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The Cullman Tribune

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Elderly man victim of hit and run on Cullman's SW side

Wendy Sack
wendy@cullmantribune.com

CULLMAN, Ala. – An elderly man was the victim of a hit and run Sunday evening on the southwest side of the city of Cullman. Police are searching for the vehicle involved. The victim, Freddie Shelton, born in 1939, suffered a broken left leg, head injuries and road rash to his arms and body, according to Cullman Police Traffic Homicide Investigator Jonathan England, who is investigating the incident.

England said he has visited Shelton, but that Shelton is not yet able to communicate.

The hit and run occurred at Seventh Street Southwest and Main Avenue.CPD Lt. Jeff Warnke said Shelton was struck near Seventh Street Baptist Church between 8-8:30 p.m.

"The patrol officer came up on him laying in the street about the same time dispatch got a call on it," said Warnke.

Shelton was airlifted to UAB Hospital in Birmingham.

"He was walking across Main Avenue from the church," said England, who stated the driver who hit Shelton » PAGE 5

– FEATURE –

RV park, more planned for Cullman's Burrow property



MAGGIE DARNELL/THE CULLMAN TRIBUNE

The entrance to the Burrow property is seen Monday, Jan. 20, 2020. The City of Cullman will build the first 50 RV sites on about 5 acres inside the entrance. Long-range plans include primitive camping, "glamping," cabins, ponds, trails, golf cart rentals, a playground and a dog park.

» PAGE 7

FAITH

'I feel comfortable in a small church'

Outlaw Gospel star Cody McCarver plays rural Cullman County church

Christy Perry, W.C. Mann
Contributors

BREMEN, Ala. – On Sunday evening, Mt. Joy Missionary Baptist Church, located south of the Bremen community in west Cullman County, welcomed "Outlaw Gospel" recording artist and former Confederate Railroad keyboardist Cody McCarver for an evening of music and testimony. McCarver, backed by guitarist/vocalist Zachary Olendorf, sang several of his recent hits and talked about his childhood in and out of a rural Tennessee church, his family's struggles with drug addiction and his father's imprisonment, and his own 20-plus year addiction to alcohol while enjoying great success in the music industry with Confederate Railroad.

McCarver jokingly lamented to the congregation that he could not perform the Confederate Railroad hit "Trashy Women" for them, but he did share the band's "Jesus and Mama."

Coming back to his foundational faith later in life and finding freedom from addiction (telling the audience, "I haven't had a drink since 2013"), McCarver left the band and embarked on a solo career in gospel music. Shunned by the Nashville Contemporary Christian Music industry for his rough-edged style, he struck out on his own and called his music Outlaw Gospel. Since then, his self-defined genre has found new success, including the hit "Rise Up" which reached number one on the Christian Country charts in 2018, the 2019 number one hit duet "These Hands" with John Schneider (Yes, that John Schneider: Bo Duke!) and an active tour and performance schedule.

How does a music industry power player find himself in a small rural Cullman County church? » PAGE 4



W.C. MANN/THE CULLMAN TRIBUNE

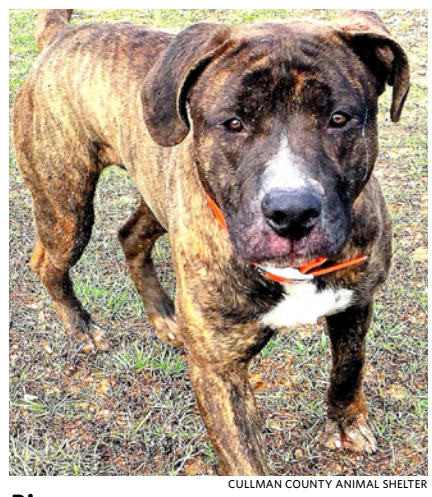
Cody McCarver shares his testimony with the congregation at Mt. Joy Missionary Baptist Church Sunday.

New group aims to support patients, caregivers



CHRISTY PERRY/THE CULLMAN TRIBUNE

Pam Whitt, left, and Juanita Pajao, right, organized the rollout event for the Cullman Survivor Society, held Saturday at Goat Island Brewing. » PAGE 5



CULLMAN COUNTY ANIMAL SHELTER

Bison

PET OF THE WEEK

Bison is looking for somewhere to roam!

W.C. Mann
craig@cullmantribune.com

CULLMAN, Ala. – The Cullman County Animal Shelter's Donna Ruttkay shares The Cullman Tribune Pet of the Week:

Bison is a 2-to-3-year-old Mastiff mix with dramatic striped brindle coloration. He's a laid-back, low- to medium-energy pet who's developing good skills on his leash and good spatial awareness. Ruttkay refers to him as a "kindhearted soul" who craves human companionship.

Bison could have a good future as a therapy or companion dog.

Bison's adoption fee is $100 which includes: DHLPP vaccine, Bordetella vaccines, rabies vaccine, wormer, general exam at the vet, neutering, microchip, free 30-day health insurance policy issued by 24PetWatch (with valid email only) and a free bag of food from Cullman Pet Depot (you must pay sales tax). » PAGE 7

Bill Smith
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Arrests and incidents reported Jan. 20

Wendy Sack
wendy@cullmantribune.com

CULLMAN, Ala. – Below are the arrests and incidents reported Jan. 20, 2020. All persons are innocent until proven guilty.

GJ = grand jury; **FTA** = failure to appear

CULLMAN COUNTY SHERIFF'S OFFICE
No incidents or arrests reported.

CULLMAN POLICE DEPARTMENT
INCIDENTS
Jan. 17
• fourth-degree theft of property: person; Hwy. 157; cash
• fourth-degree theft of property; ABC Beverages, Cullman Shopping Center; alcohol; $283
• fourth-degree theft of property; Wal-Mart; Hwy. 157; misc. merchandise; $48
• third-degree domestic violence; person; Walker St. SW

Jan. 18
• harassment; person; CR 450

Jan. 19
• third-degree domestic violence- harassment; person
• harassment; person; Austin Ave. SW
• third-degree burglary; person; 2nd Ave. SW; tool box; $175

ARRESTS
Jan. 17
McElhone, Savannah M., 19
• fourth-degree theft of property

Riggs, Zachary R., 22
• fourth-degree theft of property

Lay, Rachel L., 28
• third-degree domestic violence

Lay, Zackary J. 32
• third-degree domestic violence

Jan. 18
Pugh, Stephanie N., 35
• FTA- third-degree theft of property

Elms, Randy L., 24
• possession of drug paraphernalia

Jan. 19
Lay, Rachel L., 28
• disorderly conduct
• resisting arrest

Myers, Justin E., 31
• FTA- failure to register vehicle

Castleberry, Ashley D., 37
• possession of drug paraphernalia

Smith Jr., Kenneth W., 43
• second-degree unlawful possession of marijuana
• possession of drug paraphernalia

HANCEVILLE POLICE DEPARTMENT
No incidents or arrests reported.

Find arrest reports online Monday-Friday at www.CullmanTribune.com.

LEGALS

City of Cullman
Building Inspection Department

201 SECOND AVENUE, NORTHEAST
P. O. BOX 278
CULLMAN, ALABAMA 35056-0278
(256) 775-7203

City of Cullman
Planning Commission

On Monday, February 3, 2020, at Cullman City Hall Auditorium at 5:30 P.M, at the regular meeting of the City of Cullman Planning Commission, a public hearing will be held to allow affected parties to voice their concerns related to the following items:

1. Preliminary Subdivision – Wyn Crest Estates
2. Short-form Subdivision – Create two lots – 307 14th Street NE
3. Short-form Subdivision – Create two lots – Logan Drive SW & Musgrove Ave. SW

For further information contact Brian Landreth or Amber Duke at the City of Cullman Building Department at 256-775-7203.

NOTICE OF PUBLIC HEARING
CITY OF HANCEVILLE

Pursuant to the instructions of the City Council of the City of Hanceville, notice is hereby given that the property belonging to Tenax Enterprises, LLC., as described below will be considered for R-3 (High Density Residential) Zoning designation by the City Council on Thursday, February 13, 2020.
A public hearing will be held at 6:00 p.m., Thursday, February 13, 2020, at the Hanceville City Hall, located at 112 Main ST SE, Hanceville, Alabama, 35077 where all interested citizens shall have the opportunity to be heard for or against the zoning.

PROPOSED ORDINANCE 630
AN AMMENDMENT TO ZONING ORDINANCE NO. 510 INCLUDING THE ZONING MAP

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

1. The public health, safety, morals and general welfare requiring it under authority granted by Article 4, Sections 11-52-70 through 11-52-79, Code of Alabama, 1975, as amended and the Zoning Ordinance of the City of Hanceville, Alabama Ordinance No. 510, adopted the 1st day of May, 2006, as amended, and more particularly the Hanceville, Alabama zoning map as a part thereof, is hereby amended, changed and modified as follows:

   (a) That the real estate being the property of Tenax Enterprises, LLC., located in Hanceville, Cullman County, be re-zoned as R3, described as follows, to-wit:

   Lot 1 and 2 of R.C. Mann's Second Addition to Hanceville, Alabama, as indicated by the recorded map or plat thereof in the Office of the Probate Judge of Cullman County, Alabama, in Map Book 3, Page 138.

   Property Address: 413 & 415 Hopewell Road, Hanceville, AL 35077

2. That this Ordinance has been published once each week for two (2) successive weeks, prior to passage, within the City of Hanceville, Alabama, and the publication of said notice and ordinance being verbatim.

   That a public hearing has been held relative to the passage of this ordinance on the ____ of _____, _____at _____ p.m. at which time interested parties and citizens had opportunity to be heard concerning said ordinance and any changes relating thereto.

3. That all notices as required by law were given by the City Clerk concerning said public hearing.

4. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Hanceville, Alabama, in conflict with this ordinance be and are hereby changed and amended to reflect the changes and amendments herein.

5. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this ordinance.

6. ***THEREFORE, be it RESOLVED,*** that the above described property is zoned R3 and that appropriate action be taken to change and modify the City Zoning Map to so reflect the said land as such.

7. This ordinance adopted ____ day of _____, _____ shall take effect after its publication as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

_____
Mayor Kenneth Nail

ATTEST:

_____
Tania C. Wilcox, City Clerk

COMMUNITY CALENDAR
Jan. 21 - 23

TUESDAY, JAN. 21
Lunch at the VFW
Everyone come to Tuesday's lunch at the VFW Post in Cullman. Starts at 11:30, $5 per plate. We have carryout if you can't stay and eat with us. We always have a great time. Love to see new folks and enjoy the usual group. See you on Tuesday! 112 Veterans Dr. SW

TOPS Meeting
• TOPS - Take Off Pounds Sensibly- meets every Tuesday at the Donald E. Green Senior Center, 1625 Cleveland Ave. SW Cullman
• Weigh-in 3-3:30 p.m.
• Meeting 3:30-4:30
• Contact- Linda Elsmore, 330-844-5179
• Facebook- TOPS AI0073 Cullman

Drop-in Support Group for Survivors of Domestic Abuse
Weekly (drop-in) support group for anyone who has been or is currently in an abusive relationship. Childcare is available, but we ask that you call in advance so that we know how many children to prepare for. Call 256-775-2600 for info to arrange childcare services. 310 Third Ave. NE, Cullman

Hurts. Habits. Hang-ups.
• Bring the whole family! Bible study for children and nursery will be open.
• Free hot home-cooked meal served at 5:30 p.m. Meeting at 6:15 p.m.
• Fellowship- Praise and worship- Guest speakers-Prayer
• Come join us every Tuesday night for one of the best support groups in town!
• Spirit Life Church, 1650 St. Joseph Dr. NW, Cullman

Heritage Skills Raised Bed Gardening
• 6-8 p.m. at the North Alabama Agriplex, 1714 Talley Ho St., Cullman
• Explore this weedless, productive, instant garden technique discussing plans, irrigation, soil mixes, planting techniques, and year-round growing. To register please go to www.Agriplex.org and click on the register tab. Follow the link to our new registration system RecDesk.

Friendship Squares Square Dance Club
6:30 p.m. every Tuesday at the East Point Community Center, 556 AL Hwy. 69 N, Cullman, AL 35058. Lessons are available. Come join us for some foot-stomping fun and fellowship.

WEDNESDAY, JAN. 22
Yoga at the Library
• Every Wednesday from 11:30 a.m.-12:30 p.m.
• Cullman County Public Library, 200 Clark St. NE, Cullman, AL 35055
• Bring your own mat, strap and block. These items are optional.

THURSDAY, JAN. 23
Cullman Woodworkers Meeting
5:30 p.m. at the North Alabama Agriplex. Program is "Using Your Router."

Hanceville City Council Meeting
6 p.m. at Hanceville City Hall

Cullman County Republican Dinner
• Thursday, Jan. 23 from 6-8:30 p.m. at Loft 212, 212 Fourth St. SW, Cullman
• Dinner, fundraiser and silent auction
• Catering by Designs by Grace
• $50 per person; Reserved tables $400
• Tickets are on sale now and can be purchased from an executive committee member; call Steve Cummings at 256-736-4028.

MORE...
Spirit Life Church, 1650 St. Joseph Dr. NW, Cullman
• Sundays- Bus ministry picks up children, youth & adults in Cullman. Call 256-962-0013 on Saturday for Sunday pickup. Bus leaves church at 8:30 a.m. Free breakfast served at 9:30 a.m. Children, youth and adult Sunday School classes at 10 a.m. Church services, children's church and youth ministry at 10:45 a.m. Everyone welcome! Sunday p.m. services at 6 p.m. No bus ministry for p.m. services.
• Wednesdays- Prayer meeting at 6 p.m. Bible study class at 6:30 p.m. by Pam Dodd, Pastor Bobby Dodd and others.
• Thursdays- Jan. 23 & 30 6:30 p.m. "Find Your Kingdom Purpose" by Darlene Alvis. Snacks provided.

Free Pancake Breakfast
Saturday, Jan. 25 from 8-10 a.m. at Mt. Nebo Baptist Church, 11 County Road 1273, Cullman, AL 35057

Introduction to Beekeeping
• Jan. 30, 4:30-7 p.m. at the North Alabama Agriplex, 1714 Talley Ho St., Cullman
• Taught by Alabama Beekeepers Association President Phillip Garrison; we will build a complete hive from foundation up, and it will be given as a door prize. Walk out and see the Agriplex bee hives and the learn the basics of beekeeping. $5 per person. To register go to www.Agriplex.org and click on the register tab. Follow the link to our new registration system RecDesk.

"Community First, a Home for the Homeless"
The Evelyn Burrow Museum at Wallace State Community College will present a free screening of "Community First, a Home for the Homeless," Tuesday, Feb. 4, at 6 p.m. in the Burrow Center Recital Hall.

Hydroponic Gardening Class
• Thursday, Feb. 6 from 6-8 p.m. at the North Alabama Agriplex, 1714 Tally Ho St. SW, Cullman
• The class will cover the basics of hydroponic gardening and will show you how to set up a small system. You will be provided a flier with steps to walk you through setup, along with a materials list of everything you will need for a seven-container system. The cost to attend the class will be $10 per person. Register in person at the Cullman County Extension office at 402 Arnold St. NE, Suite G1, Cullman or mail your registration check made out to the Cullman County Extension to that address. If you mail it put in a note that it is for the hydroponic class and the name of who is coming with an email if available.

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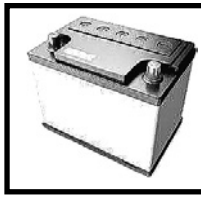
ANNUALLY BASED RATES

Cullman.....$100.00
Outside Cullman.....$150.00

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Dustin Isom - Associate Publisher
Wendy Sack – Editor
Christy Perry - Lifestyle/Reporter
Maggie Darnell-General Reporter
W.C. Mann - Senior Reporter
Sammy Confer-Youth/JVSports Editor
Nick Griffin -VarsitySports Editor
JoeMcElroy -Photographer
Bill Piper - Photojournalist
Howard Cole - Photojournalist
Martha Needham - Photojournalist
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CULLMAN COUNTY TOURNAMENT

JV squads battle it out on day 1

Nick Griffin/
Sammy Confer

HANCEVILLE, Ala. – This year's Cullman County Basketball Tournament officially tipped Saturday afternoon at Tom Drake Coliseum and day one was loaded with junior varsity action. Vinemont knocked off Hanceville 52-38 in the first matchup of the day to advance to the next round, The Cold Springs Lady Eagles handled Fairview 47-18 to advance, Holly Pond edged Fairview 31-28 to move on to the next round, the Lady Broncos advanced after crushing Vinemont 61-11 and West Point rallied in the fourth quarter to get by Cold Springs 55-41.

(4) Vinemont 52 – (5) Hanceville 38 (JV Boys game one)

Caleb Sharpe scored the first three points of the game to give the Eagles an early lead and a pair of Austin Riddle free throws made it a 7-2 game midway through the first. Kix Johnson knocked down a three-pointer from the right wing to stretch the lead to 10-2 with just over three minutes to play in the period and a steal by Johnson led to a three on the other end from Bosten McDuffee and gave Vinemont a 15-2 lead with two minutes remaining in the opening quarter. Another three from Johnson made it a 20-3 game and Gabe Friedrich hit a jumper in the final seconds of the first to give the Eagles a 22-6 lead going into the second quarter.

Brian Munoz netted a pair of free throws to cut the lead to 22-8 early in the second and Brayden Harris drilled a deep three to make it a 24-13 game midway through the period. Another Harris basket trimmed the Vinemont lead to 26-15 with under three minutes to play in the half and Harris delivered a perfect pass to Will Calvert beneath the basket to make it 26-17 with less than two minutes on the clock. Dillion Twilley added a pair of free throws cut it to 26-19 and Hanceville went into the half trailing by just seven. The Bulldogs ended the half on a 13-4 scoring run.

A McDuffee basket put the Eagles in front 28-19 early in third quarter but Harris responded with a Hanceville basket on the other end. An Isaiah Goodwin basket trimmed the lead to 28-23 and Malcom Farris added a free throw to make it a 3-point game. Harris buried another deep three to hold the Vinemont lead at 31-27 midway through the third, but Sharpe responded with a score to make it 33-27 with under three minutes to play in the period. A corner three from Ryan Stewart gave the Eagles a 36-27 advantage with two minutes on the clock and a put back by Riddle made it a 38-29 game with under a minute to play in the third quarter. Vinemont went into the final frame with a 39-29 lead over the Bulldogs.

Two quick buckets for Riddle and Sharpe put the Eagles in front 43-29 at the start of the fourth and another Riddle score made it 47-31 with just over five minutes to play. Farris got a floater to fall that cut the lead to 47-33 but a steal and layup by Johnson put Vinemont back on top by 16 with three minutes remaining in the fourth quarter. Tristan Herrera scored a tough basket down low to trim the lead to 50-37 with just under two minutes to play but it was too little, too late and the Eagles pulled away to win it 52-38 and advance to the next round of the JV Boys bracket where they will face the top-seeded Good Hope Raiders Monday night at 5 p.m.

Sharpe led the way for Vinemont with 16 points in the win, followed by McDuffee with 13, Riddle and Johnson with eight and Stewart with three. Harris led the Bulldogs with 12 points, Herrera posted 10, Farris added five, Calvert put up four and Twilley and Munoz each scored two.

(4) Cold Springs 47 – (5) Fairview 18 (JV Girls game one)

Both teams had to get over a slow offensive start in this one as neither team was able to get on the scoreboard until a few minutes into the opening quarter, but Ella Bruer eventually knocked down a three-pointer for Cold Springs to take a 3-1 lead. A three-pointer from Mia Light stretched the lead to 6-1 with two minutes to play in the quarter and a basket by Malaya Taylor made it an 8-1 game. Another Bruer basket gave the Lady Eagles a 10-1 advantage but the Lady Aggies scored their first field goal of the game when Abigail Davis fought through a foul for two points and cut the lead to 10-3 going into the second quarter.

Light hit another three and Taylor added another basket to push the Cold Springs lead to 15-3 at the start of the second but Davis answered with a three on the other end to trim the lead to 16-6 with just over four minutes to play in the period. Another score by Light made it an 18-6 game with three minutes remaining in the half and Bruer turned a steal into an easy layup that stretch the lead to 20-6 with less than a minute on the clock. Bruer added a pair of free throws with 30 seconds remaining to make it 22-6 but Davis added a free throw of her own on the other end to cut the Lady Eagles lead to 22-7 at the halftime break.

Both teams started slow in the second half as well until a basket from Kiley Stevens cut the lead to 22-9 around the five-minute mark of the third. The Lady Eagles responded with a 9-0 run, starting with four straight points from Taylor and another three-pointer from Bruer that made it 29-9. Another Taylor basket stretched the lead to 31-9 with just over two minutes to play in the period and Bruer drilled another triple at the buzzer to give Cold Springs a 36-12 advantage at the start of the final period.

Davis knocked down a jumper early in the fourth to trim the lead to 36-14 but Taylor answered with a basket on the other end to build the lead back up to 24. Bruer got a floater to drop and extended the lead to 40-16 midway through the fourth quarter and Taylor scored another basket in the paint to make it a 42-16 game. A Davis basket cut the lead to 24 with just under three minutes to play but Bruer drilled another shot from beyond the arc inside of two minutes to put the Lady Eagles in front 45-18. Cold Springs cruised to a comfortable, 47-18 win and will take on top-seeded West Point Thursday at 5 p.m.

Bruer led the Lady Eagles with 24 points in the win, Taylor added 15 and Light finished with eight. Davis led the Lady Aggies with 10 points in the loss. Stevens finished with six and Allie Scott and Jayla Harper each posted a point for Fairview.

(6) Holly Pond 31 – Fairview 28 (JV Boys game two)

A Gunnar McBee basket gave the Broncos an early 2-0 lead over the Aggies but a three-pointer from Clayton Strane on the other end gave Fairview a 3-2 lead with just under three minutes to play in the period. Another Strane bucket made it a 5-2 game but Nathan Carter drilled a three for Holly Pond to tie the game at 5 late in the quarter. A David Hollis basket gave the Aggies a 7-6 lead with just over a minute to play in the period and Fairview held onto a 1-point lead at the start of the second quarter.

Landon Tweedie drilled a three from the left wing early in the second to give the Aggies a 10-6 lead but a steal and basket by McBee made it a 10-8 game with just over five minutes to play in the half. Brody Bagwell stole a Fairview pass and took it all the way to the other end for two points and tied the game at 10 with three minutes remining in the period but a basket from Parker Martin put the Aggies back in front 12-10 with less than a minute to play in the half. Fairview maintained a 12-10 lead at the halftime break.

A put back from Strane stretched the Aggies lead to 14-13 early in the third but Bagwell answered with a bucket of his own on the other end to keep it a 1-point game. A baseline floater from McBee gave the Broncos a 15-14 lead midway through the period but Strane scored for Fairview to put the Aggies back up 16-15. Gunner Kreel netted a three-pointer from the right corner with two minutes in the quarter to give Holly Pond an 18-16 lead but Tweedie converted an and-one play at the line to give Fairview a 19-18 lead late in the third and the Aggies held a 1-point lead going into the final frame.

A pair of free throws from Bryson Chamness stretched the lead to 21-18 at the start of the fourth and a big basket by Martin made it 23-19 with just over five minutes to play. McBee answered with a triple on the other end to cut the lead to one but Tweedie scored quickly for Fairview to make it a 25-22 game. Martin netted a pair of free throws to increase the lead to five with just over three minutes to play but a Kreel basket trimmed the lead to 27-24 late in the fourth. A pair of Bagwell free throws made it a 1-point game for the Broncos with under two minutes remaining and on their next possession, Kreel gave them a 28-27 lead with a pair of shots from the free throw line.

With just 40 seconds on the clock, McBee added two more free throws for Holly Pond and extended the lead to 30-27 but Martin was able to cut the lead down to 30-28 with a free throw on the other end. The Aggies were forced to foul McBee with 10 seconds to play and he knocked down one from the charity stripe to make it a 31-28 game, leaving a chance for Fairview to tie it back up. The Broncos forced the Aggies to the line with six seconds on the clock and after they missed the front end of a one-and-one, Holly Pond held on to win a nail-biter, 31-28. The Broncos will advance to take on West Point Tuesday at 5 p.m.

McBee led Holly Pond with 13 points in the win, followed by Creel and Bagwell with seven and Carter with three. Clayton led the way for Fairview with nine points in the loss. Tweedie posted eight for the Aggies and Martin finished with seven.

(3) Holly Pond 61 – (6) Vinemont 11 (JV Girls game two)

The second JV girls' game of the day featured the no. 3 seed, Holly Pond, and the no. 6 seed, Vinemont. Holly Pond got the scoring started on a layup by Ellie Burks, but Vinemont got a three from Brittany Yarbrough to take a 3-2 lead. The Lady Broncos got the lead right back on a shot by Raeleigh Olinger and Burks got the steal and layup to make it 6-3. Holly Pond later made it 13-3 on a trey by Lauren Hoffman, but Vinemont got a basket from Gracie Goodwin to make it 13-5 and the Lady Broncos went into the second quarter up by eight.

Holly Pond continued its scoring run and stretched its lead to 27-5 on an Olinger shot, but the Lady Eagles' Daisy McGraw hit one of three from the line to make it 27-6. A pair at the line by Maycie Black increased the Lady Bronco lead to 34-6. Angel Wiggins hit a short shot for Vinemont to make it 34-8, but an Olinger layup made it a 36-8 lead at the half.

Back-to-back treys to start the third period by Lauren Hoffman pushed the Holly Pond lead to 42-8. Bai Widner added another one from long range for the Lady Broncos to make it 45-8 and the they went into the final period leading, 50-8. A hot clock was in effect for the fourth quarter and Holly Pond wound up taking the game 61-11 to move on to the next round and will take on second-seeded Good Hope Friday at 5 p.m.

Hoffman finished the game with 20 for Holly Pond. Widner added 14 points, Burks ended up with 10, Black finished with nine and Olinger added six. For Vinemont, Yarbrough and Briana Harshman each finished with three, Goodwin and Wiggins each added two and McGraw chipped in with a point.

(2) West Point 55 – (7) Cold Springs 41 (JV Boys game three)

The final game of the day featured a JV boys' matchup between the no. 2 seed, West Point, and the no. 7 seed, Cold Springs. Cade Simmons drilled a three for West Point's first basket of the game, but that was later followed by a three from the Eagles' John Smith. Cody Bales hit a layup to give Cold Springs a 5-3 lead, but Kanen Trussell tied the game for West Point and was followed by an Andrew Lynn three-pointer to give the Warriors an 8-5 lead. Cold Springs got the lead right back at 11-8 on back-to-back treys from Smith and the Eagles held a 3-point advantage after one.

