

**NOTICE OF PUBLIC HEARING**

Please take notice that, pursuant to applicable law (including but not limited to Code of Alabama § 11-52-77), the City Council of the City of Creola, Alabama will hold a public hearing at the Creola SAIL Center (located at 9618 Old Highway 43, Creola Alabama, 36525) for the purposes of allowing all citizens who desire to have an opportunity to be heard in opposition to or in favor of an amendment to the City of Creola Zoning Ordinance so as to add additional zoning classifications R4 and R5, and to amend the zoning ordinance in Article 11 (sections 4 and 5), Article 12, (Sections 2, 5, 6, 7, and 9, including but not limited to the Table of permitted uses), and Article 14 (Section 9). Said public hearing shall be held at the above date and location at 6:00 pm on Thursday April 25, 2019, immediately prior to the regular City Council meeting scheduled for Thursday April 25, 2019 at 6:30 p.m. at the same location and on the same date, whereupon and at which said regular City Council Meeting the City Council will consider and vote on the following proposed ordinance amending the Creola Zoning Ordinance in accordance with the Proposed Ordinance, which is set out in full below:

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**AMENDMENT TO ZONING  
ORDINANCE**

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**Ordinance to Amend Ordinance No. 209 (adopted May 9, 2002, as amended ) so as to add additional zoning classifications R4 and R5, and to amend the zoning ordinance in Article 11 (sections 4 and 5), Article 12, (Sections 2, 5, 6, 7, and 9, including but not limited to the Table of permitted uses), and Article 14 (Section 9).**

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WHEREAS, the City Council of the City of Creola has heretofore adopted zoning ordinance no. 209, as amended, (also referred to as the Creola Zoning Ordinance) providing for the classification of land and regulation of uses and structures within the City of Creola, Alabama; and

WHEREAS, the Planning Commission of the City of Creola, Alabama, pursuant to Article 16, § 5 of said Zoning Ordinance, has submitted a report to the City Council of the City of Creola recommending that the zoning ordinance be amended so as to add additional zoning classifications R4 and R5, and to amend the zoning ordinance in Article 11 (sections 4 and 5), Article 12, (Sections 2, 5, 6, 7, and 9, including but not limited to the Table of permitted uses), and Article 14 (Section 9); and

WHEREAS, the City Council has caused this proposed ordinance to be duly published in full by posting in the manner and for the period prescribed by law together with a notice stating the time and place that this proposed ordinance is to be considered and further stating that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of such ordinance; and

WHEREAS, the City Council has also caused a synopsis of this ordinance to be posted and duly published in the manner and for the period prescribed by law together with a notice stating the

time and place that this proposed ordinance is to be considered and further stating that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of such ordinance, and further reciting the date and newspaper in which the original publication occurred; and

WHEREAS, the City Council has duly conducted a public hearing in relation to this ordinance and conformity with the said notice;

NOW THEREFORE, be it ordained by the City Council of the City of Creola, Alabama while in regular session on the date set forth below, that the following amendments to Ordinance number 209, and any amendments thereto (Otherwise known as the City of Creola Zoning Ordinance), be and hereby is amended in pertinent part to read as follows:

**Section I.** Article 11, the Zoning Ordinance is hereby amended as follows:

**SECTION 4 DISTRICT NOMENCLATURE**

To achieve the purposes of this Ordinance, the City of Creola is divided into the following zoning districts:

<b><u>SYMBOL</u></b>	<b><u>DISTRICT</u></b>
R-1	Low Density, Single Family Residential District
R-2	Medium Density, Single Family Residential District
R-3	High Density, Single Family, Multi-Family and Mobile Home Park District
R-4	High Density, Single Family Residential District
R-5	High Density, Single Family Patio Residential District
B-1	Local Business District
B-2	General Business District
M-1	Light Industrial District
M-2	General Industrial District
FHD	Flood Hazard Overlay District

The following provisions apply to all zoning districts and are listed in the Table of Permitted Uses, unless provided for elsewhere in this ordinance. They are listed in the following three categories

1. Uses Permitted by Right (R)

The following sections indicate uses permitted by Right, unless otherwise noted, in each District and are subject to the conditions specified in this Ordinance.

2. Uses Permitted by Requiring Review (P)

Certain uses require the review and approval of the Planning Commission as being in harmony with the orderly and appropriate development of the District in which the use is located.

3. Permitted by Special Exception (S)

Uses permitted by Special Exception are subject to site plan review as to location and other features, and also require additional review and approval by the Board of Adjustment.

In any case where a use is not specifically referred to under Uses Permitted or elsewhere in the Ordinance, its status shall be determined by the Building Inspector by reference to the most clearly analogous use or uses that are specifically referred to under Uses Permitted. When the status of a use has been so determined by the Building Inspector, such determination shall thereafter have general application to all uses of the same type.

## **SECTION 5 RESIDENTIAL DISTRICTS**

### **1. R-1: Low Density, Single Family Residential District**

This district is provided to afford opportunity for choice of low density suburban residential environment consisting of single family homes on large parcels of land.

### **2. R-2: Medium Density, Single Family Residential District**

This district is intended as a medium density single family urban residential district, with lots of moderate size.

### **3. R-3: High Density, Single Family, Multi-Family and Mobile Home Park District**

This district is intended to provide for a higher density of single family structures on smaller lots than those allowed in the R-1 and R-2 districts, duplexes, apartments and mobile home parks. The intent of this district is to provide opportunity for high density residential development in specified areas. Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good high density living environment by providing for needed community services. Public or community water and sewer facilities are required.

### **4. R-4: High Density, Single Family Residential District**

The intent of this district is to provide medium to high density housing options for single family residential uses.

### **5. R-5: High Density, Single Family Patio Residential District**

The intent of this district is to provide for high density single family residential development.

**Section II.** Article 12 of the Zoning ordinance is hereby amended to read as follows:

## ARTICLE 12 DISTRICT REQUIREMENTS

The following limitations and requirements are placed on uses in each district established by this ordinance, in accordance with the intent of this ordinance.

