

**ARTICLE IV. GENERAL & SUPPLEMENTARY REGULATIONS.**

**Section 400. Generally.**

The general regulations contained in this Article shall apply in all districts except as specifically provided for elsewhere in this Ordinance.

**Section 401. Use of Land and Structures.**

**401.01. Uses Shall Conform With Regulations:** No land shall be used, nor building or structure occupied, erected, converted, enlarged, reconstructed, moved or structurally altered unless use of the lot, building, and structure conform with the requirements of all applicable codes, ordinances and regulations. In every district:

- A.** Uses specified in a zoning district as "permitted" shall, after filing a written application with the Building Official meeting the requirements of all other codes, ordinances and regulations, be issued a building permit except when a Site Plan Review by the Planning Commission is required.
- B.** Uses specified in a zoning district, as "permitted on appeal" are required to make written application to the Zoning of Board Adjustment. Applications for uses permitted on appeal may be denied, approved with conditions, or approved as requested. The Zoning Board of Adjustment may require conditions to preserve and protect the character of the district and the public health, safety, convenience, prosperity and general welfare of the Town as a part of any approval of any use permitted on appeal.
- C.** The following uses are subject to Site Plan Review by the Planning Commission:
  - 1.** Uses specified in a zoning district as "conditional uses;"
  - 2.** All uses in commercial and industrial districts;
  - 3.** Residential developments exceeding eight dwelling units per acre; and
  - 4.** Manufactured home communities.
- D.** Applications for site plan review shall be prepared and processed in accordance with the requirements of this Zoning Ordinance. Site plan reviews may be denied, approved with conditions or approved as requested. The Planning Commission may require conditions to preserve and protect the character of the district and the public health, safety, convenience, prosperity and general welfare of the City as a part of approval of a site plan. Building permits shall only be issued after approval by the Planning Commission.

**401.02. Extractive Use:** Exploration, extraction, or excavation of sand, clay, gravel, oil, gas, sulfur, or other mineral deposits, shall be excluded from all districts except upon written application and Site Plan Review by the Planning Commission.

## **Section 402. Buildings - General**

**402.01.** No land building, or structure, shall be used or occupied and no building or structure shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations specified for the district in which it is located and all other applicable code, ordinances and regulations.

**402.02.** It is the intent of this Ordinance that there shall be only one main structure and permitted accessory structures on any lot used for detached dwelling units used for residential purposes.

## **Section 403. Height of Structures.**

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

**403.01. Heights Restricted:** Every part of or complete building or structure that is constructed or altered shall not exceed the lowest height requirement of the zoning district in which the building or structure is located or the following height regulations unless exempted in this section.

### **403.02. Exemptions from Height Requirement:**

- A.** Height limits shall not apply to portions of buildings and structures that are not inhabited or regularly used by people. Such portions of buildings and structures include church steeples, farm structures (e.g. silos), chimneys, flag poles, public utility poles, radio and television towers and aerials, and industrial structures (e.g. cooling towers) required by the manufacturing process.
- B.** All structures that are exempt from height requirements shall comply with the following location requirements.
  - 1.** Any tall structure shall be setback from all property lines a distance equal to the height of the structure.
  - 2.** Any tall structure that is not setback from all property lines a distance equal to the height of the structure shall provide the Town with a hold harmless agreement for any subsequent damage that may be caused due to the structure falling on adjacent property or a public right-of-way.

3. No structure that is exempt from the height requirements shall be closer to a property line than twice the distance of the required yard setback.

#### **404. Classification of Uses.**

The Town of Pike Road recognizes the limitations of a finite list of use classification as utilized in Table 4-1, Table of Permitted Uses. Therefore, in the event that a request is made for approval of a use not contained in the Table of Permitted Uses, the Town Clerk, or a duly authorized agent, is empowered to make use classification interpretations. Additionally, uses not specifically listed as, Permitted “P”, or, Not Permitted “N”, in Table 4-1 shall be considered “Conditional Uses” and require conditional use approval.

