Landscaping. All other developments adjacent to a residential district shall have a ten (10) foot landscaped buffer area. All landscaped buffer areas required under this section shall consist of a solid unbroken visual screen**,** eight (8) feet high within two years of planting, and in sufficient density to afford protection to the residential districts from the glare of lights, from blowing paper, dust and debris, from visual encroachment and to effectively reduce the transmission of noise. A perimeter buffer area shall be maintained in a clean and neat condition.
5. Permitted Screening Plants

   The following screen plants shall be installed at a minimum height of five to six (5-6) feet and be at least eight (8) feet high within two years. They shall have a minimum expected mature spread of eight (8) feet.

   Table 1. Permitted Screening Plants / Min 5 – 6 feet at Installation

Common Name	**Scientific Name**
American Holly	Ilex opaca
Leyland Cypress	Cupressocyparis
Foster Holly	Illex attenuate ‘Fosteri’ leylandii
Southern Magnolia	Magnolia grandifloraCarolina

Hemlock	Tsuga caroliniana
Eastern Red Cedar	Juniperus virginiana
Canadian Hemlock	Tsuga Canadensis
Atlas Cedar	Cedrus atlantica
White Pine	Pinus strobus
Deodar Cedar	Cedrus deodara

The following screen plants shall be installed at a minimum size of three (3) gallons and have an expected height of at least eight (8) feet within two years, and a mature spread of at least five (5) feet.

Table 2. Permitted Screening Plants / Min 3 Gallons at Installation

Common Name	**Scientific Name**
English Holly	Ilex aquifolium
Burford Holly	Ilex cornuta 'Burfordii'
Nellie R. Stevens Holly	Ilex cornuta 'Nellie R. Stevens'
Wax Myrtle	Myrica cerifera
Cherrylaurel	Prunus caroliniana
English Laurel	Prunus laurocerasus
Leatherleaf Vivurnum	Viburnum rhytidophyllum

6. At the option of the developer, application may be made to the Building Official for the following reductions of the required landscaped buffer adjoining R-1, R-2, R-3, R-B, H-1 and SD districts:

   a. *Developments of up to fifty (50) parking spaces:* If a solid wooden, vinyl, or masonry wall fence eight (8) feet high is constructed at the property line to obstruct view from adjoining properties, the required buffer may be reduced to five (5) feet. The strip area between the fence and the parking or maneuvering area shall be planted in accordance with Section (4)(b) 5.

   b. *Developments of fifty-one (51) or more parking spaces*: If a masonry wall eight (8) feet high is constructed at the property line to obstruct view from adjoining properties, the required buffer may be reduced to eight (8) feet. The strip area between the wall and the parking or maneuvering area shall be planted in accordance with Section (4)(b) 5.

d. *Interior Landscaping Requirements.*

Planting islands and/or peninsulas shall be provided for all parking areas subject to these regulations with percentages, dimensions and arrangement as given below:

1. The required amount of interior landscaping shall be a minimum of six percent (6%) of the total land area. All interior landscaping shall be between the right-of-way and the primary structure but not including plantings against the structure wall.
2. Each island or peninsula, to count toward the total interior landscape requirements, shall be at least one hundred (100) feet in area. However, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be five hundred (500) square feet
3. Required islands and peninsulas must be at least six (6) feet in their least dimension, measured from back of curb to back of curb.
4. Required islands and peninsulas in off-street parking areas shall be as uniformly distributed as practicable to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and/or peninsulas shall be placed at the ends of rows of parking spaces or between the circulation drives and parking rows to channel traffic safely around the parking areas and to demarcate parking rows.
5. The required interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per one hundred (100) square feet of landscaped area. Each island or peninsula shall contain at least one (1) tree.
6. Required interior landscaping shall not include the area of any plantings against the primary structure.

e. *Plant Materials and Installation Requirements.*

1. Required shrubs shall be planted at a minimum height of fifteen (15) inches or a minimum spread of fifteen (15).
2. All required trees planted, shall be of the following classes: small, medium, and large. See section (4)(f) regarding credit for existing plant materials. The developer should consider a diversity of species for the site.

   Any deviation from the following lists of trees must be indicated on the landscape plan and approved by the building department.

- *Small Trees*

  Mature Height Less than twenty-five (25) feet

  All small trees shall be installed at a minimum height of six (6) feet and at a minimum caliper of one and one half (1½) inches, measured at a point of six and

one half (6½) inches above grade. See Section (4) (b) (6) regarding placement of small trees.

Table 3. Permitted Small Trees

Botanical Name	Common Name
Acer griseum	Paperbark Maple
Acer palmatum	Japanese Maple
Cercis canadensis	Eastern Redbud
Chionanthus retusus	Taiwan Fringe Tree
Chionanthus virginicus	Fringe Tree
Cornus kousa	Kousa Dogwood
Lagerstroemia indica	Crepe Myrtle
Magnolia sieboldii	Oyama Renge
Magnolia stellata	Star Magnolia
Magnolia x soulangiana 'Burgundy'	Burgundy Saucer Magnolia
Malus floribunda	Japanese Flowering Crabapple
Malus hupensis	Tea Crabapple
Malus Ioensis	Praire Crabapple
Malus species	Crabapple
Prunus cerasifera	Purple Leaf Plum
Prunus glandulosa 'Alba Plena'	Flowering Almond
Prunus mume 'Matsubara Red'	Flowering Apricot
Ternstroemia gymnanthera	Ternstroemia
Vitex agnus-castus	Chaste Tree

- *Medium Trees*

  Mature Height between twenty-five (25) feet and forty (40) feet

  All medium trees shall be installed at a minimum height of eight (8) feet and at a minimum caliper of one and one half (1½) inches, measured at a point of six and one half (6½) inches above grade.

  Table 4. Permitted Medium Trees

- *Large Trees*

Botanical Name	Common Name
Cornus florida	Flowering Dogwood
Malus floribunda 'Harvest Gold'	Harvest Gold Crabapple
Magnolia fraseri	None
Magnolia macrophylla	Big Leaf Magnolia
Magnolia kobus	Kobus Magnolia
Halesia diptera	Two Winged Silver Bell
Lagerstroemia fauriei	Japanese Crepe Myrtle
Magnolia denudata	Yulan Magnolia
Carpinus betulus	European Hornbeam
Halesia carolina	Snowdrop Tree
Quercus gravesii	Chisos Red Oak
Quercus laurifolia	Laurel Oak

Mature Height Greater than forty (40) feet

All large trees shall be installed at a minimum height of twelve (12) feet and at a minimum caliper of two (2) inches, measured at a point of six and one half (6½) inches above grade.

Table 5. Permitted Large Trees

Botanical Name	Common Name
Magnolia hypoleuca	None
Ginkgo biloba	Ginkgo
Quercus muehlenbergii	Chinkapin Oak
Nyssa sylvatica	Tupelo
Quercus stellata	Post Oak
Acer plantanoides	Norway Maple
Acer rubrum	Scarlet Maple
Acer saccharum	Big Tooth Maple
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Cedrus atlantica	Atlas Cedar
Celtis laevigata	Sugarberry

Quercus robur	English Oak
Pistacia chinensis	Chinese Pistache
Prunus serrulata	Japanese Flowering Cherry
Zelkova serrata	Japanese Zelkova
Sassafras albidum	Sassafras
Carya illinoensis	Pecan
Quercus rubra	Red Oak
Taxodium distichum	Swamp Cypress
Cedrus deodara	Deodara Cedar
Platanus X acerifolia 'bloodgood'	London Plane Tree
Liriodendron tulipifera	Tulip Tree
Magnolia grandiflora	Southern Magnolia
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus coccinea	Scarlet Oak
Quercus falcata	Southern Red Oak
Quercus shumardii	Shumard Oak
Quercus virginiana	Southern Live Oak
Betula nigra	River Birch
Fagus grandifolia	American Beech
Acer saccharinum	Silver Maple
Ulmus americana	American Elm
Quercus alba	White Oak

3. Where existing or proposed overhead utility lines exist, trees will be a species of a small mature height (less than 25 feet).
4. Required landscaped areas must be protected by a curb or barrier to prevent damage from vehicles.
5. *Grass or other permanent ground cover* shall be installed and maintained on all parts of each landscaped area.

a. Effective measures shall be taken to control erosion and stormwater runoff through the use of mulches, ground cover plants, erosion-control netting, etc.

b. Ground cover may include shrubs and low-growing plants such as Liriope, English Ivy (Hedera helix), Periwinkle (Vinca minor), and similar materials.

Ground cover may also include non-living organic materials such as bark or pinestraw and inorganic materials such as pebbles, crushed rock, brick, tile and decorative blocks; however, inorganic materials shall not make up more than ten (10) percent of the landscaped area.

6. *Installation Requirements*:

a. Required landscaped areas adjacent to parking areas shall be protected by fixed vertical curbing along all sides exposed to parked or moving vehicles.

b. When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust and engine heat damage to trees.

c. The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be one hundred fifty (150) feet, except where built-in irrigation systems are provided.

d. Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines or other plants shall not be used in lieu of plant requirements in this ordinance.

e. Hedges, walls and berms are encouraged to help minimize the visual impact of off-street parking areas. Berms with ground cover that necessitate mowing shall have a slope not greater than one foot of rise per three (3) feet of run.

f. The use of permanent broad-area mulch beds is encouraged to increase absorption of surface water, to retard erosion, runoff and stream siltation, to protect tree roots and stems, and to foster tree health.

g. Landscaping must be designed to be compatible with existing and planned overhead and underground electrical, communications, television cables, conduits, public water supply lines, and storm and sanitary sewer lines.

f. *Credit for Existing Plant Materials*.

Each existing tree meeting the following criteria may count, at the option of the owner, for two (2) of the trees in its class (interior of perimeters) required in this section if other landscaping requirements are met, and if it:

1. Has a minimum caliper of three (3) inches;

2. Is at least four (4) feet from the nearest planned curb and is within a planned planting of at least one hundred (100) square feet;

3. Has a live crown at least thirty (30) percent of the total tree height and is free from serious root, trunk and crown injury;

4. Is indicated on the landscaping plan as a tree "to be saved";

5. Is situated so that it can be incorporated into a planned perimeter landscaping area, island or peninsula with minimal grade cut or fill and is protected during all pre-landscaping phases of construction by a durable physical barrier excluding all vehicles, equipment, materials and activities from the area that is to become a part of this landscaped area; and

6. Is not one of the following species in table 6 hereby determined to be unacceptable for parking lot landscaping.

Table 6. Unacceptable for Parking Lot Landscaping

Large Trees	**Medium Trees**	**Small Trees**
Boxelder	Camphor	Sumac
Silver maple	Cutleaf European birch	
Tree-of-Heaven	Silktree (mimosa)	
Catalpa	Chinaberry	
Cottonwood	Yellowwood	
True poplars	Mulberry	
Eastern redbud	Princesstree (Paulownia)	
Native elms - American	Slash Pine	
Native elms - Winged		
Native elms - Cedar		
Native elms - Slippery		
Native elms – Sept. Willows		
Colorado Blue Spruce	Eastern White Pine	
Red Spruce	Sassafras	
Live Oak	Siberian Elm	
Laurel Oak		

g. *Required Maintenance*.