### **SECTION 1 GENERAL DISTRICT REQUIREMENTS**

The following provisions apply, unless provided for elsewhere in the Ordinance, to all zoning districts. The uses permitted in each district are listed in the Table of Permitted Uses in the following three (3) categories:

Uses permitted by **Right (R)**. Uses in the table identified by (R) are permitted by right, subject to the conditions specified in the table or elsewhere in this Ordinance.

Any use **Requiring Review (P)**, is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accomplished by a site plan prepared by the applicant or his agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the City as well as recommendations from the Zoning Administrator, the City Engineer, the Building Inspector, the health officer and any other such local officials. The Planning Commission may approve the use request as is; it may approve it with conditions; or it may deny it.

Any use permitted by **Special Exception (S)**, is subject to review and approval of the Board of Adjustment. Each application to the Board of Adjustment for approval of a use permitted by special exception shall be accompanied by a site plan which shall first be reviewed by the Planning Commission. The Board of Adjustment shall consider the recommendations of the Planning Commission, the City Engineer and the Building Inspector and make them a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Adjustment is not consistent with such recommendations, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

In any case where a requested use is not specifically referred to in the Table of Permitted Uses, Section 11 of this Article, its status shall be determined by the Planning Commission by reference to the most clearly analogous use or uses that are specifically referred to in the table of Permitted Uses. When the status of a use has been so determined by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.

**SECTION 2 TABLE OF PERMITTED USES**

<b>TABLE OF PERMITTED USES</b>										
<b>ZONING DISTRICT</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b><u>R-4</u></b>	<b><u>R-5</u></b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>M-1</b>	<b>M-2</b>
Accessory buildings and uses	R	R	R	<u>R</u>	<u>R</u>	R	R	R	R	R

Agriculture and related farming operations, including horticulture, plant nurseries, market gardening, field crops, orchards and home gardens.	R				R		R	R	R
Air conditioning sales and service.					R	R	R	R	R
Airport and/or crop dusting-spraying service; need not be enclosed within a structure.					S	S	S	S	S
Ambulance/EMS service.	S				R	R	R	R	R
Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened, or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area: Amusement and recreation services are as follows:									
*Amusement park					R	R	R	R	R
*Amusement arcade, kiddie land								S	S
*Archery range	S				R	R	R	R	R
*Baseball batting range	S				R	R	R	R	R
*Billiard or pool hall					R	R	R	R	R
*Bowling alley					R	R	R	R	R
*Fairground, circus or carnival					R	R	R	R	R
*Golf course	S				R	R	R	R	R
*Golf course, miniature					R	R	R	R	R
*Golf driving range					R	R	R	R	R
*Pistol or rifle range.					R	R	R	R	R
*Racquet ball or tennis courts, indoor					R	R	R	R	R
*Skating rink					R	R	R	R	R
*Tennis courts, outdoor: need not be enclosed within a structure					R	R	R	R	R
*Theater, indoor					R	R	R	R	R
*Theater, outdoor/drive-in: need not be enclosed within a structure					R	R	R	R	R
Animal clinic/kennels for small animals: need not be enclosed within a structure			S		R	R	R	R	R

Animal raising, small animal breeding; need not be enclosed within a structure.				R	R	R	R	R
Antique store, not including repairing and refinishing.				R	R	R	R	R
Antique store, including repairing, restoration and refinishing.				S	S	S		
Apparel and accessory store.				R	R	R	R	R
Appliance store				R	R	R	R	
Apothecary, limited to the sale of pharmaceuticals and medical supplies.				R	R	R	R	R
Art gallery or museum.				R	R	R	R	R
Art supplies.				R	R	R		
Asphalt products manufacture.							R	R
Auditoriums, stadiums, coliseums, dance halls and other such places of public assembly.				R	R	R	R	R
Automobile laundry, where the primary function is washing automobiles but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer.				R	R	R	R	R
Automobile parts sales, except used parts.				R	R	R	R	R
Automobile storage, including parking lots; need not be enclosed in a structure.				S	S	S	S	S
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used): need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district.							R	R
Automobile and truck laundry, including steam cleaning				R	R	R	R	R

Automobile and truck repair garage, mechanical and body: must be conducted in a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures.				R	R	R	R	R
Automobile and truck sales and service: but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities.				R	R	R	R	R
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary functions retail sale of gasoline, oil, grease, tires batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling, or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure.				R	R	R	R	R
Bait store or sales (live bait); need not be enclosed within a structure.				R	R	R		
Bakery, retail				R	R	R	R	R
Bakery, wholesale				R	R	R	R	R
Bank, including drive-in bank				R	R	R	R	R
Barber shop or beauty parlor				R	R	R	R	R
Barber and beauty supplies and equipment sales				R	R	R	R	R
Bed and Breakfast.			S	R				
Bicycle, lawnmower sales, service and repair				S	R	R		
Blueprinting and photo stating shop			S	R	R	R	R	R

Boat construction, storage, service and repair, wet and dry, major: need not be enclosed within a structure.							P	P
Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service is prohibited.	R	R	R	R	R	R		
Boat dry storage: pleasure boats having lengths not greater than 31 feet.					R	R		
Boat sales, accessories and service.					R	R		
Boat storage, service and repair, minor: a marina for docking pleasure boats and providing services thereto and the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses. May include dry storage in an enclosed structure.					R	R		
Book store.				R	R			
Bottling works.					S			
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district.					R			
Bus and railroad terminal facilities.				R	R	R	P	P
Business machines sales and service.				R	R	R	R	R
Business school or college.				R	R	R	R	R
Butane or other liquefied petroleum gas products storage and sales: need not be enclosed within a structure.				R	R	R	R	R
Cabinet or carpenter shop.				R	R	R	R	R
Cafes, grills, lunch counter and restaurant, but not including night club, bar tavern, and drive-in restaurant.				R	R	R	R	R
Camera and photographic supply store.				R	R	R	R	R