**TABLE 4-1: TABLE OF PERMITTED USE**

<b>USE CATEGORY</b>	<b>AG</b>	<b>RE</b>	<b>R1</b>	<b>B1</b>	<b>B2</b>	<b>OI</b>	<b>M</b>
<b><i>Residential Uses:</i></b>							
Single Family Detached	P	P	P	N	N	N	N
Duplex						N	
Manufactured /Modular Home	P	P	P	N	N	N	N
Trailer Park	N	N	N	N	N	N	N
<b><i>Institutional Uses:</i></b>							
Boarding House	P	N	N	P	P	N	N
Cemetery	P	N	N	P	P	P	N
Place of Worship	P	N	N	P	P	P	N
Community Center	N	N	N	P	P	P	N
Daycare	P			P	P	P	N
Nursing Home/ Assisted Living Facility	N	N	N	P	P	P	N
<b><i>Commercial Uses:</i></b>							
Bank or Financial Svs.	N	N	N	P	P	N	N
Barber/Beauty Shop	N	N	N	P	P	N	N
Business/Professional Office	N	N	N	P	P	P	P
Building Material Sales	N	N	N	N	P	N	P
Car Wash	N	N	N	N	P	N	P
Convenience Store	N	N	N	N	P	N	P
Entertainment, Indoor	N	N	N	N	P	N	P
Entertainment, Outdoor	P	N	N	N	P	N	N
Garden Center or Nursery	P	N	N	N	P	N	N
General Retail, Enclosed	N	N	N	P	P	N	N
Home Occupation	P	P	P	N	N	N	N
Home Improvement Ctr.	N	N	N	N	P	N	P
Hotel/Motel	N	N	N	N	P	N	N
Mini-Warehouse	N	N	N	N	P	N	P
Pawn Shop	N	N	N	N	P	N	N
Recreation, Indoor	N	N	N	N	P	N	N
Recreation, Outdoor	P	N	N	N	P	N	N
Restaurant, Eat-In	N	N	N	P	P	N	N
Restaurant, Carry-Out	N	N	N	N	P	N	N
Restaurant, Drive-In	N	N	N	N	P	N	N
Restaurant, Drive-Thru	N	N	N	N	P	N	N
Tavern	N	N	N	N	P	N	N
Service Station	N	N	N	N	P	N	P
Shopping Center	N	N	N	N	P	N	N

USE CATEGORY	AG	RE	R1	B1	B2	OI	M
<i>Commercial Uses:</i> <i>(cont.)</i>							
Vehicle Sales or Rental	N	N	N	N	P	N	
Veterinary Office/kennel	N	N	N	P	P	N	
<i>Industrial Uses:</i>							
Manufacturing	N	N	N	N	N	N	P
Warehouse, Distribution	N	N	N	N		N	P
<i>Agricultural Uses:</i>							
Agricultural/Farm	P	P	N	N	N	N	N
Forestry	P	P	N	N	N	N	N
Greenhouse, no sales	P	N	N	N	P	N	
Home Gardens, no sales	P	P	P	N	N	N	N
<i>Recreational Uses:</i>							
Golf Course	P			N	N	N	N
Park	P	P	P	P	P	P	P
Tennis Court*	P	N	N	P	P	N	N
Swimming Pool*	P	N	N	P	P	N	N
<i>Public Service Uses:</i>							
Municipal Office/Facility		N	N	P	P	P	
Hospital	N	N	N	N			
Public Utility	P				P	P	P
Communication Tower	P	N	N		P		

“P” = Permitted Use      “N” = Not Permitted      All Other Uses Conditional

\*Applies to Non-residential Only.

#### 405. Area and Dimensional Regulations.

Setbacks, height restrictions, and minimum lot size and width are useful tools in zoning to help maintain standards and separate land uses. Except as provided elsewhere in this Ordinance, the area and dimensional regulations set forth in Table 4-2 shall be observed.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located.

**Table 4-2 Table of Dimensional Standards.**

Zoning District	Maximum Height Of Structure (Feet)	Minimum Yards				Minimum Lot Size	Minimum Lot Width	ISR
		Front	Rear	One Side*	Total Side			
AG	35**	50	50	50	100	5 acres	150	.30
RE	35	50	50	50	100	3 acres	125	.20
R-1	35	40	40	20	50	1 acre	100	.15
B-1	25	30	10	X	X	30,000 sq. ft.	75	.70
B-2	40	30	10	X	X	30,000 sq. ft.	100	.70
O-I	50	25	25	10	20	20,000 sq. ft.	80	.60
I	60	***	***	***		1 acre	100	.70

\*Side Yard on Street shall be equal to Front Yard Setback

\*\*Inhabited Structures

\*\*\*Equal to Height of Structure

**Section 406. Encroachment on or Reduction of Open Spaces, etc.**

The minimum yards, parking spaces, and open space, required by this Ordinance for each structure existing at the time of its passage, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure. Further, any structure erected or structurally altered subsequent to the passage of this Ordinance shall meet all minimum yard, parking space, and open space requirements independent of any other structure. Additionally, no lot area shall be reduced below the lot area requirements of this Ordinance for the district in which such lot is located. *(See Article VII for additional standards regarding reduction in, and sharing of, parking)*

**Section 407. Building to be on Lots.**

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined.