Smith nailed his fourth three of the first half to stretch the Cold Springs lead to 14-10, but Isaac Hoffpauir hit a layup to make it 14-12. Logan Ballenger nailed the Eagles' fifth three of the half to give them a 17-12 advantage. Simmons answered with one of his own, but Bales nailed yet another long range shot for Cold Springs to make it 20-15. The Warriors scored six in a row and a layup by Hoffpauir gave them a 21-20 lead. Another Bales three gave the Eagles the lead right back at 23-21, but a layup from Hoffpauir and a free throw from Simmons gave the Warriors a 24-23 lead at the half.

A Trussell three-point play pushed West Point's lead to 27-23, but another Smith trey made it 27-26. The Warriors later stretched their lead to 32-26 on a Simmons layup and Cold Springs countered with six in a row to tie the game at 32 and Brodee Bartlett drilled a trey to give the Eagles a 35-32 lead after three quarters.

West Point got some timely shooting from the three-point line from Lynn, who drilled two from there, plus three free throws, and Trussell collected a couple of baskets as well to help the Warriors get the lead right back at 45-35. Cold Springs' Houston Goodwin hit a trey to stop the run and make it 45-38 but Lynn wasn't done. He drilled two more from long range, Trussell added another inside basket and Hoffpauir hit a pair from the line to help seal the 55-41 win for the Warriors, who allowed just two baskets the entire fourth period. West Point will take on the no. 3 seed, Holly Pond, Tuesday at 5 p.m.

Lynn finished with 18 points to lead the way for West Point, followed by Trussell with 13. Simmons added 10 points, Hoffpauir ended up with nine and Ethan Gammon finished with five. For Cold Springs, Smith finished with 15 points. Bales added 12 and Goodwin and Bartlett each ended up with six.

County tournament action will resume Monday at 5 p.m. when Good Hope takes on Vinemont in the JV Boys division. The West Point Lady Warriors and Vinemont Lady Eagles will top off varsity play at 6:15 and Hanceville and Fairview will meet each other in the opening round of the varsity boys bracket at 7:30.



MARTHA NEEDHAM/THE CULLMAN TRIBUNE

Pictured L-R: Vinemont's Caleb Sharpe, Cold Springs' Ella Bruer and Holly Pond's Gunnar McBee helped lead their respective teams to opening round victories Saturday.



LOCAL GOVERNMENT

West Point making push for annexations ahead of 2020 Census

Christy Perry
christy@cullmantribune.com

WEST POINT, Ala. – The Town of West Point is hoping to annex property, brining more residents into its town limits leading into the 2020 Census, with Town Attorney Dan Willingham saying, "This is the census year so if you've got some folks you want to add in, it is the best opportunity you will have to annex."

The census numbers dictate the amount of funding municipalities receive from the state. With the incorporation of Berlin since the last census took place, the amount of money West Point receives could decrease, the council said.

Mayor Gerald Schafer explained who is eligible to be annexed into West Point, saying, "Their property has got to be touching property that's already in. We can't jump property."

There are many advantages the Town lists for residents to be a part of the municipality. West Point residents are eligible to have AirEvac medical flight services if needed.

"If you live in the municipality and you need a flight on the helicopter from anywhere in the county, the Town pays for it," Willingham explained.

Town Clerk Joann Jones provided a list of advantages:

I. Taxes: Cullman County is unique in that each of the municipalities in the county receives a portion of the sales tax collected throughout the entire county, based on population in the municipality. Taxes and fees are also paid to the Town through franchise fees, car tags and TVA in lieu of taxes revenue.

II. Police and fire: Among the public programs that an area can provide are police and fire departments. The revenues of the municipality may not be great enough to provide its own police department or fire department, but it can use funds to improve the volunteer fire department and contract with the Cullman County Sheriff's Office for additional patrol services. If the proposed International Standardization Organization (ISO) standards are adopted, the buildings and residences in the town may have a higher ISO rating and thereby dramatically reduce the cost of homeowners' insurance. The new state-of-the-art volunteer fire station on Alabama Highway 157 will have a positive impact on the Town's ISO rating.

III. Educational resources: A town can use its money to help the local schools. This help can be very noticeable in the services the school can provide locally. The Town partners with West Point School in many areas.

IV. Parks and rec: A large part of the services provided by the municipalities are the parks and recreational facilities. These facilities provide safe environments for the young, as well as the elderly. Increasingly, the town facilities provide a local place to meet and engage in sports, as well as other activities that form bonds in the town. West Point has a very robust senior center that is open and serves lunch to those present and also delivers nutritious meals to homebound citizens.

V. Local representation: Because unincorporated areas have no legal authority of their own, the Cullman County Commission makes all the decisions regarding the services those areas will receive. A town has its own local government, elected by the area's residents, with authority to make decisions for the area. This allows an area's residents to have decision makers that are directly accountable to them only, rather than decision makers who are elected by the entire county.

Schafer said, "We don't waste a lot of money out here. Our business license fee out here is small, 50 bucks, but the big thing is, we keep up the town. We have storm shelters and our fire department; our ISO rating is a 4 now. It's a really good rating."

Willingham added, "There's a difference between being in the West Point fire district than being in the West Point municipal limits. You get a better insurance rate. As a matter of fact, economically, you'd probably be better being in the town that out of."

Learn more about the 2020 Census at https://2020census.gov/en and www.cullmantribune.com/2019/08/17/a-guide-to-2020-census.

Rep. Scott Stadthagen, R-Hartselle will be holding a town hall meeting in West Point Monday, Jan. 27 at 6 p.m. He will be discussing the upcoming legislative session in Montgomery and answering any questions and concerns those in the community may have. The meeting will be held at the town hall. It is the responsibility of current the current mayor and council to set salaries for the next administration. With the deadline looming, the West Point Town Council made the decision to leave the pay the same. The council approved the purchase of an ad for the 2020 West Point Baseball Program. The Town agreed to contribute $250 to support the school's baseball program.

FAITH

North Alabama Quartet Convention returns to Cullman

W.C. Mann
craig@cullmantribune.com

CULLMAN, Ala. – After success in its initial outing last year, the North Alabama Quartet Convention returned to Cullman Friday and Saturday, hosted by Temple Baptist Church and Living Faith Quartet, and Master of Ceremonies Les Butler. Primitive Quartet (Friday) and Old Time Preachers Quartet (Saturday) headlined a roster that included:

- Answered Prayer
- Christian Cross Roads
- Dry Creek Bluegrass Gospel Band
- Eagle's Wings
- Bonita Eileen / In His Time Ministry
- Fields of Grace
- Doyle Hobson Music Ministries
- Inherited
- Joyful Hearts Ministry
- Living Faith
- Master Peace Quartet
- New Ground
- ReSound Music
- Amy Barham Richardson
- Signs of Mercy
- Don Stiles
- The Coffmans
- The Shireys
- The Williamsons
- Unity 4 Quartet

With only one previous event, the convention has already gathered a following. Hosts reported to The Tribune that travelers called in on Thursday and Friday enroute from Tennessee, the Carolinas and places as far away as Michigan and Texas.

On Friday evening, Living Faith bassist and event spokesman Mark Byrd talked about the impact of gospel music and events like the convention:

"You know, the world offers so much stuff to just make your mind confused and all, and we just wanted to take some time out, just focus on the Lord and the songs; you know, the songs of inspiration.

"There's so many different groups that's here tonight. For the weekend, especially, we've got soloists, we've got duets, we've got quartets, and then we've got some five-part groups and bluegrass, we've got good Southern Gospel and all the parts in between.

"It's just a good time that we come together and just enjoy the fellowship of the Lord; that's all."

To keep up with upcoming events, visit www.facebook.com/NorthAlabamaQuartetConvention/.



W.C. MANN/THE CULLMAN TRIBUNE

Primitive Quartet wows and worships at the North Alabama Quartet Convention this past weekend at Temple Baptist Church in Cullman.

McCarver (from Front)

McCarver plays his share of concert halls, but he will also perform at 30-50 churches each year, many of them smaller rural congregations like Mt. Joy.

McCarver said, "I grew up in a small church, and I feel comfortable in a small church, you know.

"It was funny: when we were pulling in here, Zach pulled in and he said, 'You know, man, we pulled in and there was lots of cars here, you know, and this is a small church. This place is really crowded.' Zach says, 'You know, we go play in theaters with a thousand people in them,' and he says, 'and I don't get nervous, but I get nervous when we do these.' And I'm like, 'Yeah, me, too. It's alright.'

"But I grew up playing piano in a little small church like this, and it's intimate; it gives people the time to really give your testimony, get your story across. I just feel more comfortable, I guess.

"We went by a great big church-I don't know the name of it-in Baton Rouge, Louisiana, and we were coming through there, and it's at night, right, and it's all lit up with all these beautiful red and blue and purple, and all these different colors outside. And I was like, 'Wow, look at that church! It's huge!' And our guitar player says, 'Yeah, looks like Six Flags over Jesus, don't it?' So I enjoy the small churches.

"I came here because I was invited. Nobody said, 'I'm going to pay you $10,000 to come and sing at this church.' I was invited, and I accepted an invitation to come.

"If somebody calls and invites me to go to another small church in Idaho, I'll probably go there, too!"

See The Tribune's video of McCarver's testimony and selected songs, recorded live at Mt. Joy, at www.facebook.com/CullmanTribune/videos/2621581804731943/.

Charles Pierce, the new pastor at Mt. Joy Missionary Baptist Church, said of McCarver's visit, "I was amazed! It was God's doing.

"It amazes me that a man high up in the music world would come to a small church and perform, too; it just shows he's doing it for the right reasons."

He smiled, "He chose us and got lost trying to find us up here on Mt. Joy, but he found it."

The church members met afterward for food and fellowship. McCarver mentioned before coming that he loved good country cooking.

The church definitely delivered with a fabulous meal.

McCarver took time to meet, sign autographs and take pictures with everyone.

Many were eager to purchase McCarver's new hit CD "Blessings."

McCarver said before he left for the three-hour drive to his home in Dunlap, Tennessee that he looked forward to returning to Cullman County in the near future.

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Hit and run (from Front)

and left the scene will be facing felony hit and run charges. The CPD recovered a right side view mirror at the scene.

"We are investigating forensically to find out what type of vehicle that belongs to," Warnke said, "and possibly try to get a serial number."

Anyone with information about the incident is encouraged to call the CPD at 256-734-1434.

Group (from Front)

Christy Perry
christy@cullmantribune.com

CULLMAN, Ala. – The official rollout event for the Cullman Survivor Society was held Saturday at Goat Island Brewing. The new group hopes to provide support and make known available resources to individuals and families facing cancer and other illnesses. Pam Whitt and Juanita Pajao organized the event, which included entertainment, games and activities, door prizes and lots of information.

Whitt credits her lifelong friend Pajao for "planting the seed" for the new group.

"We are going to do certain things for survivors, and caretakers- they get exhausted just like everybody else," said Whitt.

"We also have people who are currently taking treatment. We have people that can't go get treatment because they don't have transportation.

"The thought behind today was to offer information and offer resources, and hopefully we will be able to help."

Whitt works with local veterans nonprofit Saving Forgotten Warriors, which has a large passenger van.

"We can take people to Birmingham for treatments," she said. "We can take them to get a wig. You can actually get a free wig through the cancer society, but people don't know that. We offered not to put cancer in our title because we are surviving all sorts of things these days. We're not going to discriminate. If we can help just one person then we've had a good day."

Cleaning services, transportation and make-overs are just a few of the resources available that many patients and caregivers might not realize exist, according to Whitt and Pajao.

Pajao was first diagnosed with cervical cancer in 2011.

"I had a procedure scheduled and I had it done and Dr. (John) Wideman came in and asked, 'Who is your OB-GYN?'" Pajao said.

Pajao didn't have one, so Wideman became her OB-GYN that day. He had seen some small cysts and tumors on her ovaries.

Pajao learned that she had cancer. She was sent to UAB where she met Dr. Warren Huh, whom she described as "wonderful."

She received treatment for two years and was finally able to ring the bell.

"You instantly feel, 'Oh no!'" said Pajao. "These people, especially down there (UAB), they become more your family really during that time. They just love you so much. It was scary to ring that bell."

Pajao was assigned a palliative care team that offered ongoing support throughout and following her treatment.

Last year, her cancer returned. She said she noticed something UAB had that she feels is missing in Cullman.

"At UAB, different businesses have really taken responsibility for the cancer community," she said.

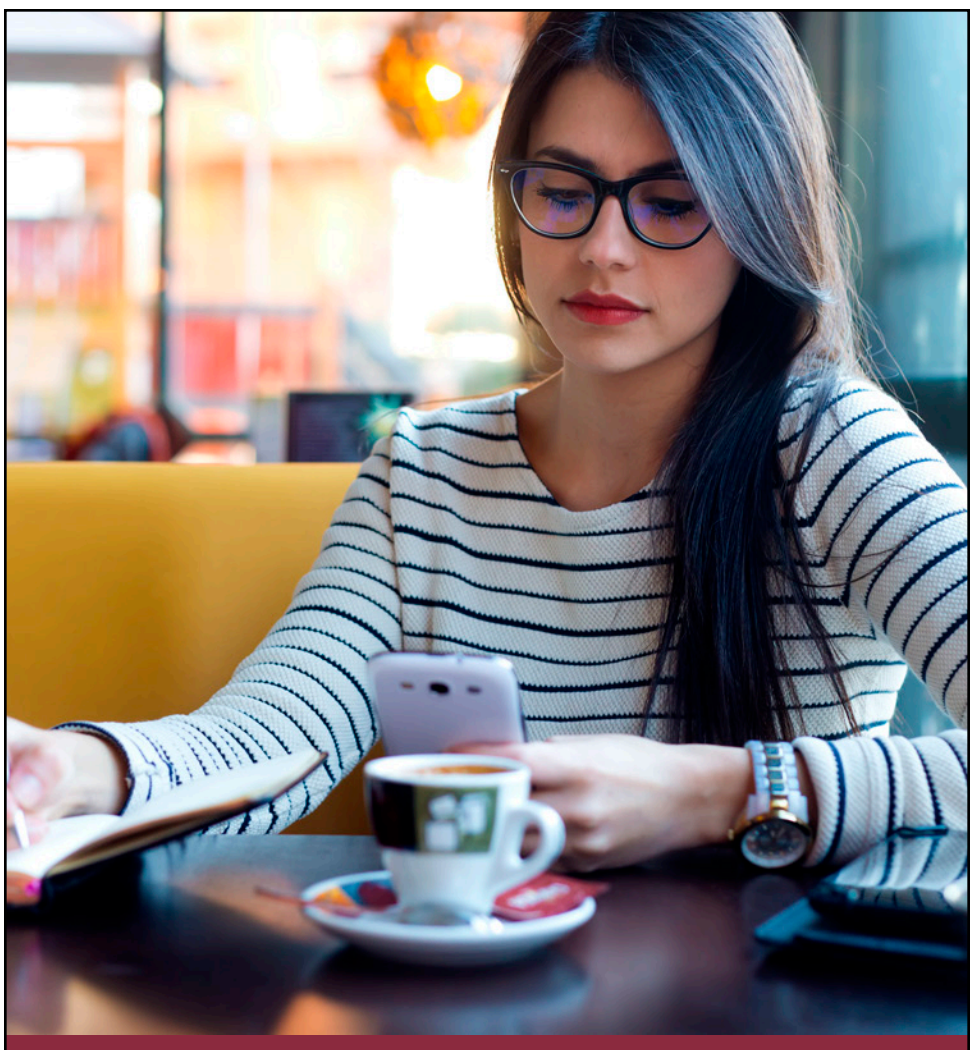
"You wouldn't believe the businesses and the things they do. It's unreal. There's a huge cancer population in Cullman County.

"If for no other reason than for marketing, businesses would be behooved to be known to help this group.

"I don't think anyone has really worked the cancer thing here."

Whitt and Pajao hope the business community will reach out to help those in Cullman battling cancer, dementia and other illnesses.

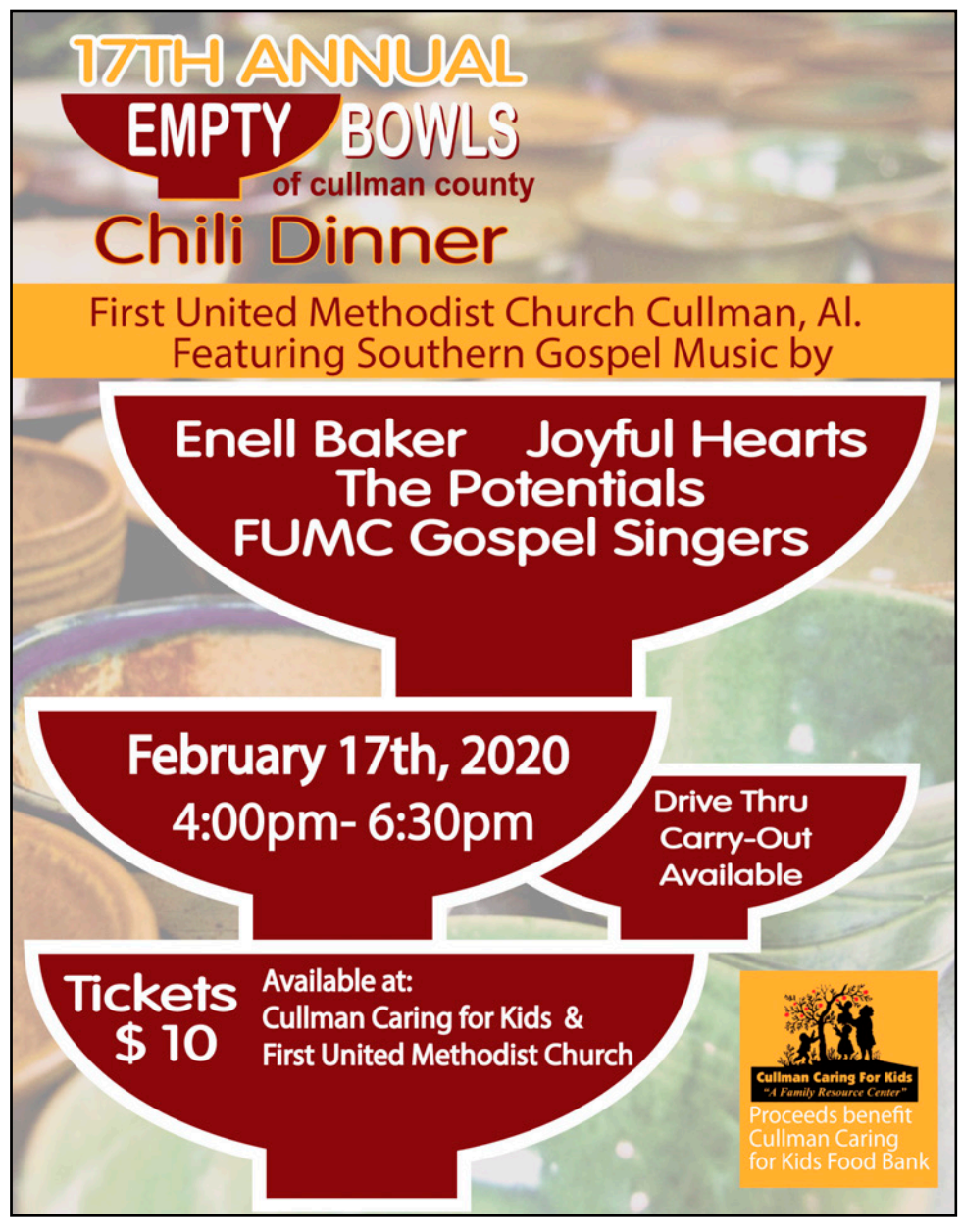
For more information about the Cullman Survivor Society, visit www.facebook.com/Cullman-Survivor-Society-101261447944986 or email css@yahoo.com.











Sports

8:00 a.m. FSEE College Basketball Butler at DePaul.
10:00 a.m. FSEE NBA Basketball Toronto Raptors at Atlanta Hawks.
1:00 p.m. ESPN2 2020 Australian Open Tennis First Round. (Same-day Tape)
GOLF PGA Korn Ferry Tour Golf The Bahamas Great Abaco Classic, Third Round. (Live)
2:30 p.m. FSEE Sports Stars of Tomorrow
6:00 p.m. ESPN College Basketball Georgia at Kentucky. (Live)
ESPN2 College Basketball Kansas State at Kansas. (Live)
FS1 College Basketball Maryland at Northwestern. (Live)
FSEE Women's College Basketball TCU at Oklahoma.
8:00 p.m. ESPN College Basketball Miami at Duke. (Live)
ESPN2 2020 Australian Open Tennis Second Round. (Live)
FS1 College Basketball St. John's at Marquette. (Live)
FSEE Women's College Gymnastics Arkansas at Oklahoma.
10:00 p.m. FS1 WWE Backstage (Live)
FSEE College Wrestling West Virginia at Oklahoma.

Movies

6:00 a.m. SHOW "The Horse Whisperer" ★★★½ (1998) Robert Redford (Premiere) A New Yorker takes her daughter and the girl's horse, both traumatized in a terrible accident, to a Montana healer.
6:45 a.m. TCM "Andy Hardy's Private Secretary" ★★½ (1941) Lewis Stone.
7:05 a.m. MAX "Tag" ★★½ (2018) Ed Helms
8:45 a.m. TCM "Life Begins for Andy Hardy" ★★½ (1941) Lewis Stone.
8:48 a.m. MAX "Jeepers Creepers" ★★½ (2001) Gina Philips
9:00 a.m. FX "Assassin's Creed" ★★ (2016) Michael Fassbender.
SHOW "Phenomenon" ★★½ (1996) John Travolta
9:10 a.m. TMC "Wildlife" ★★★½ (2018) Carey Mulligan In 1960s Montana, 14-year-old Joe watches powerlessly as his parents' marriage slowly begins to fall apart.
9:30 a.m. AMC "Rocky" ★★★★ (1976) Sylvester Stallone. Heavyweight champ Apollo Creed gives Philadelphia club fighter Rocky Balboa a title shot.
10:00 a.m. BET "Creed" ★★★½ (2015) Michael B. Jordan. Long-retired boxer Rocky Balboa agrees to train Apollo Creed's son to become a fighter, even as the former champ battles an opponent deadlier than any he ever faced in the ring.
FREE "Captain America: The Winter Soldier" ★★★ (2014) Chris Evans. Captain America, the Black Widow and a new ally, the Falcon, face an unexpected enemy as they struggle to expose a far-reaching conspiracy that puts the world at risk.
10:20 a.m. MAX "The Predator" ★★ (2018) Boyd Holbrook
10:30 a.m. TCM "The Courtship of Andy Hardy" ★★ (1942) Mickey Rooney.
10:45 a.m. HBO "Bruce Almighty" ★★½ (2003) Jim Carrey
11:00 a.m. TMC "When a Stranger Calls" ★★ (2006) Camilla Belle
11:05 a.m. SHOW "A Knight's Tale" ★★½ (2001) Heath Ledger
11:30 a.m. FX "Alien: Covenant" ★★½ (2017) Michael Fassbender.
12:00 p.m. AMC "Rocky II" ★★★ (1979) Sylvester Stallone. Underdog Philadelphia fighter Rocky Balboa gets another shot at heavyweight champ Apollo Creed.
12:10 p.m. MAX "War Dogs" ★★½ (2016) Jonah Hill
12:15 p.m. TCM "Andy Hardy's Double Life" ★★½ (1942) Lewis Stone.
12:25 p.m. HBO "Les Misérables" ★★★½ (2012) Hugh Jackman In 19th-century France, ex-prisoner Jean Valjean, pursued for many years by ruthless policeman Javert, agrees to care for a factory worker's daughter.
12:30 p.m. TMC "Wayne's World 2" ★★½ (1993) Mike Myers
1:00 p.m. BET "White House Down" ★★ (2013) Channing Tatum.
TNT "Taken 2" ★★ (2012) Liam Neeson.
1:25 p.m. SHOW "Molly's Game" ★★★ (2017) Jessica Chastain Molly Bloom runs the world's most exclusive high-stakes poker game for a decade before being arrested by the FBI. Her only ally is defense lawyer Charlie Jaffey, who learns that there is much more to Molly than the tabloids lead people to believe.
2:00 p.m. FX "Split" ★★★ (2016) James McAvoy. A psychotic man who has 23 personalities holds three teenage girls captive in an underground cell.
TCM "Andy Hardy's Blonde Trouble" ★★½ (1944) Lewis Stone.
2:05 p.m. MAX "The First Purge" ★★ (2018) Y'lan Noel
2:30 p.m. AMC "Rocky III" ★★★ (1982) Sylvester Stallone. Old foe Apollo Creed trains ex-boxing champ Rocky Balboa for a rematch with brutish Clubber Lang.
3:00 p.m. TNT "Point Break" ★★ (2015) Édgar Ramírez.
3:05 p.m. HBO "Mrs. Doubtfire" ★★★ (1993) Robin Williams Estranged from his wife, an out-of-work actor masquerades as a nanny to be with his children.
3:45 p.m. MAX "Bandidas" ★★ (2006) Penélope Cruz
SHOW "Shaft" ★★½ (2000) Samuel L. Jackson
4:00 p.m. TCM "Love Laughs at Andy Hardy" ★★ (1946) Mickey Rooney.
4:30 p.m. BET "Django Unchained" ★★★½ (2012) Jamie Foxx. A former slave joins forces with the German bounty hunter who freed him and helps hunt down the South's most-wanted criminals, all in the hope of finding his long-lost wife.
5:00 p.m. AMC "Rocky IV" ★★ (1985) Sylvester Stallone.
FREE "Beetlejuice" ★★★ (1988) Michael Keaton. A ghoul helps a newly dead couple haunt the tasteless new owners of their beloved home.
TNT "Red" ★★½ (2010) Bruce Willis.
5:15 p.m. TMC "Starship Troopers 3: Marauder" ★★ (2008) Casper Van Dien
5:25 p.m. SHOW "Mad Max" ★★★½ (1979) Mel Gibson In an Australia of the not-too-distant future, a police officer strikes back against motorized menaces to what is left of society after a nuclear holocaust.
5:45 p.m. TCM "Hollywood My Hometown" ★★★ (1965) A collection of behind-the-scenes film clips features Hollywood actors and actresses in candid moments.
6:00 p.m. PARMT "Shooter" ★★½ (2007) Mark Wahlberg.
7:00 p.m. AMC "The Godfather" ★★★★ (1972) Marlon Brando. Crime boss Vito Corleone and his sons rule their New York empire with Mafia justice.
FREE "Captain America: The Winter Soldier" ★★★ (2014) Chris Evans. Captain America, the Black Widow and a new ally, the Falcon, face an unexpected enemy as they struggle to expose a far-reaching conspiracy that puts the world at risk.
FX "Jumanji: Welcome to the Jungle" ★★★ (2017) Dwayne Johnson. Four teens embark on the adventure of a lifetime when a video game magically transports them to the jungle and transforms them into adults.
LIFE "Tyler Perry's Madea Goes to Jail" ★★ (2009) Tyler Perry.
TCM "A Face in the Crowd" ★★★ (1957) Andy Griffith. A TV woman turns Arkansas bum Lonesome Rhodes into a homespun media hero rotten with power.
TNT "Red 2" ★★½ (2013) Bruce Willis.
HBO "Long Shot" ★★★ (2019) Seth Rogen Journalist Fred Flarsky unexpectedly reconnects with Charlotte Field — his former baby sitter and childhood crush. When Charlotte makes a run for the presidency, she impulsively hires Fred as her speechwriter — much to the dismay of her advisers.
TMC "Airplane!" ★★★½ (1980) Robert Hays A pilot afraid to fly follows his stewardess ex-girlfriend and must take over for the poisoned crew.
8:30 p.m. TMC "Starship Troopers" ★★★ (1997) Casper Van Dien Members of Earth's space fleet battle a vicious army of gigantic insects bent on destroying humanity.
9:00 p.m. BET "This Christmas" ★★½ (2007) Delroy Lindo.
9:03 p.m. LIFE "Big Momma's House" ★★ (2000) Martin Lawrence.
9:15 p.m. TCM "Hud" ★★★★ (1963) Paul Newman. A housekeeper sees a Texas cattle rancher clash with his son, a selfish, womanizing louse.
9:30 p.m. FX "Jumanji: Welcome to the Jungle" ★★★ (2017) Dwayne Johnson. Four teens embark on the adventure of a lifetime when a video game magically transports them to the jungle and transforms them into adults.
TNT "Battleship" ★★ (2012) Taylor Kitsch.
10:00 p.m. PARMT "Shooter" ★★½ (2007) Mark Wahlberg.
10:30 p.m. MAX "River's Edge" ★★★ (1987) Crispin Glover Small-town teens react oddly after a peer strangles his girlfriend and shows them the corpse.
10:40 p.m. TMC "The Death of Stalin" ★★★½ (2017) Steve Buscemi When dictator Joseph Stalin dies, his parasitic cronies square off in a frantic power struggle to become the next Soviet leader. As they bumble, brawl and backstab their way to the top, the question remains — just who is running the government?