Candy, nut and confectionary store.				R				
Canvas products manufacture.				R	R	R	R	R
Carting, express, crating, hauling, storage.							R	R
Catering shop or service.					R	R	R	R
Cemetery, subject to requirements of the Special Provisions.	S							
Chemicals manufacture or processing (heavy, industrial).							P	P
Churches and related accessory buildings.	R	R	R	R	R	R	R	R
City hall, police station, fire station, court house, federal office building and similar public building.	S	S	S	S	S	S	S	S
Clay and clay products manufacture: need not be enclosed within a structure.							P	P
Clinic, dental, medical or psychiatric for humans.				R	R	R	R	R
Clothing Manufacture.							R	R
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business.	S	S	S	R	R	R	R	R
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line.		S	S		S	S	R	R
Cold storage plant.							R	R
College or University, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line.	P	P	P	P	P	P	P	P
College sorority or fraternity house					S	S	S	S
Concrete and concrete products manufacture: need not be enclosed within a structure					S			

Contractor's storage and yard for vehicles, equipment, materials and supplies: need not be enclosed within a structure but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided.					R	R	R	R	R
Convenience store					R	R	R	R	R
Correctional, detention or penal institution.						S			
Dairy equipment sales.					R	R	R	R	R
Dairy products sales.					R	R	R	R	R
Delicatessen.					R	R	R	R	R
Department store.					R	R	R	R	R
Dog pound: need not be enclosed within a structure.					R	R	R	R	R
Drive-in restaurant.					R	R	R	R	R
Drug store.					R	R	R	R	R
Dry cleaning shop, including self-service.					R	R	R	R	R
Dry goods or fabric store.					R	R	R	R	R
Dwelling, one-family.	R	R	R	<u>R</u>	<u>R</u>	R	R	R	R
Dwelling, two-family.		R	R		R	S	S	S	
Dwelling, multi-family.					R	R	R	R	
Electric power generating plant.						S	S	S	S
Electric power substation: need not be enclosed within a structure but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screening in most districts.	P	P	P		P	P	P	P	P
Electric repair shop.					R	R	R	R	R
Electric supply store.					R	R	R	R	R
Elevator maintenance service.						R	R	R	R
Employee credit union office.							R	R	R
Exterminator service office.					R	R	R	R	R
Farm and garden equipment and supply store.					R	R	R	R	R
Farmers' markets.					R	R	R	R	R
Fix-it shop, including small appliance repair.					R	R	R	R	R
Fixture sales.					R	R	R	R	R
Floor covering sales and service.					R	R	R	R	R

Floral shop.				R	R	R	R	R
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.					R	R	R	R
Food products processing plant.							P	
Food products, wholesale storage and sales.							R	R
Freight depot, railway or truck.							R	R
Frozen food manufacture and packaging.							R	R
Fruit and produce, retail.				R	R	R	R	R
Funeral home, mortuary or undertaking establishment.				R	R			
Furniture and home furnishing store, including office furniture and equipment.				R	R	R	R	R
Furniture repair, including upholstering and refinishing.				R	R	R	R	R
Gas regulator station.		P	P	P	P	P	P	P
Gift shop.				R	R	R	R	R
Glass products manufacture.							R	R
Grocery store, retail.				R	R	R	R	R
Gymnasium, commercial.				R	R	R	R	R
Hardware store, retail.				R	R	R	R	R
Hardware store, wholesale, storage and sale.				R	R	R	R	R
Hatchery, poultry or fish.							R	R
Heating and plumbing equipment, supplies and service.				R	R	R	R	R
Hiking and nature trail.	R	R	R	R	R	R	R	R
Hobby shop and supply store.			S	R	R	R	R	R
Home occupation.	S	S	P	R	R	R	R	R
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans.					R	R	R	R
Hotel, motel, or tourist home.				R	R	R	R	R
Ice cream parlor.				R	R	R	R	R
Ice plant.				R	R	R	R	R
Industrial park.							P	P
Innovative Design	P	P	P	P	P	P	P	P
Institution for children or the aged, day care.					R	R	R	R
Interior decorating shop.				R	R	R	R	R

Junk yard including storage, baling or sale of rags, paper, iron or junk: need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.					S			
Kindergarten, playschool or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.			S		R	R	R	R
Laboratory, scientific.					R	R	R	R
Laboratory, medical or dental.					R	R	R	R
Landscape garden sales: need not be enclosed within a structure.					R	R	R	R
Laundry, self-service.					R	R	R	R
Laundry and dry cleaning pick-up station.					R	R	R	R
Laundry and dry cleaning plant.						R	R	R
Laundry, linen supply or diaper service.							R	R
Leather goods or luggage store.					R	R	R	R
Library.	S	S	S		S	S	S	S
Liquor, wine and beer sales not to be consumed on premises and meeting local and state requirements.					R	R	R	R
Loan office.					R	R	R	R
Locksmith.					R	R	R	R
Lodging, boarding or rooming houses.			S		R	R	R	R
Lumber yard and building materials, need not be enclosed within a structure.					R	R	R	R
Machine shop.							R	R
Machinery, tools and construction equipment, sales and service.							R	R
Mail order house.					R	R	R	R
Manufacturing, Light (M-1): repair, assembly or processing establishments of a <b>LIGHT INDUSTRIAL NATURE</b> , including, but not limited to the following:								
*Automobile, assembly.							R	R
*Clothing and garment manufacturing							R	R