The owner, lessee, or his agents shall be responsible for providing, maintaining and protecting all landscaping in a healthy and growing condition and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period.

h. *Notice of Installation*.

Upon the beginning of installation of plant materials required by this section, the property owner or developer shall notify the Building Department. The Building Department will require correction of conditions contrary to the requirements of this section and

replacement of plant materials that are dead, diseased, damaged or planted so as to kill or injure the plants.

i. *Guarantees of Performance.*

No certificate of occupancy shall be issued until the provisions of this section have been met or a performance bond, an irrevocable letter of credit or a certified check has been posted, When circumstances preclude immediate planting, a certificate of occupancy may be granted after (1) the owner or developer has completed all curbing, irrigation systems and other construction preliminary to planting and (2) the property owner or developer posts a performance bond, an irrevocable letter of credit or a certified check with the Building Department in an amount equal to one hundred (100) percent of the cost of the total required planting, including labor. Selected surety shall be made payable to the City of Florence. Landscaping must be completed and approved within six (6) months (180 calendar days) after a certificate of occupancy is issued in order to redeem the bond.

j. *Annual Inspection*.

The City of Florence Building Department or the City's designated agent shall visit the development once a year to ensure the required landscaping is in accordance with the approved plan. Failure of the developer or owner to comply with the approved landscaping plan and/or failure to provide necessary maintenance of such shall be deemed a violation of this ordinance and be subject to penalties as outlined in Section XVII (A)(4).

Section XII. Stormwater Detention and Erosion Control.

1. *Stormwater detention* shall be provided for all developments within the city and the extraterritorial zoning jurisdiction. The final design of the stormwater detention plan shall be approved by the city engineer and shall be in accordance with the Code of the City of Florence, Appendix A, Subdivision Regulations.

2. *Minimum Requirements for Construction Permitting and Erosion Control*: Construction which disturbs one acre or more of ground surface within the city limits of Florence will require a general permit for storm-water runoff control. This permit will be obtained from the Alabama Department of Environmental Management (ADEM) by the owner/developer of the property. A copy of the approved permit will be submitted to the city engineer prior to beginning site construction, grading, or clearing activity. The city will review the permit and issue a permit to begin work.

   Along with the permit the owner/developer will submit construction plans and a plan for Best Management Practice (BMP). The BMP will describe in detail the use of silt fences, hay bales, rip rap siltation basins, or other means to be used for erosion control.

The minimum requirements for construction permit and erosion control shall be approved by the city engineer and shall be in accordance with the code of the City of Florence, Appendix A, Subdivision Regulations.

3. No building permit will be issued until the aforementioned provisions are addressed to the satisfaction of the city engineer.

Section XIII. Planned Residential Development.

A. Purpose.

The planned residential development single-family regulations of the zoning ordinance are intended to encourage design flexibility, efficient public services and facilities, and open space preservation, and to promote ownership of single-family residences. The minimum P.R.D. area shall be one acre. Planned Residential Developments are subdivisions and must be approved by the Planning Commission.

B. Permitted Uses.

Single-family residences will be permitted in a P.R.D. Planned Residential Developments will be permitted subject to Planning Commission Subdivision Approval in R-1 single-family / conventional lot and R-2 single -family/small lot districts.

C. Site Plan Review Procedures.

1. *Preliminary Development Plan*. The preliminary development plan shall be submitted to the Planning Commission and must meet the following provisions:
    a. *Content of preliminary plan.* The preliminary development plan shall contain the following information:
        1. The applicant's name, address and interest in the application;
        2. A site plan with a current survey, prepared by a registered engineer, architect or surveyor, showing the land area to be occupied by the P.R.D., its approximate dimensions, easements and rights-of-way, the relations of the P.R.D. to adjoining properties, the general layout of buildings, the arrangement of driveways, parking area and any other prominent land features such as watercourses, etc., walks, screen planting and other landscaping, all existing trees and such additional information as may be needed to describe the proposed building group. Elevation and perspective sketches of the proposed P.R.D. shall be submitted.

b. *Action on preliminary plan*. Upon receipt of a preliminary plan, the Planning Commission shall examine the plan and within forty-five (45) days of receipt of an application shall approve or disapprove the preliminary plan and may establish conditions and limitations of the approval or disapproval of the plan.

c. *Effect of approval*. Approval of a preliminary plan shall not constitute approval of the P.R.D. but shall be deemed only as an expression of approval of the preliminary plan submitted as a guide to preparation of the general plan. Approval of a preliminary plan shall be void if a final plan has not been submitted within one year of original application.

2. *General Development Plan*. The general development plan shall be submitted to the Planning Commission and must meet the following provisions:

    a. *Content of general plan*. The general development plan shall contain the following:

        1. The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the name of the owner or owners of the entire land area to be occupied by the P.R.D.

        2. A site plan with a current survey, prepared by a registered engineer, architect or surveyor, showing the land area to be occupied by the P.R.D., with its boundaries and dimensions; all public and private easements and rights-of-way, both existing and proposed, within or bounding the designated area and the adjoining properties; all existing and proposed public utilities and public facilities serving the P.R.D.; the location of buildings and the use of the land on adjoining properties; proposed contours not to exceed two-foot intervals and necessary finished grades; the location, number of stories and gross floor area of proposed principal buildings and accessory buildings: driveways, off street parking areas and walks; open areas to be set aside for special purposes; all screen planting; the types of paving or other surfacing to be used in the various areas; and such additional information as may be necessary to describe completely the proposed P.R.D.

        3. A statement of planning objectives to be achieved by the P.R.D. through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development.

        4. A development schedule indicating the approximate date when construction of the P.R.D. or stages of the P.R.D. can be expected to

begin and be completed. A project schedule must also be submitted giving time schedules for public improvements, landscaping, etc.

5. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed site coverage of buildings and structures; approximate gross residential density; total amount of open space; and any other studies required by the planning commission.

6. Elevation or perspective drawing of the proposed structures within the P.R.D. shall be submitted.

7. Architectural style shall be limited to one period or design motif for attached units and restricted to three (3) or four (4) natural building materials such as wood, brick, stucco, asphalt or wood shingles. The same type brick shall be used throughout any attached unit building group. Color scheme shall harmonize with basic building materials. Architectural features such as turned columns; shutters and relief details shall be the same for each building group. Samples of architectural information shall be submitted for review along with drawing of proposed structures.

b. *Action on general development plan*. Upon receipt of a general development plan the Planning Department shall examine the plan and make such investigation as is necessary. Within thirty (30) days of the receipt of an application, the Planning Department shall transmit the application, together with a report and recommendations, to the Planning Commission. The Planning Department shall also transmit a copy of the application to any department or agency, which might be affected by the approval of the application, and such department or agency shall transmit its report and recommendations to the Planning Department. The Planning Commission may elect to hold a public hearing prior to approving a general development plan.

c. *Effect of approval*. Approval of a general plan is an indication to the applicant that the plan conforms with city requirements for a P.R.D. Approval of a general plan shall be void if a final plan has not been submitted within one year of original application.

3. *Final Development Plan*. The final development plan shall be reviewed by the planning commission and must meet the following provisions:

a. *Content of final plan*. The final development plan shall contain the following information:

1. All information provided in the general development plan including all revisions and recommendations of the Planning Commission concerning documentation and the site plan. This shall include detailed forms for all plans submitted in the general development plan.
2. All public dedication documents must be submitted with the final development plan.
3. All documentation concerning perpetual maintenance of common area shall be submitted.
4. A performance bond or surety for cost or escrow fund for all public improvements must be submitted with the final development plan.
5. Engineering plans for all proposed public improvements must be submitted prior to final approval.

b. *Action on final development plan*. Upon receipt of a final development plan the Planning Department shall examine the plan and within thirty (30) days the Planning Department shall transmit the plan together with a report and recommendations, to the Planning Commission. If the Planning Commission does not approve a final development plan, their specific reasons for disapproval should be stated in writing and made part of the public record, as well as presented to the developer. Approval of the final development plan gives the plan final subdivision approval.

c. *Filing and recording the final development plan*. Upon approval of the final plan, a copy of the site plan shall be filed among the records of the Planning Department and building department, and the original thereof recorded in the office of the probate court of Lauderdale County and shall thereafter be binding upon the applicants, their heirs, successors and assigns, shall limit and control the issuance and validity of permits and certificates, and shall require that no permit be issued without Planning Department approval, and shall restrict and limit the use and operation of all land and structures within the area designated in such plan to all conditions and limitations specified in such plan and the approval thereof; provided, however, that the Planning Department may, upon a showing of technical necessity therefore, permit minor changes in the location of structures and site improvements, if such minor changes will not change the character of the development, or otherwise cause the plan to fail to meet the conditions specified herein.

d. *Amendment to the final development plan.* Minor changes in location, site or character of buildings and structures may be authorized by the planning

department if required by engineering or other circumstances not foreseen at the time the final development plan is approved. No change authorized by the planning department under this section may increase the size of any building or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the planning department may not permit changes beyond the minimum and maximum requirements set forth in this section. All other changes in the P.R.D., including changes in the site plan and in the development schedule must be made under the procedures that are applicable to the initial approval of a planned unit.

D. Planned Residential Development Design Standards

The following design standards are intended to give the planning commission minimum controls relating to health, safety, general welfare, and amenity within a P.R.D.:

1. *Density*. The density requirements for a P.R.D. shall correspond with the density requirements established in the zoning chapter for R-I single-family / conventional lot and R-2 single-family / small lot districts. P.R.D. property zoned R-I will require ten thousand (10,000) square feet per unit, while P.R.D. property zoned R-2 require seven thousand two hundred (7,200) square feet per unit.

2. *Building Site Coverage*. P.R.D. site coverage requirements correspond with zoning chapter requirements. If the P.R.D. is zoned R-I, maximum building site coverage by all buildings shall be thirty-five (35) percent. If the P.R.D. is zoned R-2, maximum building site coverage by all buildings is forty-five (45) percent. In a P.R.D., "site" is defined as the entire tract or parcel of land being developed as a P.R.D.