TUESDAY EVENING

MOVIES

JANUARY 21, 2020

		5 PM	5:30	6 PM	6:30	7 PM	7:30	8 PM	8:30	9 PM	9:30	10 PM	10:30
WABM-MyTV	2	**25 Words or Less** (N)	**America Says**	**Family Feud**	**Family Feud**	**Dateline** A salesman is asked to aid in a murder.		**Chicago P.D.** Desk Sgt. Platt cares for a young girl.		**Chicago P.D.** A case hits close to home with Olinsky.		**Last Man Standing**	**Last Man Standing**
WBIQ-PBS	4	**Ready Jet Go!** (El)	**Peg & Cat** (El)	**PBS NewsHour** (N)		**Finding Your Roots With Henry Louis Gates, Jr.** (N)		**Secrets of the Dead** The Allies consider bombing Auschwitz.		**Frontline** (N)		**Ray Stevens CabaRay Nashville** Singer Bobby Goldsboro.	
WVTM-NBC	5	**WVTM 13 News at 5p** (N)	**NBC Nightly News - Holt**	**WVTM 13 News at 6p** (N)	**WVTM 13 News at 6:3**	**Ellen's Game of Games** "Highway to the Danger Word" (N)		**This Is Us** "A Hell of a Week: Part One" (N) (Part 1 of 2)		**(:01) New Amsterdam** "Hiding Behind My Smile" (N)		**WVTM 13 News at 10p**	**To Be Announced**
WBRC-FOX	7	**WBRC FOX6 News at 5pm**	**WBRC FOX6 News**	**WBRC FOX6 News at 6pm**	**Inside Edition** (N)	**The Resident** A soccer player has mysterious symptoms. (N)		**Gordon Ramsay's 24 Hours to Hell and Back** (N)		**WBRC FOX6 News at 9pm**	**WBRC FOX6 News**	**WBRC FOX6 News at 10pm**	**(:35) TMZ** (N)
WIAT-CBS	8	**CBS42 News 5pm** (N)	**CBS Evening News**	**CBS42 News 6pm** (N)	**Entertainment Tonight** (N)	**NCIS** "Sound Off" A body is found at a drone testing site.		**FBI** "Payback" A retired FBI agent's son is kidnapped. (N)		**FBI: Most Wanted** A young man becomes a terrorist. (N)		**CBS42 News 10pm** (N)	**Late Show-Colbert**
WTTO-CW	9	**The Goldbergs**	**2 Broke Girls**	**The Big Bang Theory**	**The Big Bang Theory**	**Arrow** A search for a kidnapping victim. (N)		**DC's Legends of Tomorrow** "Meet the Legends"		**Two and a Half Men**	**Two and a Half Men**	**The Andy Griffith Show**	**The Andy Griffith Show**
WPXH-ION	11	**Criminal Minds** Multiple married couples are murdered.		**Criminal Minds** The team searches for a kidnapper.		**Criminal Minds** The team investigates gothic murders.		**Criminal Minds** The BAU reopens Morgan's cousin's case.		**Criminal Minds** An infamous killer inspires a copycat.		**Criminal Minds** "Hit" The team negotiates a hostage situation.	
WABM2-ABC	12	**ABC 33/40 News at 5PM**	**ABC World News**	**ABC 33/40 News at 6PM**	**Wheel of Fortune** (N)	**The Conners** (N)	**Bless This Mess** (N)	**mixed-ish** (N)	**black-ish** "Kid Life Crisis" (N)	**Emergence** Jo makes a deal to keep Piper safe. (N)		**ABC 33/40 News at 10PM**	**(:35) Jimmy Kimmel Live!**
A&E	42	**The First 48** A high school graduate is gunned down.		**The First 48** "Bloodline" A stolen bicycle leads to a shooting.		**The First 48** Stabbings in New Orleans and Atlanta.		**The First 48: Shocking Interrogations** "Family First" (N)		**(:02) The First 48: Shocking Interrogations** "Lost Boys" (N)		**(:06) The First 48** Robbers gun down an Atlanta father.	
AMC	53	★★ **"Rocky IV"** (1985, Drama) Sylvester Stallone, Talia Shire. Vengeful boxer Rocky Balboa faces a deadly Soviet fighter.				★★★★ **"The Godfather"** (1972, Drama) Marlon Brando, Al Pacino, James Caan. A mafia patriarch tries to hold his empire together.							
ANPL	47	**Treehouse Masters** Mountain views on an alpaca farm.		**Treehouse Masters** Pete builds a treehouse for Marlene.		**(:01) Treehouse Masters: Branched Out** "Just for Fun!" Tree houses to escape to or have fun in. (N)				**(:01) Barnwood Builders** "Tennessee Treasure"		**(:01) Barnwood Builders** "Go Big or Go Home"	
BET	55	**(4:30)** ★★★ **"Django Unchained"** (2012, Western) Jamie Foxx, Christoph Waltz, Leonardo DiCaprio. An ex-slave and a German bounty hunter roam America's South.								★★ **"This Christmas"** (2007, Comedy-Drama) Delroy Lindo, Idris Elba. A reunion at the holidays tests family ties.			
BRAVO	58	**Below Deck Mediterranean** A celebratory night out turns ugly.		**Vanderpump Rules** Sandoval skips one of Jax's events.		**Vanderpump Rules** Max is dating; Scheana's not having it.		**Vanderpump Rules** Sandoval sends Stassi an angry text. (N)		**Watch What Happens Live**	**Vanderpump Rules** Bonus content, fun facts and insights. (N)		**Housewives/NJ**
CMTV	61	**Last Man Standing**	**Last Man Standing**	**Last Man Standing**	**Last Man Standing**	**Mom**	**Mom**	**Mom**	**Mom**	**Mom**	**Mom**	**Mom**	**Mom**
CNBC	35	**Mad Money**		**Shark Tank** A protein-filled pancake mix.		**Shark Tank** Lozenges that prevent overeating.		**Shark Tank** Vegan soups; vegan sushi restaurant.		**The Profit** Marcus travels to a flood-ravaged town. (N)		**The Profit** "Dante's" Teaching management skills.	
CNN	37	**The Senate Trial of Donald J Trump** (N) (Live)		**Erin Burnett OutFront** Impeachment Trial special coverage. (N)		**Anderson Cooper 360** (N)		**Cuomo Prime Time** Impeachment Trial special coverage. (N)		**CNN Tonight With Don Lemon** (N)		**Anderson Cooper 360** (N)	
COM	56	**(:15) The Office** "Broke" Early-morning deliveries.		**(5:50) The Office**	**(:25) The Office**	**The Office**	**The Office** "Gossip"	**Drunk History**	**Drunk History** "New Orleans"	**Drunk History** "Detroit"	**Drunk History**	**The Daily Show**	**Lights Out-David Spade**
DISN	49	**Gabby Duran**	**(:35) Raven's Home**	**(:05) Raven's Home**	**(:35) Bunk'd**	**Bunk'd** "Serfs Up-rising"	**Gabby Duran**	**(7:50) Sydney to the Max**	**(:40) Just Roll With It**	**Coop & Cami Ask the World**	**Sydney to the Max**	**(9:55) Bunk'd** "Bad Dog!"	**Gabby Duran**
DSC	43	**Moonshiners** A drone invades Josh's airspace.		**Moonshiners** "Busted by the Law" Two shiners get busted.		**Moonshiners: Outlaw Cuts** Tickle's carpentry skills shine. (N)		**Moonshiners** Josh salvages a submarine still. (N)		**Guardians of the Glades** "Bone Valley" (N)		**Moonshiners** "Pony Express" Testing the 3-pot still.	
E!	21	**Keeping Up With the Kardashians** "Cattle Drive Me Crazy"		**Chrisley Knows Best**	**Chrisley Knows Best**	**Chrisley Knows Best**	**Chrisley Knows Best**	**Chrisley Knows Best**	**Chrisley Knows Best**	**Chrisley Knows Best**	**Chrisley Knows Best**	**Meet the Frasers**	**Nightly Pop** (N)
ESPN	29	**SportsCenter** (N) (Live)		**College Basketball** Georgia at Kentucky. From Rupp Arena in Lexington, Ky. (N) (Live)				**College Basketball** Miami at Duke. From Cameron Indoor Stadium in Durham, N.C. (N) (Live)				**SportsCenter** (N) (Live)	
ESPN2	30	**Daily Wager** (N) (Live)		**College Basketball** Kansas State at Kansas. From Allen Fieldhouse in Lawrence, Kan. (N) (Live)				**2020 Australian Open Tennis** Second Round. From Melbourne, Australia. (N) (Live)					
FOOD	45	**Chopped** Winners return for a shot at $50,000.		**Chopped** Returning champions compete.		**Chopped** Champions compete in a grand finale.		**Chopped** Champions return to the stoves. (N) (Part 1 of 2)		**Chopped** "Weird, Wacky, and Wild!" Bizarre ingredients.		**Chopped** Stinky fruit; hot candies and offal.	
FREE	48	★★★ **"Beetlejuice"** (1988) Michael Keaton, Alec Baldwin. Two ghosts try to scare away their home's new tenants.				★★★ **"Captain America: The Winter Soldier"** (2014, Action) Chris Evans, Scarlett Johansson, Samuel L. Jackson. Capt. America and the Black Widow face an unexpected enemy.						**The 700 Club** People experience God's blessings. (N)	
FS1	20	**NFL Films Presents** (N)	**Elite Youth**	**College Basketball** Maryland at Northwestern. From Welsh-Ryan Arena in Evanston, Ill. (N) (Live)				**College Basketball** St. John's at Marquette. From Fiserv Forum in Milwaukee. (N) (Live)				**WWE Backstage** (N) (Live)	
FSEE	32	**Golf America** (N)	**Running**	**Women's College Basketball** TCU at Oklahoma. From the Lloyd Noble Center in Norman, Okla.				**Women's College Gymnastics** Arkansas at Oklahoma.				**College Wrestling** West Virginia at Oklahoma.	
FX	28	**(4:30)** ★ **"Baywatch"** (2017) Dwayne Johnson, Zac Efron. Elite lifeguards must save the beach from a crime wave.				★★★ **"Jumanji: Welcome to the Jungle"** (2017, Adventure) Dwayne Johnson, Kevin Hart, Jack Black. Four teens find adventure as adults inside a video game.				★★★ **"Jumanji: Welcome to the Jungle"** (2017, Adventure) Dwayne Johnson, Kevin Hart.			
GOLF	82	**PGA TOUR: The CUT** (N)	**PGA TOUR Champions**	**Masters Highlights**		**GOLF Films**		**GOLF Films**		**GOLF Films**		**Golf Central**	
HALL	72	**"A Country Wedding"** (2015) Jesse Metcalfe, Autumn Reeser. Sparks fly between an engaged singer and a childhood friend.				**"Love on the Slopes"** (2018) Katrina Bowden, Thomas Beaudoin. A copy editor meets an extreme sports enthusiast.				**"The Birthday Wish"** (2017) Jessy Schram, Luke Macfarlane. A woman's birthday wish leaves her surprised at the outcome.			
HGTV	46	**Fixer Upper** Chip and Jo add flair to a ranch home.		**Fixer Upper** A musician and his family move to Texas.		**Fixer to Fabulous** The duo overhaul an outdated home.		**Fixer to Fabulous**		**Move and Improve** Empty nesters look for a historic home.		**House Hunters International**	**House Hunters** (N)
HIST	40	**The Curse of Oak Island** A structure under the sea bed.		**The Curse of Oak Island** "Triptych"		**The Curse of Oak Island: Drilling Down** "The Great Feud"		**The Curse of Oak Island** Gary makes an exciting discovery.		**(:03) Project Blue Book** Hynek and Quinn go to Roswell, N.M.		**(:06) The Curse of Oak Island** The swamp may be man-made.	
LIFE	23	**(4:30)** ★ **"When the Bough Breaks"** (2016, Drama) Morris Chestnut, Regina Hall, Romany Malco.				★★ **"Tyler Perry's Madea Goes to Jail"** (2009, Comedy) Tyler Perry, Derek Luke. Madea raises hell behind bars.				**(:03)** ★★ **"Big Momma's House"** (2000) Martin Lawrence. An FBI agent goes under cover to protect a woman and her son.			
MSNBC	36	**The Beat With Ari Melber** (N)		**Hardball With Chris Matthews** (N)		**All In With Chris Hayes** (N)		**The Rachel Maddow Show** (N)		**The Last Word With Lawrence O'Donnell** (N)		**The 11th Hour With Brian Williams** (N)	
NGC	22	**Life Below Zero** Alaskans must prepare for storms.		**Life Below Zero** Alaskans gather new resources.		**Life Below Zero: Ice Breakers** "New Tricks" (N)		**Life Below Zero** "Shock & Awe" Endless daylight. (N)		**Running Wild With Bear Grylls** (N)		**Running Wild With Bear Grylls** "Michael B. Jordan"	
PARMT	57	**Two and a Half Men**	**Two and a Half Men**	★★ **"Shooter"** (2007, Suspense) Mark Wahlberg, Michael Peña, Danny Glover. A wounded sniper plots revenge against those who betrayed him.						**Ink Master** The artists endure a tattoo marathon. (N)		★★ **"Shooter"** (2007) Mark Wahlberg, Michael Peña.	
TBS	25	**Family Guy**	**Family Guy**	**The Big Bang Theory**	**The Big Bang Theory**	**The Big Bang Theory**	**The Big Bang Theory**	**The Big Bang Theory**	**The Big Bang Theory**	**The Big Bang Theory**	**The Big Bang Theory**	**Conan** Actor Jeff Goldblum.	**Seinfeld** "The Caddy"
TCM	79	**"Love Laughs"**	**(:45)** ★★★ **"Hollywood My Hometown"** (1965, Documentary)			★★★ **"A Face in the Crowd"** (1957) Andy Griffith, Patricia Neal. A homespun philosopher becomes an overnight sensation.				**(:15)** ★★★★ **"Hud"** (1963, Drama) Paul Newman, Melvyn Douglas. A hard-drinking womanizer rebels against his father.			
TLC	24	**My Big Fat Fabulous Life** "Whit's New Man" Whitney hunts for a permanent home.				**My Big Fat Fabulous Life** "Big Fat Moves" Whitney packs up and moves to Charlotte. (N)				**(:02) Hot & Heavy** Chris's mom and friend express concerns.		**(:02) I Am Jazz** Jazz starts making plans to move out.	
TNT	26	★★ **"Red"** (2010, Action) Bruce Willis, Morgan Freeman. The CIA targets a team of former agents for assassination.				★★ **"Red 2"** (2013, Action) Bruce Willis, John Malkovich, Mary-Louise Parker. Retired operatives return to retrieve a lethal device.					★★ **"Battleship"** (2012) Taylor Kitsch. Earth comes under attack from a superior alien force.		
USA	27	**Law & Order: Special Victims Unit** "Russian Brides"		**Law & Order: Special Victims Unit** "Educated Guess"		**Law & Order: Special Victims Unit** "Spiraling Down"		**Law & Order: Special Victims Unit** "Theatre Tricks"		**Law & Order: Special Victims Unit** "Child's Welfare"		**(:02) Law & Order: Special Victims Unit** "Justice Denied"	
WE	71	**Law & Order** "Bounty" Famous fugitive eludes capture.		**Law & Order** "Patient Zero" Preventing an outbreak.		**Law & Order** "Shrunk" Songwriter suspected.		**Law & Order** "Blaze" Fire kills 23 people at a concert.		**Law & Order** "Identity" An executive is gunned down.		**Law & Order** "Floater" A body is found in the river.	
HBO	518	**(:15) Curb Your Enthusiasm** "Happy New Year"		**Real Time With Bill Maher**		★★★ **"Long Shot"** (2019, Romance-Comedy) Seth Rogen. A presidential candidate hires a speechwriter from her past. 'R'				**(:05) The Outsider** Jack has a hair-raising experience.		**(:05) Avenue 5** "I Was Flying"	**(:35) The New Pope**
MAX	549	**(3:45)** ★★ **"Bandidas"**	**(:20) "Lying and Stealing"** (2019, Suspense) Theo James, Emily Ratajkowski. 'R'			**"Knock Knock"** (2015, Suspense) Keanu Reeves, Ana de Armas, Lorenza Izzo. 'R'		**(:40)** ★ **"Replicas"** (2018, Science Fiction) Keanu Reeves. A neuroscientist tries to clone his dead wife and children. 'PG-13'				★★★ **"River's Edge"** 'R'	
SHOW	578	**(3:45)** ★★ **"Shaft"** (2000)	**(:25)** ★★★ **"Mad Max"** (1979, Action) Mel Gibson, Joanne Samuel, Hugh Keays-Byrne. 'R'			**(6:59) Ray Donovan** "You'll Never Walk Alone"		**Inside the NFL** (N)		**Shameless** Frank finds a cushy place.		**Inside the NFL**	
TMC	598	**(:15)** ★★ **"Starship Troopers 3: Marauder"** (2008, Science Fiction) Casper Van Dien, Jolene Blalock, Amanda Donohoe. 'R'				★★★ **"Airplane!"** (1980, Comedy) Robert Hays, Julie Hagerty, Peter Graves. 'PG'				★★★ **"Starship Troopers"** (1997, Science Fiction) Casper Van Dien. Young troops battle a vicious army of gigantic insects. 'R'			**"The Death of Stalin"** (2017)

Best Bets

7 p.m. on WVTM
Ellen's Game of Games

Contestants in the new episode "Highway to the Danger Word" face off in the brand-new game "Runaway Bride," as well as the more familiar "Blindfolded Musical Chairs," "Dizzy Dash" and "Danger Word." The winner of each of the first four rounds advances to "Know or Go," where the person who wins then moves on to "Hot Hands" for a chance to win a cash prize. Stephen "tWitch" Boss is the announcer.

7 p.m. on WBRC
The Resident

Conrad (Matt Czuchry) finds himself back at Chastain after meeting with a high-profile soccer player suffering from baffling symptoms, but an angry Logan Kim (guest star Rob Yang) waits to confront him in the new episode "How Conrad Gets His Groove Back." After Bell and the Raptor (Bruce Greenwood, Malcolm-Jamal Warner) can't come up with a diagnosis, they're forced to acknowledge Conrad's uncanny gifts. Elsewhere, Nic (Emily VanCamp) starts to worry that her father (guest star Corbin Bernsen) is becoming suicidal.

7 p.m. on WIAT
NCIS

The discovery of a body in the rubble at a test site for an unmanned aerial vehicle sends Gibbs (Mark Harmon) and the NCIS team into action to investigate and determine whether the death was an accident or an act of murder in the new episode "Sound Off." Elsewhere, Palmer (Brian Dietzen) brings a comical level of intensity to his interviews of medical examiner assistant candidates. Sean Murray and Emily Wickersham also star.

7 p.m. on WTTO
Arrow

As fans are painfully aware, this is the final season of "Arrow," but tonight's new episode, "Green Arrow and the Canaries," is a backdoor pilot for a planned (but not yet officially ordered) spinoff starring Katherine McNamara as Mia Queen, daughter of Oliver Queen and Felicity Smoak. Set in Star City, circa 2040, the story finds Mia's idyllic life upended by the unexpected arrival of Laurel Lance and Dinah Drake (Katie Cassidy, Juliana Harkavy), who are tracking a kidnapping victim.

8 p.m. on WBIQ
Secrets of the Dead

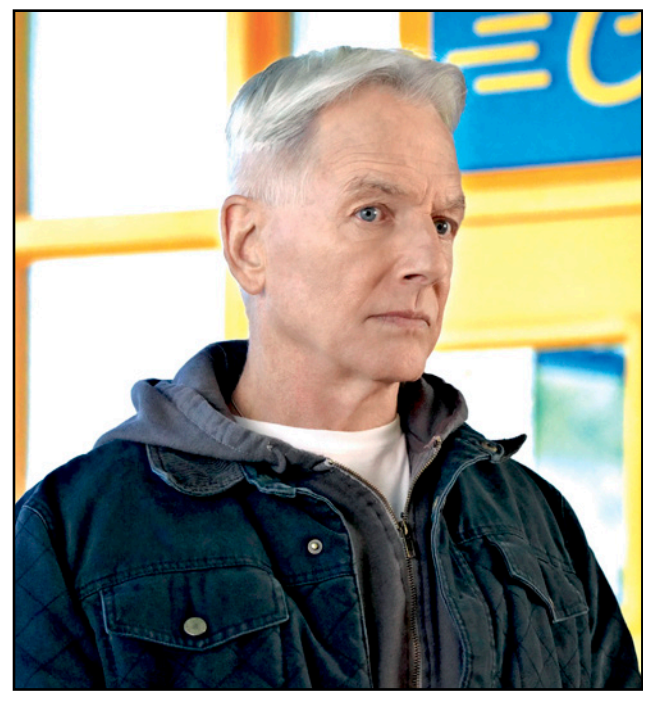
The new episode "Bombing Auschwitz" revisits a tense dilemma that arose in 1944, after a pair of Jewish prisoners managed to escape from Auschwitz and subsequently blew the whistle on the horrors being enacted on the prisoners held there. When news reached the Allies, there was serious discussion about bombing the camp, a position passionately supported by War Refugee Board director John Pehle (portrayed in re-enactments by Daniel Caltagirone). Others argued such a move could well kill the Jewish prisoners they were trying to save.

8 p.m. on WTTO
DC's Legends of Tomorrow

This superhero adventure series helped wrap up the epic "Crisis on Infinite Earths" crossover event last week, but it officially launches Season 5 tonight with "Meet the Legends," which finds a documentary crew boarding the Waverider to film the team as they investigate a strange new blip in the timeline. The heroes are taken aback to discover their new adversary is Rasputin, straight from hell. Constantine (Matt Ryan), meanwhile, thinks he knows the source of these blips, and it's not good news. Caity Lotz and Brandon Routh also star.

9:03 p.m. on HIST
Project Blue Book

A surprise hit in its freshman outing, this fact-inspired series returns for Season 2 with "The Roswell Incident — Part I," the first of a two-part story. As the action resumes, Hynek and Quinn (Aidan Gillen, Michael Malarkey) follow General James Harding (Neal McDonough) to Roswell, N.M., where a local civilian has threatened to expose to the world hard evidence that an extraterrestrial craft crash-landed in the area a few years ago.



Mark Harmon stars in "NCIS" on CBS.

OPINION

Sovereignty of God, no. 3

Tom Fillinger
Tribune Columnist

It is a new year. This presents a clean slate for you to make positive modifications to your reading and study habits. Read God's word. Study God's word. Apply God's word in your daily routines. Enlist two accountability partners who will encourage you to grow in the grace and knowledge of Jesus Christ.

Today we continue in our study of the Sovereignty of God.

We are considering the practical value of understanding God's sovereignty. It is because the time has now arrived, when the bulk of our churches "will not endure sound doctrine" (2 Timothy 4:3) that they so readily receive false doctrines. Of course it is true that doctrine, like anything else in Scripture, may be studied from a merely cold intellectual viewpoint, and thus approached, doctrinal teaching and doctrinal study will leave the heart untouched, and will naturally be "dry" and profitless. But, doctrine properly received, doctrine studied with an exercised heart—will ever lead into a deeper heart knowledge of God, and of the unsearchable riches of Christ.

The doctrine of God's sovereignty then is no mere philosophic dogma which is devoid of practical value—but is one that is calculated to produce a powerful effect upon Christian character and the daily walk. The doctrine of God's sovereignty lies at the foundation of Christian theology, and in importance is perhaps second only to the Divine Inspiration of the Scriptures. God's sovereignty is the center of gravity in the system of Christian truth. It is the sun around which all the lesser orbs are grouped. It is the golden milestone to which every highway of knowledge leads and from which they all radiate. It is the cord upon which all other doctrines are strung like so many pearls, holding them in place and giving them unity. It is the plumbline by which every creed needs to be measured. God's sovereignty is the balance in which every human dogma must be weighed. It is designed as the anchor for our souls amid the storms of life. The doctrine of God's sovereignty is a Divine cordial to refresh our hearts. It is designed and adapted to mold the affections of the heart and to give a right direction to conduct. It produces gratitude in prosperity and patience in adversity. It affords comfort for the present and a sense of security respecting the unknown future. It is, and it does all, and much more than we have just said, because it ascribes to God—Father, Son, and Holy Spirit—the glory, which is His due, and places the creature in his proper place before Him—in the dust.

Next, we will consider the **practical value** of the doctrine of God's sovereignty in detail.

You may contact me at info@igniteus.net or by calling 803 413 3509.

Bison (from Front)

Animal shelter staff and volunteers work with their dogs to make sure they are accustomed to being around people, walking on a leash and practicing good behavior. Several of the shelter's canine friends have even been "hired" to work as therapy and special needs service dogs.