*Food products processing and packaging.							R	R
*Glass products manufacturing.							R	R
*Laboratories for testing materials, chemical analysis and photographic processing.							R	R
*Metal products and manufacturing.							R	R
*Millwork and similar wood products manufacturing.							R	R
*Musical instruments and parts manufacturing							R	R
*Paper products manufacturing.							R	R
*Plastics manufacturing.							R	R
*Scientific, optical and electronic equipment assembly and manufacturing.							R	R
*Shipbuilding and repair yard: need not be enclosed within a structure.							R	R
*Souvenirs and novelties manufacturing.							R	R
*Surgical and dental supplies manufacturing.							R	R
*Toys, sporting goods and athletic goods manufacturing.							R	R
Manufacturing, extractive, including all natural mineral deposits except oil and gas.								
Manufacturing, General (M-2): the processing, fabrication, repair and servicing of any commodity of product that is of a <b>HEAVY INDUSTRIAL NATURE</b> . The following types of activities are permitted only by special exception and must have approval of the Board of Adjustment upon recommendation by the Planning Commission and must be located in accordance with the policies of the City:								

(a) Manufacturing of: acetylene gas (or storage thereof); asbestos; acid; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement; lime; gypsum; plaster-of-paris; coal tar or derivatives thereof; creosote or creosote treatment; clay tile or vitrified products; emery cloth or sandpaper; explosives or fire works (or storage thereof); fertilizer; glue; size or gelatin; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber and gutter perched products; plastics; soda compounds.									R
(b) Petroleum refining; tanning, curing or storage of hides and skins; boiler works, foundry or forge operation; incineration, reduction or dumping of offal, dead animals, garbage or refuse; fat rendering; junk, iron, rags storage and baling; distillation of bones, coal or wood.									R
(c) Any other use, not listed above, that by reason of the emission of odors, dust, smoke, gas, noise or vibration, is unsuitable for location in more restrictive districts. Any such use must meet all applicable local, state and federal regulations regarding permissible levels of emissions.									R
Marina, minor: see boat storage, service and repair, minor.			R	R	R	R	R	R	R
Marina, major: see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service.			R						
Marine stores and supplies.			R						
Mobile home.			R	R	R	R	R	R	R
Mobile home park.			R	R	R	R			
Mobile home subdivision.			R	R	R	R	R	R	R
Motorcycle sales, service and repair.				R	R	R	R	R	R
Music store.				S	R	R	R	R	R

Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping sites and similar uses.				R	R	R	R	R
News stand.				R	R	R	R	R
Nightclub, bar, tavern and cocktail lounge when separate from restaurant.					R	R	R	R
Office buildings, general.	R	R	R	R	R	R	R	R
Office buildings, professional.				R	R	R	R	R
Office equipment and supplies, retail.				R	R	R	R	R
Oil and gas exploration and production activities.				R	R	R	R	R
Optician.					R	R	R	R
Paint and wallpaper store.	S	S	S	S	S	S	S	S
Painting and decorating contractor.							R	R
Paper supplies, wholesale.				R	R	R	R	R
Park or playground including recreation centers: need not be enclosed within a structure.					R	R	R	R
Passenger depot, railway or bus.				R	R	R	R	R
Pawn shop.				R	R	R	R	R
Pet shop.	P	P	P					
Photographic studio and/or processing.	P	P	P					
Picture framing and/or mirror silvering.							R	R
Planned Unit Development, fixed dwelling.				R	R	R	R	R
Planned Unit Development, mobile home.	P	P	P	P	P	P	P	P
Plastic fabrication.	S	S	S	S	S	S	S	S
Plumbing shop.				R	R	R	R	R
Police substation, including Highway Patrol.							P	P
Post office.	P	P	P	P	P	P	P	P
Printing, blueprinting, bookbinding, photo stating, lithographing and publishing establishment.				S	S	S	R	R
Public utility production and maintenance buildings with proper screening.				R	R	R	R	R
Public utility substation with proper screening.				R	R	R	R	R

Radio and television antenna (amateur).				R	R	R	R	R
Radio and television station and transmitting tower (commercial).				R	R	R	R	R
Radio and television sales, service and repair store.				R	R	R	R	R
Recreational vehicle parks.				R	R	R	R	R
Reducing, exercise, karate, gymnastic or other body fitness type salon.								
Restaurant.		S	S	R	R	R	R	R
Restaurant supplies and sales.				R	R	R	R	R
Riding academy: need not be enclosed within a structure.				R	R	R	R	R
Roofing and sheet metal shop.							S	S
Rooming house and boarding house.						P	P	P
Rug and/or drapery cleaning service.	S	S	S	S	S	S	S	S
Sand and gravel storage yard: need not be enclosed within a structure.				R	R	R	R	R
Sawmill or planing mill.		P	P	P	P	P	P	P
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama.				R	R	R	R	R
Seafood store, retail.				R	R	R	R	R
Sewage disposal plant: need not be enclosed within a structure.						R	R	R
Shoe repair shop.				R	R	R	R	R
Shoe store, retail.								
Sign shop.								
Sporting goods store.								
Stone monument sales, retail: may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure.								
Studio for professional work or teaching of fine arts, such as photography, drama, speech, painting.								
Studio for dance or music.								
Surgical or dental supplies retail.								



Tailor shop.				R	R	R	R	R
Taxi dispatching station.				R	R	R	R	R
Taxi terminal: storage and repair of vehicles.				S	S	S	R	R
Taxidermy shop.		S	S	S	S	S	S	S
Teen club or youth center.							R	R
Telecommunications towers and facilities		R	R	R	R	R	R	R
Telephone exchange.				R	R	R	R	R
Telephone equipment storage including shops and garage: need not be enclosed within a structure but must provide adequate screening.				R	R	R	R	R
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed two (2) months in any calendar year.				R	R	R	R	R
Tire, batteries and other automotive accessories sales establishments.				S	S	S	S	S
Tobacco store.							R	R
Toy store.							R	R
Trade school or college.				R	R	R	R	R
Transit vehicle storage and servicing: need not be enclosed within a structure.				R	R	R	R	R
Utility company storage facility: need not be enclosed within a structure but must provide adequate screening.							R	R
Variety store.				R				
Veterinary service.		P	P	P	P	P	P	P
Warehouse and storage facilities, major.	P	P	P	P	P	P	P	P
Warehouse and storage facilities, minor: mini-type do-it-yourself storage facilities.				R	R	R	R	R
Water storage: need not be enclosed within a structure.						R	R	R
Water or sewage pumping station.				P	P	R		
Welding shop.						P	R	R
Well drilling company.							R	R
YMCA, YWCA and similar institutions.				R	R	R		

### SECTION 3 SITE PLAN REVIEW

Site plans shall be submitted no less than ten (10) days prior to the meeting at which they are to be reviewed.