3. *Building Height Limits*. P.R.D. building height limits will correspond with zoning chapter requirements. If the P.R.D. is zoned R-1, maximum building height will be thirty-five (35) feet. If the P.R.D is zoned R-2, maximum building height will be forty-five (45) feet.

4. *Yards Required*. P.R.D. shall be exempt from the front, side and rear yard setback requirements of the zoning chapter. The following provisions shall apply:

    a. *P.R.D perimeters*. Thirty (30) feet along the perimeter shall be developed as landscaping. Landscaping shall be a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip; shrubs are optional in areas where a berm at least four (4) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.

    There shall be no permanent structures or structural pads (ie; concrete etc;) constructed within the thirty (30) foot perimeter strip.

Brick walls may be required when rears or sides of buildings face public right-of-way on adjoining single-family development.

b. *Adjoining development*. Where a P.R.D. borders or is across the street from an existing R-1, R-2 or R-3 development, the P.R.D. front yard setback shall be the same as the front yard setback for said existing R-1, R-2 or R-3 development.

c. *Visibility at intersection*. See Section V (D)(4), Visibility at intersections.

d. *Building separation*. Individual units may be constructed to the property line. Minimum distances between individual structures shall be five (5) feet or to the property line.

5. *Parcel Size*.

The minimum parcel size for a P.R.D. shall be one (1) acre.

6. *Open Space*.

Open space serves three (3) functions in a P.R.D.: it provides areas for active and passive recreations adjacent to dwelling units and preserves natural site amenities within a P.R.D.

a. *Amount of open space required*. Open space includes all portions of a site not occupied by structures, streets, driveways and parking spaces. A minimum of twenty (20) percent of the open spaces in a P.R.D. must be developed for active or passive recreation facilities. These facilities shall be highly accessible to all the residents within the P.R.D.

All designated open space shall front on a public right of way within the development for a minimum street frontage of ten (10) feet to allow permanent access to all residents within the P.R.D.

b. *Open space ownership*. Three (3) types of ownership of open space will be permitted in a P.R.D.:

1. Public ownership open space is dedicated in fee to the City of Florence; the open space is then operated and maintained by the city and is open for public use.

2. Common ownership open space is owned and maintained in common by all the residents in a P.R.D. (i.e. through a homeowner association).

3. Private ownership open space is generally a small parcel of land located immediately adjacent to an individual dwelling unit, owned and maintained by its residents and reserved exclusively for their use.

c. *Open space maintenance.* Private open spaces are maintained by their owners. Public open spaces, which are dedicated to the city, are maintained by the city. Common open spaces must be maintained by the homeowner association. The developer must file a declaration of covenants and restrictions that will govern the homeowner association. The following provisions must be included:

    1. The homeowner's association must be set up before the homes are sold.
    2. Membership might be mandatory for each homebuyer and any successive buyer.
    3. The open spaces restrictions must be permanent, not just for a period of years.
    4. The association must be responsible for liability insurance for, local taxes on, and the maintenance of open spaces.
    5. Homeowners must pay their pro rata share of the cost. The assessment levied by the association can become a lien on the property.
    6. The association must be able to adjust the assessment to meet changed needs.

d. *Open space infringement*. To insure that open spaces cannot be developed or infringed upon a restrictive covenant must be filed by the developer at the time the P.R.D. is given final approval. The covenants run with the land and are enforceable upon all future residents of the P.R.D. The following provisions must be incorporated into restrictive covenants:

    1. Common open space shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements running with the land for the benefit of residents of the planned residential development.
    2. The developer must file in the office of the city planning commission, at the time the proposed final subdivision plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common spaces for the designated purposes.
    3. All lands so conveyed (to the city or the homeowner's association) shall be subject to the right of the grantee or grantees to enforce maintenance and improvements of the common space.

7. *Environmental Design.* A general landscaping plan shall be required at the time of general development plan review to be followed by a detailed landscaping plan to be submitted along with the final development plan. The general plan must include

spacing, planting schedule, sizes and specific types of landscaping materials. Existing trees shall be preserved wherever possible. The site plan shall be so designed as to minimize disturbance of topographical amenities such as trees, natural watercourses, etc. The developer must show the means whereby trees and other natural features will be protected during construction. Excessive site clearing of topsoil, trees and natural features before the commencement of building operations will not be permitted.

8. *Traffic Circulation*. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within a P.R.D. shall not be connected to streets outside the development in such a way as to encourage their use by through traffic. The pedestrian circulation system and its related walkways shall be designed as reasonable as possible to separate pedestrian and vehicular movement.

9. *Traffic Calming.* Measures to reduce the adverse impact of motor vehicles may be required by the City Engineer and shall be addressed with the Preliminary Phase of the P.R.D. Traffic Calming methods may include, but are not limited to, physical devices and streetscaping or other measures to influence vehicle operation in order to create safer and more livable local streets.

10. *Streets*. All streets within a P.R.D. are to be publicly owned and maintained after acceptance by the city. All streets within a P.R.D. are to be designed and constructed in accordance with the code of the City of Florence, Appendix A, Subdivision Regulations.

11. *Parking Standards*. Parking requirements for a P.R.D. will conform to zoning chapter parking requirements. No more than twelve (12) spaces may be linked together without a landscaping divider. Landscaping dividers must be a minimum twelve (12) feet wide. All portions of parking lots not used for parking or public right-of-way must be grassed or planted.

    a. For each dwelling unit, there shall be two (2) off-street parking spaces consisting of not less than one hundred (180) square feet each.

    b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

    c. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls.

    d. No more than sixty (60) parking spaces shall be accommodated in any single parking area.

    e. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.

f. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding, and other inconveniences.

E. Planned Residential Development Enforcement

1. *Failure to Begin Development*. If no construction has begun in the P.R.D. within twelve (12) months from the approval of the P.R.D. and recording of documents, said approval of the P.R.D. shall lapse and be of no further effect and no building permits shall be issued. The Planning Commission, upon showing of good cause by the developer, may extend for a period of twelve (12) months the time for beginning construction. The applicant must begin and substantially complete the development of the P.R.D. within two (2) years from the time of its final approval. If the P.R.D. is to be developed in stages, the applicant must begin and substantially complete the development of each stage within two (2) years of the time provided for the start of construction of each stage in the development schedule. If the applicant does not begin and substantially complete the P.R.D. or any stage of the P.R.D. within the time limits imposed by this section, the Planning Department shall review the P.R.D. and may recommend to the Planning Commission that the time for completion of the planned unit be extended, that the approval of the P.R.D. be revoked, or that the planned unit be amended.
2. *Development Stages*. If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreation facilities shall be developed, or committed thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved by the planning commission. At no time during construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved conditional use permit. Variations from the approved project schedule shall be approved by the Planning Commission. Failure to conform to the project schedule will result in a stop work order to be issued by the Building Official.

Section XIV. Planned Unit Development Regulations.

A. Purpose, Objective, and Intent

The purpose of the Planned Unit Development (PUD) regulations, standards, and criteria contained in this section is to provide an alternate zoning district under which land can be subdivided, developed, or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. Further, to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations and to insure the harmonious and appropriate mixture of uses; to facilitate

the adequate and economic provision of streets, pedestrian ways, bikeways, utilities, and city services; to preserve the natural, environmental and scenic features of the site; and to encourage and provide a mechanism for arranging improvements on sites so as to preserve these desirable features.

The end result shall be a development which fulfills the objectives of the Comprehensive Plan and planning policies of the city while departing from the strict application of the use and bulk regulations of the zoning ordinance and the design standards of the subdivision control regulations.

The Planned Unit Development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- To stimulate creative approaches to the residential and commercial development of land and streetscape design;
- To provide more efficient use of land;
- To preserve natural features and provide common open space areas and recreation areas;
- To develop new approaches to the living environment through variety in type, design and layout of residential structures, commercial buildings, transportation systems, public facilities, shared parking and pedestrian ways;
- To unify building and structures through a common design scheme;
- Buffer land uses proposed for the PUD so as to minimize any adverse impact which new development may have on surrounding properties; additionally, to provide buffers and transitions of density within the PUD itself to distinguish between different land use areas.

Inherent to realizing these objectives are being adhered to is continuous and in-depth scrutiny of the proposed Planned Unit Development. Hence, to enable thorough analysis of a Planned Unit Development, more information is demanded about the proposal than would be required if development were being pursued under conventional zoning requirements.

The development of a PUD allows flexibility from the restraints of the conventional Zoning Ordinance and Subdivision Regulations and shall be granted only upon a recommendation of the Planning Commission and approval by the City Council.

B. General Requirements for A Planned Unit Development (PUD)

1. The granting of a PUD application shall require a rezoning by way of an amendment to the Official Zoning Map upon the recommendation of the Planning Commission and approval of the City Council. Additionally, a PUD is considered a subdivision and subject to all applicable sections of the City of Florence Subdivision Regulations.

2. Any land use authorized in this Zoning Code may, upon approval by the Planning Commission and City Council, be included in a PUD subject to adequate protection of the public health, safety, welfare, and the compatibility of various land uses both within and outside the development. Proposed land use within a PUD shall be:

    a. Necessary or desirable for and appropriate to the primary purpose of the Planned Unit Development;

    b. May not be of a nature, or so located, as to adversely affect the surrounding neighborhood.

3. The minimum size of a Planned Unit Development shall be forty (40) acres. The Planning Commission may consider a lesser area upon sufficient justification by the applicant that the proposed application meets the intent of these regulations and the Comprehensive Plan of the City of Florence.

4. If the PUD is approved by the Planning Commission and subsequently the City Council, the site plan/plat shall be recorded with all necessary certificates and required surety for public improvements as applies to the Subdivision Regulations of the City of Florence. Further, all proposed land uses within the PUD, as approved by the Planning Commission and City Council, shall be listed on the plat for recording.

5. The tract of land for a PUD may be owned by either a single person, a corporation, government agency, or a group of individuals or corporations. An application must be filed by the owner or jointly by the owners or contract purchasers of all properties included in the project.

6. A PUD may be approved by the Planning Commission and City Council in any district provided the applicant can demonstrate that the characteristics of the proposal can meet the objectives of these regulations.

7. There shall be no modifications to an approved PUD plan with regard to an increase in the permitted uses, or other changes which may negatively impact adjoining properties either surrounding or within the PUD unless the proposed changes are submitted to and approved by the Planning Commission and the City Council.

    Proposed modifications to a PUD plan that are considered minor, such as changes in building layout, circulation, parking, open-space, building spacing, etc; may be approved by the Planning, Building and Engineering Departments.

    A revised plat shall be required to reflect proposed changes that alter the configuration of the original plat.