Please consider adopting, to give a rescued pet a chance at a happy and healthy life.

Contact the Cullman County Animal Shelter at 256-734-5448 or cullmancountyanimalshelter@gmail.com. Visit the shelter at 935 Convent Road NE.

Park (from Front)

W.C. Mann
craig@cullmantribune.com

CULLMAN, Ala. – The City of Cullman recently revealed plans to develop a recreational vehicle (RV) park on a southwest Cullman property at 1315 County Road 222. Construction has already begun. The land, known locally as the Burrow property, was once the proposed as the site of the Bass Fishing Hall of Fame. Cullman Mayor Woody Jacobs said the property was dedicated for "recreational use" after it was acquired from the Burrow family in October 2011.

"Parks and Rec's had that land for several years, and it's just been kind of sitting idle," said Jacobs. "That's where the proposed Bass Hall of Fame was going to be, but the people on their side never could raise any money to pay for their part of it."

Finding new purpose

Jacobs shared, "There's been several things proposed there. We were meeting with a lady who used to work for the (Army) Corps of Engineers, and we were standing up on the (Burrow) home place, and she looked down. She said, 'You know, this needs to be an RV park.' And she said, 'It's a perfect spot.' And I'm like, 'Well, dern, we never thought of that one.'

"We got to doing some research, and realized she was right. It would be a good spot.

"It's a good trend in the industry right now; I mean, RVs are booming. I know Rodney Johnston (Johnston RV Center), and they're just doing very well in the selling side of it.

"That site being so close to the interstate, it just kind of makes sense. It's got the ponds on it that can be used."

According to Jacobs, the proximity of the RV park to the new location of Rock the South (1872 County Road 469) is coincidental; he said planning for the park predates RTS producers' decision to move to the new site. The RV park will be less than 2 miles south of the music festival grounds.

Said Jacobs, "We've been working on this a couple of years. That's (RTS) only one weekend a year.

"Obviously, you wouldn't make the kind of investment that we're going to make for just one weekend a year."

Plans for development

Jacobs said the City will build the first 50 RV sites on about 5 acres inside the entrance to the property. Long-range plans include:

- primitive camping
- "glamping" - glamour camping in tents already set up with luxury appointments for guests
- "tiny house-style" short-term rental cabins around the onsite ponds
- two ponds: one for recreational swimming and the other stocked for fishing, with kayak rentals
- walking and bicycle trails
- golf cart rentals
- playground
- dog park

Said Jacobs, "You give everybody the different kinds of camping experience or outdoor experience, from if they want to set up a tent on the ground, and they can get in a tent that's already set up, or they want to get in one of the lakeside homes; we'll put them up above the small lakes where they'll look down upon that.

"Of course, we'll have the RV spots that are very nice spots: pads that are basically level, so when people pull in, they don't have a lot of set-up time, leveling up their units.

"Of course, we've got water, power, sewer and Wi-Fi throughout the park. We'll have a camp store there.

"We'll have showers available if somebody wants to take them, at the camp store, and washers and dryers that are available there, also . . . So it's a pretty good camping experience.

"We've gone to numerous different campgrounds, looking at them and researching them, and we think we're making the right moves for a very successful park."

An opening date for the RV park has not been announced.

What happened to the Bass Fishing Hall of Fame?

Back in 2013, the Bass Fishing Hall of Fame organization announced Cullman had been chosen for its brick-and-mortar facility.

Then Hall of Fame Board Director Sammy Lee told The Tribune at the time, "Cullman is on the launchpad and the countdown has begun.

"You're going to see hundreds of thousands, if not millions, of new tourists stop here and make this the destination location in their travels and vacations.

"I have to tell you, I have personally looked at potential sites in 11 states and probably 50 different communities over the last dozen years and nothing came close to Cullman; not only for the location adjacent to I-65, but more importantly, the people. What a wonderful community. Not only progressive in their forward thinking ways with the educational system and the parks and recreations, but what a clean, neat town. This is a wonderful place to raise your family. If you're looking for a great all-American city-and we were-Cullman, Alabama is it."

Then, in 2016, according to a report published on Bassmaster.com (www.bassmaster.com/news/plans-open-bass-hall-fame-cullman-canceled), the board backed away from a freestanding facility in Cullman and had to "scale back our initial plans" after passing a self-imposed fundraising deadline without raising the $10 million needed for its share of the joint venture.

In 2017, the board opened the Hall of Fame as an exhibit gallery in "Johnny Morris' Wonders of Wildlife National Museum and Aquarium" in Springfield, Missouri. Morris is the founder and CEO of Bass Pro Shops and built his museum adjacent to the company's national headquarters.

The facility includes the International Game Fish Association Fishing Hall of Fame, NRA National Sporting Arms Museum and the National Archery Hall of Fame.

The official history of the Bass Fishing Hall of Fame found on the organization's website (www.bassfishinghof.com/history/) does not mention Cullman.

Obituary Announcements: Jan. 21

Helen Kindergan Higgins was born Sept. 15, 1921 and passed away Dec. 26, 2019.

Funeral services for Robert "Robbie" Calvin Mullins II, 36, of Bremen, Alabama were held Sunday, Jan. 19, 2020 at Antioch Baptist Church, Bug Tussle. Burial followed in the adjoining cemetery. Reverend Ray Ponder officiated. The family of Mr. Mullins welcomed friends for a visitation prior to the service beginning at 1:30 p.m. at Antioch Baptist Church. Mr. Mullins is survived by his wife Stephanie Mullins; children Hagan, Hadlee, and Henley Mullins; siblings Natalie Mullins and Josh (Spring) Mullins; grandmother Penny Norris; and mother Rebecca (Jason) Hill-Garvin. Mr. Mullins is preceded in death by his father Robert Calvin Mullins Sr. and grandparents William and Jean Mullins.

Teresa Michelle Pope, 46, of Arley passed away Jan. 18, 2020. Teresa was born March 19, 1973 in Pikeville, Kentucky to Alfred and Murvada Bryant. She graduated from Shelby Valley High School in 1991 in Pikeville, Kentucky. She was an artist, and loved to draw and paint and she was a fantastic cook. She loved the Lord and loved helping people. Christmas was her favorite holiday, and she enjoyed making candy at Christmas. She was extremely selfless and truly believed that giving was better than receiving. Visitation will be Tuesday, Jan. 21, 2020 at Arley First Baptist Church from 11 a.m.-1 p.m. where the service will begin at 1 p.m. Reverend Mike Barnett, Dr. Roger White, and Steven Pope will officiate. She is survived by her husband Steven Pope; daughter Wyntr Pope; sister Peggy (Dean) Blevins of Kentucky; brothers Frank (Bobbie) Bryant of Kentucky and Dana (Susie) Miller of North Carolina; father and mother-in-law Davey and Faye Barnett; and a host of nieces and nephews. She was preceded in death by her father Alfred Bryant; mother Murvada Bryant; and father-in-law Billy Pope.

David Barron Cleghorn, 61, of Arley passed away Friday, Jan. 17, 2020. David was born in Cullman, Alabama Nov. 1, 1958 to Voyt and Renee Cleghorn. He graduated from Meek High School in 1976. He enjoyed anything outdoors. He also enjoyed watching sports and spending time with his family, especially the grandkids. Visitation was Monday, Jan. 20, 2020 from 1-2 p.m. at Liberty Baptist Church in the Helicon community, where the services followed at 2 p.m. Burial will be in the adjoining cemetery. Brother Greg Dollar will officiate. David is survived by his son Mickey (Leslie) Moore; daughter Sara Hood; brother Philip Cleghorn; sister Lila (Charles) McCombs; grandchildren Lucas and Izabelle Moore, and Ben, Olivia, and Heidi Hood; and a host of nieces, nephews, family and friends. He was preceded in death by his parents Voyt and Renee Cleghorn.

Beatrice Peppers, 93, of Phil Campbell passed away Friday, Jan. 17, 2020 at Helen Keller Hospital. She was born March 8, 1926 to Clarence and Mary Emma Fortner. Visitation was Monday, Jan. 20, 2020 from 1-2 p.m. at Antioch Missionary Baptist Church, Phil Campbell, where the services were held at 2 p.m. Burial will be in the adjoining cemetery. Brother Cayce Harrison will officiate. Beatrice is survived by her daughter Bonnie (Bobby) Crown; sons Wayne (Mary) Peppers, Gary (Christine) Peppers, and Ricky (Barbara) Peppers; seven grandchildren; 10 great-grandchildren; and a host of nieces and nephews. She was preceded in death by her loving husband Prentice Lee Peppers; parents Clarence and Mary Fortner; grandson Rodney Crown; brothers Loven Fortner, James Fortner, and Travis Fortner; and her sister Flora Belle Fredrick. Pallbearers will be Kevin Crown, Kyle Crown, Todd Crown, Heath Peppers, Robert Fretwell, and Jacob Fretwell.

Jon Gary "Red" Witcher of Cullman passed away Jan. 19, 2020 at the age of 72. He was born in Cullman Jan. 24, 1947 to William Darrell and Jeanette Hodge Witcher. Funeral services are Wednesday, Jan. 22, 2020 at 2 p.m. at Moss Funeral Home Chapel with Bro. Garrett Taylor officiating. Interment will be in Mt. Carmel Cemetery in the Berlin community. Survivors are sons Shawn (Felicia) Witcher and Rodney Dillon Witcher; brothers Steve Witcher and Doug Witcher; grandchildren Ashlon and Addilon Witcher; and several nieces and nephews. Visitation is Wednesday, Jan. 22, 2020 from 11 a.m. until service time at Moss Funeral Home.

John Thomas Sumners passed away Jan. 18, 2020 at the age of 62. He was born in Arkansas Oct. 4, 1957 to John Henry and Emma Mae Pool Sumner. His parents preceded him in death along with two brothers, Jim William Frances Sumner and Roy Sumner. Mr. Sumners worked as a truck driver, but he loved taking care of his family. He considered himself a proud hillbilly and enjoyed fishing. He also liked growing and selling his own produce. There were many days he would be found at the local produce market. John Sumners leaves to cherish his memory his son Jeff Sumner; grandson Johnathan Sumner; sisters Judy Ortiz, Josie Sumner, and Jackie Sumner; brothers Jerry Sumner and Jeffrey Sumner; and a host of special nieces and nephews.

Sadenya "Ann" Chatham Waldrip passed away Sunday, Jan. 19, 2020 at the age of 83. Ann was the only child of James and Lola Jordan Chatham. She grew up in Trimble, AL surrounded by a beloved large extended family. She graduated from Cullman High School and attended Sacred Heart College where she received her teaching degree. She taught at Trimble Elementary School for a few years prior to her marriage. In 1956, she married Bobby Joe Waldrip, dedicating herself to being a homemaker. She had a gentle and sweet spirit that loved all animals and nature. She was very artistic and made her home comforting and welcoming. Her parents preceded her in death. She is survived by her husband of 63 years Bob Waldrip; daughter Susan Waldrip Dendy; son-in-law Richard Dendy; and granddaughter Lily Jordan Dendy. Visitation will be Wednesday, Jan. 22, 2020 at Moss Service Funeral Home from 4-6 p.m. The Celebration of Life Funeral Service will be in the chapel of the funeral home Thursday, Jan.23, 2020 at 2 p.m. Burial will follow at Shedd Cemetery in Trimble. In lieu of flowers, donations can be made to the Cullman County Animal Shelter/ Cullman County Animal Control. Condolences and special memories may be shared with the family at mossservicefh.com.

Connie Rose Dickerson, 69, of Arley, entered into rest Sunday, Jan. 19, 2020 at her home. Mrs. Dickerson was born Nov. 17, 1950. Connie was a loving wife, mother, grandmother and sister and enjoyed spending time with her family, especially her grandchildren. She attended West Point High School, Bevill State College and Wallace State Community College. She was a surgical technician and enjoyed gardening, sewing, had a green thumb and loved roses. Visitation will be Wednesday, Jan. 22, 2020 from 11 a.m.-1p.m. at Nichols Funeral Home in Addison, where the service will follow at 1 p.m., Brother Adam Rogers officiating. Burial will be in New Mt. Zion Baptist Church Cemetery in Logan. Connie is survived by her husband J.D. Dickerson; sons Scotty Joe (Summer) Watson and Jason (Jessica) Watson; stepdaughter DeeDee (Tim) Cooper; stepmother Freda Burgess; sister Karen Wilkins; grandchildren Zebary Waston, Zachary (Lindsey) Watson, Zoe (Kyle) Lambert, Austin Watson, Tristan Watson, Alivia Watson, Piper Watson and Cade Cooper; four great-grandchildren; sisters-in-law Roann Fraiser and Judy (C.V) Key; brother-in-law Ershel (Doris) Dickerson; nieces and nephews Justin (April) Burgess, Eshaunae (Jason) Downs, Stephanie (Matt) Sandlin, and Tiffany (Luke) Bumgart; and a host of other nieces, nephews, other family and friends. She was preceded in death by her parents Rayburn Jackson Burgess and Era Dalphine Burgess and her brother Michael Jackson Burgess.

Graveside services for Mary Ruth Crosby, 91, of Falkville will be at 3:30 p.m. Wednesday, Jan. 22, 2020 at Fairview West Baptist Cemetery, Rev. Steve Rodgers officiating. Cullman Funeral Home is in charge of the arrangements. Mrs. Crosby passed away Sunday, Jan. 19, 2020 at Falkville Health Care. She was born Jan. 9, 1929 to Earney Henery and Edith Elnora Purdy Quick. Friends may sign the online guestbook at www.cullmanfuneralhome.com.

Maurice Guss Hasenbein, "Slim," of Cullman went to be with the Lord Jan. 18, 2020 at Cullman Regional Medical Center surrounded by his loving family. He was born Feb. 20, 1955 in Cullman, the son of Maximillian J. Hasenbein and Lois Hankey-Hasenbein. Maurice attended Sacred Heart Roman Catholic Church and went to their school. During his illness, he felt the prayers offered by the parishioners eased his suffering. He also attended Cullman High School. Maurice was an avid sportsman; taking enjoyment by regularly partaking in fishing and hunting trips. He harnessed a contemplative nature, often saying that being surrounded by nature brought him closest to God. Maurice was a loving family man and spent as much time with family as he could, from long, meaningful talks with his children and wife, to joining his father for daily lunch. Aside from caring for his family, Maurice deeply cherished his country. He joined the Army, where he specialized in demolition and heavy equipment. Afterward, Maurice pursued a career in diesel mechanics. Maurice was preceded in death by his parents. He is survived by his loving wife Laurie; daughter Amy Leonard and husband Jason; sons Max and Michael and their wives Christena and Rachel; sister Julia Hasenbein-Bagley; nephew Chris Bagley; grandsons Tyler and Brodie; and multiple cousins. Visitation will be held at Cullman Heritage Funeral Home Sunday, Jan. 26, from 6-8 p.m. with the Rosary beginning at 7:30 p.m. The funeral will be held Monday, January 27, at 10 a.m. at Sacred Heart Catholic Church in Cullman. Interment will be at Center Grove Church Cemetery immediately following the service. In lieu of flowers, the family asks for donations to be made to the Alzheimer's Association, The Alabama Wildlife Federation, Church Organ Fund, or The Humane Society.

Billy Ray Breedwell was born Oct. 30, 1942 and passed away Jan. 20, 2020.

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THE CULLMAN TRIBUNE
JANUARY 21, 2020

Year of the Rat: Cullman Library celebrates Chinese New Year

Maggie Darnell
maggie@cullmantribune.com



MAGGIE DARNELL/THE CULLMAN TRIBUNE

Participants got to color decorative coloring sheets at the Chinese Lunar New Year event Saturday at the Cullman County Public Library.

CULLMAN, Ala. – Chinese New Year will be celebrated in many parts of the world this Saturday, Jan. 25, 2020. This past Saturday at the Cullman County Public Library, the Friends of the Public Libraries of Cullman County (FPLCC), with the help of Panda Express, held a fun, educational event for area children ahead of the worldwide festivities.

Participants were treated to a lesson on the culture, legend and activities surrounding Chinese New Year, along with lunch from Panda Express and a visit from the restaurant's mascot.

The Chinese calendar is divided into 12 year cycles, and each year is represented by one of the 12 animals from the Chinese zodiac; 2020 is the Year of the Rat. The rat symbolizes vitality and intelligence.

Celebration of the Chinese New Year, or Spring Festival, can be traced by to the ancient Chinese legend of a ferocious monster named "Nian" with sharp teeth and horns. It was said Nian lived in the sea, but it would appear on land at the end of the lunar year to hunt both people and livestock. Because of this, villagers would evacuate to the remote mountains on the eve of the new year.

On one particular New Year's Eve, a strange old man taught the people Nian is scared of three things: loud noises, fire and the color red! After Nian's defeat, the people started celebrating the new moon and triumph over the beast. That celebration became a 15-day festival.

Now, the Chinese New Year is represented by the 12 animals in the Chinese Zodiac, which were chosen by the Jade Emperor centuries ago. According to the legend of the Chinese Zodiac, the Jade Emperor held a great race, with the first 12 animals to reach his palace being the winners, and they would each get a year named after them in their honor. The animals were the Rat, Ox, Tiger, Rabbit, Dragon, Snake, Horse, Sheep, Monkey, Rooster, Dog and Pig. During the race, the Ox was in the lead, but was slowed down due to a strong river, with the Rat right behind him. The Rat could not swim well, so the Ox kindly carried the Rat on his back across the river, where the Jade Emperor waited on the other side with the finish line. When the Ox got close to land, the Rat leaped and made it across the finish line in first place. This is why in the first year of the Chinese Zodiac Calendar is the Year of the Rat.

The FPLCC's Rénee Welsh shared about Saturday's event, "Today was off the charts! A huge 'xièxiè' (thank you) to Panda Express for not only providing the curriculum, but lunch and the panda mascot. I want to give a huge shout-out for the Cullman Library for allowing us to have this event today. The Friends of the Public Libraries of Cullman County recognizes the importance of a library being a necessity in life- not just a structure that houses the written word and electronic word, but it's a home for children, senior citizens and students that are looking for a quiet place to study."

Welsh noted that Saturday morning's event welcomed 35 participants.

FPLCC President Tanya Allcorn said, "We're very excited that our community wanted to come out and learn more about diversity and have interest in other cultures' events as well. We're thrilled that our events can include different cultures and different culture diversity, and we're thrilled that our community supports that."

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LEGALS

FIRST PUBLICATION ON JANUARY 21, 2020

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Cullman Planning Commission will hold a public hearing on March 2, 2020 at 5:30 o'clock p.m. in the Lucille N. Galin Auditorium at Cullman City Hall located at 204 Second Avenue NE, Cullman, Alabama 35055. At this time, anyone wishing to be heard in favor of or in opposition to the adoption of Ordinance No. 2020-16 (set forth in full below) will be given an opportunity to speak.

Wesley M. Moore, City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Cullman, Alabama, will hold a public hearing on March 2, 2020 at 7:00 o'clock p.m. in the Lucille N. Galin Auditorium at City Hall, 204 Second Avenue NE, Cullman, Alabama 35055. At this time, anyone wishing to be heard in favor of or in opposition to the adoption of Ordinance No. 2020-16 (set forth in full below) will be given an opportunity to speak.

Wesley M. Moore, City Clerk

ZONING ORDINANCE

PROPOSED
MARCH 2, 2020

EST. 1873

CULLMAN

ALABAMA

CONTENTS

Article 1. General Provisions 1
Section 1.01 Short Title 1
Section 1.02 Authority 1
Section 1.03 Applicability 1
Section 1.04 Scope 1
Section 1.05 Zoning Map 1
Section 1.06 Zoning Districts 1
Section 1.07 Annexed Property 2
Section 1.08 Transitional Rules 2
Article 2. Definitions 2
Section 2.01 Generally 2
Section 2.02 Interpretation of Certain Words and Phrases 2
Section 2.03 Definitions 2
Section 2.04 Abbreviations used in this Ordinance 12
Article 3. General Regulations 12
Section 3.01 Minimum Regulations 12
Section 3.02 Lots, Yards and Open Spaces 12
Section 3.03 Maximum Height 13
Section 3.04 Uses 13
Section 3.05 Off-Street Parking and Loading Areas 13
Section 3.06 Limitation of Structures on Residential Lots 13
Section 3.07 Common Open Spaces and Facilities 14
Section 3.08 Walls and Fences 14
Section 3.09 Mobile and Portable Buildings 14
Section 3.10 Outdoor Storage and Dumpsters 14
Section 3.11 Modular Structures 15
Section 3.12 Liquefied Petroleum Fuel Tanks 15
Section 3.13 Flood Hazard Areas 15
Section 3.14 Energy Conservation Encouraged 15
Section 3.15 Sidewalks 15
Section 3.16 Accessibility 15
Section 3.17 Temporary Construction Phase Requirements 15
Section 3.18 Stormwater Drainage 16
Article 4. Residential Districts 16
Section 4.01 General Regulations 16
Section 4.02 R-1 Low Density Single-Family Residential District 16
Section 4.03 R-2 Medium Density Single-Family Residential District 16
Section 4.04 R-3 High Density Single-Family and Duplex Residential District 17
Section 4.05 R-4 Single-Family and Multifamily Residential District 17
Article 5. Nonresidential Districts 18
Section 5.01 General Regulations 18

Section 5.02 B-1 Neighborhood Shopping District 18
Section 5.03 B-2 General Business District 19
Section 5.04 B-3 Volume Business District 19
Section 5.05 CBD Central Business District 19
Section 5.06 INST Institutional District 19
Section 5.07 M-1 Light Industry District 19
Section 5.08 M-2 General Industry District 19
Section 5.09 M-1-P Industrial Park 20
Article 6. Special Districts 24
Section 6.01 AG-1 Agriculture District 24
Section 6.02 AG-2 Agriculture District 24
Section 6.03 E-1 Entertainment District 25
Section 6.04 TND Traditional Neighborhood Development District 26
Section 6.05 Planned Unit Development District 30
Article 7. Regulation of Specific Uses 35
Section 7.01 Alternative Financial Services 35
Section 7.02 Amateur Radio Towers 35
Section 7.03 Attached Single-family Dwellings 35
Section 7.04 Accessory Dwellings 35
Section 7.05 Bed and Breakfast 36
Section 7.06 Boarding Houses 37
Section 7.07 Conservation Subdivisions 37
Section 7.08 Group Care Homes 39
Section 7.09 Home Occupations 39
Section 7.10 Junkyards 40
Section 7.11 Keeping of Livestock and Fowl 40
Section 7.12 Manufactured Home Parks 41
Section 7.13 Short-Term Rentals 42
Section 7.14 Tattoo Facilities 44
Section 7.15 Telecommunication Towers 44
Section 7.16 Upper-story Dwellings 48
Article 8. Parking and Loading Standards 49
Section 8.01 General Standards 49
Section 8.02 Off-street Parking 49
Section 8.03 Off-Street Loading and Unloading Areas 53
Article 9. Landscaping 53
Section 9.01 General Provisions 53
Section 9.02 Buffers 54
Section 9.03 Screening 55
Section 9.04 Landscaping for Vehicular Areas 56
Section 9.05 Design Standards for Fences 56
Section 9.06 Plans; Certificate of Occupancy 57
Section 9.07 Modifications 57
Section 9.08 Maintenance and Irrigation 57
Article 10. Signs 58
Section 10.01 Generally 58

Section 10.02 Signs and Advertising Structures 58
Section 10.03 Creating Obstructions; Becoming dangerous 58
Section 10.04 Signs and Advertising Structure Permits 59
Section 10.05 Signs and Advertising Related to Alcoholic Beverages 59
Section 10.06 Signs-Illuminated, Portable, or Movable 60
Section 10.07 Signs Prohibited. 60
Section 10.08 Signs Approved for Home Occupations. 61
Section 10.09 Signs – Temporary 61
Section 10.10 Billboard Signs 61
Article 11. Nonconforming Uses 62
Section 11.02 General Provisions 62
Section 11.03 Nonconforming Lots 63
Section 11.04 Nonconforming Uses 63
Article 12. Site Plan and Conditional Use Review 64
Section 12.01 Site Plan Review and Approval 64
Section 12.02 Conditional Use Review and Approval 65
Article 13. Zoning Board of Adjustment 66
Section 13.01 General Provisions 66
Section 13.02 Administrative Appeals 66
Section 13.03 Variances 66
Section 13.04 Special Exceptions 67
Section 13.05 Abatement of Hazard or Nuisance 68
Section 13.06 Rehearings 68
Section 13.07 Appeals from Action of the Board of Adjustment 68
Article 14. Administration and Enforcement 68
Section 14.01 Generally 68
Section 14.02 Penalties and Other Remedies 69
Section 14.03 Amendments 69
Section 14.04 Statutory Review 70

ARTICLE 1. GENERAL PROVISIONS

Section 1.01 Short Title

This ordinance is known as the "Zoning Ordinance of the City of Cullman, Alabama," and the map herein referred to and identified by the title "Zoning Map of Cullman," signed by the mayor and attested by the city clerk.

Section 1.02 Authority

This Ordinance has been prepared, subject to public review, recommended by the Cullman Planning Commission, and adopted by the Cullman City Council under the authority of Title 11, Chapter 52 of the Code of Alabama, 1975 Compilation, as amended.

Section 1.03 Applicability

These Regulations apply to all property within the corporate limits of the City of Cullman. All uses, structures, sites, lots and parcels must comply with these Regulations.

Section 1.04 Scope

§1.04.01 Minimum Requirements. These Regulations are considered minimum requirements to promote the public health, safety, and welfare. These Regulations may not lower the restrictions of plats, deeds or private contracts, if they are greater than these Regulations.

§1.04.02 Conflict with Other Regulations. Wherever there is a conflict between the provisions of this Ordinance and those of any statute, or any local law or regulation, the most restrictive of such provisions shall apply and be enforced.

§1.04.03 Severability. If any clause, portion, provision, or section of these Regulations is held to be invalid by any court of competent jurisdiction, that holding will not render invalid any other clause, portion, provision, or section.

Section 1.05 Zoning Map

The Official Zoning Map, together with all explanatory materials it contains, is hereby made a part of this Ordinance and is maintained in the office of the city clerk.