- F. Site plans shall be the same as those submitted to the Building Inspector and at the least shall contain an accurate plot plan drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines, within which the proposed buildings and structures that shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building(s) is/are designed to accommodate, the topography, the proposed drainage system, the zone or intended zone for the use proposed, the names of streets adjoining said property, and such other information as may be necessary to determine and provide for the enforcement of this ordinance.
- G. A site plan shall be required for all residential projects involving the construction of two (2) or more dwelling units; all commercial structures and other uses as required by the Planning Commission. Site plan reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of this ordinance in conformity with its purpose as stated in Article I. Site plan approval must be granted prior to commencing any site preparation and/or construction activities.
- H. Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Inspector may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.
- I. The Planning Commission may waive certain requirements contained in Section 9.2.9.3 of this Ordinance if, in its opinion, the requirements are not essential to a proper decision on the project; or, they may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.
- J. An application for site plan approval shall include the following information unless some or all of these requirements are waived by the Planning Commission:
  - a. The location and size of the site including its legal description and a current certified survey.
  - b. A vicinity map showing the site relation to surrounding property.
  - c. The recorded ownership interests, including liens, encumbrances, title certification in the form of a current title policy, title opinion or title report and the nature of the developer's interest, if the developer is not the owner.

- d. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features.
- e. The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.
- f. The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.
- g. The use and maximum height, bulk and location of all buildings and other structures to be located on the site.
- h. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.
- i. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
- j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
- k. Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for: Screening, Lighting and Open Space; Surface Drainage; and Water and Sewer Connections.
- l. A traffic impact analysis and corrective measures to address detrimental conditions brought about by the development.
- m. Architectural renderings, elevations and representative floor plans in preliminary form.
- n. The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in this ordinance.

#### SECTION 4 LOT AREA AND WIDTH

Requirements for Lot Area, Lot Width, Coverage and Other Factors.

##### 1 Public and Semi-Public Buildings

- a. *Minimum lot area and lot width.* None specified only that the lot be large enough to provide the yards specified herein.
- b. Yard regulations.
  - 1. *Front yard.* Each lot shall provide a front yard with a minimum depth of forty (40) feet.
  - 2. *Side yard.* Each lot shall have a side yard of a minimum of thirty-five (35) feet on each side.
  - 3. *Rear Yard.* Each lot shall have a rear yard with a minimum depth of thirty-five (35) feet.
- c. *Maximum building height.* No structure shall exceed a height of thirty-five (35) feet, except a church may have a maximum height of fifty (50) feet, provided that one (1) foot shall be added to all minimum yard requirements for each additional foot of height in excess of thirty-five (35) feet. (Does not apply to church sanctuary.)
- d. *Maximum building coverage.* The maximum land covered by a building shall be fifty (50) percent of the total lot area; a minimum of twenty (20) percent of the lot area shall be maintained as a landscaped open area.

## 2. Accessory Buildings

- a. *Minimum lot area and lot width.* None specified, only that the lot be large enough to accommodate the principal building plus the accessory building or buildings and meet the yard and other requirements specified in this ordinance.
- b. Yard regulations.
  - 1. *Front yard.* Detached accessory buildings shall not be located or extended in the front yard.
  - 2. *Side yard.* Detached accessory buildings shall maintain a side yard of not less than five (5) feet.
  - 3. *Rear yard.* Detached accessory buildings shall maintain a rear yard of not less than five (5) feet.
- c. *Maximum building height.* Detached accessory buildings shall not exceed one (1) story or fifteen (15) feet in height.
- d. *Maximum building coverage.* None specified, only that the principal building together with accessory buildings must comply with the requirements applicable to maximum building coverage specified in this ordinance.
- e. Necessary buildings must be compatible with the main structure and with the general character of the neighborhood.
- a. A detached accessory building shall not be located on a lot by itself

3. Off-Street Parking Regulations

See Parking Requirements for All Districts, Article 14, Section 10

SECTION 5 Requirements for Lot Area, Width, Coverage, Density and Other Factors

The following shall apply in each residential district as listed:

ZONING DISTRICT	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width At Set-back Line	Maximum Lot Coverage (%) *	Maximum Density**	Maximum Height
<b><i>R-1 Low Density Residential</i></b>					
Single Family w/septic tank & well	20,000	100	25	2.0	35'
w/septic tank & public water	15,000	100	25	2.0	35'
w/both public sewer & water	15,000	100	25	2.5	35'
<b><i>R-2 Medium Density Residential</i></b>					
Single Family	15,000	100	25	4.0	35'
Two Family (per unit)	7,500	100	25	40	35'
<b><i>R-3 High Density Residential</i></b>					
Single Family	15,000	100	40	4.0	40'
Two Family (per unit)	7,500	100	40	4.0	40'
Multiple Family (per unit)	5,000	100	40	15.0	40'
<b><i>Mobile Home Parks</i></b> (see Article 14)					
<b><i>R-4 High Density Single Family Residential</i></b>					
Single Family	7,000	70	40	6	35'
<b><i>R-5 High Density, Single Family Patio Residential</i></b>					
Single Family	5,000	50	38	8	35'
*Does not apply to lots of record smaller than required in the district in which they are located.					
** Dwelling units per gross acre to be developed.					
<sup>a</sup> Minimum of 15,000 for two family dwelling					



SECTION 6 MINIMUM SETBACKS YARD REQUIREMENTS

The following front, rear and side yard setbacks shall apply in districts as listed:

			Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
	Arterial and Collector Streets	Local Streets and Service Roads			Arterial and Collector Streets	Local Streets and Service
R-1	35	35	30	10	30	25
R-2	35	35	35	10	35	35
R-3*	35	35	35	10	35	35
R-4	30	30	20	8	30	25
R-5	20	20	20	5	30	20
B-1	20	20	20	b	20	20
B-2	20	20	20	b	20	20
M-1	20	20	c	c	20	20
M-2	20	20	c	c	20	20

\* Mobile Home Parks see Article 14

- a- Ten (10) feet plus two (2) additional feet for each floor above two stories, but not exceeding twenty (20) feet; and when dwelling unit faces side yard, the dwelling unit must not be less than twenty-five (25) feet from the side lot line.
- b- None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than twenty (25) feet.
- c- None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than fifty (25) feet.