8. A review of a PUD shall be based on *Planned Unit Development Design Standards*, a copy of which can be obtained from the Planning Department.

The standards contained in the *Planned Unit Development Design Standards* provide guidance on design matters more directly related to ensuring the proposed PUD is of high quality by promoting open space, architectural compatibility and common design scheme, streetscape, recreational needs, protection of existing neighborhoods, safety in traffic flow and circulation, and ease and protection of pedestrian access.

The design review of PUD proposals by the Planning Commission and City Council will strive for the following goals:

- To fulfill the purpose, objective and intent of the PUD regulations;
- Provide standards for the orderly development of the PUD and the promotion of high quality development for the City of Florence;
- Implement the goals, objectives and policies of the Master Plan related to quality development, neighborhood compatibility, and the requirements contained within the Planned Unit Development Regulations;
- Maintain and protect the value of property;
- Promote initiative and innovation in design.

Examples in design and materials in the Planned Unit Development Design Standards are illustrative of concepts and should not be interpreted as the only solution.

Through the course of review for each PUD, the design concept and application of the standards will be reviewed in its entirety. The intent of the Planned Unit Development Design Standards shall be satisfied. If a deviation is proposed, the developer shall demonstrate how an alternative design solution will better the proposed PUD design and still provide conformance of the PUD to meet the intent of the applicable section.

The developer shall provide justification for departure from any specific design standard to the Planning Commission and City Council for review and approval.

C. Planned Unit Development Standards

1. In General

a. *Deviation from Conventional Development:* Deviations from the applicable setbacks, parking and loading, general provisions, and other requirements may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the City Council upon the recommendation of the Planning Commission. The aforementioned features shall be designed into the project plan for the purpose of achieving the objectives of these regulations.

b. *Landscaping Design and Buffering;* There shall be a minimum perimeter setback/buffer area around the PUD of one hundred (100) feet in depth. This depth

may be reduced to a minimum of fifty (50) feet depending on the nature and extent of landscaping, berms, and other improvements for the purpose of buffering the development in relation to surrounding properties. The setback distance need not be uniform at all points on the perimeter of the development upon justification and approval by the Planning Commission.

In addition, a planted buffer area of fifty (50) ft. in depth shall be required within the PUD interior for the separation between single family residential and multi-family residential and all non-residential uses. Pedestrian paths and bikeways shall be provided within these separation buffer areas. Where residential use adjoins non-residential use, berming shall be required within the separation strip nearest the non-residential portion of the PUD.

Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls shall be required.

The Planning Commission, shall review the landscaping, design and location of buffer areas, streets, plazas, pedestrian ways based on the *Planned Unit Development Design Standards*. A copy can be obtained from the Planning Department.

c. *Design of Public Facilities/Utilities:* Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served. There shall be underground installation of all utilities.

d. *Pedestrian Ways;* Pedestrian walkways shall be separated from vehicular circulation.

e. *Sidewalks and Street Trees;* Sidewalks are required on both sides of a street for all residential and non-residential areas within the Planned Unit Development.

   Street trees shall be required for the entire development on both sides of all rights-of-way. In addition, trees shall be required at points along all other pedestrian ways within the PUD.

   Sidewalks and street trees shall be installed in accordance with the Code of the City of Florence, Appendix A, Subdivision Regulations.

f. *Signage, Lighting, Landscaping and Building Materials;* the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development. Review shall be based on the *Planned Unit Development Design Standards*. A copy can be obtained from the Planning Department.

g. *Access to Public Street;* Every dwelling unit or other use within the PUD shall have direct access to a public or private street via pedestrian ways, courts, or other access related easements. It should not be construed that access for permitted uses must front on a dedicated street.

h. *Build-To Lines and Access / Residential;* All residential uses shall be situated and faced at a "build-to" line as determined by the Planning Commission rather than setbacks on a building site so as to be pedestrian friendly near the street. For property owners, residential vehicular access and parking shall be via alley ways or service roads to the rear of the buildings unless the application for the PUD can sufficiently justify a deviation from this requirement.

   Any drives and lanes which may be privately owned, and which provide access to individual structures, buildings, and uses within the Planned Unit Development shall, by the nature and intent of the district, be considered and serve as mutual rights of access for owners, tenants, invited guests, clients, customers, support and utility service personnel, and emergency service providers, including law enforcement, fire protection, and ambulance services. No gates, structures, or other barriers shall be constructed across said access ways which may impede, limit, or restrict the above rights of access

i. *Build-To Lines / Non-Residential;* All non-residential uses shall be faced and situated at "build-to" lines as determined by the Planning Commission rather than setbacks on a building site so as to be pedestrian friendly near the street with parking to the sides or rear. Common pedestrian, plaza areas are encouraged at building fronts with uses incorporating a shared parking scheme whenever possible. At street intersections, main buildings should be located next to the corner provided there is no encroachment on the visibility triangle as determined by the Planning Commission to achieve the objectives of these regulations. Parking, loading, or service may not be located at an intersection.

j. *Interconnectivity of the PUD;* The individual land use components of the master PUD plan shall be interconnected by safe and convenient pedestrian linkages.

k. *Landscaping Design;* Landscaping of buffer areas, streets, plazas, and pedestrian ways is addressed in *Planned Unit Development Design Standards*. A copy can be obtained from the Planning Department. In general, street trees shall be required for the entire development for all rights-of-ways in accordance with the Subdivision Regulations of the City of Florence.

l. *Open Space;* There shall be dedication, construction and maintenance of open space within the PUD for use by all residents as well as the general public. Open space requirements are outlined in Section III, C. of these regulations.

m. *Street Design;* The design of public and private streets within the PUD shall comply with all applicable city standards and traffic calming techniques as may be required. A reduction of right-of-way, pavement widths, and street widths may be approved by the Planning Commission where it is determined that:

- The PUD Plan provides for separation of vehicular, pedestrian, and bicycle traffic;
- Access for emergency service vehicles is not impaired;
- Adequate off-street parking is provided for the uses proposed;
- Adequate space for public utilities is provided;
- On street parking is prohibited or only allowed on one side of a street.

n. *Concurrent Construction of PUD Elements*; A Planned Unit Development proposed for mixed use shall require concurrent construction of both residential (single family and/or multi-family) and commercial (non-residential) phases at a reasonable percentage as approved by the Planning Commission and City Council so as to insure adherence to the intent of the Master Plan for the PUD.

Further, each element of the Planned Unit Development (single family, multi-family, and non-residential/commercial) shall stand alone with regard to required open space, buffering, storm water detention, and other criteria to meet the intent of these regulations.

o. *Ambiguities*; The Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, Master Plan, Subdivision Regulations, Planned Unit Development Design Standards, and other city standards or policies as a guide.

2. **Area and Dimensional Regulations**

a. *Minimum Lot Area*. There is no minimum lot area within the PUD with the exception that a privacy yard, having a minimum area of 300 sq. ft., is provided for each single-family attached or detached dwelling unit lot. For purposes of this section, a "privacy yard" shall mean an open space on a private lot open to the sky for the private enjoyment of the occupants of the lot. This yard shall be screened with a wooden, vinyl, or masonry privacy fence a minimum of 6 ft. in height.

b. *Minimum Lot Width*. There is no requirement for minimum lot widths within the PUD.

c. *Density and Building Site Coverage.*

1. *Allowable Density:*

The allowable density in a PUD shall not exceed the following:

- Single-family dwellings, attached or detached: Eight (8) dwelling units per acre of the total acreage devoted to single family development. No more than six (6) dwelling units may be in any individual single family attached cluster.
- Multi-family dwellings: Sixteen (16) dwelling units per acre of the total acreage devoted to multi-family development.
- Non-residential Uses: The gross *maximum* building site coverage by all non-residential uses shall be fifty-five (55) percent of the acreage devoted to non-residential uses provided such percentage is compatible with the integrity of the overall PUD.

2. *Bonus Density:*

   The allowable density for residential uses and maximum building site coverage by non-residential uses may be increased upon approval by the Planning Commission and based upon the unique character of the property of the proposed PUD, and after taking into account the topographical, historical nature, water and recreational attributes, aesthetics, and planned amenities of the PUD that would justify such flexibility.

d. *Minimum Setbacks or Build-To Lines*. In general, there shall be no minimum setback requirement for lots within the PUD other than a corner lot visibility triangle. However, a designated minimum and maximum setback or "build-to" line shall be determined for the PUD and recorded on the plat for the purpose of consistency of design.

e. *Build-to Lines*. Rather than conventional setback requirements, there shall be established Build-To Lines, as approved by the Planning Commission. This is to allow the PUD to become more pedestrian friendly. There shall be designated a *Minimum Build-To Line* and a *Maximum Build-To Line with a maximum distance between of five (5) feet* in which the part of the structure nearest the street or access easement will be served.

   Structures are encouraged to be staggered within these Build-To Lines so as to provide additional visual articulation for the streetscape of the PUD.

   There shall be no parking within the established Build-To Lines.

   Front porches and handicap ramps may be exempt from Build-To Lines as approved by the Planning Commission upon submittal of a detailed site plan of the particular lot in question accompanied by a letter from the PUD Homeowners / Property Owners Association indicating their concurrence of the proposal.

f. *Maximum Building Height*. The maximum height for all buildings within a PUD shall be thirty-five (35) feet unless the proposed design of the project justifies flexibility in height requirements.

g. *Spacing Between Buildings*. Building spacing within PUD design shall take into consideration provisions for privacy, light and air, especially for living spaces and bedrooms. At a minimum, spacing between the sides of detached buildings shall be at least fifteen (15) feet.

h. *Parking*. Single-family attached or detached, and multi-family units shall provide two (2) spaces per dwelling unit. Residential parking and access shall be provided by an alleyway or service road to the rear of the buildings.

For non-residential uses, the total design scheme shall be considered along with the requirement for shared facilities and maneuvering areas and the number of spaces may be reviewed and negotiated on a case by case basis in order to provide greater flexibility of development within the PUD.

i. *Signage*. All signs within the PUD shall be architecturally compatible and consistent in design and theme throughout the Planned Unit Development.

Placement of signs on public rights-of-ways shall be subject to the Manual on Uniform Traffic Control Devices.

Building mounted signs shall be the predominant signage on the project site.

Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.

The review of architectural character shall be considered in accordance with the Planned Unit Development Design Standards.

Wayfinding signs within the PUD shall be uniform in design and height.

The general architectural nature of signage, placement and dimensions shall be presented with elevation layouts upon submittal of the General Plan for the Planned Unit Development to the Planning Commission.