Section 1.06 Zoning Districts

§1.06.01 Generally. The city is hereby divided into the following districts:

A. R-1 Low Density Single-Family Residential District
B. R-2 Medium Density Single-Family Residential District
C. R-3 High Density Single-Family and Duplex Residential District
D. R-4 Single-Family and Multifamily Residential District
E. TND Traditional Neighborhood Development District
F. PUD Planned Unit Development District
G. B-1 Neighborhood Shopping District
H. B-2 General Business District
I. B-3 Volume Business District
J. CBD Central Business District
K. E-1 Entertainment District
L. INST Institutional District
M. M-1 Light Industry District
N. M-2 General Industry District
O. M-1-P Industrial Park District
P. AG-1 Agriculture District
Q. AG-2 Agriculture District

§1.06.02 *Boundaries Established*. The boundaries of these districts are as shown on the Official Zoning Map. Unless otherwise shown on the map, the boundaries of districts are lot lines, street or alley centerlines or such lines extended, railroad rights-of-way or centerlines, or corporate limit lines. Where uncertainty exists with respect to the boundaries of any district, the following rules apply:

A. Where district boundaries are indicated as approximately parallel to the centerlines or rights-of-way of streets, highways or railroads, the district boundaries are considered to be parallel to them and at the

distance indicated on the zoning map. If no distance is given, distances are determined by use of the scale on the zoning map.

B. Where a district boundary line divides a lot in single ownership, the requirements for the least restrictive district applies to the whole lot, provided this does not include any part of the lot more than 35 feet beyond the district boundary line.

C. In case any further uncertainty exists, the Zoning Board of Adjustment determines the location of boundaries.

Section 1.07 Annexed Property

Property annexed into the City is automatically placed in the AG-1 District, or such district as determined by the City Council, following a recommendation by the Commission, to be compatible with the intent of the Master Plan, and with consideration of the existing use of the property and those adjacent to it. Any subsequent rezoning must follow the procedures in §14.03 Amendments.

Section 1.08 Transitional Rules

Any amendment to these Regulations applies to applications submitted and accepted on or after the effective date of this Ordinance. This Ordinance will not affect any complete application submitted and approved by the appropriate decision-making body, prior to this effective date. Such applications are subject to the law in effect at the time of their acceptance for consideration, except as follows.

When a development plan has been started or approved under a previous version of this Ordinance, it may be completed subject to the following:

§1.08.01 If development, for which a subdivision plat or building permit was approved prior to the effective date of this Ordinance, fails to meet any time frames in effect for that development at the time of approval, then the approval expires; and future development is subject to these Regulations.

§1.08.02 Any violation of the previous ordinance is a violation under this Ordinance and is subject to the penalties set out in §14.02 Penalty and Other Remedies, unless the development, use or other activity complies with these Regulations.

ARTICLE 2. DEFINITIONS

Section 2.01 Generally

For the purposes of interpreting this Zoning Ordinance, the following words and phrases have the meanings ascribed to them in this Article.

In the event a word or phrase is not defined in this Ordinance, the Cullman Subdivision Regulations or the City Code, the conventional meaning of the term applies.

Section 2.02 Interpretation of Certain Words and Phrases

The Building Official is authorized to make a final determination of the meaning of any word or phrase used in this Ordinance.

In the interpretation of this Zoning Ordinance, the provisions of this Section are applied unless the context clearly requires otherwise. Words used or defined in one tense or form include the other tenses and derivative forms. Words in the singular number include the plural; and words in the plural number include the singular. The masculine gender includes the feminine and the feminine gender includes the masculine.

The word “person” includes an individual, firm, association, organization, partnership, trust, company or corporation.

The words "used" or "occupied" as applied to any land or structure include all modifying words such as "intended", "arranged", or "designed" to be used or occupied.

The word “may” is permissive. When used in the negative, it is prohibitive.

Section 2.03 Definitions

§2.03.01 Access. A way of approaching or entering a property.

§2.03.02 Accessory Structure. A detached subordinate structure located on the same building lot or parcel with the principal structure, the use of which is incidental to that of the principal structure.

§2.03.03 Accessory Use. A use customarily incidental to the principal use of the land or building on the same lot.

§2.03.04 Adjacent. Either adjoining or on the opposite side of a street or other right-of-way or railroad that separates it from the subject property.

§2.03.05 Adjoining. Having property or district lines in common. Properties separated by a right-of-way are adjacent, but not adjoining.

§2.03.06 Adult Entertainment. A business that meets any of the following criteria, measured on a daily, weekly, monthly or annual basis: 1) has more than 25% of its inventory, stock-in-trade, or publicly displayed merchandise in sexually-oriented materials, 2) devotes more than 25% of its floor area (not including storage areas, bathrooms, basements, or any portion of the business not open to the public), 3) derives more than 25% of its gross revenue from sexually-oriented materials. Adult Entertainment includes any business that engages for any length of time in a sexually oriented use or any other use that emphasizes specified sexual activities or Specified anatomical areas, including but not limited to adult arcades and movie theaters, adult cabarets, and adult bookstores and novelty businesses.

A. Sexually-Oriented Materials. Materials of any media format and any objects or devices that contain, depict, stimulate or describe specified sexual activities or Specified anatomical areas; are marketed for use in conjunction with, or are primarily used only with or during specified sexual activities; or are designed for sexual stimulation.

B. Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic area, buttocks, anus, or female breast below a point immediately above the top of the areola; and human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.

C. Specified Sexual Activities. Activities including actual or simulated sexual intercourse; clearly depicted human genitals in the state of arousal; touching of specified anatomical areas; inflicting pain or physical restraint of a person for the purposes of sexual stimulation; or sexually oriented contact with an animal by a human being.

§2.03.07 Agriculture or Agricultural Use. The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising and breeding of livestock; bees and apiary products; fur animals; trees and forest products; fruits, nuts and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management.

§2.03.08 Alteration. Any change or modification of members, or parts, of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, doors or windows; or any enlargement or reduction of a structure, whether horizontally or vertically; or moving the structure from one location to another.

§2.03.09 Alternative Financial Service. A check cashing business, payday advance or loan business, money transfer business, car title loan business, title pawn business, pawn shop or similar business engaged in non-traditional short-term lending.

§2.03.10 Amateur Radio Tower. A tower with one or more antennae connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.

§2.03.11 Animal Shelter. A nonprofit or public establishment providing shelter for dogs, cats and other small domestic animals.

§2.03.12 Applicable District. That zoning district in which the subject site, lot or structure is located.

§2.03.13 Applicant. A person submitting an application for development, a variance, special exception, rezoning or other approval under this Zoning Ordinance.

§2.03.14 Architect or Registered Architect. A person licensed in the State of Alabama to practice in the field of architecture.

§2.03.15 Assisted Living Facility. Residences for the frail that provide rooms, meals, personal care, and supervision of self-administered medication; excluding Group Care Homes.

§2.03.16 Attached. Attached by any means to another structure, or a structure closer than ten feet from another structure on the same lot.

§2.03.17 Automobile Repair.

A. Minor Automobile Repair. Sales, installation, and servicing of mechanical equipment and parts, including audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities.

B. Major Automobile Repair. The repair and maintenance of vehicles including painting, body work, rebuilding of engines or transmissions, upholstery work, fabrication of parts and similar activities

§2.03.18 Bakery, Major. An establishment that bakes goods primarily for wholesale and that may include storage and distribution facilities.

§2.03.19 Bakery, Minor. An establishment that bakes goods for on-premises retail sales.

§2.03.20 Bar or Nightclub. An establishment serving liquor, beer, wine and other alcoholic beverages for on-premises consumption and that is not classified as a restaurant under Chapter 4 of the City Code.

§2.03.21 Barrier. A physical structure limiting access to a protected area.

§2.03.22 Basement. A portion of a building having one-half or more of its floor-to-ceiling height below grade level and having a floor-to-ceiling height of at least 6.5 ft.

§2.03.23 Bed and Breakfast. A dwelling or portion thereof using no more than six rooms to provide short term lodging accommodations and meals for the traveling public for a fee.

§2.03.24 Bedroom. A room marketed, designed or otherwise intended to function primarily for sleeping.

§2.03.25 Billboard. An off-premises sign advertising a business or service.

§2.03.26 Boarding House. A dwelling or part thereof, other than a Bed and Breakfast, where lodging and meals are provided for three or more persons for a fee.

§2.03.27 Buffer. A strip of land that is landscaped to separate incompatible land uses, as required by §9.02 Buffers, promoting visual harmony, reducing noise, diverting emissions, and reducing glare. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or earth berm.

§2.03.28 Buildable Area. The portion of a lot remaining after any required yard setbacks, open spaces, buffers and easements have been provided.

§2.03.29 Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or chattels.

§2.03.30 Building Code. The most recent building, construction and fire-related codes adopted by the City of Cullman.

§2.03.31 Building Height. For flat or parapet roof buildings, the vertical distance measured from grade level at the front of the building to the highest point of the roof. For pitched-roof buildings, the vertical distance measured from grade level at the front of the building to the average of the eaves and ridges.

§2.03.32 Building Line, Front. A line extending across the width of the lot coincident with the front-most plane of the building.

§2.03.33 Building Official. The designated employee of the City responsible for enforcing the provisions of this Zoning Ordinance and the Building Code, or their designee.

§2.03.34 Building, Principal. The building in which the primary use of the property is conducted.

§2.03.35 Building Separation. The minimum horizontal distance between the nearest portions of any structures on the same lot.

§2.03.36 Building Site. The land occupied or to be occupied by a structure and its accessory structures and including such open spaces, yards, off-street parking and loading areas as required by this Zoning Ordinance.

§2.03.37 Business or Professional Office. A room or group of rooms used for conducting the affairs of a business, profession, service, or industry and generally furnished with desks, tables and communications equipment. Includes call centers and broadcast studios but not medical clinics.

§2.03.38 Business Support Service. A business which supplies support services primarily to other businesses, such as sales of office equipment, supplies and services; cleaning services; computer and office equipment repair and similar services.

§2.03.39 Caliper. The measurement of the width of the tree trunk six inches above existing grade.

§2.03.40 Cemetery. Land used for the interment of the human dead, including buildings for the purpose of preparing the dead for interment or cremation and structures such as mausoleums and columbaria.

§2.03.41 Certificate Of Occupancy. An official document issued upon satisfactory completion of construction or change of occupancy of a building or structure and the installation of electrical, fire protection, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications and after final inspection by the Building Official.

§2.03.42 Campground. Land on which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

§2.03.43 Caretaker Dwelling. See Dwelling, Caretaker.

§2.03.44 City Arborist. The City Arborist, their designee or other City employee designated by the Mayor to review landscape plans.

§2.03.45 Club, Private. A place of assembly operated by an association of persons united by some common interest such as social, educational or recreational purposes and usually characterized by certain membership qualifications, payment of fees or dues, and holding of regular meetings. Refer to Institutional Uses.

§2.03.46 CODE OF ALABAMA. The Code of Alabama, 1975, as amended.

§2.03.47 COMMERCIAL PARKING. Parking lots or structures providing parking for uses not located on the premises.

§2.03.48 COMMERCIAL RECREATION. A commercial establishment providing recreational or sports activities to participants, including bowling alleys, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.

§2.03.49 COMMERCIAL SCHOOL. A private, gainful business providing instruction in arts, business, crafts, trades or professions.

§2.03.50 CONDITIONAL USES. Uses allowed within the district, but only upon approval of and subject to conditions set by the Planning Commission.

§2.03.51 CONSERVATION SUBDIVISION. A form of development that permits a reduction in dimensional requirements, provided there is no increase in the overall density of the development, and the remaining land area is devoted to open space, recreation, or preservation of environmentally sensitive areas. See §7.07 Conservation Subdivisions.

§2.03.52 CONSTRUCTION SERVICE, MAJOR. A place of business engaged in construction and related trade activities with outdoor storage such as a building contractor, electrician, plumber or similar trade and that may involve wholesaling of building materials. Includes wholesale building supply business.

§2.03.53 CONSTRUCTION SERVICE, MINOR. A place of business engaged in construction-related trade activities with incidental storage such as a building contractor, electrician, plumber or similar trade excluding any retail or wholesale sales.

§2.03.54 COUNTRY CLUB. Land or buildings containing recreational facilities and clubhouse for private club members and their guests.

§2.03.55 CURBSIDE SELLING. Mobile outdoor sales activities of any kind that is not located on the premises of or accessory to a permitted business within a permanent structure on the premises. This does not include door-to-door sales, food trucks or dining or retail sales approved to be located on a public sidewalk as an accessory activity to a businesses on adjoining property.

§2.03.56 DAY CARE FACILITY

A. ADULT DAY CARE CENTER. Any building or related premises used to provide care and daily activities to five or more adults for part of the day.

B. ADULT DAY CARE HOME. A dwelling used to provide care and daily activities to four or less adults for part of the day.

C. CHILD DAY CARE CENTER. Any building and related premises used for the care of thirteen or more children for part of the day.

D. CHILD DAY CARE GROUP HOME. A dwelling used for the care of seven to twelve children for part of the day with at least two adults present and supervising child care activities.

E. CHILD DAY CARE HOME. A dwelling used for the care of six or less children for part of the day.

§2.03.57 DENSITY. The ratio of lot area per dwelling unit or the number of dwelling units per acre of site area.

§2.03.58 DEVELOPED AREA. The area of a lot, as of the effective date of this Ordinance, covered by a structure, off-street parking or loading areas, paved access to off-street parking or loading areas, or other areas paved with asphalt, concrete or similar hard surface.

§2.03.59 DEVELOPMENT. The subdivision or re-subdivision of land, the construction, reconstruction, conversion, alteration, relocation or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling or disturbance of land; and any use or extension of the use of land.

§2.03.60 DIAMETER AT BREAST HEIGHT (DBH). The width of a tree trunk 4.5 ft above grade level.

§2.03.61 DRIP LINE. The circumference of the tree's natural unaltered canopy extended vertically to the ground.

§2.03.62 DUPLEX. See DWELLING, DUPLEX.

§2.03.63 DWELLING or DWELLING UNIT. One or more rooms in the same structure, connected and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping, cooking, and sanitation requirements.

A. DWELLING, ACCESSORY. A subordinate, independent dwelling unit located on the same lot as a detached single-family dwelling. See §7.04 Accessory Dwellings.

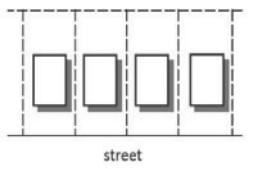
B. DWELLING, CARETAKER. A residence, incidental to a principal use, for an on-site manager, watchman or caretaker employed on the premises.

C. DWELLING, DUPLEX. A building containing two dwelling units totally separated from each other by an unpierced wall extending from basement to roof.

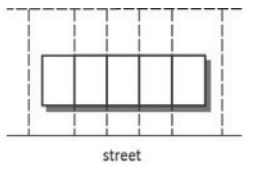
D. DWELLING, MULTIFAMILY. A building containing three or more dwelling units on one lot.

E. DWELLING, SINGLE FAMILY ATTACHED. A dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated by vertical common, fire-resistant walls.

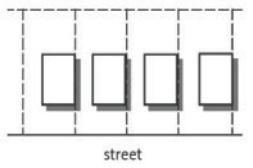
F. DWELLING, SINGLE FAMILY DETACHED. A building containing one dwelling unit and that is not attached to any other dwelling and is surrounded by open space or yards.



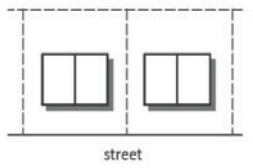
Single-family Detached Dwelling



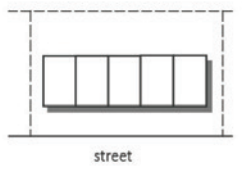
Single-family Attached Dwelling



Single-family Zero Lot Line Dwelling



Duplex Dwelling



Multifamily Dwelling

G. DWELLING, TINY HOME. A pre-fabricated, modular or site-built single-family detached dwelling under 500 sf in habitable area, excluding loft space designed and constructed for residential occupancy in accordance with the City Building Code.

H. DWELLING, UPPER-STORY. A dwelling unit located on a floor above another use in the same building.

§2.03.64 EFFECTIVE DATE OF THIS ORDINANCE. The most recent date on which this Ordinance, including any amendment thereto, became effective under Alabama law.

§2.03.65 ENTERTAINMENT USES

A. ADULT ENTERTAINMENT. See ADULT ENTERTAINMENT.

B. INDOOR ENTERTAINMENT. An establishment providing spectator entertainment within an enclosed building, including but not limited to movie theaters, playhouses, live music venues but excluding ADULT ENTERTAINMENT.

C. OUTDOOR ENTERTAINMENT. An establishment providing spectator entertainment in open or partially enclosed or screened facilities, including but not limited to sports arenas, racing tracks, drive-in theaters and amusement parks but excluding ADULT ENTERTAINMENT.

§2.03.66 EXISTING BUILDINGS. Buildings completed as of the effective date of this Ordinance

§2.03.67 FAMILY. Any one of the following arrangements when living together in a dwelling as a single-housekeeping unit: 1) an individual, 2) two or more persons related by legal adoption, blood or licit marriage plus up to two unrelated persons, 3) a group of not more than four unrelated persons.

§2.03.68 FARM. Land upon which the predominant activity is agriculture, which may also include a single family dwelling and any accessory structures incidental to the dwelling or agricultural use.

§2.03.69 FARM SUPPORT BUSINESS. A commercial establishment engaged in the sale of farm support goods and services, including but not limited to, the sale of feed, grains, fertilizers, pesticides and similar farm support goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services to farm animals.

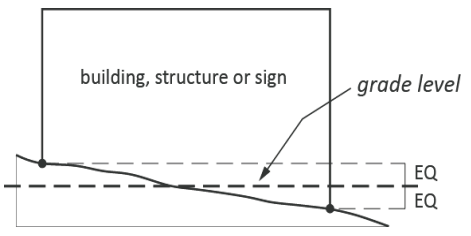
§2.03.70 FENCE. An artificially constructed barrier of any kind erected to enclose or screen.

§2.03.71 FLOOR AREA, GROSS. The total area of a building measured using the outside dimensions of the building at each floor level intended for occupancy or storage.

§2.03.72 FOWL. Chickens, turkeys, ducks, geese, quail, guineas and similar birds raised, kept or bred for agricultural or commercial purposes, for egg or food production or as pets.

§2.03.73 GAS STATION. An establishment involving the retail dispensing of automotive fuels.

§2.03.74 GRADE LEVEL. For buildings, the average level of the finished grade at the front building line. For trees, landscaping, light fixtures and signs, the level of finished grade at the base of the tree, plant, fixture or sign.



Grade Level

§2.03.75 GROUP CARE HOME. A dwelling for the sheltered care of persons, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Residents are supervised by a sponsoring entity or its staff, which furnishes rehabilitative services to the residents. A GROUP CARE HOME is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or legal guardians. GROUP CARE HOMES are further categorized as follows:

A. EMERGENCY CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.

B. FAMILY CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 *Regulations as to housing of mentally retarded or mentally ill persons in multifamily zones,* CODE OF ALABAMA.

C. TRANSITIONAL CARE HOME. A GROUP CARE HOME, serving up to 10 individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to assist persons, especially those leaving institutions, to reenter society and learn to adapt to independent living.

§2.03.76 HARDSHIP. Any condition not in control of the owner or applicant such as, but not limited to, topography, lot shape or size, location of public utilities or similar conditions deemed a hardship by the Zoning Board of Adjustment.

§2.03.77 HERITAGE TREE. A tree with historical significance due to its age or location, or which was planted in honor of or in memory of someone or some event of the past.

§2.03.78 HOBBY FARM. The keeping, raising and breeding of a limited number of livestock, fowl and other animals for agricultural purposes, but not for gain, on a property for which the principal use is a detached single-family dwelling.

§2.03.79 HOME OCCUPATION. Limited business activity conducted in conjunction with and accessory to a dwelling, that is inherently unobtrusive and unlikely to alter the character of the neighborhood nor adversely impact surrounding land uses.

§2.03.80 HOSPITAL. An institution providing health services, primarily for inpatients, and medical and surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

§2.03.81 HOTEL. An establishment providing sleeping accommodations for the traveling public, in which guest rooms are accessed from the interior of the building. HOTELS may also include, as incidental uses, dining facilities, fitness centers and similar guest services.

§2.03.82 IMPROVEMENT. Any permanent item that becomes a part of, is placed upon or is affixed to real estate.

§2.03.83 INDEPENDENT LIVING FACILITY. A residential facility, other than a GROUP CARE HOME, that may provide meals, housekeeping, linen service, transportation, social and recreational activities and similar services. Such facilities do not provide, in a majority of the units, assistance with or supervision of medication, bathing, dressing, toileting and other activities of daily living.

§2.03.84 INDUSTRIAL PARK. A tract of land that is planned, developed and operated as an integrated facility for multiple, separate industrial uses.

§2.03.85 INDUSTRIAL TRAINING CENTER. A facility providing instruction in industrial processes, equipment, and robotics and other technologies, but excluding non-industrial training programs.

§2.03.86 INSTITUTIONAL USES. Structures or land occupied by a group, cooperative, or other entity created for nonprofit purposes or for public use or services. This does not include institutional facilities which involve on-premises garages, repair or storage yards, or warehouses. Institutional uses are categorized as follows:

A. LOW INTENSITY. Government and nonprofit cultural facilities up to 4,000 sf; places of assembly up to 200 seats.

B. MEDIUM INTENSITY. Government and nonprofit cultural facilities up to 7,000 sf; health institutions up to 35,000 sf; elementary and junior high/middle schools; places of assembly up to 500 seats; other institutions up to 35,000 sf.

C. HIGH INTENSITY. Government and cultural facilities greater than 12,500 sf; health institutions greater than 35,000 sf; places of assembly greater than 500 seats; high schools, universities, colleges, junior colleges; stadiums and arenas up to 3,000 seats; other institutions greater than 35,000 sf.

§2.03.87 JUNKYARD. A lot or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Does not include RECYCLING CENTER or RECYCLING PLANT.

§2.03.88 KENNEL. An establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold, all for compensation.

§2.03.89 LANDSCAPING AREA. The unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees, or native plant materials, and which may include decorative fixtures such as rocks, pools and planters.

§2.03.90 LAUNDERING PLANT. An establishment primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; carpet and upholstery cleaners, but excluding LAUNDERING SERVICES.

§2.03.91 LAUNDRY SERVICES. Laundromat, laundry and dry cleaning pick-up stations and clothing storage, excluding LAUNDERING PLANTS.

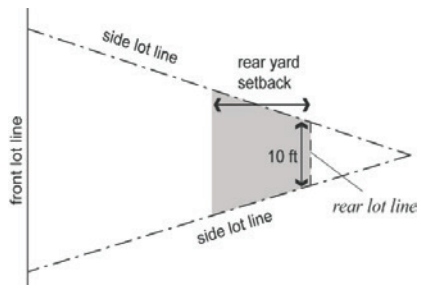
§2.03.92 LIVESTOCK ANIMAL. Any domesticated creature of the canine, feline, equine, bovine, sheep, goat, or swine species or type kept, bred or raised for agricultural or other gainful purpose.

§2.03.93 LOT FRONTAGE. Lot width measured at the front lot line.

§2.03.94 LOT LINE. A line bounding a lot, which divides it from another lot or from a street or from any other public or private place.

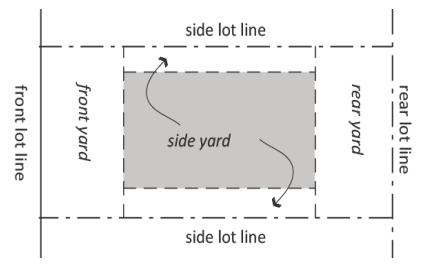
A. LOT LINE, FRONT. The LOT LINE separating a lot from the street to which it is addressed.

B. LOT LINE, REAR: That lot line that is generally parallel to and most distant from the FRONT LOT LINE. In the case of a triangular or irregularly shaped lot, a line 10 ft in length, entirely within the lot, parallel to and at the maximum distance from the FRONT LOT LINE.

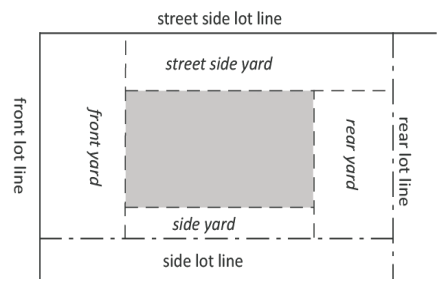


Rear Lot Line of triangular lot

C. LOT LINE, SIDE: Any LOT LINE other than a FRONT LOT LINE, STREET SIDE LOT LINE or a REAR LOT LINE.



Interior Lot



Corner Lot

§2.03.95 STREET SIDE LOT LINE. The lot line, other than the FRONT LOT LINE, separating the lot from a street right-of-way.

§2.03.96 LOT OF RECORD. A lot that has been recorded with the County Probate Judge according to Alabama Law.

§2.03.97 LOT TYPES:

A. CORNER LOT. A lot that has frontage on more than one intersecting Street.

B. INTERIOR LOT. A lot other than a CORNER LOT.

§2.03.98 LOT WIDTH. The distance between the side lot lines as measured at the front building line. For corner lots, lot width is measured between the side lot line and the opposite lot line.

§2.03.99 MANUFACTURED HOME. A structure constructed on or after June 15, 1976, according to the rules of the US Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight feet wide or at least 40 ft long or, when erected on site, at least 320 sf; includes the plumbing, heating, air conditioning, and electrical systems of the home.

§2.03.100 MANUFACTURED HOME PARK. Land used or designed as a manufactured home community containing multiple spaces for rent or lease.

§2.03.101 MANUFACTURED HOME SPACE. A space designed for the placement of a manufactured home within a MANUFACTURED HOME PARK.

§2.03.102 MEDICAL CLINIC. A building in which a group of physicians, dentists, and associated professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory or surgery facilities but not in-patient care.

§2.03.103 MINI-WAREHOUSE. A building or group of buildings containing separate, individual and private storage spaces for rent or lease.

§2.03.104 MODULAR STRUCTURE. A structure bearing certification supplied through the state manufactured housing commission.

§2.03.105 MOTEL. An establishment providing sleeping accommodations for the travelling public, in which lodging rooms are accessed from the exterior of the building. MOTELS may also include, as incidental uses, dining facilities, fitness centers and similar guest services.

§2.03.106 NATIVE TREE. A tree that has a DBH of at least 12 inches and is an oak, hickory, sycamore, pine, yellow poplar, sweet gum, elm, hackberry or sugarberry, magnolia, cypress, or a newly planted tree on a development site.

§2.03.107 NONCONFORMING BUILDING or STRUCTURE. A building or structure that does not conform to the area or dimensional requirements of the applicable district.

§2.03.108 NONCONFORMING LOT. A lot of record that does not conform to the area and dimensional requirements of the applicable district, including any area required by this Ordinance for parking, loading and buffers required of the existing or proposed use.

§2.03.109 NONCONFORMING USE. A use that does not conform to the regulations of the applicable district.

§2.03.110 NONRESIDENTIAL. Land uses including agricultural, institutional, commercial, lodging and industrial activities.

§2.03.111 OFF-STREET PARKING. An area of concrete, asphalt or similar hard surface, not in a street or alley, permanently reserved for the temporary storage of automobiles, as required by Article 8.