Yards

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.

## SECTION 7 Maximum Building Height

Except as provided for elsewhere in this ordinance, no structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in any R-1 ~~or~~ R-2, R-4, or R-5 residential district or more than four (4) stories or forty (40) feet in any R-3, business or industrial district. Structures of more than four (4) stories may be permitted subject to the approval of the City Council.

### Building Heights

No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein for the district in which it is located except as otherwise provided in this ordinance.

#### 1 Height Exceptions

The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio and television transmitting and receiving antennas, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

2. In flood hazard areas identified on the National Flood Insurance Rate Maps (FIRM), the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front or rear of any other building than thirty (30) feet.

## SECTION 8 Performance Standards for Nonresidential Districts

In all nonresidential districts where facilities are permitted, they shall comply with the following minimum standards:

Lots shall be of sufficient size to accommodate the intended use, including adequate parking and loading facilities in addition to space required for the conduct of other operations of the business, and to otherwise comply with the provisions of this ordinance.

Where a business district abuts any part of a residential district, a buffer zone twenty-five (25) feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of twenty-five (25) feet shall be required. Said buffer zones shall be in addition to the yard requirements and shall be fenced or screened subject to the following regulations:

- 1 *Wall or fence.* If a wall or fence is provided as a protection buffer, it shall be six (6) feet high and of a construction and a design approved by the



Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.

- 2 *Screen planting strip.* If a screen planting strip is provided as a protection buffer, it shall be at least twenty-five (25) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained, by owner, in a clean and neat condition and in such manner as to accomplish its purpose continuously.

No primary entrances or exits shall direct traffic into adjacent residential or business districts. Adequate parking as required in Article 14 shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.

Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten (10) percent.

#### SECTION 9 Landscaping

A landscaping plan may be required for any development within the City of Creola, but is mandatory for all multi-family developments including apartments, townhouses, condominiums, and for all business and industrial developments. Such plan shall be submitted to the Building Inspector prior to commencing any stripping of land or construction activities. The plan shall clearly show what existing trees will remain, as well as what shrubbery and other vegetation will be added to complete the final landscaping of the property. No trees greater than six (6) inches in diameter shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic; that it is diseased or weakened by age, storm, fire or other injury; that it is absolutely necessary to construct proposed improvements without incurring significant additional costs; or that it is necessary for the installation of solar energy equipment. In such case, the developer's landscape plan shall indicate replacement trees at least six (6) feet tall and one (1) inch in diameter for each tree removed and the landscaping plan shall show the placement of the proper number of required new trees. The plan may include renderings by a landscape architect and any other documentation required by the Planning Commission.

All new developments along major arterials shall be set back thirty-five (35) feet from the right-of-way and shall maintain a minimum of five (5) feet of the required thirty-five (35) foot setback as a greenbelt along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan.

- 1 A minimum of five- (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of

parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Building Inspector. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.

- 2 All new businesses related to car, truck or other vehicle service and repair shall be so designed and constructed that no service or repair bays shall be visible from the roadway on which the building fronts; and so that cars, trucks or other vehicles stored on the premises prior to and after service or repair are properly screened from view. All existing businesses related to car, truck or other vehicle service and repair, regardless of orientation of the service and repair bays, shall have in place within three (3) years of the adoption of this ordinance adequate screening so that cars, trucks or other vehicles stored on the premises prior to and after service or repair are not visible from the roadway.

#### Special Exceptions

More stringent design and landscape standards may be required by the Planning Commission for special exceptions permitted in any district.

### SECTION 10 COMPLIANCE WITH HEALTH AND SAFETY STANDARDS

Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this ordinance and of state and federal regulations.

### SECTION 11 NON-PERMANENT STRUCTURES

Non-permanent structures such as trailers, sheds and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted for three-month periods, renewable, upon written request from the business owner, up to a maximum of one (1) year.

### SECTION 12 APPEARANCE OF BUSINESS STRUCTURES

All business structures shall be so designed as to present an aesthetically pleasing appearance, as determined by City officials, that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under Section 7.9 of this ordinance.

### SECTION 13 METAL BUILDINGS

Metal buildings may be used for any purpose in M-1 and M-2 Districts, but are subject to review as special exceptions in the B-2 District.

**SECTION III** Article 14 of the Zoning Ordinance is hereby amended as follows:

**SECTION 9 SIGNS**

All signs shall encourage a positive visual environment in harmony with the natural beauty of Creola.

General Provision

The following shall apply:

- 1 No sign, unless herein excepted shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Building Inspector.
- 2 Any permitted sign shall be subject to the size and height limitation imposed by this Ordinance for the use district in which said sign is located, except as otherwise provided herein.
- 3 No outdoor advertising sign or sign structure shall be placed upon any street or highway right-of-way except as otherwise provided herein.
- 4 No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection.
- 5 No outdoor advertising sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
- 6 No portion of any projecting outdoor advertising sign shall be less than eight (8) feet above the level of a sidewalk or other pedestrian thoroughfare, nor shall be less than fifteen (15) feet above the level of a public driveway, alley or street.
- 7 Signs shall be harmonious with the environment and with the nature of our special local characteristics of site, aesthetic tradition, and development potential. Signs made of natural woods and materials featuring earth tones and indirect external lighting are encouraged.
- 8 No sign shall be larger than seventy-five (75) square feet, except where the name of a building or firm is to be attached across the front of a building.
- 9 A sign permit shall be null and void if the sign for which the permit was issued has not been completed and erected within a period of six (6) months from the date of issuance of the permit.