3. **Open Space**

There shall be open space dedicated for the PUD development; conveniently located, accessible, and visible for the occupants and/or the general public. Open space shall remain in its natural state *and/or* be restricted for use for active and/or passive outdoor recreational purposes harmonious with peaceful, residential uses in and surrounding the development. Open space may also contain such elements as parks, bike ways, pedestrian paths, courtyards, plazas, pools, tennis courts, ball fields, various buildings or structures intended

for recreational use, provide natural greenbelts along roadways, and to preserve a buffer from adjacent land uses where appropriate.

All open spaces within a PUD shall be connected by a comprehensive on-site pedestrian circulation system which connects to public rights of ways at multiple locations within the development.

The amount of open space, including the area and percentage of the site, shall be specified on the site plan.

a. *Open space ownership*. Two (2) types of ownership of open space will be permitted in a Planned Unit Development.

    1. Public ownership open space is dedicated in fee to the City of Florence; the open space is then operated and maintained by the city and is open for public use.

    2. Common ownership open space is owned and maintained in common by all the owners in the P.U.D. through a property owner association.

b. *Open space maintenance*. Public open spaces, which are dedicated to the city, are maintained by the city. Common open spaces must be maintained by an Owner Association. The developer must file a declaration of covenants and restrictions that will govern the owner's association. The following provisions must be included:

    1. The appropriate Owners Association must be set up before the parcels are sold.

    2. Membership shall be mandatory for each buyer and any successive buyer.

    3. The open space restrictions must be permanent, and not just for a period of years.

    4. The association must be responsible for liability insurance for such open space, all ad valorem and other local taxes and assessments, and the maintenance of open spaces.

    5. Owners must pay their pro rata share of the cost: The assessment levied by the association can become a lien on the property.

    6. The association must be able to adjust the assessment to meet changing needs.

c. *Open space infringement*. To insure that open spaces cannot be developed or infringed upon, a restrictive covenant must be filed by the developer at the time the PUD is given final approval. The covenants shall run with the land and shall be

enforceable upon all future residents and owners of the PUD. The following provisions must be incorporated into restrictive covenants:

1. Common open space shall be guaranteed by a restrictive covenant describing the open space, its maintenance, and improvements running with the land for the benefit of residents and owners of the planned unit development.

   All open space within the PUD shall be platted and noted as such on the plat for recording.

2. The developer must file in the office of the City Planning Commission, at the time the proposed final subdivision plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common spaces for the designated purposes.

3. All lands so conveyed to the city or the property owner association shall be subject to the right of the grantee or grantees to enforce maintenance and improvements of the common space.

d. *Amount of Open Space Required for a Planned Unit Development*

   1. Single Family Attached or Detached – a minimum of fifteen (15) percent of the total single family land area dedicated as open space;

   2. Multi-Family – a minimum of twenty (20) percent of the total multi-family land area dedicated as open space;

   3. Non Residential Uses – Thirty (30) percent of the total non-residential land area dedicated as open space.

e. *Areas Not Considered as Open Space*. The following areas shall not constitute open space and may not be utilized to satisfy the open space requirement:

   1. Any areas located within any public street easement or right-of-way;

   2. Property located within any private road or road easement;

   3. The area within a platted building lot;

   4. Off-street parking areas;

   5. Detention and retention ponds;

   6. Areas comprising a golf course (including fairways and holes).

D. Procedure for Planned Unit Developments

The unique character of a Planned Unit Development requires their administrative processing as both a new zoning classification (PUD) and a subdivision of property. Planned Unit

Developments are more complex and are of a significant difference in character than allowed by conventional zoning and subdivision standards therefore requiring specific review procedures and detailed submittal of drawings and documents.

The following outlines the steps necessary to achieve a Planned Unit Development classification within the City of Florence and its extraterritorial zoning jurisdiction.

1. *Preliminary Plan Approval and Rezoning.*

   It is the intent of the preliminary plat submission to obtain tentative approval from the Planning Commission for the master PUD plan, and overall concept and design of the proposed Planned Unit Development in terms of both subdivision as well as consideration for a recommendation for a change in zoning by the City Council.

   The Planning Commission is the approving authority for the subdivision of property for the PUD and the City Council is the approving authority for the reclassification in zoning. These requests must be submitted simultaneously. A public hearing will be held by the Planning Commission for the proposed PUD at a regularly scheduled meeting. If preliminary approval and the request for reclassification to a PUD zone is granted, the request will go forward to the City Council, and an advertised public hearing will be scheduled as required in accordance with the Code of Alabama.

   In addition to the required preliminary plat / master plan for the PUD, all proposed land uses must be submitted in conjunction with the request for rezoning. Should the Planning Commission approve the plat and recommend a change in zoning, the proposed land uses will be forwarded to the Council as a part of the plan. There shall be no deviation in land uses from the initial approval unless the project is re-submitted to the Planning Commission for review with a recommendation forwarded to the council to approve the changes or additions to the initial land use proposals.

   Should the City Council deny the request for reclassification to a Planned Unit Development zone, the preliminary plat shall be null and void.

   a. *Content of Preliminary Plan*

      The following information will be required for consideration of a preliminary plan for a Planned Unit Development.

      It is recommended that the preliminary plan and application be evaluated by the Planning Department prior to an official submittal so that all required items may be reviewed to expedite the Planned Unit Development review.)

         1. A complete survey of the land area to be considered as a Planned Unit Development with topography and contours at two (2) foot intervals prepared and certified by a licensed land surveyor with all required

distances and bearings for the perimeter boundaries noted. In addition, a written legal description of the proposed land area for rezoning, prepared to the centerlines of adjoining streets, as appropriate.

2. A master layout of the entire scope of the Planned Unit Development including all proposed phases, lots, blocks, streets, service roads, residential and non-residential area, existing and proposed easements, open space proposals, trails and/or pedestrian ways, natural features, buffer areas, storm water drainage areas, floodway and flood-plains, recreation areas, parking areas, community plazas, schools, and any other details to completely define the proposed PUD for the planning commission, the city council and the general public.

3. Elevations of proposed structures, prepared by a registered architect, illustrating typical single family, multi-family, and non-residential development as well as typical signage to define the intent and character of the Planned Unit Development. For single family areas of the PUD, a minimum of six (6) different floor plans and elevations shall be submitted.

4. Typical cross sections of streetscaping and sidewalks as relates to residential and non-residential use as well as buffer areas from streets and pedestrian ways.

5. Preliminary density calculations for single family, multi-family, and non-residential development as well as open space ratios.

6. An application for Planned Unit Development completed in full with payment of all necessary processing fees. The application may be obtained from the Florence Planning Department.

   Accompanying the application shall be a letter from the applicant outlining the Planned Unit Development in full, intended construction schedules, phasing, elements of the PUD, and all other information deemed necessary by the applicant to describe the total concept of the development.

7. A list of all adjoining property owners (and addresses) to the proposed land area to be developed as a Planned Unit Development, both abutting and across adjacent rights-of-ways, certified by an abstract title company.

8. Phasing intent and proposed schedule for construction will be required with the submittal of a preliminary plan. If the PUD is proposed to be mixed-use, it shall require concurrent construction of both residential (single family and/or multi-family) and commercial (non-residential) phases at a reasonable percentage as approved by the Planning Commission so as to

insure adherence to the intent of the master plan for the PUD. Further, it is the intent of these regulations that no one phase shall dominate the development at any one time, and the Planned Unit Development will be completed as originally proposed by the applicant, his successors or assigns.

b. *Planning Commission Action on Preliminary Plan and Re-Classification of PUD Area by City Council;*

1. A public hearing shall be scheduled by the Planning Commission for a proposed Planned Unit Development in accordance with Planning Commission policies and procedures.
2. A decision by the Planning Commission on a preliminary PUD plan and a recommendation for re-classification to a PUD zone shall be approved, denied, or tabled to gather more information from the applicant regarding the proposed PUD within forty-five (45) days of the time of the first meeting of the Planning Commission to consider the PUD request.
3. If the plan is denied by the Planning Commission, the request may not be resubmitted for a period of six (6) months.
4. If the PUD Plan is approved, the recommendation for reclassification to a PUD zone by the city council shall go forward for a public hearing in accordance with state law.
5. The recommendation for reclassification shall carry with it the condition that the proposed Planned Unit Development **shall not** be developed until final approval for a PUD with allowable land uses is approved by the Planning Commission and a final site plan/plat for recording, with allowable land uses, is recommended to and approved by the city council.
6. A preliminary PUD plan is void after one (1) year if general and/or final approval is not obtained by the applicant for the Planned Unit Development.

   Should the plan become void, the Planning Commission may allow an extension of the time frame provided the developer can show cause to justify the granting of said extension.

   In addition, should a Plan become void, the Florence City Council, upon a recommendation by the Planning Commission, may take the appropriate steps to reclassify the land area to the original zoning district prior to the placement of a PUD zone.
7. The Planning Department may authorize minor changes in the layout of the preliminary plan prior to submittal of a general plan. Any additions in land

use or major changes to the PUD plan must be approved by the Planning Commission and the City Council and so noted on the final plat and attendant items at the time of submittal.

2. *General Plan Approval for a Planned Unit Development.*

If the preliminary plan has been approved, and the land area proposed for a Planned Unit Development has been reclassified to a PUD zone, the applicant/developer may proceed to the general development plan with reasonable assurance that the general plat will be approved if substantially in compliance with the preliminary plat.

The purpose of the general PUD plan, together with the attendant items required herein, is to provide plans for the construction of the Planned Unit Development and its improvements. To this end, during preparation of the general plan, the applicant should consult with the Planning Department, the City Engineer, County Engineer, Alabama Department of Transportation, and with other officials and agencies as appropriate that may be involved with the Planned Unit Development and its improvements. The detailed general PUD Plan shall be based on the approved preliminary plan and permitted land uses.

a. *Content of General PUD Plan.*

The following information will be required for consideration of general approval for a Planned Unit Development proposal:

It is recommended that the general plan and application be evaluated by the Planning Department prior to an official submittal so that all required items may be reviewed to expedite the Planned Unit Development review.

1. A complete survey of the land area to be considered as a Planned Unit Development with topography and contours at two (2) foot intervals prepared and certified by a licensed land surveyor with all required distances and bearings for the perimeter boundaries noted.
2. Complete survey data, engineering drawings and cross sections on all interior parcels, rights-of-ways, access easements, existing and proposed utilities, grading plans, and all other engineering and survey data necessary to completely define the proposed Planned Unit Development. Drawings and calculations shall be prepared by a licensed professional engineer and/or land surveyor.
3. Storm-water detention design drawings and calculations as outlined in the Code of the City of Florence, Appendix A, Subdivision Regulations.
4. A complete site development plan of the Planned Unit Development illustrating all elements and phases, building layout, parking layout, typical

residential layout with build-to lines as required, private areas, access service roads and alleys, private lanes or easements, pedestrian ways and proposed pedestrian inter-connectivity between the various elements of the PUD, natural features and storm water detention areas, flood plains, density and open space calculations and other information as required to completely define the proposed Planned Unit Development.