§2.03.112 OFFICE. See BUSINESS OR PROFESSIONAL OFFICE.

§2.03.113 OPEN SPACE. A yard area not used for a building, structure, driveway, parking, loading or storage.

§2.03.114 OPEN SPACE, COMMON. Land area within a development that is held in common ownership and maintained by a property owner's association for all of the owners for recreation, protection of natural land features, amenities or buffers; is freely accessible to all owners of the development; and, is protected by the provisions of this Ordinance to insure that it remains in such uses.

§2.03.115 OUTDOOR STORAGE. The keeping in an unenclosed area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

§2.03.116 OWNER. The person having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land, or their authorized designee.

§2.03.117 PERSONAL SERVICE. An establishment providing services involving the care of a person or their personal goods or apparel, including repair of watches, phones, tablets, computers and other personal electronics.

§2.03.118 PLACE OF ASSEMBLY. A facility used for and providing religious, fraternal, recreational, social, educational or cultural activities.

§2.03.119 PRINTING SERVICE. Blue printing, copying, printing, engraving or other reproduction services.

§2.03.120 PUBLIC FACILITY. Buildings providing public services, not otherwise defined in this Section, including government offices, post offices, museums, libraries, transit stations, police and fire stations, emergency service stations, civil defense operations and similar uses.

§2.03.121 PUBLIC UTILITY FACILITY. A facility that provides public utility services to the public at large, including water and sewer, stormwater, gas distribution, electric transmission and distribution, and cable transmission and distribution facilities.

§2.03.122 RECYCLING CENTER. Land, with or without buildings, where used materials are collected and may be separated before being transported to a RECYCLING PLANT or other location for processing and eventual reuse.

§2.03.123 RECYCLING PLANT. A facility, other than a junkyard, in which recoverable resources, such as paper, plastic, glass, and metal cans are recycled, reprocessed and treated to return such products to a condition in which they may be used again in new products.

§2.03.124 REPAIR SERVICE. An establishment engaged in the repair and maintenance of electrical, electronic and mechanical equipment, and home and business appliances.

§2.03.125 RESEARCH LABORATORY. Facility for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

§2.03.126 RESIDENT. A person who receives care and resides in a GROUP CARE HOME, NURSING CARE FACILITY or ASSISTED LIVING FACILITY.

§2.03.127 RESTAURANT:

A. FAST FOOD RESTAURANT. An establishment where food and drink may be ordered from and delivered to an automobile.

B. PICK-UP AND DELIVERY ONLY RESTAURANT. An establishment where food and drink are prepared and sold for consumption off-premises only.

C. STANDARD RESTAURANT. An establishment where food and drink are prepared, served and consumed, mostly within the principal building.

§2.03.128 RETAIL, GENERAL. Retail sales of goods and services including, but not limited to; clothing and shoe stores, home furnishings, appliance stores, automobile parts and supply stores, gift shops, florist shops, drugstores, medical supplies, hardware stores, jewelry stores, sporting goods stores and antique shops.

§2.03.129 RETAIL, UNENCLOSED. Retail sales of goods and services conducted partially or fully outside of a building, including but not limited to flea markets, monument sales, lumber yards and similar activities. Other types of outdoor retail sales are separately categorized as HEAVY EQUIPMENT AND VEHICLE SALES, RENTAL AND SERVICE; VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE; and VEHICLE SALES OR RENTAL.

§2.03.130 SHIPPING CONTAINER. A metal container fabricated for transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, Conex boxes and other portable structures used for storage.

§2.03.131 SIGN. Any structure or part thereof which is used to announce, direct attention to or advertise.

§2.03.132 SMALL CELL FACILITIES. A type of wireless broadband infrastructure involving small cell wireless technology that typically takes the form of small antennae placed on buildings, utility poles and other existing structures. This does not include TELECOMMUNICATION TOWER.

§2.03.133 SMALL SCALE INDUSTRY. SEE INDUSTRY, SMALL SCALE.

§2.03.134 SMALL SHADE TREE. A medium-size tree of 30 to 40 feet at mature height.

§2.03.135 SPECIAL EXCEPTION. A use or characteristic of development that would not generally be appropriate in a zoning district without restriction, but which if controlled as to number, area, location or relation to the area, would not be detrimental to the public health, safety and general welfare. Special exceptions require approval by the Zoning Board of Adjustment. See §13.04 Special Exceptions.

§2.03.136 STAFF. Persons who provide personal care services, supervision or assistance to residents in a GROUP CARE HOME, NURSING CARE FACILITY or ASSISTED LIVING FACILITY.

§2.03.137 STREET LINE. The dividing line between a right-of-way and adjoining property, including planned rights-of-way.

§2.03.138 STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, including buildings or signs.

§2.03.139 STUDIO. A place of work for an artist, photographer or craftsman, including instruction, display, production and retail sales of materials produced on the premises.

§2.03.140 SUBDIVISION REGULATIONS. The Subdivision Regulations of the City of Cullman, Alabama.

§2.03.141 SURVEYOR. A professional surveyor registered and in good standing with the State of Alabama Board of Registration for Professional Engineers and Surveyors.

§2.03.142 SWIMMING POOL APRON. A concrete deck around the perimeter of a swimming pool used for access to the pool and location of slides and diving boards. Does not include any contiguous patio as determined by the Building Official.

§2.03.143 TELECOMMUNICATION TOWER. A tower, pole or similar structure that supports wireless telecommunication equipment, transmission or reception, and is utilized by commercial, governmental or other public or quasi-public users, above ground in a fixed location, free-standing, guyed, or on a structure. This does not include communication towers for AMATEUR RADIO TOWERS or SMALL CELL FACILITIES.

§2.03.144 USE. The purpose for which land, buildings or structures are designed, arranged or intended, or for which they may be occupied or maintained.

§2.03.145 VARIANCE. A relaxation of the terms of the zoning regulations where such relaxation will not be contrary to the public interest.

§2.03.146 VEHICLE SALES, RENTAL AND SERVICE

A. HEAVY EQUIPMENT AND VEHICLE SALES, RENTAL AND SERVICE. The sale or rental of trucks over one ton and construction and similar equipment, including the storage, maintenance and servicing of the same.

B. VEHICLE AND EQUIPMENT SALES, RENTAL AND SERVICE. The sale or rental of manufactured homes, tractors, farm implements and similar equipment, including the storage, maintenance and servicing of the same.

C. VEHICLE SALES, RENTAL AND SERVICE. The sale or rental of automobiles, light trucks, recreational vehicles, boats, motorcycles, including the storage, maintenance and servicing of the same.

§2.03.147 VETERINARY HOSPITAL. A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.

§2.03.148 WHOLESALING ESTABLISHMENT. An establishment primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesaling establishments include those with accessory retail sales provided that retail sales do not exceed 10% of inventory or sales.

§2.03.149 WIRELESS EQUIPMENT. A wireless communication installation including antennae, antenna array, and any structure or device used to contain ancillary equipment for a wireless facility. This does not include TELECOMMUNICATION TOWER.

§2.03.150 YARD. An open area of a lot, not occupied by any use or structure, measured from a property line to the nearest point of a structure. A required yard means a yard the depth of which is specified in the "Area and Dimensional Regulations" for the applicable district. Refer also to LOT LINE and accompanying diagrams.

A. FRONT YARD. That area extending across the front of a lot corresponding with the FRONT LOT LINE between the SIDE LOT LINES. Refer to CORNER LOT for FRONT YARD location.

B. REAR YARD. A yard extending across the rear of a lot between the SIDE LOT LINES. On all lots, the REAR YARD is opposite the FRONT YARD.

C. SIDE YARD. A yard between the principal building and the SIDE LOT LINE and extending from the required FRONT YARD to the required REAR YARD.

D. STREET SIDE YARD. That area extending across the front of a lot corresponding with the Street SIDE LOT LINE between from the required FRONT YARD to the REAR LOT LINE.

§2.03.151 ZONING BOARD OF ADJUSTMENT or ZBA. The Zoning Board of Adjustment of the City of Cullman, Alabama.

Section 2.04 Abbreviations used in this Ordinance

§2.04.01 ac - acre

§2.04.02 ADEM – Alabama Department of Environmental Management

§2.04.03 amp – ampere (unit of electric current)

§2.04.04 BMP – Best Management Practices

§2.04.05 FEMA – Federal Emergency Management Agency

§2.04.06 FIRM- Flood Insurance Rate Map

§2.04.07 ft - feet

§2.04.08 max. - maximum

§2.04.09 MDP – Master Development Plan

§2.04.10 min. - minimum

§2.04.11 n/a – not applicable

§2.04.12 NFPA – National Fire Protection Association

§2.04.13 PUD – Planned Unit Development

§2.04.14 RV – recreational vehicle

§2.04.15 sf – square feet

§2.04.16 TND – Traditional Neighborhood Development

§2.04.17 ZBA – Zoning Board of Adjustment

ARTICLE 3. GENERAL REGULATIONS

Section 3.01 Minimum Regulations

The following regulations are minimum regulations applicable to all uses of land and structures within the City.

Section 3.02 Lots, Yards and Open Spaces

§3.02.01 No part of a yard or other open space required about any structure may be included as part of a yard or open space required for another structure.

§3.02.02 No lot, yard, building site or open space may be reduced in area so that the lot, building site, yards or open spaces are less than the minimum required by this Ordinance. All yards, lots, building sites and open spaces created after the effective date of the ordinance must meet the minimum requirements of this Ordinance.

§3.02.03 Every structure, other than an accessory structure, erected, altered, used or occupied must have its own separate building site.

§3.02.04 Exceptions and Modifications

A. Where a lot of record does not conform to the requirements of the applicable district, the lot may nonetheless be used as a building site upon approval of a variance by the ZBA. See §13.03 Variances.

B. The front yard setback may be reduced to the average front yard setback of existing buildings within 100 ft of a lot on the same block face and in the same district when the average is less than that required by the district. This is determined by the Building Official, who may refer to the Commission for its consideration.

C. On a corner lot nothing may be erected, placed, planted, or allowed to grow in such a manner that will obstruct a motorist's line of sight in accordance with AASHTO Geometric Design of Highways and Streets, latest addition.

D. On any lot which, as of the effective date of this Ordinance, may be reduced in area by widening a public street to a future street line as indicated on the Major Street Plan, the minimum required setbacks, lot areas, lot width and the maximum building area are measured by considering the future street lines as the lot lines of the lot.

Section 3.03 Maximum Height

All structures must comply with the applicable height restrictions of this Ordinance and of the City Building Code. However, the height restrictions of this Ordinance do not apply to monuments, water towers, observation towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials and similar structures. A fall radius for these towers and other structures may be required by the Commission.

Section 3.04 Uses

§3.04.01 No land may be used nor building erected, enlarged, reconstructed, moved, structurally altered or used except for a use permitted by right, approved by the Commission as a Conditional Use or by the ZBA as a Special Exception Use in the applicable district. Uses are permitted within each district as specified in Articles 4, 5 and 6.

§3.04.02 If a use is not specifically referred to in this Ordinance, its status may be determined by the Building Official by reference to the most clearly analogous use in the applicable Table of Permitted Uses or as previously determined by the Commission. If a proposed use is not analogous to a use in the Table of Permitted Uses, the Building Official will refer the matter to the Commission.

§3.04.03 Certain uses are subject to "Use-Specific Regulations" in Article 7.

§3.04.04 Temporary, protective shelters approved by the Building Official may be used as temporary, emergency living quarters in any district.

§3.04.05 Any use that will abut an existing use of lesser intensity must provide a buffer between it and the existing use in accordance with §9.02 Buffers.

§3.04.06 Accessory uses and structures may not be established on a premises before the principal use or structure is established.

Section 3.05 Off-Street Parking and Loading Areas

All uses must provide off-street parking and loading areas in accordance with Article 8 Parking and Loading Standards.

Section 3.06 Limitation of Structures on Residential Lots

§3.06.01 Other than multifamily developments, only one principal building plus any permitted accessory structures is permitted on lots used for residential purposes.

§3.06.02 Accessory Structures

A. Accessory structures may not include living quarters, except where expressly permitted as Accessory Dwellings, in accordance with §7.04 Accessory Dwellings. Storm shelters, any other similar shelters used for temporary emergency protection, and swimming pool buildings that contain no sleeping or cooking facilities are not considered living quarters.

B. Accessory structures:

1) may not extend closer to any front or street side lot line than the principal building except protective shelters as provided in §3.06.02.A

2) may not cover more than 30% of the rear yard

3) must be set back at least ten feet from rear and side lot lines

4) must be set back at least ten feet from the principal building

5) may not be placed within or extend into an easement

Section 3.07 Common Open Spaces and Facilities

For all proposals involving the creation of open spaces or facilities to be owned and maintained by the developer or a homeowner, property owner, or condominium association, the following apply:

§3.07.01 If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.

§3.07.02 Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:

A. allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including provisions for ongoing maintenance and for long-term capital improvements

B. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which such funding will be obtained or provided

C. provides that any changes to the plan be approved by the Commission

D. provides for enforcement of the plan

§3.07.03 In the event the party responsible for the common open space or facilities fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Costs will become a lien on all involved properties.

Section 3.08 Walls and Fences

Walls and fences are not permitted to be erected, placed, maintained or grown in any manner that impedes the natural flow of stormwater or obstructs a motorist's line of sight (see §3.02.04).

Section 3.09 Mobile and Portable Buildings

Trailers, buses, boats, manufactured homes, recreation vehicles, box trailers, truck beds, van bodies and similar structures built to be mobile are not permitted in any zoning district, other than for transportation purposes, except as follows:

§3.09.01 Manufactured homes may be located within a permitted manufactured home park or permitted manufactured home sales establishment. Manufactured homes may not be altered for a use other than their originally intended purpose nor be used for storage or as an accessory structure.

§3.09.02 Portable buildings may be used temporarily as offices or for storage in conjunction with construction projects in accordance with §3.17 Temporary Construction Phase Requirements.

§3.09.03 Shipping containers may be allowed in Business and Manufacturing Districts for storage only and only upon inspection and approval by the Building Official. Shipping containers must be located toward the rear or interior of the lot. If location on site, including screening by other structures, is insufficient to obscure containers from public view, the Building Official may require fencing or other screening in accordance with §9.03 Screening.

Section 3.10 Outdoor Storage and Dumpsters

§3.10.01 Outdoor Storage

A. Outdoor storage on residential premises is limited to the storage of equipment, materials and other items customarily associated with the residential use.

B. In all uses, other than detached single-family and duplex dwellings, outdoor storage must be screened from public view and from view of adjoining properties in accordance with §9.03 Screening.

C. Outdoor storage may not create a public nuisance. Any outdoor storage creating a public nuisance or health hazard may be abated by the ZBA in accordance with §13.05 Abatement of Hazard or Nuisance.

D. No storage is permitted forward of the front building line.

§3.10.02 Dumpsters

A. Approved dumpsters, which are scheduled for regular collection, may contain only approved refuse.

B. The dumpster must be placed on a concrete pad at least 12 feet wide, 12 feet long and six inches thick and must be screened in accordance with §9.03 Screening. If fencing is installed, a minimum opening width of 12 feet is required.

Section 3.11 Modular Structures

Modular homes designed and used as detached single-family dwellings are treated the same as those constructed on-site. However, modular structures for permitted nonresidential use require conditional use approval (see §12.02 Conditional Uses). In all cases, the Building Official has authority to ensure that installation of all utilities and other items, including those shown on the site plan, conform to applicable local codes. Certification from the Alabama Manufactured Housing Commission must be properly affixed to the structure and state whether it was constructed for residential or nonresidential purposes.

Section 3.12 Liquefied Petroleum Fuel Tanks

Liquefied petroleum fuel, propane and butane tanks may not be located forward of the front building line.

Section 3.13 Flood Hazard Areas

All uses in areas subject to flooding must be permitted as Special Exception Use by the ZBA. Flood hazard areas are those areas defined by the most recently issued FEMA FIRM map. All properties in these districts must comply with chapter 20, article II of the City Code.

Section 3.14 Energy Conservation Encouraged

The city, recognizing the need for energy conservation, encourages the use of renewable energy sources and recommends structures, planting, ground covers and other site elements be designed in a manner to conserve energy and fuels.

Section 3.15 Sidewalks

§3.15.01 The Commission may require that all nonresidential and multifamily developments have a concrete sidewalk at least five feet in width across the entire lot frontage. This applies to both frontages of corner lots and double-frontage lots.

§3.15.02 For all nonresidential and multifamily developments, off-street parking must be separated from principal buildings by a continuous six-foot-wide concrete sidewalk.

§3.15.03 A concrete sidewalk, at least five feet in width, may be required in residential areas where, in the Commission's opinion, the public safety and welfare requires it.

§3.15.04 Sidewalks required along lot frontages should be located with the inner edge along the front lot line to the degree practicable. The City Engineer must approve an alternate location or alignment.

§3.15.05 Required sidewalks must comply with the requirements of the Americans with Disabilities Act (ADA).

Section 3.16 Accessibility

All new buildings must comply with the applicable provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG), 42 USC 12101 et seq., and City Building Code.

Section 3.17 Temporary Construction Phase Requirements

§3.17.01 Field Offices. Structures used for temporary field offices must be located within the property lines of the project or another location expressly approved by the Building Official. Temporary field offices may be placed no earlier than the effective date of the Building Permit and must be removed from the property before the Certificate of Occupancy shall be issued. Temporary field offices may be supplied with electrical power and telephone service in compliance with all local codes. At no time may a temporary field office be used as a dwelling.

§3.17.02 Portable Toilets

A. All new construction must have at least one portable toilet, complying with all health department regulations, located within the property lines of the project or another location expressly approved by the Building Official. The Building Official may waive this requirement for renovation projects and otherwise if sanitary facilities are available on-site.

B. The contractor is responsible for maintaining the portable toilets in a manner conducive to the public health and safety.

§3.17.03 Silt Barriers and BMPs. A continuous silt barrier is required on all construction projects to minimize particulate runoff. The silt barrier and other best management practices (BMPs) must be maintained throughout construction.

Section 3.18 Stormwater Drainage

Runoff from any structures and other impervious surfaces, swimming pools and downspouts may not be directed onto adjoining properties. Other than downspouts, drainage may only be directed to public rights-of-way with approval of the City.

ARTICLE 4. RESIDENTIAL DISTRICTS

Section 4.01 General Regulations

The following regulations apply in all residential zoning districts.

§4.01.01 *Uses*. In addition to those uses shown as permitted, Special Exception Uses and Conditional Uses in Table 4-1, the following use regulations apply:

A. *Permitted Uses*. Accessory structures such as, but not limited to private detached garages, barbecue pits, swimming pools, storage buildings, play areas and play equipment are permitted in all residential districts but not before the principal building

B. *Conditional Uses*. Conditional uses must be approved by the Planning Commission in accordance with §12.02 Conditional Uses. In addition to those uses shown in Table 4-1 as conditional uses, similar items designated by the Commission, which come within the spirit or intent of the zoning district, may be permitted as Conditional Uses.

C. *Prohibited Uses*. The following are prohibited:

1) Commercial and industrial uses not specifically permitted

2) Off-street parking and loading areas for uses not permitted in the applicable district

3) Manufactured home parks

4) Campgrounds

5) Miniature golf courses and driving ranges operated for commercial purposes

6) Any other uses that do not come within the spirit or intent of the zoning district, as determined by the Commission.

§4.01.02 *Area and Dimensional Requirements*. See Table 4-2 and the following:

A. *Conservation Subdivisions.* Area and dimensional requirements may be reduced for single family subdivisions designed pursuant to §7.07 Conservation Subdivisions.

B. *Nonresidential Uses*. All nonresidential uses permitted in a residential district are subject to the area and dimensional requirements for detached single-family dwellings in that district. For Special Exception Uses and Conditional Uses, the approving authority may increase these requirements as a condition of approval to assure the use is consistent with the density of and properly buffered in relation to surrounding residential development.

C. Zero Lot Line Development. For permitted attached dwellings, a maintenance easement at least five feet wide must be secured on the adjoining lot along the side where the zero setback is proposed.

D. Accessory Structures

1) Swimming pool aprons may not extend closer than ten feet to any property line.

2) Any structure used for the housing of household pets of any kind must be set back as required for all other accessory structures in accordance with §3.06.02.

Section 4.02 R-1 Low Density Single-Family Residential District

§4.02.01 *Purpose*. The purpose of the R-1 District is to protect existing and enable development of new single-family residential areas at low densities, including other uses customary to such neighborhoods.

Section 4.03 R-2 Medium Density Single-Family Residential District

§4.03.01 *Purpose*. The purpose of the R-2 District is to protect existing and enable development of new single-family residential areas and the development of new areas at moderate densities, including other uses customary to such neighborhoods.

Section 4.04 R-3 High Density Single-Family and Duplex Residential District

§4.04.01 *Purpose*. The purpose of the R-3 District is to protect existing and enable development of new single-family residential areas at high densities along with other housing types and nonresidential uses customary to such neighborhoods.

A. Attached single-family dwellings may not be developed between two occupied detached single-family dwellings on the same block frontage.

B. Not more than two duplexes may be developed between two occupied detached single-family dwellings on the same block frontage.

Section 4.05 R-4 Single-Family and Multifamily Residential District

§4.05.01 *Purpose*. The purpose of the R-4 District is to protect existing and enable development of new single-family and multifamily residential areas at high densities along with nonresidential uses customary to such neighborhoods.

Table 4-1: Uses Permitted in Residential Districts

	R-1	R-2	R-3	R-4
Residential Uses				
Accessory Dwelling, see §7.04		SE	P	P
Caretaker Dwelling	SE	SE	SE	SE
Duplex			P	P
Single-family Dwelling, attached, see §7.03			P	P
Single-family Dwelling, detached	P	P	P	P
Multifamily Dwelling, more than 4 units per building				P
Quadplex				P
Triplex				P
Day Care Facilities				
Child or Adult Day Care Center		C	C	C
Child Day Care Group Home (7-12 children)		C	C	C
Child Day Care Home (up to six children)	C	P	P	P
Residential Care Facilities				
Assisted Living Facility				C
Emergency Care Home (see §11-52-75.1, Code of Alabama)				P
Family Care Home (see §11-52-75.1, Code of Alabama)			C	P
Independent Living Facility (up to 6 residents)			C	P
Independent Living Facility (more than 6 residents)				P
Nursing Care Facility				C
Transitional Care Home				C
Other Nonresidential Uses				
Amateur Radio Tower	P	P	P	P
Bed and Breakfast, see §7.05	C	C	C	C
Boarding House, see §7.06			C	P
Cemetery	C	C	C	C
Golf Course	C	C	C	C
Home Occupation, see §7.09	SE	SE	SE	SE
Institutional Use, Low intensity	C	C	C	C
Institutional Use, Medium intensity	C	C	C	C
Parks, Playgrounds and Nature Preserves	C	C	C	C
Public Buildings	C	C	C	C
Public Utility Facility	P	P	P	P
Recreation Facility, Public	C	C	C	C
Residential (Country) Club	C	C	C	C
Short-Term Rentals, subject to §7.13		P	P	P
Small Cell Facilities	SE	SE	SE	SE
Telecommunications Tower, see §7.15	C	C	C	C

Table 4-1: Uses Permitted in Residential Districts

P – The use is permitted by right
SE – Special Exception, requires approval by the Zoning Board of Adjustments per §13.04
C – Conditional use, requires approval by the Planning Commission per §12.02
A blank cell indicates the use is not permitted.

Table 4-2 Residential District Area and Dimensional Requirements

	Minimum Yard Setbacks				Minimum Lot Width	Minimum Lot Area
	Front	Street Side	Rear	Side		
R-1	40 ft	20 ft	40 ft	15 ft	100 ft	15,000 sf
R-2	35 ft	15 ft	40 ft	10 ft	80 ft	12,000 sf
R-3						
Detached single-family	35 ft	15 ft	35 ft	10 ft[1]	60 ft	10,500 sf
Attached single-family, see also §7.03					25 ft	3,000 sf
Duplex					70 ft	12,500 sf
R-4						
Detached single-family					50 ft	7,500 sf
Attached single-family, see also §7.03					20 ft	2,500 sf
Duplex	30 ft	15 ft	35 ft	10 ft[1]	60 ft	10,000 sf
Triplex					65 ft	12,500 sf
Quadplex					70 ft	15,000 sf
Multifamily					100 ft	25,000 sf

[1] Applies only on the unattached side of attached single-family dwellings.

ARTICLE 5. NONRESIDENTIAL DISTRICTS

Section 5.01 General Regulations

The following regulations apply in all nonresidential districts set out in this Article.

§5.01.01 *Uses*. In addition to those uses shown as permitted, Special Exceptions Uses and Conditional Uses in Table 5-1, the following use regulations apply:

A. *Permitted Uses*. In addition to those shown as permitted by right in Table 5-1, the following uses are permitted:

1) Accessory structures customarily incidental to a permitted principal use

B. *Conditional Uses*. Conditional uses must be approved by the Planning Commission in accordance with §12.02 Conditional Uses. In addition to those uses shown in Table 5-1 as conditional uses, other uses determined by the Commission to be within the spirit or intent of the zoning district, may be permitted as Conditional Uses.

C. *Prohibited Uses*. The following are prohibited:

1) Curbside selling of any type
2) Manufactured homes and manufactured home parks
3) Campgrounds
4) Off-street parking and loading areas for uses not permitted in the applicable district
5) Similar uses which are not within the spirit or intent of the zoning district, as determined by the Commission.

§5.01.02 *Area and Dimensional Requirements*. See Table 5-2.

Section 5.02 B-1 Neighborhood Shopping District

§5.02.01 *Purpose*. The B-1 District is intended to provide for the most frequent daily needs of an immediate residential neighborhood. The district regulations are designed to protect the character of the area and to encourage further appropriate development with a mixture of existing residential units and light commercial uses.

§5.02.02 *Use Regulations*

A. Retail and restaurant uses developed after the effective date of this Ordinance may not exceed 10,000 sf in gross floor area.

Section 5.03 B-2 General Business District

§5.03.01 Purpose. The B-2 District is designed to accommodate the development of a wide range of commercial business and service required by the residents of the city and surrounding areas.

§5.03.02 Use Regulations

A. Not more than 50 % of the floor space of a retail or wholesale business or service may be used for warehousing.

B. Manufacturing incidental to retail business where articles are sold at retail on the premises may only be permitted as a Conditional Use.

Section 5.04 B-3 Volume Business District

§5.04.01 Purpose. The B-3 District is designed for business that, by its nature, requires more warehousing, parking, loading and unloading space than is required by the B-2 General Business District.

§5.04.02 Use Regulations

A. Not more than 80% of the floor space of a retail or wholesale business or service may be used for warehousing.

B. Manufacturing incidental to retail business where articles are sold at retail on the premises may only be permitted as a Conditional Use.