## Nonconforming Signs

Any sign in existence on the date of adoption of this ordinance that is not in conformance with the requirements of this ordinance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the following conditions:

1. If any nonconforming sign is removed or destroyed or becomes fifty (50) percent or more structurally deteriorated, or repair/replacement costs exceeds 50% of the appraised value of the sign, as determined by the Building Inspector, then the replacement sign shall be in conformance with the requirements of this ordinance.
2. Where a change in use, occupancy or ownership occurs which necessitates the altering of a sign in any manner, the altered or changed sign shall be in conformance with the requirements of this ordinance.
3. Any nonconforming sign prohibited under Section 10.7.4 of this ordinance shall be removed or made to conform within ninety (90) days of the date of adoption of this ordinance.
4. The Board of Adjustment may, in special cases and for good reason, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary or unique hardship, permit the erection of a sign not in conformance with the requirements of this ordinance, and at its discretion, may require the posting of a bond in sufficient amount to protect the Town against all liabilities that may result from the erection and use of such sign.
5. No permits for additional signs shall be issued for any premises on which there are Non conforming signs.

## Exempt Signs

The following signs are exempt from the provisions of this ordinance and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the current building codes:

1. Official traffic signs or sign structures, or municipal information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency.
2. Changing the copy on a bulletin board, poster board, display encasement, marquee, or changeable copy type sign.
3. Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One such sign, which shall not

- exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.
4. Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation and not for the sole purpose of advertising, except where a vehicle is offered for sale.
  5. Weather flags for providing information on weather conditions; one (1) set for each premises.
  6. Real estate signs, temporary in nature, non-illuminated, not exceeding six and one-half (6 ½) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage.
  7. Temporary decorative flags, bunting, banners, pennants, streamers, and signs for recognizing holidays, conventions, grand openings, and other commemorative occasions authorized by the Building Inspector for Town-wide celebration. Said temporary decorations and signs shall be removed as soon as the commemorative occasion is over; otherwise temporary decorations and signs shall be subject to the requirements of Section 10.7.7.5, Note 5, of this ordinance.
  8. Political signs, are exempt from the permit requirements of this Ordinance but are subject to the following regulatory controls:
    - a. Political signs shall not be erected, constructed, posted or painted on any public right-of-way, utility pole, tree, bench, fence, awning, stand pipe, nor attached to any City, County, State or Federal roadway marker, directional sign or informational sign.
    - b. Political signs shall not be attached to any existing identification announcement or pricing signs for any business or commercial establishment
    - c. Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.
    - d. Political signs may be placed on private property in any zoning district within the jurisdiction of the Town.
    - e. Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height
    - f. Political signs in business, commercial and industrial districts shall not exceed fifteen (15) square feet in area or eight (8) feet in height.
    - g. Political signs not more than four (4) square feet in area may be attached to private or commercial vehicles used for transportation or business purposes.

- h. Customary size party balloons imprinted with a political ad may be tethered to any political sign, provided such balloons do not rise more than four (4) feet above the sign to which they are attached and that not more than two (2) such balloons are attached to any one (1) sign.
  - i. Political signs may be placed only after a candidate has qualified to run for office and must be removed within five (5) days after the election.
9. National flags and flags of political subdivisions of the United States and flags of bona fide civic, charitable, fraternal, and welfare organizations, when displayed from one (1) flag staff per premises in accord with United States Public Law 623 (Flag Display Practice); except when displayed in connection with a commercial promotion.
10. Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet.
11. One (1) identification sign, with or without bulletin board per street frontage for public, charitable, educational or religious institutions, located on the premises of said institution and not exceeding seventy-five (75) square feet.
12. Memorial signs and historical markers, constructed of bronze, stone, or other incombustible material, after historical authentication and location is approved by the Building Inspector.
13. One (1) each professional, announcement, or occupational sign non-directly illuminated and flat wall mounted, and/or one (1) each outdoor advertising sign for privately owned premises or business location, provided the area of the sign or the combined areas of both signs, if two (2) signs are erected, does not exceed five (5) square feet, and provided the premises or business location is without a permitted sign.
14. Noncommercial yard or garage sale temporary signs not exceeding eight (8) square feet erected on private property and which display the date(s) and address of the sale. Said signs shall be removed as soon as the sale is concluded.
15. Signs attached to machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed eight (8) square feet.
16. Window signs which identify or advertise activities, services, goods, or products available within the building .

17. One (1) each business or professional identification sign mounted to extend vertically below a marquee or canopy, provided its area does not exceed six (6) square feet nor exceed the width of the marquee or canopy nor provide less than nine (9) feet of clearance above the sidewalk or pedestrian thoroughfare.

#### Signs Prohibited in All Districts

The following signs are prohibited in all use districts:

1. Any sign erected or painted upon a fence, tree, standpipe, fire escape or utility pole, except the manufacturer's or installer's ID plate which shall not exceed 5x8 inches in size.
2. Any sign which uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs except where such words are a part of an attraction title for a theater or other similar event or purpose.
3. Signs which contain flashing or intermittent illuminations, except as required for traffic control. Changing the copy on a bulletin board or changeable copy type sign which displays customary public information, such as time, date, temperature or other such information is deemed not to be flashing or intermittent illuminations.
4. Portable signs, snipe signs, sandwich signs, or ladder type signs.
5. Permanent signs that produce sound or noise; cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement.

#### 1 Billboards and off premises signs.

#### Maintenance and Removal of Signs

1. All signs shall be maintained in good condition and appearance. The Building Inspector, after due notice in writing to the owner, may cause to be removed, at owners expense, any sign which shows neglect or which appears abandoned or which becomes dilapidated or dysfunctional, or where the area for a distance of ten (10) feet around such sign is not kept free of weeds, rubbish, debris, or uncut grass.
2. Any sign associated with premises that have been vacated shall be either removed from the premises by the owner or lessee within three (3) months of the time of the vacation, or said sign shall be altered or resurfaced by the owner or lessee within the same time period so that it does not display letters, numerals, symbols, figures, designs, or any other device for visual communication that would pertain to the activity formerly associated with the vacated premises.