**Section 408. Accessory Structures.**

**408.01.** No accessory structure in the RE and R-1 zoning districts shall be constructed or moved upon a lot until the construction of the main building has actually been commenced.

**408.02.** Accessory structures on any lot shall conform to the following regulations:

**A. Location on Lot:** Detached accessory structures shall:

1. Not be erected in any required front yard;
2. Be conditional uses in side yards;

3. Be at least twenty (20) feet from all rear yard lot lines and fifteen (15) feet from any other structure on the same lot; and
4. Be at least ten (10) feet from any easement line.

**B. Height:** Accessory structures shall not exceed two stories or 25' in height.

**C. Coverage:** Accessory structures shall not cover more than forty (40) percent of any required side yard or twenty (20) percent of any required rear yard.

No accessory building shall be used for dwelling purposes other than by domestic servants entirely employed on the premises.

#### **408.03. Keeping of Animal:**

The keeping of animals shall be permitted in any district provided that compliance with all applicable laws including State and County Health Regulations are maintained.

Any structure, in the Agricultural district (AG) used for the housing of livestock or poultry shall not be located closer than two hundred (200) feet to any property line.

#### **Section 409. More than One Main Building on One Lot.**

More than one main building may be erected on one lot if the dimensional regulations (i.e. lot area, lot width, setbacks, etc.) can be met individually for each structure or use.

#### **Section 410. Temporary Buildings and Material Storage.**

**410.01. Temporary Structures:** Mobile buildings and temporary structures shall only be used on a temporary basis as an on-site construction office in connection with the construction or remodeling of a permanent, site built building or structure. Temporary permits, when granted, shall only be valid for the period specified as need for completion of site preparation, construction or remodeling, and as indicated on the permit.

**410.02. Temporary Shelters:** Temporary, protective shelters approved by the Alabama Emergency Management Agency (AEMA) may be used to provide temporary, emergency living quarters in the locations and for the durations as agreed to by AEMA and the Planning Commission.

**410.03.** Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in an Agricultural, Residential, or Business Zone District more than one month prior to the commencement of construction.

### **Section 411. Parking or Storage of Recreational Vehicles.**

Major recreational vehicles including houseboats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other like vehicles shall not be stored or parked on any front yard on any lot in a residential district. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than 21 days, during any six (6) month period, when parked or stored on a residential lot, or in any location not approved for such use.

### **Section 412. Parking and Storage of Certain Vehicles.**

- A. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- B. Commercial vehicles exceeding 10,000 lbs. G.V.M. and construction vehicles shall not be parked or stored in recorded residential subdivisions.

### **Section 413. Lot Area, Width and Required Setbacks.**

**413.01. Lot Area and Width Maintained:** Lot area, width and setbacks shall be equal to or greater than the highest minimums required by any related City regulations, the zoning district requirements in which the lot is located or the County Health Department.

- A. Existing lots shall not be reduced in dimension or area in a manner that causes a violation of the area, yard or setback requirements.
- B. Lots, yards and setbacks created after the effective date of this ordinance shall meet or exceed the minimum requirements.
- C. The County Health Department shall determine the minimum lot size required for property having no public water and sewer available.
- D. All lots shall have access to a paved public street.

**413.02. Lot Area Calculated and Setback Measured From Future Street Lines:** The minimum required lot area, lot width, yard setbacks and building area of any lot that may be reduced in area by widening a public street to a future street line, as indicated on the Official Map or a street in an approved subdivision, shall be measured from the future street right-of-way line.

**413.03. Lot Area Applies to One Principal Use or Building:** No lot area, yard or open space required for the use of any portion of or a complete lot, building or structure shall be counted toward the requirements of another lot, building or structure.

**413.04. Building Projections Permitted in Yard Area:** All of the required yard area shall be open and unobstructed from the ground to the sky except for permitted accessory structures and ordinary projections of eaves, cornices and similar architectural features. Building projections shall not extend more than three (3) feet into any required yard. Open fire escapes shall not extend into any required yard more than three and one-half (3-1/2) feet. Any district or proposed site plan not requiring a building setback shall not allow building projections into the required yard and open space of any adjacent property.

**413.05. Development Setback Required.** Uses in the B-1 and B-2 zoning districts shall be required to have an additional five foot (5') setback from the property line to the start of any development, including but not limited to parking, accessory structures, areas of outdoor display, etc. When parking is to be adjacent to the development setback, tire stops shall be install in such a manner as to prevent vehicles from protruding into the development setback.

#### **414. Non-Standard Lots**

##### **414.01. Corner Lots.**

For corner lots, the street frontage with the least distance shall be considered as the front of the lot when applying other zoning requirements. When the lot frontages are approximately the same distance the owner shall declare which frontage is the front.