C. Truck stops may only be developed on properties located within 1,000 ft of an interstate interchange and require Conditional Use approval by the Commission.

Section 5.05 CBD Central Business District

§5.05.01 Purpose. The CBD District is designed to promote a convenient pedestrian shopping area by encouraging continuous retail frontage in a concentrated area supported by a mix of other commercial activities and upper-story residential uses.

§5.05.02 Use Regulations

A. No more than 50% of the floor space of a retail or wholesale business or service may be used for warehousing.

B. Manufacturing incidental to retail business where articles are sold at retail on the premises may only be permitted as a Conditional Use.

Section 5.06 INST Institutional District

§5.06.01 *Purpose*. The INST District is intended for a range of institutional uses subject to standards to assure compatibility with adjoining uses often within other zoning classifications.

Section 5.07 M-1 Light Industry District

§5.07.01 *Purpose*. The M-1 District is intended for a limited range of light industrial activities which, by their nature, are not obnoxious, offensive or detrimental to any surrounding properties by reason of noise, smoke, gas, vibration, fumes, dust, fire, and explosive hazard or nuisance.

§5.07.02 *Use Regulations*

A. Conditional uses. In accordance with Table 5-1, the following and similar general manufacturing and industrial uses are conditional uses:

1) Concrete manufacturing plants
2) Food processing plants
3) Lumber mills and open storage of building materials
4) Concrete block manufacturing plants

B. Prohibited uses. The uses identified in Table 5-3 are expressly prohibited.

C. Sorting and similar operations of recycling plants must be within a fully enclosed structure.

Section 5.08 M-2 General Industry District

§5.08.01 *Purpose*. The M-2 District is intended for industrial activities which, by their nature, are not obnoxious, offensive or detrimental to any surrounding properties by reason of noise, smoke, gas, vibration, fumes, dust, fire, and explosive hazard or nuisance.

§5.08.02 *Use Regulations*

A. Conditional uses. In accordance with Table 5-1, the following and similar general manufacturing and industrial uses are conditional uses:

1) Concrete manufacturing plants
2) Food processing plants
3) Lumber mills and open storage of building materials
4) Concrete block manufacturing plants
5) Gasoline, gas, oil or alcohol distributorships
6) Manufacturing of paint, turpentine or varnish

B. Prohibited uses. The uses identified in Table 5-3 are expressly prohibited.

C. Sorting and similar operations of recycling plants must be within a fully enclosed structure.

Section 5.09 M-1-P Industrial Park

§5.09.01 Purpose. The M-1-P Industrial Park District is intended for the development of industrial parks, which are operated as coordinated and integrated facilities for multiple industrial uses, and other uses supportive of and customary to industrial park development. The regulations are intended to limit businesses or operations in industrial parks to those that are not obnoxious, offensive, or detrimental to surrounding properties by reason of noise, smoke, gas, vibration, fumes, dust, fire and explosive hazard or nuisance

§5.09.02 Conditional uses. In accordance with Table 5-1, the following are conditional uses:

A. Contract storage yards
B. Concrete manufacturing plants
C. Food processing plants
D. Lumber mills and open storage of building materials
E. Concrete block manufacturing plants

§5.09.03 Prohibited uses. The uses identified in Table 5-3 are expressly prohibited.

§5.09.04 Sorting and similar operations of recycling plants must be within a fully enclosed structure.

Table 5-1 Uses Permitted in Nonresidential Districts

P – The use is permitted by right
E – The use is permitted by right, if existing as of the effective date of this ordinance. New construction of the use is prohibited.
SE – Special Exception, requires approval by the ZBA per §13.04
C – Conditional use, requires approval by the Commission per §12.02
A blank cell indicates the use is prohibited in the district.

Uses	B-1	B-2	B-3	CBD	INST	M-1	M-1P	M-2
Commercial Uses								
Ambulance Service	P	P	P	C				
Alternative Financial Service (with no outdoor storage), see §7.01	P	P	P	P				
Alternative Financial Service (with outdoor storage), see §7.01		P	P					
Automobile Repair, Minor	P	P	P	P				
Automobile Repair, Major	C	P	P					
Business or Professional Office	P	P	P	P				
Business Support Service	P	P	P	P				
Construction Service, Minor		P	P			C	C	C
Construction Service, Major		P	P			C	C	C
Car Wash	P	P	P					
Farm Support Business	C	P	P					
Funeral Home	C	P	P	C	C			
Home Occupation	P	P	P	P				
Maintenance Service	C	P	P					
Medical Clinic	P	P	P	P	C			
Mini-storage Facility		C	C					
Outdoor Storage			C			P	P	P
Parking, Commercial	P	P	P	P	C	P		P

Table 5-1 Uses Permitted in Nonresidential Districts

P – The use is permitted by right
E – The use is permitted by right, if existing as of the effective date of this ordinance. New construction of the use is prohibited.
SE – Special Exception, requires approval by the ZBA per §13.04
C – Conditional use, requires approval by the Commission per §12.02
A blank cell indicates the use is prohibited in the district.

Uses	B-1	B-2	B-3	CBD	INST	M-1	M-1P	M-2
Pawn shop	P	P	P	P				
Printing Service	P	P	P	P				
Repair Service		P	P	P				
Research Laboratory	C	P	P	P		P	P	P
School, Commercial		P	P	P	C			
Studio	P	P	P	P				
Truck Stop			C					
Wholesaling Establishment		P	P	P				
Wholesaling, Beer or Wine			P			P	P	P
Day Care Facilities								
Child or Adult Day Care Center	P	P	P	P	P			
Child Day Care Center accessory to a permitted business	P	P	P	P	P	P	P	P
Adult Day Care Home	P							
Child Day Care Group Home	P							
Child Day Care Home	P							
Institutional Use								
Low intensity	P	P	C	P	P			
Medium Intensity	P	C	C	C	P			
High Intensity		C		C	P			
Animal Shelter			C		C			
Cemetery		C	C		C			
Hospital		C	C	C	C			
Lodging Uses								
Bed and Breakfast, subject to §7.05	P			P				
Hotel		P	P	P				
Motel		P	P					
Short Term Rental, subject to §7.13	P	P	P	P				
Manufacturing and Industrial Uses								
Bakery, Major						P	P	P
Heavy Industry						C	C	C
Industrial Training Center						C	C	C
Junkyard, subject to §7.10		C	C					
Laundering Plant						C	C	C
Manufacturing, General						C	C	C
Manufacturing, Light						P	P	P
Recycling Center		C	C					
Recycling Plant						C	C	C
Warehousing and Distribution Center						P	P	P
Personal services								
Personal services	P	P	P	P				
Laundry services	P	P	P	P				
Tattoo facilities, subject to §7.14			P					
Veterinary Hospital, with no outside boarding	C	P	P	C				
Recreation and Entertainment								
Entertainment, Indoor	P	P	P	P				
Entertainment, Outdoor	C	C	C	C				

Table 5-1 Uses Permitted in Nonresidential Districts

P – The use is permitted by right
E – The use is permitted by right, if existing as of the effective date of this ordinance. New construction of the use is prohibited.
SE – Special Exception, requires approval by the ZBA per §13.04
C – Conditional use, requires approval by the Commission per §12.02
A blank cell indicates the use is prohibited in the district.

Uses	B-1	B-2	B-3	CBD	INST	M-1	M-1P	M-2
Golf Course	P	P	P					
Parks, Playgrounds and Nature Preserves	P	P	P	P	P			
Recreation, Commercial	C	C	C	C				
Recreation Facility, Public	C	C	C	C	C			
Residential Care Facilities								
Assisted Living Facility	P	P	P		C			
Independent Living Facility	P	P	P					
Nursing Care Facility	P	P	P		P			
Residential Uses								
Caretaker Dwelling	P	P	P	P				
Duplex	E	E	E	E		E		E
Multifamily dwellings (more than 4 units per bldg.)	C	C	C	C				
Quadplex	E	E	E	E		E		E
Single-family attached, subject to §7.03	E	E	E	E		E		E
Single-family detached	E	E	E	E		E		E
Triplex	E	E	E	E		E		E
Upper-story dwellings, subject to §7.16	P	P	P	P				
Restaurant								
Brew Pub, see Ch 4 City Code, Alcoholic Beverages				P				
Fast Food Restaurant	P	P	P	C				
Pick-Up and Delivery Only Restaurant	P	P	P	P				
Standard Restaurant	P	P	P	P				
Standard Restaurant with accessory alcohol sales, see Ch 4 City Code, Alcoholic Beverages	C	P	P	P				
Retail								
General, up to 10,000 sf	P	P	P	P				
General, larger than 10,000 sf	E	P	P	P				
Bakery, Minor	P	P	P	P				
Bank	P	P	P	P				
Building Supply	C	P	P	C				
Gas station	C	P	P	C				
Heavy Equipment and Vehicle Sales, Rental and Service						C	C	C
Liquor Sales for Off-Premises Consumption, see Ch 4 City Code, , Alcoholic Beverages	C	P	C	C				
Specialty Beverage Store, see Ch 4 City Code, Alcoholic Beverages	P	P	P	P				
Specialty Wine and Beer Establishment, see Ch 4 City Code, Alcoholic Beverages	P	P	P	P				
Tobacco, Vape Store	P	P	P	P				
Unenclosed Retail		C	C					
Vehicle and Equipment Sales, Rental and Service		C	P	C				
Vehicle Sales, Rental and Service	C	C	P	C				
Telecommunications and Utilities								
Public Utility Facility	P	P	P	P	P	P		P
Small Cell Facilities	P	P	P	P	P	P		P
Telecommunication Tower, see §7.15	C	C	C	C	C	P		P

Table 5-2 Nonresidential District Area and Dimensional Requirements

	Minimum Yard Setbacks			Minimum Lot Width	Minimum Lot Area
	Front	Rear	Side		
B-1	25 ft [1]	20 ft [1]	0 [3]	Lots must of sufficient size to accommodate the use and all parking, loading and other normal operations associated with the use.	
B-2	varies [2]	20 ft [1]	0 [3]		
B-3	varies [2]	10 ft [1]	0 [3]		
CBD	varies [2]	0-25 ft [5]	0-10 ft [3, 4]		
INST	[6]	20 ft [1]	0 [3]		
M-1	50 ft [1]	20 ft [1]	20 ft [1]		
M-2	50 ft [1]	20 ft [1]	20 ft [1]		
M-1-P	20 ft [1]	20 ft [1]	20 ft [1]		

[1] or 10 ft back from the inside edge of an easement, whichever is greater

[2] Multifamily buildings must be set back at least 20 ft from front lot lines or 10 ft back from the inside edge of an easement, whichever is greater. Nonresidential buildings must be set back so that the front door swing does not extend beyond the front lot line. At intersections, no portion of a building may obstruct motorists' line of sight, which may require the building, or portion thereof, being set back from the lot corner.

[3] None is required as long as the provisions of the City Building and Fire Codes are met for the type of construction. A 10-ft setback is required when abutting a residential lot.

[4] 10 ft for multifamily buildings.

[5] 25 ft for multifamily buildings.

[6] The minimum front yard setback is the average of the setbacks of existing buildings on adjoining lots.

Table 5-3 Industrial Uses Prohibited in M Districts

Animal food processing
Bag cleaning
Central mixing plants for cement, mortar plaster, or paving materials
Coal yards
Cotton waste reclaiming
Curing, tanning or storage of hides
Distillation of bones, coal, tar, or woods
Fat rendering
Feed mills
Gasoline, gas, oil, or alcohol distributorships
Grist or flour mills
Junkyards
Manufacture or storage of explosives or ammunition
Manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick pottery, terra cotta or tile, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas including storage, paint, turpentine, varnish, soap and tar products
Natural gas, including bulk storage
Pulpwood yards
Sawmills and planing mills
Scrap paper, rag storage or baling not conducted entirely within a structure
Slaughterhouses and stockyards
Wood pulling or scouring

ARTICLE 6. SPECIAL DISTRICTS

Section 6.01 AG-1 Agriculture District

§6.01.01 *Purpose*. The purpose of the AG-1 District is to preserve the rural character of areas outside the urbanized portion of the city by promoting agriculture-related uses which, by their nature, are not obnoxious, offensive or detrimental to any surrounding properties by reason of noise, smoke, gas, vibration, fumes, dust, fire, and explosive hazard or nuisance.

§6.01.02 *Use Regulations*. See Table 6-1 and the following:

A. *Permitted uses*. The following, in addition to those shown in table 6-1, are permitted in the AG-1 District:
   1) Accessory structures used in the production and storage of farm products.

B. *Conditional uses*. In addition to those uses shown in Table 6-1, other uses determined by the Commission to be within the spirit or intent of the district may be permitted as Conditional Uses.

C. *Prohibited uses*. The following are prohibited:
   1) Off-street parking and loading areas for uses not permitted in the district
   2) Other uses that are not within the spirit or intent of the zoning district as determined by the Commission.

§6.01.03 *Area and Dimensional Regulations*

A. *Livestock and poultry housing.* Structures for the housing of livestock of any kind must be set back at least 100 ft and structures for the housing of poultry must be set back at least 200 ft from any property line or any line of any district other than AG-1 or AG-2.

B. The construction, modification, expansion or relocation of a structure on a lot of record under five acres but at least 15,000 sf in size does not require ZBA approval provided it meets all other applicable requirements.

Section 6.02 AG-2 Agriculture District

§6.02.01 *Purpose*. The purpose of the AG-2 District is to preserve the rural character of the areas outside the urbanized portion of the city by promoting agriculture-related uses which, by their nature, are not obnoxious, offensive or detrimental to any surrounding properties by reason of noise, smoke, gas, vibration, fumes, dust, fire, and explosive hazard or nuisance.

§6.02.02 *Use Regulations*. See Table 6-1 and the following:

A. *Permitted uses*. The following, in addition to those shown in Table 6-1, are permitted:
   1) Accessory structures used in the production and storage of farm products
   2) Hunting with shotguns using bird shot only

B. *Conditional uses*. In addition to those uses shown in Table 6-1, other uses determined by the Commission to be within the spirit or intent of the district may be permitted as Conditional Uses.

Table 6-1: Uses Permitted in Agricultural Districts

	AG-1	AG-2
Residential Uses		
Accessory Dwelling Units, subject to §7.04	P	P
Caretaker Dwelling	P	P
Manufactured Home Park	C	C
Single-family, detached	P	P
Day Care Facilities		
Child Day Care Group Home	P	P
Child Day Care Home	P	P
Residential Care Facilities		
Emergency Care Home	P	P
Family Care Home	P	P
Transitional Care Home	C	C
Agricultural and Other Nonresidential Uses		
Amateur Radio Tower	P	P
Bed and Breakfast, subject to §7.05	C	C
Boarding House, subject to §7.06	C	C
Campgrounds	C	C

Table 6-1: Uses Permitted in Agricultural Districts		
Cemetery	C	C
Golf Course	C	C
Home Occupation, subject to §7.09	P	P
Farm Support Business	C	C
Fish hatcheries	P	P
Kennel	C	C
Institutional Use, Low intensity	C	C
Institutional Use, Medium intensity	C	C
Livestock Farm	P	P
Parks, Playgrounds and Nature Preserves	C	C
Public Buildings	C	C
Public Utility Facility	P	P
Recreation Facility, Public	C	C
Residential (Country) Club	C	C
Short-Term Rentals, subject to §7.13	C	C
Slaughterhouse	C	C
Stockyard	C	C
Small Cell Facilities	P	P
Telecommunications Towers, subject to §7.15	P	P
Veterinary Hospital, with inside or outside boarding	C	C

P – The use is permitted by right
E – The use is permitted by right, if existing as of the effective date of this ordinance. New construction of the use is prohibited.
SE – Special Exception, requires approval by the Board of Adjustments per §13.04
C – Conditional use, requires approval by the Planning Commission per §12.02
A blank cell indicates the use is prohibited in the district.

A. *Prohibited uses*. The following are prohibited uses in the AG-2 District:
   1) Off-street parking and loading areas for uses not permitted in the district
   2) Other uses not within the spirit or intent of the zoning district as determined by the Commission.

§6.02.03 *Area and Dimensional requirements*

A. *Livestock and poultry housing.* Structures for the housing of livestock of any kind must be set back at least 100 ft and structures for the housing of poultry must be set back at least 200 ft from any property line or any line of any district other than AG-1 or AG-2.

Table 6-2 Agricultural District Area and Dimensional Requirements					
	Minimum Yard Setbacks			Minimum Lot Width	Minimum Lot Area
	Front	Rear	Side		
AG-1	40 ft [1, 9]	40 ft [2]	15 ft [2]	100 ft	5 ac
AG-2	40 ft [1, 9]	40 ft [2]	15 ft [2]	100 ft	40 ac

[1] Lots of record at least 15,000 sf, but less than one acre, do not require ZBA approval for any new construction or building additions for a permitted use provided all other requirements are complied with.

Section 6.03 E-1 Entertainment District

§6.03.01 *Purpose*. The E-1 District is designed for indoor and outdoor entertainment and other businesses compatible with and supportive of entertainment activities, all of which together tend to require more parking, loading space, lighting and walkways than required in other districts.

§6.03.02 *Minimum District Size*: five acres

§6.03.03 *Use Regulations*

A. *Permitted Uses*: Residential structures, along with accessory buildings, existing on the effective date of this Ordinance; general retail (provided not over 40% of the floor space is used for warehousing); personal services; standard restaurants; movie theaters; hotels; public utility facilities; adult entertainment; indoor

entertainment; outdoor entertainment; lounge II; club II; specialty wine and beer stores; upper-story dwellings.

B. *Conditional Uses*: banks; public buildings; manufacturing of any kind; places of amusement and assembly that cater to minors; and other uses determined by the Commission to be within the intent of the district.

C. *Special Exception Uses*. None

D. *Prohibited Uses*: New residential uses except those expressly permitted, off-street parking and loading areas for uses not permitted in the district; manufactured homes and manufactured home parks; campgrounds; curb side selling of any type; unenclosed retail; fast food restaurants; motels; and other uses that are not within the spirit or intent of the District, as determined by the Commission.

E. Adult Entertainment Regulations. Because of their very nature, Adult Entertainment businesses are recognized to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. No adult entertainment use may be located closer than 500 ft to the nearest boundary of any residential district, child day care center or learning center, place of assembly, any business catering primarily to minors or any public or private school offering pre-kindergarten through high school education programs, as measured from the nearest property line of the proposed adult entertainment use.

§6.03.04 *Area and Dimensional Requirements*. See Table 6-3 and the following:

A. Maximum Height: The maximum height of any building shall comply with the provisions of the Building and Fire Code adopted by the City of Cullman.

Table 6-3 E-1 District Area and Dimensional Requirements	
Minimum Yard Setbacks	
Front	20 ft or 10 ft from inside edge of easement, whichever is greater
Side	None except as required by the City Building and Fire Codes based on the type of construction
Rear	10 ft or 10 ft from inside edge of easement, whichever is greater
Minimum Buffer Requirements	100 foot setback from any residential property, and as otherwise required by §9.02 Buffers
Minimum Lot Size	Lots must of sufficient size to accommodate the use and all parking, loading and other normal operations associated with the use.

§6.03.05 Off-Street Parking: Parking areas must be curbed with sidewalks at least six feet wide against the building line. Parking areas must be lighted from dark until dawn seven days per week. No additional parking is required for upper-story dwellings.

§6.03.06 Outside Storage

A. No storage of any type is permitted forward of the front building line.

B. Existing outdoor storage of permitted materials must be located as approved by the Commission and screened in accordance with §9.03 Screening. Materials may not be stored in such a manner as to create a public nuisance. Any outdoor storage creating a public nuisance or health hazard is subject to abatement in accordance with §13.05 Abatement of Hazard or Nuisance.

Section 6.04 TND Traditional Neighborhood Development District

§6.04.01 Purpose. The purpose of the Traditional Neighborhood Development District is to enable development that features the following:

A. The development has a central focus such as a mixed-use center or common open space

B. The development is compact; separation between buildings and from streets is minimal

C. The development is "walkable"

D. The development features a mix of 1) residential and nonresidential uses, 2) a mixture of housing and lot types or 3) both

E. An interconnected street system assures route options, reduces congestion and supports walkability

§6.04.02 General Provisions

A. Applicability. The TND zoning designation may only be applied to sites meeting the following criteria:
   1) New development of 15 acres or more
   2) Infill development of 10 acres or more adjacent to developed high density residential, commercial or mixed use areas

B. Definitions
   1) Front Façade. That building elevation along which the primary entrance to the building is located.
   2) Multi-use Path. A hard-surfaced path at least eight feet in width intended for use by pedestrians and bicyclists.
   3) Neighborhood Center. That portion of a TND development containing nonresidential uses or a combination of nonresidential uses and dwellings.
   4) Net Acre. Area of land excluding rights of way and common open spaces.
   5) Walkable. Designed to encourage walking through some combination of the following: compactness, a mix of uses in close proximity to one another, provision of sidewalks and other pedestrian facilities, short block lengths, traffic-calmed streets and alignment of buildings (rather than parking facilities) near front lot lines.

C. Procedure
   1) Pre-application Conference. Before submitting an application for TND development, including rezoning, the applicant must meet with the Building Official to discuss procedures, submittal requirements and design standards.
   2) The applicant must submit a Concept Plan together with an application to rezone the proposed site to the TND District.
   3) In accordance with the procedures in §14.03 Amendments, the Commission will conduct a hearing to consider the rezoning and Concept Plan and make one of the following recommendations to the Council:
      a. Approve the Concept Plan and rezoning
      b. Approve the Concept Plan and rezoning with conditions
      c. Deny the Concept Plan and rezoning
   4) After receiving the Commission's recommendation, the Council will consider the rezoning and Concept Plan and either approve the plan and rezoning, approve the plan and rezoning with conditions or deny the plan and rezoning.
   5) Upon Council approval of the Concept Plan and rezoning, the applicant must submit a Master Plan to the Commission. The Commission will conduct a public hearing to consider the Master Plan, determine its conformance with the approved Concept Plan and make one of the following decisions:
      a. Approve the Master Plan
      b. Approve the Master Plan with conditions
      c. Deny the Master Plan
   6) After Commission approval of the Master Plan, the applicant may proceed with securing any required subdivision approvals and building and other permits. The Commission may consider a preliminary plat for the proposed TND only after it has approved the Master Plan, although this may be during the same Commission meeting.

D. Concept Plan Submittal Requirements. 15 copies of the following information must be submitted as part of the TND Concept Plan:
   1) Location map of suitable scale, which shows the site in context, including public streets, railroads, major watercourses or other natural features within 1000 ft of the site
   2) One or more site analysis maps indicating any designated floodplains, floodways, wetlands, soils limitations, slopes greater than 15% and high tension transmission lines
   3) A conceptual site plan, at a scale of no less than one inch = 100 ft, indicating topography in two-foot contours, natural or built features to remain and the following proposed features:
      a. Building outlines
      b. Streets and alleys
      c. Parking areas and access points
      d. Any off-street pedestrian and bicycle paths
      e. Loading and service areas for any nonresidential uses
   4) Conceptual stormwater management plan identifying proposed patterns of stormwater runoff, infiltration areas and other proposed stormwater management strategies

   5) A written summary of the TND concept including information about site conditions, proposed covenants, conservation easements (if any) and any agreements affecting the use and maintenance of the proposed development

E. Master Plan Submittal Requirements. 15 copies of the following information must be submitted as part of the TND Master Plan:
   1) Location and site analysis maps (as described in §6.04.02.D above)
   2) Site plan, indicating proposed topography in two-foot contours and the following:
      a. Location of proposed and existing structures to remain, with height, gross floor area and number of dwellings in each building noted
      b. Location and area (sf) of proposed open spaces
      c. Circulation system indicating the proposed street networks; existing and proposed rights-of-way and lane assemblies; easements or other land reservations; location and dimensions of curb cuts; parking and loading spaces; location, width and surface material of on- and off-street pedestrian and bicycle facilities
   3) Stormwater management plan showing existing and proposed ground elevations and spot elevations, ground floor elevations of all buildings, locations of all stormwater drainage sewers and structures, infiltration or detention/retention structures and wetlands
   4) Utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas, telecommunications, etc.
   5) Architectural pattern book specifying design standards for all proposed building types
   6) Location and height of street and pedestrian lighting, including pole/fixture type
   7) Landscape plan indicating all existing and proposed trees and landscaped areas, including location, height and material for any required or proposed screening
   8) Phasing plans, if any
   9) A written report that completely describes proposed covenants, conservation easements (if any) and any agreements affecting the use and maintenance of the proposed development, including ownership and long-term maintenance of any common open spaces and facilities
   10) Any other information deemed necessary by the Commission to evaluate the proposed TND

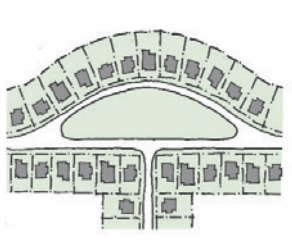
F. Amendments. Minor amendments to an approved Master Plan may be approved by the Building Official, provided that the changes do not involve:
   1) Changes of more than 10% in floor area of buildings, area of open spaces or number of dwelling units
   2) Alteration of any conditions attached to the Master Plan by the Commission
   3) A Conditional Use not approved as part of the original Master Plan

   Major amendments require Commission approval following the procedure in §6.04.02.C.

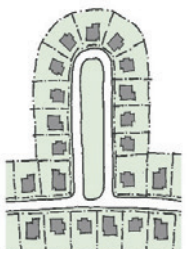
§6.04.03 Development Standards

A. Block Standards. No block may have a perimeter greater than 2,400 ft other than those blocks along the perimeter of the TND. Block lengths may not exceed 800 ft.

B. Circulation Standards
   1) The circulation system must provide connections between residential areas, any Neighborhood Centers, common open spaces and external development areas. Cul-de-sacs are prohibited; however, "eyebrow" and "close" designs are permissible.



"Eyebrow" street and lot pattern



"Close" street and lot pattern

2) On-street parking, either diagonal or parallel, is permitted on all TND streets.
3) Street Hierarchy. TND streets are classified as follows:
   a. Collector Streets provide access to commercial and mixed-use buildings and are part of the City's major street network.
   b. Sub-collector Streets provide access to individual residential properties. Design speed is 25 mph.
   c. Local Streets provide access to individual residential properties. Design speed is 20 mph.
4) Pedestrian Circulation. Convenient pedestrian circulation systems must be provided throughout the TND as follows:
   a. All streets must include sidewalks on both sides. Sidewalk width must be at least five feet on residential blocks and at least eight feet (exclusive of the planting strip) on mixed-use and nonresidential blocks.
   b. Clear, well-lighted walkways of at least three feet in width must connect residential building entrances to the nearest sidewalk.
   c. Clear, well-lighted walkways of at least five feet in width must connect nonresidential building entrances to the nearest sidewalk and to associated parking areas.
5) Bicycle circulation. Bicycle circulation must be accommodated on TND streets or on dedicated bicycle or multi-use paths.