5. A master landscaping plan, prepared by a licensed landscape architect, illustrating planting schemes for streetscape, buffer areas, pedestrian ways, plazas, parking lots, perimeter landscaping, entrance ways, street trees, cross sections of streetscape as relates to parking, sidewalks, structures, and other areas as required to completely define the landscaping features of the proposed Planned Unit Development.
6. Architectural elevations of all proposed structures prepared by a registered architect, types of materials, typical residential layouts (single-family and multi-family), street signage, non-residential signage, wayfinding signs, and other elevations and materials as needed to completely define the architectural elements of the proposed Planned Unit Development.
7. Phasing intent and proposed schedule for construction will be required with the submittal of a general plan. If the PUD is proposed to be mixed-use, it shall require concurrent construction of both residential (single family and/or multi-family) and commercial (non-residential) phases at a reasonable percentage as approved by the Florence Planning Commission so as to insure adherence to the intent of the master plan for the PUD. Further, it is the intent of these regulations that no one phase shall dominate the development at any one time, and the Planned Unit Development will be completed as originally proposed by the applicant.
8. A <u>complete</u> listing of proposed land uses for the Planned Unit Development. These uses shall be placed on the plat for recording (as submitted for final approval) as well as in the required supporting documents for the PUD.
9. Complete calculations on development density and open space, for all individual elements of the Planned Unit Development.
10. Other information as may be required by the Florence Planning Commission to fully comprehend the scope of the proposed Planned Unit Development.

b. <u>*Planning Commission Action on General Plan*</u>

1. A decision by the Florence Planning Commission on a general PUD plan shall be approved, denied, or tabled to gather more information from the applicant regarding the proposed PUD within forty-five (45) days of the time of the first meeting of the Florence Planning Commission to consider the general PUD request.

2. If the general plan is denied by the Florence Planning Commission, the applicant may revise the plans accordingly with any necessary changes and resubmit to the Florence Planning Commission at the next regularly scheduled meeting.

3. If the general PUD plan is approved by the Florence Planning Commission, the applicant may proceed to the final development plan with reasonable assurance that the final plat will be approved if substantially in compliance with the general plan.

4. A general PUD plan is void after one (1) year if final approval is not obtained by the applicant for the Planned Unit Development.

   Should the plan become void, the Planning Commission may allow an extension of the time frame provided the developer can show cause to justify the granting of said extension.

   In addition, should a plan become void, the Florence City Council, upon a recommendation by the Florence Planning Commission, may take the appropriate steps to reclassify the land area to the original zoning district prior to the placement of a PUD zone.

3. *Final Plan Approval for a Planned Unit Development.*

   If the general plan has been approved by the Planning Commission, the applicant/developer may proceed to the final development plan with reasonable assurance that the final plat will be approved if substantially in compliance with the general plat and all accompanying documents are in order.

   The purpose of the final plan is to provide a plat for recording with all necessary notes and certifications, and illustrating the site development plan for the Planned Unit Development. Additionally, all approved land uses shall be noted on the PUD plat and no deviation from the layout (other than minor changes) or additions to said uses will be allowed without approval by the Planning Commission and City Council. Any change will require the recording of a new plat and a public hearing may be called by both the Planning Commission and the City Council for the proposed change in layout or additional uses.

   A submittal of a final Planned Unit Development plan shall be accompanied by all legal documents which establish a Homeowner's Association, Business Association, or the like,

outlining all terms for perpetual maintenance of the entire Planned Unit Development. All owners within the PUD shall be required to be a part of such associations.

a. *Content of Final PUD Plan.*

The following information will be required for consideration of final approval for a Planned Unit Development proposal:

It is recommended that the final plan and application be evaluated by the Planning Department prior to an official submittal so that all required items may be reviewed to expedite the Planned Unit Development review.)

1. All materials and plans submitted for the general plan indicating additions, changes, or deletions from the general plan to the final plan must be submitted in detail.
2. All legal documents defining various associations within the PUD for ownership and perpetual maintenance.
3. A final plat for recording with all necessary certificates, notes, land uses, easements, build-to lines, public areas, pedestrian ways, bike paths, plazas, parking, right-of-ways, buffer areas, distances, bearings, and other information needed to completely define the proposed Planned Unit Development.

   The final plat shall also list in detail one hundred (100) percent of the proposed land uses within the PUD. These uses shall also be required to be listed in the supporting documents for the PUD.

   The final plat shall carry various notations as required by the Planning Commission and/or City Council to give notice to all current or future land owners the scope of the proposed Planned Unit Development with regard to required improvements or other issues that will impact the PUD or surrounding properties.

   Further, a notation shall be placed on the final plat that references adherence to required improvements as illustrated on all drawings as well as accompanying documents submitted to the Planning Commission and City Council during all phases of the application process. i.e.; landscaping plan, architectural elevations, covenants, etc.

   There will be no further additions to the proposed land uses recorded on the final plat unless approved by the Planning Commission and subsequently the City Council. Additions to land uses ***shall*** require the recording of a new PUD plat.

4. Detailed final engineering, landscaping, elevation, and design drawings *(if changed from general plan submittal)* of typical homes, lots, multi-family uses, businesses, signage, way-finding signage, buffering, landscaping details, and other information needed to completely define the design elements of the Planned Unit Development.

   The final landscaping plan shall be prepared by a registered landscape architect and illustrate planting schemes for streetscape, buffer areas, pedestrian ways, plazas, parking lots, perimeter landscaping, entrance ways, street trees, cross sections of streetscape as relates to parking, sidewalks, and structures, and other areas as required to completely define the landscaping features of the proposed Planned Unit Development.

5. Final storm-water detention design drawings and calculations as outlined in the City of Florence Subdivision Regulations if changed or modified from general approval.

6. Proper surety to cover the costs of all public improvements. Surety shall be as outlined in the Subdivision Regulations of the City of Florence.

7. A final proposed schedule for construction, if revised or modified from general approval. *If the PUD is proposed to be mixed-use, it shall require concurrent construction of both residential (single family and/or multi-family) and commercial (non-residential) phases at a reasonable percentage as approved by the Florence Planning Commission so as to insure the intent of the master plan for the PUD is adhered to; Further, it is the intent of this section that no one phase shall dominate the development at any one time, and the Planned Unit Development will be completed as originally proposed by the applicant.*

8. Final calculations on development density and open space for all individual elements of the Planned Unit Development.

9. A plat recording fee payable to the Probate Judge.

10. Other information as may be required by the Planning Commission to fully comprehend the scope of the proposed Planned Unit Development.

b. *Planning Commission and City Council Action on Final Plan*

   1. A decision by the Florence Planning Commission on a final PUD plan shall be approved, denied, or tabled to gather more information from the applicant regarding the proposed PUD within forty-five (45) days of the time of the first meeting of the Planning Commission to consider the final PUD request.

2. If the final plan is denied by the Planning Commission, the Planning Commission shall state the reason(s) for denial. The applicant may revise the plans accordingly with any necessary changes and resubmit to the Planning Commission at the next regularly scheduled meeting.

3. If the final PUD plan is approved by the Planning Commission, the final plat shall be forwarded to the Florence City Council for approval. No public hearing will be required at the Council level for the Final PUD Plan if there are no additional land uses or significant layout changes from the applicable previously held public hearings.

4. An approved final PUD plan must be recorded within six (6) months of approval by the Florence City Council. If the final plat is not recorded in that time frame, it must be resubmitted to the Florence Planning Commission for another final review and additional fees shall apply.

5. After approval of a final PUD plan by the City Council, the development will have a period of one (1) year to begin construction as set forth in Section IV-B of these regulations, or the plan will become void. Should the plan become void, the Planning Commission may allow an extension on the time frame provided the developer can show cause to justify the granting of said extension.

6. Additionally, should a plan become void, the City Council, upon a recommendation by the Planning Commission, may take the appropriate steps to reclassify the land area to the original zoning district prior to the placement of a PUD zone.

E. Phasing and Commencement of Construction.

1. *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, open spaces. The plan shall contain the necessary components to ensure protection of the health, safety, and welfare of the users of the PUD and the surrounding area. Additionally, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed by the developer and approved by the Planning Commission.

2. *Commencement and Completion of Construction*. To insure completion of required improvements, the city is authorized to impose performance guarantees in accordance with the Subdivision Regulations of the City of Florence. Substantial construction shall be

commenced within one (1) year following final approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant.

If construction is not substantially commenced and continues within such time, approval of the PUD shall expire and be null and void. However, an extension for a specified period may be granted by the Florence Planning Commission upon good cause shown if such request is made to the Planning Commission prior to the expiration of the initial period.

Moreover, in the event approval of the PUD has expired, the Planning Commission shall re-evaluate the PUD plan. Upon review, the Planning Commission may consider the PUD plan as void and forward a recommendation to the Council to take the appropriate steps to reclassify the land area to the original zoning district prior to the placement of a PUD zone.

In the event of an expired plan, and if no extension is requested by the applicant and/or denied by the Planning Commission, the applicant shall be required to submit a new application which shall conform to any current land use regulations adopted during the time of the PUD approval process and the one (1) year time frame for beginning construction. The plans and specifications shall be revised accordingly.

Further, in the event a site plan for a Planned Unit Development has expired, the city shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as a PUD, a new application shall be required and shall be reviewed in light of then existing and any applicable law and ordinance provisions.

3. *Public Improvements and Guarantees of Performance.* All public improvements proposed for a Planned Unit Development shall be installed in accordance with the Subdivision Regulations of the City of Florence. Prior to recording of the final PUD plat, the city is authorized to impose performance guarantees in accordance with the Subdivision Regulations of the City of Florence.

F. Effect of Approval

When approved, the PUD with all conditions imposed, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such authorization. The final PUD plan and conditions shall be recorded in the office of the Lauderdale County Probate Judge.

Section XV. Conditional Overlay District Regulations

A. Purpose.

The purpose of the "CO" (*Conditional Overlay*) district is to provide for additional regulation of commercial, industrial, or residential uses of land and structures in order that uses and development of said land, buildings and structures will be harmonious and compatible with and not have an undesirable or detrimental impact on surrounding development. Additionally,

the Conditional Overlay district is also designed to protect the public welfare and the property value of surrounding property by securing an appropriate development that is in harmony with the objectives of the City of Florence Master Plan as adopted by the Florence Planning Commission.