- A. Both street fronts of a corner lot shall be considered as front yards for setback purposes.
- B. Corner lots shall be 20' wider than interior lots.

##### **414.02. Double Front (Through) Lots**

For double front lots, the street frontage with the least distance shall be considered the rear of the lot.

Both street fronts of a double front lot shall be considered as front yards for setback purposes.

#### **Section 415. Manufactured Homes.**

- A. Manufactured homes may be used for sales offices for outside sales or merchandise such as mobile homes, camping trailers, or automobiles subject to the following criteria:
  - All wheels, axles, and towing apparatus must be removed and unit placed on a permanent foundation;
  - Unit must be connected to all basic utilities;
  - A valid HUD Certificate must accompany unit.

- B.** The use of manufactured homes or trailers for other business or industrial uses may be allowed temporarily by special permit issued by the Planning Commission. Said permit to be for a period to be established by the Planning Commission.

*Note: See Manufactured Home Regulations for Additional Manufactured Home Standards.*

### **Section 416. Home Repair and Remodeling.**

All home remodeling, repair, and modification shall be permitted provided that the minimum yard requirements are met for the district involved.

### **Section 417. Home Occupations.**

A home occupation conducted entirely within one dwelling unit shall meet the following requirements.

**417.01.** No person other than a person permanently residing in the dwelling unit shall be employed in the home occupation.

**417.02.** The use of a portion of the dwelling unit for a home occupation shall be clearly incidental and subordinate to the residential use and shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling unit. There shall be no change in the outside appearance of the building, structure or premises. One (1) non-illuminated sign, not exceeding two (2) square feet in area, may be mounted flat against the wall of the principal building. All other signs or displays of goods on the premises are prohibited.

**417.03.** No home occupation shall be conducted in an accessory building, in yards or open space with the following exception. Yard, garage and similar sales are permitted a maximum of three (3) times per year for a period of three (3) consecutive days during each occurrence. All goods and articles for sale shall be used items derived from the premises where the sale is conducted.

**417.04.** No traffic, greater in volume than would normally be expected in a residential neighborhood, shall be generated by a home occupation. Any parking or vehicle storage need generated by the conduct of a home occupation shall be provided off-street and is prohibited in the front or side yard.

**417.05.** No equipment or process shall be used by a home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses at the perimeter of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television or communication devices off the premises, or causes fluctuations in line voltage off the premises.

**417.06.** The following uses, listed for emphasis, are not considered home occupations: group (three or more) instruction of any type, band instrument instructor, swimming instructor, studio group instruction, beauty shops, barbershops, public dining facilities or tea rooms, food preparation services, antiques, gift shops, pet shops, veterinarians, kennels or places keeping caged animals, fortune tellers or similar activities, professional services or learned professions (doctors, lawyers, insurance, real estate, theology), photographic studio, wholesale or retail sales, outdoor sales or service, nursery school or kindergarten, or similar type uses.

The giving of instruction to an individual person, such as teaching art or piano lessons, shall be deemed a home occupation.

**417.07.** Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation provided there is no commercial use such as retail sales, wholesaling, warehousing or distribution of goods at the premises.

**417.08** All home occupations must fully comply with the requirements for business licenses.

#### **Section 418. Lighting.**

All lighting fixtures incorporated into non-enclosed structures (i.e. gas pump canopies, car washes, etc.) must be fully recessed into the underside of such structures. All lighting must be directed and/or shielded so as to focus lighting onto the use as established and away from adjacent property and areas of pedestrian and vehicular traffic including, but not limited to, sidewalks and streets.

#### **Section 419. Landscaping.**

The following landscaping standards will be required for development within the Town Limits of Pike Road.

**419.01. Commercial Development.** All proposed commercial development shall submit, along with a request for site plan approval, a landscape plan showing a minimum 5% planted area which may including a combination of grass and ornamental plant material and may be included as part of the open space requirement of the zoning district. Said landscape plan shall be subject to review and approval of the Planning Commission along with the proposed site plan. *(See Also Section 413.05 for Development Setbacks)*

**419.02. Residential Development.** A landscape plan shall be provided with all residential site plans submitted for approval by the Town of Pike Road.

**419.03. Compliance.** The architect, landscape architect, engineer or surveyor of record for each project must certify to the Town of Pike Road that the landscaping has been installed to meet the minimum requirements of this Ordinance before a Certificate of Occupancy or release of power will be issued.

**420. Flood Damage Prevention.**

The Town of Pike Road adopted, by separate action, a Flood Damage Prevention Ordinance (Ordinance No. 02-2003). Said Ordinance is hereby made a part of the Town of Pike Road Zoning Ordinance by reference.