3. The Building Inspector shall remove or cause to be removed any sign erected or maintained on any public right-of-way within the city, or which is in violation of any of the provisions of this ordinance.
4. The erection or maintenance of any sign in violation of this ordinance is a misdemeanor and shall be subject to the penalties set forth.

**Traffic Control Devices on Private Property**

When the owner of real property allows it to be used by the public for the purpose of vehicular traffic and/or as a public or quasi-public parking lot for the use of customers, tenants or employees of said property, the owner shall erect and maintain all traffic control signs and other devices in accordance with the Alabama Manual on Uniform Traffic Control Devices, and any revisions thereof. In addition, the owner shall meet the requirements of Section 32-5-31(a) of the Code of Alabama, 1975, with respect to local authorities in their respective jurisdictions.

**Permitted Signs**

Unless otherwise specified in this ordinance, requirements for signs permitted in each district are as follows:

1. Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium, office park, shopping center, industrial park or other residential or business complex permitted in any district; and signs for any use permitted by Right, with planning approval or as a special exception in any residential district, are permitted. Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, twenty-one (21) feet in height, and one (1) such sign per street frontage.
2. Permitted signs shall require a permit unless otherwise excepted elsewhere in this ordinance.
3. Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other sign requirements for the district in which they are located.

**Schedule of Permitted Sign Requirements**

<b>Zoning District</b>	<b>Type of Use</b>	<b>Maximum Area/Face</b>	<b>Maximum Number of Faces</b>	<b>Maximum Height</b>	<b>Maximum Number of Signs Permitted</b>
R-1	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-2	SF Residential	6 sq. ft.	1	6 ft.	1 per premises

R-3	High Density Multi-Family Residential	6 sq. ft.	1	6 ft.	1 per premises
<u>R-4</u>	<u>High Density, Single Family Residential</u>	<u>6 sq. ft.</u>	<u>1</u>	<u>6 ft.</u>	<u>1 per premises</u>
<u>R-5</u>	<u>High Density, Single Family Patio Residential</u>	<u>6 sq. ft.</u>	<u>1</u>	<u>6 ft.</u>	<u>1 per premises</u>
B-1	Neighborhood Professional Business	35 sq. ft. per premises	2	10 ft.	1 per street frontage
B-2	General Business	75 sq. ft. per premises	2	21 ft.	1 per street frontage; 2 if the premises frontage is greater than one thousand (1,000) linear feet.
M-1	Light Industrial	75 sq. ft. per premises	2	21 ft.	1 per street frontage
M-2	Heavy Industrial	75 sq. ft. per premises	2	21 ft.	1 per street frontage

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

**Amendment and Repealer.** This Ordinance shall amend the Zoning Ordinance of the City of Creola, Alabama so as to replace former Section 10.7 governing Signs of the Zoning Ordinance of the City of Creola, Alabama and said Section of said Ordinance is hereby repealed, however, any repeal of said former Section shall not affect any rights and privileges for enforcement of any violation thereof which existed at the time of the adoption of this Ordinance which would remain a violation under this Ordinance.

1. *Effective Date.* This Ordinance shall take effect upon adoption and shall be published as required by law.

**NOTES**

- 1) Signs for any residential use permitted in any nonresidential district must comply with the requirements for signs permitted in residential districts.
- 2) Each establishment in a shopping center or each business premises in G-B and M-1 districts may acquire an additional permit for one front or side wall mounted sign of a size not to exceed the lesser of three hundred (300) square feet or twenty (20) percent of the front or side surface area of

the building or portion of building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

- 3) A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, mobile home park, and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground within the confines of the development and the height no greater than ten (10) feet for no more than one (1) sign, either single or double faced, per street frontage. Permits shall be issued for a period of one (1) year. An additional one (1) year permit may be issued if the Building Inspector has determined that the promotion of the development is active and the temporary sign meets the maintenance requirements in Section 10.75 of this ordinance. The temporary sign will be removed when a permitted permanent sign is erected.
- 4) A temporary sign will be permitted on each premises for a new business or a business starting a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground to a height not to exceed ten (10) feet. Said sign may be single or double faced.
- 5) Temporary decorative signs, flags, pennants, banners, streamers, bunting, flying paraphernalia, and tethered inflatable signs may be permitted to a premises owner for no more than fourteen (14) continuous calendar days in any six (6) month period.
- 6) A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, healthcare facility, public meeting or public event when authorized by the City of Creola.
- 7) All existing off-premise signs and billboards are hereby grandfathered and protected. At such time as any existing off-premise sign or billboard is removed or destroyed, any replacement signs or billboard shall be in conformance with the provisions of this Ordinance. No new off-premise signs or billboards will be permitted in any zone, nor shall a permit be issued for any permitted on-premises sign for any premises on which there exists a grandfathered off-premises sign or billboard unless the off-premises sign or billboard is first permanently removed.

**Section IV.** That if any cause, section or other part of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, the remainder of this ordinance amending the above-referenced Zoning Ordinance shall not be affected thereby, and shall remain in full force and effect.

**Section V.** This ordinance shall become effective upon its adoption and publication as required by law. Nothing in this Ordinance shall be deemed to amend any other Ordinance or portion of any other Ordinance previously adopted by the City of Creola and not specifically amended herein. Any provisions of the zoning

ordinance otherwise known as Ordinance number 209, as amended, not otherwise amended by this ordinance shall remain in full force and effect.

*ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019*

\_\_\_\_\_  
*WILLIAM R. CRISWELL, MAYOR*

*Attest:*

\_\_\_\_\_  
*Carolyn Sue Cain, City Clerk*

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*PLEASE PUBLISH IN THE CALL NEWS on April 3, 2019.*