In order to achieve the above stated purposes, provision is hereby made that in consideration of a change of zoning classification, the subject property shall be limited in such manner that it may not be utilized for all uses and standards ordinarily permitted in a particular zoning classification, and development of said subject property shall conform to specific conditions as determined by the Planning Commission and the City Council. In such cases, the ordinance changing the zoning classification of the property in question shall place it in a "CO" (Conditional Overlay) zoning district. The "CO" (Conditional Overlay) classification shall be indicated in the rezoning ordinance passed by the City Council (*example: B-2, General Business classification with a Conditional Overlay would be listed as B-2/CO*) and designated on the official zoning map.

B. Zoning Districts That May Be Combined with a "CO"- Conditional Overlay Classification

Property proposed to be classified as a Conditional Overlay district must be combined with an existing zoning classification and may be used in combination with all zones as defined in Section III of the Zoning Ordinance of the City of Florence.

C. Uses permitted in a Conditional Overlay District

The uses permitted under a Conditional Overlay classification shall be limited to those determined by the Planning Commission and City Council during the zoning review process outlined in Section XIV of these regulations.

D. Application Process

The application process for the creation of a Conditional Overlay district shall be the same as a standard zoning application to be reviewed by the Planning Commission and City Council as outlined in Section XIII of these regulations.

E. Review Standards for a Conditional Overlay District

In addition to permitted uses as determined by the Planning Commission and City Council, the Conditional Overlay ordinance recommended by the Planning Commission and passed by the City Council may impose standards on the subject property with respect to set-backs, build-to lines, buffers (*may include required solid fencing, brick or decorative masonry walls*), ingress and egress, architectural controls, site development plan, signage, parking and maneuvering, common areas, landscaping, drainage, and environmental plans as well as other considerations that are determined to be necessary to make the proposed development compatible with surrounding land use and existing zoning. All applicable limitations and/or standards within

the Conditional Overlay classification shall be considered to apply permanently to the site and specific uses permitted.

F. Recording of a Development Plan for a Conditional Overlay District

A site development plan as proposed under Conditional Overlay criteria, and approved by the Planning Commission and City Council with all conditions and permitted uses as set forth during the review process, shall be in plat form for recording, (24”X36”) with standard plat signature certificates. The site plan/plat shall also include a signature line for the City Council which will reference the Ordinance number for the creation of the Conditional Overlay designation.

The site development plan designated with permitted land use shall be recorded in the office of the Probate Judge of Lauderdale County. The Official Zoning Map of the City of Florence shall designate the Conditional Overlay and the Planning Department shall file a copy of the record plat.

If the proposal for a Conditional Overlay classification includes the request for subdivision approval, there will be two plats required; the Conditional Overlay Plat dealing with land use and site planning, etc.; and a plat as required by the Subdivision Regulations of the City of Florence. *Required plats shall be recorded within three (3) months of final approval.*

The development of the site shall be in strict accordance with all aspects of the approved plans and permitted land uses.

G. Expiration of Development Plan. (Time Limit on Development)

In the event that construction in accordance with a development plan has not begun within one (1) year from the date of approval by the City Council of the Conditional Overlay, said development plan shall become null and void. The Planning Commission and City Council may, upon application, consider extending the time frame for development. An application for extension may require additional conditions for the development if there is a change in circumstances in surrounding properties or a change in regulations.

If no construction has begun, or there is no application is submitted for an extension of the time limit for development, the Planning Commission may consider recommending an amendment to the City Council for the reclassification of the property to its original zone.

H. Amendments to an Approved Conditional Overlay District

In the event that a change in the site development plan or more permitted uses than those set forth in the Conditional Overlay rezoning ordinance as recommended by the Planning Commission and passed by the City Council are desired for the subject property, the proposed plan/uses must be re-submitted to the Planning Commission. The Planning Commission will consider the application in accordance with normal policy and procedures for rezoning and

recommend the additional uses or change in site plan to the City Council who shall, after proper notification, hold a public hearing on the matter to determine the validity of the application. Upon a denial of the application by the Planning Commission for a change in the plan or additional uses, the applicant has the option to proceed to the City Council to request a hearing to approve or deny the proposal.

Proposed amendments pertaining only to minor aspects of the plan such as building orientation, parking layout, and so forth that will not impact adjoining properties, may be approved internally by departmental reviews. All changes shall be designated on a revised site plan and/or subdivision plat, as appropriate, and recorded in the office of the Probate Judge of Lauderdale County.

I. Application and Recording Fees

Standard zoning and/or subdivision fees shall be required at the time the application is submitted to the Planning Commission.

The applicant shall be responsible for all fees related to the recording of the final plat(s) in the Office of the Probate Judge of Lauderdale County.

Section XVI. Nonconformities.

A. Intent of Regulations

1. *Existence of Nonconformities*. Within the districts established by this ordinance or amendments that may later be adopted, there exist (1) structures, (2) uses of land and/or structures, and (3) characteristics of use which were lawful before the effective date of this ordinance or of amendment thereto, but which would be prohibited, regulated or restricted under the terms of this ordinance or of future amendment. It is the intent of this ordinance to permit these Nonconformities to continue until they are removed but not to encourage their survival. It is further the intent of this ordinance that Nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

   Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would be prohibited generally in the district involved.

2. *Construction Begun Prior to Ordinance*. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date

of this ordinance or of amendment thereto and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Uses of Land (or with Minor Structures Only)

1. *Continuance*. Where a lawful use of land exists on the effective date of this ordinance or of amendment thereto, which use would not be permitted by the regulations imposed by this ordinance or by amendment thereto, and where such use involves no individual structure with a replacement cost exceeding $1,000, the use may be continued so long as it remains otherwise lawful.
2. *Enlargement.* No such nonconforming use shall be enlarged or increased; nor extended to occupy a greater area of land than was occupied on the effective date of this ordinance or of amendment thereto. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.
3. *Extension or Movement*. No such nonconforming use shall be extended or moved to any portion of the premises or parcel of land other than that occupied by such use on the effective date of this ordinance or of amendment thereto.
4. *Change in Use.* No such nonconforming use of land shall be changed to any other nonconforming use.
5. *Cessation.* If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

C. Nonconforming Structures

1. *Continuance.* Where a lawful structure exists on the effective date of this ordinance or of amendment thereto and which structure could not be built under the terms of this ordinance or amendment thereto by reason of restrictions of area, building site, coverage, height, yards, location on the building site, or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful.
2. *Enlargement.* 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.

3. *Movement.* Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. *Replacement*. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

D. Nonconforming Uses of Structures (or Structures and Premises)

1. *Continuance*. Where a lawful use of a structure, or of structures and premises in combination, exists on the effective date of this ordinance or of amendment thereto, which use would not be permitted by the regulations imposed by this ordinance or by amendment thereto, and where such structures have a replacement cost of $1,000 or more, the use may be continued so long as it remains otherwise lawful.

2. *Enlargement.* No existing structure devoted to a use not permitted by this ordinance or by amendment thereto in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

3. *Extension*. Any nonconforming use may be extended throughout any parts of a structure that were manifestly arranged or designed for such use on the effective date of this ordinance or of amendment thereto, but no such use shall be extended to occupy any land outside such structure.

4. *Change in Use*. In any structure, or structure and premises in combination, where a nonconforming use is superseded by a permitted use, no nonconforming use shall thereafter be resumed.

5. *Cessation.* When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 6 consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. *Replacement*. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this section is defined as damage to an extent of more than 50% of the replacement cost at the time of destruction.

E. Nonconforming Characteristics of Use

1. *Continuance*. Where lawful characteristics of use, such as off-street parking and loading, lighting, or other matters pertaining to the use of land, exist on the effective date of this ordinance or of amendment thereto, which characteristics would not be permitted by the regulations imposed by this ordinance or by amendment thereto, the characteristics of use may be continued so long as they remain otherwise lawful.
2. *Change in Characteristics of Use*. No change shall be made in such characteristics of use that increases nonconformity, but change may be made which decreases such nonconformity.

F. Repairs and Maintenance

1. *Ordinary Maintenance*. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any 12 consecutive months on ordinary repairs, or on repair and replacement of non-load bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement cost of the nonconforming structure or the portion of the structure, as the case may be, provided that the cubic content existing when the structure or portion thereof became nonconforming shall not be increased.
2. *Unsafe Structures.* If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

G. Uses Requiring Special Exceptions.

1. *Existing Uses*. Any lawful use existing on the effective date of this ordinance or of amendment thereto, and which would be a Special Exception use under the terms of this ordinance or amendment thereto, is, without further action, conforming under these provisions.
2. *Authorized Uses*. Any lawful use which is permitted as a Special Exception under the terms of this ordinance shall, without further action, be considered a conforming use.

Section XVII. Administration and Enforcement.

A. General Provisions

1.*Building Department* - The Building Official shall administer and enforce this ordinance. In carrying out his or her duties under this ordinance, the Building Official shall:

a. *Applications*. Receive all applications for Building Permits, Certificates of Zoning Compliance, Historical Review, Special Exceptions and Variances, review /

approve such applications or refer them to the appropriate board as required herein, make necessary certifications, and issue the necessary certificates and approvals;

All applications for Rezoning, Annexation, Right-of-way Vacations, and Subdivision review shall be submitted directly to the Planning Department.

b. *Records*. Maintain records of all actions taken under this ordinance;

c. *Hearings*. Represent the municipality in all public hearings before the City Council, and the Board of Adjustment and present facts and information to assist the Council or Board in reaching a decision consistent with the provisions of this ordinance;

2. *Permits, Certificates and Licenses*. No building or other permit, certificate or other document of approval, or license, the use of which may be subject to the provisions of this ordinance, shall be issued by any department, agency or board of the city until the Building Official shall have certified that the use to be made of the permit, certificate or other document, or license, is in compliance with the provisions of this ordinance.

1. *Building Permit*. No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore issued by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance, as provided by this ordinance.

2. *Certificate of Zoning Compliance.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Building Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

   No nonconforming use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Building Official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses or structures shall have three months to apply for certificates of zoning compliance.

   No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the Building Official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

3. *Plans Required*. Unless furnished with the application for a building permit, each application for a certificate of zoning compliance shall be accompanied by a site plan, in duplicate and drawn to scale, showing the locations and dimensions of existing and proposed structures with supporting open facilities, the ground area to be provided and continuously maintained for the proposed structure or structures. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed uses of the building and land, the number of dwelling units the building is designed to accommodate, and such other matters as may be necessary to determine conformance with the requirements of this ordinance.

   One copy of the plans shall be returned to the applicant by the Building Official, after he shall have marked such copy either as approved or disapproved and attested to such approval or disapproval by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the Building Official.

3. *Special Exception Uses.* The following procedure shall be followed in processing for special exception uses:

   1. *Application for special exception*. Within 10 days of the receipt of an application, the Building Official shall transmit the application, together with his report and recommendation, to the Board of Adjustment, which shall process the application in accordance with its procedure under state law and applicable provisions of this ordinance. The Board of Adjustment shall approve or disapprove the application in accord with its rules and procedures.

4. *Enforcement: Violations and Penalties*. The Building Official shall enforce this ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

   1. *Violations*. If the Building Official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, building or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any

person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Building Official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

2. *Penalties*. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor which shall be punishable as provided in Chapter 1, Section 1-6 of the Code of the City of Florence, Alabama, as amended. Each day such violation continues shall be considered a separate offense.

   The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

   Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

5. *Schedule of Fees, Charges and Expenses*. The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, applications for amendment, approval of special plans, special exception, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Building Official and may be altered or amended only by the City Council.

   Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

B. Board of Adjustment

1. *Establishment and Procedures.* A Board of Adjustment is hereby established in accordance with Code of Ala. 1975, 11-52-80. The Board shall consist of five members, each to be appointed for a term of three years and removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

   a. *Proceedings*. The Board of Adjustment shall adopt rules for 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 times 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 of the Board shall be open to the public.

The Board 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 record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

2. *Hearings; appeals; notice*. Appeals to the Board of Adjustment concerning interpretation or administration of the ordinance may be taken by any person aggrieved or by any officer, department, or agency of the city affected by any decision of the Building Official. Such appeals shall be taken within a reasonable time, but not to exceed 30 days, by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the ground thereof. The Building Official shall transmit forthwith to the Board all papers constituting the record upon which the action appealed from was taken.

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

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

2. *Powers and Duties*. The Board of Adjustment shall have the following powers and duties:

   a. *Administrative Review*. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this ordinance.

   b. *Special Exceptions; Conditions Governing Application.* To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance; or to deny specific exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board of Adjustment unless it shall find that all of the following conditions exist:

1. That it is empowered under the section of this ordinance described in the application to grant the special exception;
2. That the granting of the special exception will not adversely affect the public interest;
3. That specific rules governing individual special exceptions, as set out in the Chart of Permitted Uses, have been or will be complied with;
4. That satisfactory provision and arrangement have been made concerning the following where applicable:
    a. ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
    b. off-street parking and loading areas where required, with particular attention to items in (a) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
    c. refuse and service areas, with particular reference to the items in (a) and (b) above;
    d. utilities, with reference to location, availability, and compatibility;
    e. screening and buffering with reference to type, dimensions and character;
    f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjacent and other properties within the area;
    g. required yards and other open space; and
    h. general compatibility with adjacent properties and other property in the district.
5. That the special exception will be in harmony with the general purpose an intent of this ordinance.

c. *Variances; Conditions Governing Applications*. 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 and circumstances, 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 it shall make specific findings that all of the following conditions exist:

1. That the applicant has demonstrated by written application:

    a. 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;

    b. that the special conditions and circumstances do not result from the actions of the applicant;

    c. that an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evident that amendment of this ordinance does not offer a reasonable solution;

    d. 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. Among such rights commonly enjoyed is the right to a reasonable economic return, but such return shall be deemed reasonable if it is equivalent to the economic return which might generally be expected in the district and shall not be based on price paid for the property by the applicant, whether or not paid in reliance on zoning, since any hardship of this kind would be self-inflicted and generally applicable to other properties in the district for which similar price have been or might be paid, rather than to the property of the applicant alone;

    e. that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use his property in a manner as nearly equivalent to uses generally permitted in the district as can be allowed with appropriate protection of general public interest, and considering the peculiar and unusual conditions and circumstances involved and the hardship created by such conditions and circumstances; and

    f. that the use proposed is permissible by right or by special exception. With respect to the uses of land or structures, this ordinance is declared to be a definition of the public interest and intent, and the spirit of the ordinance will not be observed by any variance permitting a use not permissible by right or by special exception.

    No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming uses of lands, structures,

or buildings in other districts shall be considered grounds for issuance of a variance.

2. That the reasons set forth in the application justify the granting of the variance or of a lesser variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, structure or building, subject to the limitations set forth herein;

3. That the variance will be in harmony with the general purpose and intent of this ordinance and will not alter or be injurious to the essential character of the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation 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 and punishable under this ordinance.

d. *Powers on Appeals*. 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 appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.

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

3. *Appeals from the Board of Adjustment*. Any person or any officer, department, or agency of the city aggrieved by any decision of the Board of Adjustment may within 15 days thereafter appeal to the Circuit Court of Lauderdale County by filing with such Board a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken, and the case in such court shall be tried de novo.

Section XVIII. Amendments.

A. Amendment Policy

1. *Reason for Amendment*. This ordinance, including the Zoning Map, is based on comprehensive planning studies and is intended to carry out the objective of sound and

desirable development. It is recognized that casual amendment of the ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this ordinance only when one or more of the following conditions prevail:

a. *Error*. There is a demonstrable error in the ordinance, or in the plan on which is based;

b. *Change in Condition*. Changed or changing conditions in a particular area, or in the city or metropolitan area generally, make an amendment to the ordinance necessary and desirable;

c. *Increase in Need for Sites*. Need for a change in the balance of land uses makes it necessary and desirable to reclassify an area or to extend the boundaries of an existing district;

d. *Annexation.* It is necessary and desirable to classify territory hereafter annexed to the city to a district classification other than the R-1 District: Single Family Residence District classification.

2. *Limitations on Proposed Amendments.* Proposed amendments to this ordinance shall be subject to the following limitations:

a. *Minimum Areas for New Districts.* New districts, but not including additions to existing districts of the same classification, created by amendment shall contain at least the following areas:

R-1 District	No minimum area
R-2 District	Two (2) acres, except where the proposed district would abut an existing R-3, R-B, B-1, B-1H, B-2, B-3, H-1, SD, I-1 or I-2 District.
R-3 District	Two (2) acres, except where the proposed district would abut an existing R-B, B-1, B-1H, B-2, B-3, H-1, SD, I-1 or I-2 District.
R-B District	Three (3) acres, except where the proposed district would abut an existing B-1, B-1H, B-2, B-3, H-1, SD, I-1 or I-2 District.
B-1 District	Three (3) acres, except where the proposed district would abut an existing B-1H, B-2, B-3, I-1 or I-2 District.
B-1H District	Three (3) acres, except where the proposed district would abut an existing B-2, B- 3, I-1 or I-2 District.
B-2 District	Six (6) acres, except where the proposed district would abut an existing B-3, I-1 or I-2 District.
B-3 District	There will be no additional freestanding B-3 Zoning Districts. Proposed B-3 zoning must be a direct extension of the existing B-3 zone.

H-1 District	Three (3) acres, except where the proposed district would abut an existing H-1 District.
SD District	There will be no additional freestanding SD Zoning Districts. Proposed SD zoning must be a direct extension of the existing SD zone.
I-1 District	Six (6) acres, except where the proposed district would abut an existing I-2 District.
I-2 District	Twenty (20) acres
F-A-R District	No minimum area.
CO	No minimum area
PUD	Forty (40) acres. The Planning Commission and City Council may consider a lesser area upon sufficient justification by the applicant that the proposed application meets the intent of these regulations and the Comprehensive Plan of the City of Florence

b. *Need for uses*. There shall be a clear and demonstrated need in the area for those uses permitted in the proposed district and not permitted in a more restrictive district.

B. Amendment Procedure

1. *Amendment Application*. An amendment to this ordinance may be initiated by the City Council on its own motion or by the City Planning Commission. An amendment may also be initiated by any person, firm or corporation by filing a written application thereof with the Planning Department. The application for amendment shall contain at least the following:

    a. *Interest and Ownership*. The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application or holding an interest in the application; the name of the owner or owners of the entire land area to be included within the proposed district; the name of the owner or owners of all structures then existing thereon and sufficient evidence to establish that the applicant has the right of possession to the land area and structures; the names and addresses of all owners of adjacent property;

    b. *Site Plan*. If the proposed amendment would require a change in the Zoning Map, a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures; Site Plan requirements are

outlined on the Application for Planning Commission Review available in the Florence Planning Department.

c. *Development Schedule*. The time schedule for the beginning and completion of development planned by the applicant in the area; if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage;

d. *Other Information.* Additional information as may be required by the Planning Department to fully describe the proposed amendment.

e. *Error*. The error in this ordinance that would be corrected by the proposed amendment, if the intent, is to correct an error.

2. *Planning Disposition.* Following receipt of an application, the Planning Commission shall hold a public hearing thereon.

   a. *Additional Information*. Furnish the Planning Commission with such additional information as it may request;

   b. *Owners of Surrounding Property*. If the proposed amendment would require a change in the Zoning Map, furnish the Planning Commission with the name, description of property owned and mailing address of each owner of property abutting and across streets or alleyways from the property the classification of which is sought to be changed. The list of abutting property owners must be prepared and certified as outlined on the Application for Planning Commission Review obtained from the Planning Department.

      The Commission shall also notify the owners of surrounding property by mail as the names and addresses of such owners have been furnished by the applicant and shall post a notice of such hearing on the property included within the proposed district.

      The Planning Commission shall hold a public hearing, and shall prepare a record of its proceedings on each use. The record shall be filed in the office of the Commission and shall be a public record; a certified copy of the record, together with the Planning Commission's recommendation and the grounds thereof, shall be transmitted to the City Council.

3. *Legislative Disposition*. The City Council shall examine all such applications, reports and recommendations transmitted to it and shall take such further action as it deems necessary and desirable. Before enacting any amendment, the City Council shall hold a public hearing thereon and shall give public notice thereof, as required by law.

a. *Conditions*. If property is rezoned by the Council and subsequently not developed, the Council may consider a recommendation by the Planning Commission to hold a public hearing to reclassify the property to its former zoning until such time as another development plan is submitted for review and approval.

b. *Reconsideration*. No land for which an application for reclassification has been denied by the City Council shall be considered again by the Planning commission or the City Council for the same classification for at least one year from the date such application was denied.

Section XVIX. Separability, Repeal of Existing Ordinance and Effective Date.

A. Separability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof other than the part so declared to be unconstitutional or invalid.

B. Repeal of Existing Zoning Ordinance

All City of Florence zoning ordinances and City of Florence zoning maps and, all amendments thereto adopted prior to the date of this ordinance are hereby repealed upon this ordinance and zoning map going into effect.

C. Effective Date

This ordinance shall take effect on its approval and publication as required by law.