C. Open Space.
1) At least 10% of the gross acreage must be open space. At least 25% of that must be common open space improved for use by residents of the TND. Driveways, parking areas and yards of residential lots may not be counted toward the amount of required open space.
2) Ownership and maintenance must be in accordance with §3.07 Common Open Spaces and Facilities.

D. Permitted Uses in Residential Areas
1) Uses permitted by right: detached, zero lot line and attached single-family dwellings, duplexes and accessory dwellings, parks and playgrounds, residential day care facilities, recreational facilities available only to residents of the TND
2) The following Conditional Uses may be approved by the Commission as part of the Master Plan, however, if not included in the approved Master Plan, Conditional Use approval in accordance with §12.02 and an amendment to the Master Plan are required: multifamily dwellings; assisted and independent living facilities; bed and breakfast, places of assembly; day care centers; private recreational facilities; educational facilities; fire stations, libraries and other public facilities

E. Permitted Uses in Neighborhood Centers. For TNDs larger than 30 acres, at least 10% of the gross acreage must be designated Neighborhood Center, which must include a combination of residential and nonresidential uses. A designated Neighborhood Center is optional for all other TNDs. However, in no case may a Neighborhood Center exceed 25% of the TND gross acreage.
1) Uses permitted by right: any Conditional Use or use permitted by right in TND Residential Area; live-work buildings, retail stores, personal services, art galleries and studios, restaurants and offices no larger than 10,000 sf per tenant space
2) The following Conditional Uses may be approved by the Commission as part of the Master Plan, however, if not included in the approved Master Plan, Conditional Use approval in accordance with §12.02 and an amendment to the Master Plan are required: retail stores, personal services, restaurants and offices larger than 10,000 sf per tenant space; other nonresidential uses expressly approved by the Commission

F. Area and Dimensional Standards
1) Multifamily development may not exceed 15 dwelling units per net acre. All other residential development may not exceed eight dwelling units per net acre. In addition, each detached single-family dwelling is permitted one accessory dwelling subject to §7.04.
2) See Table 6-4 for required setbacks for principal buildings. A reciprocal access easement must be provided on any dwelling lot with a zero lot line side setback and on the lot abutting the same side lot line. For other than attached dwellings and nonresidential uses, pedestrian access to the rear yard must be possible through means other than the principal building.
3) The maximum building height in Residential Areas is three stories. The maximum building height in Neighborhood Centers is five stories.

Table 6-4 TND Setback Requirements

	Front Setback [1]	Min. Rear Setback [2]	Min. Side Setback [3]
Neighborhood Centers			
Nonresidential Uses	0-5 ft	0 ft / 20 ft	0 ft
Detached single-family dwellings	0-15 ft	30 ft	5 ft
All other dwellings	0-15 ft	0 ft / 20 ft	0-5 ft [3]
Residential Areas			
Nonresidential Uses	0-15 ft	0 ft / 30 ft	0 ft 10 ft abutting residential
Detached single-family dwellings	0-25 ft	30 ft	5 ft
All other dwellings	0-15 ft	0 ft / 20 ft	0-5 ft [4]

[1] measured from back of sidewalk or front lot line, as determined during Master Plan approval.
[2] Where the rear lot line abuts an alley, the lower value is the setback. In all other cases, the higher value is the setback.
[3] Greater separation may be required for fire separation based on construction type.
[4] Zero lot line dwellings are set back 0 ft from one side lot line and must be at least 5 ft from the opposite side lot line. Unattached side of attached dwellings must be set back at least 5 ft from the associated side lot line. Multifamily dwellings must be set back at least 5 ft from any side lot line.

G. Parking and Loading
1) Off-street parking and loading areas must be provided in accordance with Article 8 Parking and Loading Standards. On-street parking may be counted toward parking requirements for nonresidential and mixed-use buildings within the TND and within 400 ft of the spaces. On-street parking spaces may be counted toward the parking requirements of only one use or building.
2) Residential garages must be oriented away from street view, which may be accomplished by placing garages along alleys or otherwise placing them toward the rear of the lot.
3) On corner lots, driveways must be located as far from the intersection as practicable.
4) Parking for attached dwellings may be designed as a common parking area, whether or not parking spaces are on separate lots.

H. Architectural Standards
1) The front façade of principal buildings must be oriented toward the street.
2) Accessory buildings must be of the same materials and color scheme of the principal building.
3) Vinyl siding is prohibited.
4) Front porches, where provided, must be at least six feet deep.

I. Landscaping Standards
1) Parking lots containing 10 or more spaces must be screened from street view by buildings, opaque fences or walls, hedges or a combination of these. Otherwise, landscaping for vehicular use areas must be in accordance with §9.04 Landscaping for Vehicular Areas.
2) Screening must be provided as required in §9.03 Screening unless other standards are approved as part of the Master Plan.
3) Buffers required by §9.02 Buffers only apply along the perimeter of the TND. Buffers between uses within the TND, if any, are as established by the approved Master Plan.

Section 6.05 Planned Unit Development District

§6.05.01 *Purpose*. This district is intended to allow flexibility in the development of large tracts of land and/or of multiple uses or tenants on one tract in accordance with an approved Master Development Plan (MDP). The intent is to enable more innovative development and redevelopment options, the purpose of which is:

A. To permit flexibility in zoning standards to allow more creative and harmonious designs to accommodate planned associations of uses such as industrial or commercial uses, residential developments, or any appropriate combination of uses which may be planned, developed or operated as integral land use units;

B. To permit higher densities of land in conjunction with provisions for usable open space, amenities and community services;

C. To promote economy in the arrangement of uses, buildings, circulation systems and utilities;

D. To coordinate uses, building forms and relationships and architectural styles;

E. To promote the preservation and enhancement of existing natural features, their scenic qualities and amenities to the greatest extent possible and to utilize such features in a harmonious fashion.

§6.05.02 *Definitions.* The following definitions apply whenever they are used in relation to a PUD. If the following definitions contradict definitions in any other section of this Ordinance, the definitions in this §6.05 apply as related to a PUD District:

A. Common Open Space: Open space held in common ownership and maintained by the developer or by an association of all residents or owners for recreation, protection of natural features, amenities or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this Ordinance to ensure that it remains in such use.

B. Development: The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement or demolition of any structure, portion of a structure, or sign; any change in use of a property, building, structure or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, grading, paving or land disturbance; and any act of subdivision of land.

C. Gross Site Area: The total land area to be classified as the Planned Unit Development.

§6.05.03 *Minimum Requirements for Establishing a PUD District*. The tract must be a minimum of five contiguous acres, have a minimum street frontage of 200 ft, and not encompass any land which is not part of the PUD. A smaller site may be considered provided evidence that:

A. the project is consistent with the developmental goals of the Comprehensive Plan for the particular location;

B. the minimum acreage requirement is impractical due to ownership, existing development patterns and similar constraints;

C. the design concept fully integrates the development into the surrounding neighborhood or business area;

D. the arrangement of uses, buildings, streets, parking, open spaces and amenities could not be reproduced on the site subject to the regulations of other available zoning districts.

§6.05.04 *Applicability*. All properties in an approved PUD are bound by the standards in an approved MDP, even if subsequently sold, unless and until the MDP is voided by the City on request of the owner. However, to maintain continuity of the MDP, in no case will any portion of a PUD District become nonconforming solely as a result of a portion of the tract being rezoned.

§6.05.05 *Procedure*

A. Pre-application Conference. Before filing an application for a PUD District, the prospective applicant must present a concept plan to the Building Official. All information listed below must be submitted to the Building Official at least 10 working days prior to the conference:
1) Relationship between the proposed development and adjacent, existing development
2) Proposed land use arrangement for the development
3) Concept for provision of open spaces
4) Total acreage devoted to each of the following: detached single-family, attached single-family, multifamily, commercial, institutional, industrial and open space uses
5) Number of dwelling units and density for each Land Use District or smaller division of the development containing residential uses

B. Application. After the pre-application conference, the applicant may file a rezoning application with the proposed MDP. If the property is already zoned PUD, the applicant must submit the proposed MDP for review by the Commission. The MDP includes a written document, which may include supporting graphic materials, and a plan set illustrating the intents of the development, all subject to the submittal requirements in the Appendix. The applicant must submit 15 copies of the written document, 15 copies of the plan set, and an electronic version of said materials in a format approved by the Building Official.

C. Review and Approval
1) After holding a public hearing on the application for rezoning and/or approval of the MDP, the Commission will make a recommendation for approval, approval with changes, or denial to the Council; or, with consent of the applicant, table its recommendation to allow time for further review or for the applicant to make requested changes.

2) If the proposal is deemed by the Commission to be unacceptable, the reasons for such determination will be set forth in its recommendation to the Council.
3) Any changes approved by the Commission are considered binding on all subsequent development, unless otherwise modified or waived in writing by the Council.
4) Once the Commission has rendered its decision, the MDP and all related materials, including any changes made thereto, are forwarded to the Council. The Council will approve, approve with changes, or disapprove the rezoning following a public hearing on the matter.
5) No excavation, demolition or construction is permitted until the MDP has been approved by Council. Upon approval of the MDP, the applicant may then apply for any subdivision approvals or other development permits.

D. Fees. An application fee, as set from time to time by the Council, must be submitted at the time of application to cover administrative and public notice costs.

§6.05.06 *Additional Provisions*

A. Amendments. To facilitate minor adjustments to the approved MDP as may be necessary, the Building Official may approve changes that are incidental or minor in scope. The following changes must be referred to the Commission; changes greater in scope require approval by the Commission and Council:
1) A change in land use district boundaries, provided the effect on the number of dwelling units or amount of open space, commercial or multifamily areas does not exceed the limits in items 2 or 3 below
2) An increase in the overall number of dwelling units or land devoted to multifamily development greater than five percent but less than 10%
3) A reduction in the amount of open space or land designated for commercial use by more than five percent but less than 10%
4) Rearrangement of streets, or reduction in the number of pedestrian or bicycle facilities
5) Changes to the Development Schedule

Any deviation from the MDP, which is not approved as provided herein, constitutes a violation of this Ordinance.

B. Construction must commence within 365 calendar days from the date of approval by the Council. Construction is deemed to have started with the actual construction of a principal building and does not mean site preparation or excavation of the site. Failure to begin construction within this time period, unless an extension is granted by the Commission, voids the MDP. No building permit may be issued without a valid MDP.

C. The Board may not grant variances that would have the effect of amending an approved MDP.

D. No amendment of this Ordinance affects a PUD approved prior to such amendment. The PUD may continue in accordance with the Zoning Ordinance in effect at the time of such prior approval. Should the PUD approval expire or be voided, any newly submitted MDP must conform to the regulations in effect at the time of the new submittal.

§6.05.07 *Development Standards*. Property development standards must be proposed in the MDP and must be consistent with the developmental policies of the Cullman Comprehensive Plan. All provisions of the Zoning Ordinance and Subdivision Regulations apply except where specifically addressed in this §6.05 or within the approved MDP. No use of the property, nor construction, modification or alteration of any use or structure is permitted in conflict with the MDP.

A. Development must be compatible with site topography. Scenic assets and natural features must be protected and preserved to the extent possible.

B. Structures and open space must be arranged in such a way as best to serve the needs of residents and to minimize any adverse effects on neighboring properties.

C. Harmonious design, incorporating a variety of building types and variations in building styles, is encouraged.

D. Density, building height, building spacing and setbacks must be as provided in Table 6-5.

E. The development may not adversely affect property in the vicinity and must be compatible with adjacent properties with regard to density, scale, character and use. Buffers, landscaping, setbacks for buildings along the perimeter of the site, or a combination of these may be required for the protection of adjoining properties.

F. Adequate water, sewer, streets and other facilities and utilities must be available to the PUD or there must be a definite proposal for making them available at the expense of a party other than the City. The

Commission may impose such reasonable conditions that it finds necessary to protect and promote the public health, safety, and welfare of the City.

Table 6-5 PUD Development Standards

Min. Setback from PUD Boundary	15 ft			
	PR-1	PR-2	PM-1	PM-2
Max. Residential Density	6 du/acre	9 du/acre	12 du/acre	16 du/acre
Min. Common Open Space	25%	30%	20%	15%
Min. Land Area Designated for Commercial Uses	n/a	n/a	40%	50%
Max. Building Height	2-1/2 stories	3 stories	4 stories	6 stories
Min. front yard setback				
Along arterial	25 ft	25 ft	25 ft	25 ft
Along collector	15 ft	15 ft	10 ft	10 ft
Along local street	15 ft	10 ft	0 ft	0 ft
Minimum Building Separation for Attached and Multifamily Dwellings				
Front to front; Front to back; back to back	40 ft			
Front to end, Back to end	20 ft if end wall is unpierced 30 ft if end wall is pierced			
End to end	15 ft if end wall is unpierced 25 ft if end wall is pierced			
Any other situation	15 ft			

§6.05.08 *Uses*. A Planned Unit Development must comprise one or more PUD Land Use Districts. Uses in each Land Use District are subject to Table 6-6. Final approval of uses is contingent on approval of the MDP. Any Conditional Use not specifically approved as part of the MDP requires approval by the Commission in accordance with §12.02 Conditional Uses.

§6.05.09 *Circulation Standards*

A. Vehicular access must be from streets capable of supporting existing traffic and traffic to be generated by the development. Access points must be located and designed in accordance with accepted access management practices to separate through and local traffic, maintain capacity, and enhance safety of motorists, pedestrians and bicyclists. Streets, driveways and parking, loading and service areas must be designed to provide safe access to all uses and facilities.

B. Pedestrian facilities must be arranged to provide safe and convenient routes to, from and within a PUD. Recreational facilities, schools, libraries and similar community destinations must be accessible to residential areas with a minimum of street crossings. Where possible, such uses must be accessible from a common, interconnected pedestrian system.

C. Bicycle and bridle paths, where provided, must be coordinated with the pedestrian system.

§6.05.10 *Open Space Standards*. Common Open Space must be provided in each PUD Land Use District in the amounts shown in Table 6-5. No designated common open space may be subdivided in the future, nor may it be reduced in area or used for any purpose other than those permitted as listed above unless approved through an amendment to the MDP.

A. The following are excluded from calculation of common open space:

1) land within individual lots
2) land encumbered by any substantial structure, enclosure or parking facility
3) land within eight feet of any building
4) land within a roadway, except a median that is at least 50 ft wide at its narrowest point and is designed for use as a recreational space
5) land to be used as or be in any required drainage area or easement, unless such area is designed and maintained as open space.

Table 6-6 PUD Land Use District Permitted Uses

Limited Residential 1 (PR-1) Permitted Residential Uses: residential accessory structures, detached single-family dwellings Permitted Nonresidential Uses: common open space, public building, public facilities and services Conditional Uses: accessory dwellings, bed and breakfast, country club, day care center, golf course, group day care home, place of assembly, public or private school
General Residential 2 (PR-2) Permitted Residential Uses: residential accessory uses and structures, detached and attached single-family, duplex, and multifamily dwellings, accessory dwellings Permitted Nonresidential Uses: common open space, public building, public facilities and services, country club, outdoor recreation Conditional Uses: bed and breakfast, boarding home, day care center, group home, nursing care facility, place of assembly, public or private school
Limited Mixed Use District (PM-1) Permitted Residential Uses: residential accessory uses and structures, detached and attached single-family, duplex, triplex, quadplex and multifamily dwellings, accessory dwellings Permitted Nonresidential Uses. The following uses are permitted subject to a maximum gross floor area of 15,000 sf per establishment within an enclosed building, unless such limit is expressly waived or modified as part of the approved MDP: accessory structures, bakery (minor), bank, business or professional office, medical clinic, clubs, common open space, entertainment (indoor), garden center or nursery, general retail (enclosed), personal services, alcohol sales for off-premises consumption, nursing care facility, personal services, place of assembly, printing service, public building, public facilities and services, recreation (outdoor), recording studio, restaurant (standard), studio Conditional Uses: veterinary hospital, car wash, entertainment (outdoor), gas station, alcohol sales for on-premises consumption, fast food restaurants
General Mixed Use District (PM-2) Permitted Residential Uses: residential accessory structures, attached and multifamily dwellings Permitted Nonresidential Uses: accessory structures, veterinary hospital, bakery (minor), bank or financial service, business or professional office, clinic, clubs, commercial parking, commercial school, common open space, entertainment (indoor), garden center, gas station, general retail (enclosed), personal services, place of assembly, printing services, repair services, public building, public facilities and services, recording studio, recreation (indoor and outdoor), restaurant (standard), studio, vehicle repair (minor), vehicle sales and rental Conditional Uses: car wash, mini-warehouse, fast food restaurants, entertainment (outdoor)
Special District Any uses not permitted or conditionally permitted in the above districts may be proposed for inclusion within one or more Special Districts. Unless otherwise approved as part of the MDP, all uses proposed for a Special District are treated as Conditional Uses.

B. Maintenance provisions must be included in the MDP, consistent with §3.07 Common Open Spaces and Facilities, for all common open spaces not left in a natural state. Common open space dedicated to the City or other governmental agency for operation and maintenance may not be for the exclusive use of the residents or patrons of the PUD.

C. The area of common open spaces in each development phase must meet the requirements in Table 6-5 unless otherwise expressly approved as part of the MDP.

§6.05.11 *Exterior Materials*. An Architectural Review Committee representing the interests of property owners within a PUD is recommended. Standards for exterior building materials must be incorporated into the MDP consistent with the following guidelines and Table 6-7 to govern the design of buildings. The Commission may require as part of the MDP that design plans for multifamily and nonresidential buildings be reviewed by the Commission prior to approval of building permits.

A. Area of window and door openings are not included in calculation of exterior building requirements.

B. Cement block may only be used on residential building exteriors at the foundation up to a height of three ft. Cement block foundations along front facades must be screened with shrubs or other landscaping. Cement block may only be used on nonresidential building exteriors along rear and side elevations.

C. Vinyl siding is prohibited as an exterior material.

D. Metal siding is discouraged but may be used in combination with other exterior materials for multifamily and nonresidential buildings upon express approval of the Commission.

Table 6-7 Materials Guidelines

	All exterior walls	Front Facade
Detached Single-family dwellings	Min. 30% masonry	Min. 40% masonry
Attached Single-family and Multifamily Dwellings	Min. 50% masonry	Min. 60% masonry
Nonresidential Buildings	Min. 70% masonry	Min. 80% masonry

§6.05.12 *Signage*. A Signage Plan must be submitted as part of the MDP and must generally conform to Article X Sign Regulations and this Subsection 12. The Commission uses the most compatible sign height, size and location requirements in Article X as a guide in reviewing proposed Signage Plans. All permitting and building code requirements apply to signs in a PUD.

A. Off-premise signs are prohibited.

B. Street signs must be uniform in design throughout a PUD. If a standard other than that of the City is used, the developer or property owners' association will be responsible for maintenance.

§6.05.13 *Landscaping.* The standards of Article 9 Landscaping apply unless standards are approved with the MDP to address buffering, screening and landscaping for vehicular areas.

ARTICLE 7. REGULATION OF SPECIFIC USES

Section 7.01 Alternative Financial Services

Because of their very nature, Alternative Financial Services, including but not limited to collateral loan/exchange, payday loan, title loan/pawn businesses, pawn shops and check cashing establishments, are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas, detract from property values and can have adverse effects on the general welfare. Therefore, not more than two such uses are hereafter permitted within 400 ft of each other, as measured between the nearest property lines.

Section 7.02 Amateur Radio Towers

Amateur radio towers may not exceed 60 ft in height, may be placed in the established rear yard only and must be set back a distance equal to the height of the tower from all property lines.

Section 7.03 Attached Single-family Dwellings

§7.03.01 Site Design

A. A group of attached dwellings may not exceed eight dwelling units. Groups must be planned so that units on the same block frontage are either all front-loaded or all rear-loaded.

B. When an end unit of an attached dwelling does not front on a street, it must be separated from any adjacent dwelling by at least 20 ft.

C. Swimming pools are not permitted on individual lots unless the lot is of sufficient width to meet all applicable requirements.

§7.03.02 Pedestrian Access

A. Sidewalks at least five feet wide must be provided across the applicable street frontage of attached dwelling lots.

B. An easement appurtenant across lots must be provided whenever a resident of an attached dwelling must cross an adjoining lot to reach his or her own lot.

§7.03.03 Parking

A. For front setbacks less than 25 ft, off-street parking must be within a front-loaded garage or within common or individual parking areas accessed at the rear of units by an alley or common drive.

B. No parking is permitted on a driveway less than 20 ft deep, as measured from the back of sidewalk to the front building line.

Section 7.04 Accessory Dwellings

Accessory Dwellings may only be permitted as an accessory use to a permitted single-family detached dwelling in accordance with the following:

§7.04.01 *Permit Required*. An Accessory Dwelling Permit is required prior to the construction or occupancy of an Accessory Dwelling. Applications are reviewed and approved administratively, except when ZBA approval is required in the applicable district.

A. Applications for Accessory Dwellings Permits must include the following information:

1) A scaled site drawing showing all existing structures and proposed structure, if any
2) An elevation drawing showing the proposed height of the structure
3) A rendering showing exterior materials and colors and/or samples of the same
4) A scaled foundation and interior floor plan

B. Any Accessory Dwelling Permit automatically expires whenever:

1) The Accessory Dwelling is altered to the extent it no longer conforms to the plans approved by the City
2) Required off-street parking is no longer provided on the premises
3) The permittee ceases to own or reside on the premises (applies to R-2 District only)

§7.04.02 *Limitation in R-2 District*

Because the R-2 District is intended for single-family detached dwellings, an Accessory Dwelling may only be permitted when the owner of the principal dwelling resides on the premises. This ensures that the Accessory Dwelling remains subordinate to the principal dwelling.

§7.04.03 *Area and Dimensional Requirements*

A. Accessory Dwellings are permitted only on lots of at least 10,000 sf, or larger when required by the district. If the principal dwelling is not connected to sanitary sewer service, minimum lot requirements of the authority having jurisdiction apply to each of the dwellings.

B. If detached from the principal dwelling, the Accessory Dwelling must be set back at least ten feet from the principal dwelling.

C. The habitable floor area of an Accessory Dwelling must be at least 200 sf but not more than 50% of the gross floor area of the principal dwelling or 1,000 sf, whichever is more restrictive.

D. Detached Accessory Dwellings may not be located closer to any front lot line than the principal dwelling.

§7.04.04 Additional Requirements

A. No more than one Accessory Dwelling is permitted on the lot of a single-family detached dwelling, regardless of the lot size.

B. One parking space, in addition to that required for the principal dwelling, must be provided.

C. Accessory Dwellings must comply with the City Building Code, be installed on a permanent foundation and must maintain the appearance of the principal dwelling, including colors, materials and architectural style.

D. Accessory Dwellings may not have separate entrances from the street. If the lot abuts an alley, access to the Accessory Dwelling may be from the alley regardless of whether the principal dwelling has access from the alley.

E. An Accessory Dwelling may not be sold separately from the principal dwelling unless there is sufficient lot area to subdivide the property into lots meeting the area and dimensional requirements of the district.

F. If an existing residential garage is converted to an Accessory Dwelling, off-street parking requirements for the principal dwelling and Accessory Dwelling must be met concurrently with the conversion.

G. An Accessory Dwelling may not be used as a Short-Term Rental.

Section 7.05 Bed and Breakfast

The following standards apply to Bed and Breakfast establishments in residential and agricultural districts:

§7.05.01 Bed and Breakfasts are permitted only in detached, single-family dwellings and must be operated by the owner and resident of the dwelling.

§7.05.02 For each and every approved guest room, one parking space must be provided, in addition to the spaces required for the residence. Such additional required parking spaces must be screened from adjacent properties and arranged so that each space has direct access to a driveway. Recreational vehicle parking is prohibited except on lots one acre or larger in size. Where allowed, recreational vehicle parking must be located away from view from public rights-of-way and from neighboring properties to maximum extent practicable.

§7.05.03 Food service is limited to overnight guests of the Bed and Breakfast and is subject to Fire Department regulations. Guest rooms may not contain cooking equipment.

§7.05.04 One freestanding sign only and no larger than nine square feet is permitted, regardless of the number of street frontages.

§7.05.05 Special Events are only permitted in Bed and Breakfasts in agricultural districts (or on properties of two acres or more), subject to the following:

A. Special events must be pre-booked and may not be open to the public. One special event is permitted per dining period. No more than two special events are permitted per day.

B. Parking for special events must be provided on-premises.

Section 7.06 Boarding Houses

§7.06.01 The dwelling used as a boarding house must be the operator's permanent residence.

§7.06.02 The living quarters of the permanent residents and boarders may be within the principal dwelling only.

§7.06.03 No separate exterior doorways for individual boarding rooms are permitted.

§7.06.04 Not more than two parking spaces are permitted forward of the front building line.

Section 7.07 Conservation Subdivisions

§7.07.01 *Intent*

A. To provide flexibility to achieve the most effective development on lands constrained by natural hazards that may limit the amount or type of development

B. To promote the creation of accessible green space

C. To protect sensitive, environmental land features to promote the public health and safety

D. To reduce erosion, sedimentation, land disturbance, and removal of vegetation

E. To promote development of walking and bicycling facilities and greenways within new developments that can be connected to adjacent neighborhoods and activity centers

F. To reduce perceived density by providing access to and views of open space.

§7.07.02 *Applicability*. The Conservation Subdivision option is available, upon approval by the Commission, for single-family detached residential development of at least three acres in any residential district. The applicant must comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

If held in multiple ownership, the site must be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.

§7.07.03 *Density Determination*

A. The maximum number of lots is determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by City and/or County Health Department standards for septic tanks, or by other density limitations, such as watershed protection requirements, applicable to the site. In making this calculation, the following may not be included in the total area of the tract:

1) Designated floodway

2) Bodies of open water over 5,000 sf of contiguous area

B. The above notwithstanding, the maximum permitted density is nine units per gross acre.

C. The minimum total area for front, rear and side yards is 2.5 times the ground floor area of the dwelling unit. A minimum 15 ft of space between dwellings must be provided.

§7.07.04 *Application Requirements*

A. Site Analysis Map. The applicant must prepare and submit a site analysis map concurrently with the development plan and/or preliminary plat. The purpose of the site analysis map is to ensure that important site features have been identified prior to the creation of the site design, and that the proposed open space will meet the requirements herein. For specific submittal requirements, refer to the Appendix.

B. Conservation Subdivision Plan. The applicant must prepare a Conservation Subdivision Plan, which yields no more lots than identified under §7.07.03 Density Determination. The Conservation Subdivision Plan must identify open spaces to be protected and include an open space management plan (see §7.07.06), and must be submitted prior to the issuance of a grading permit.

C. Instrument of Permanent Protection. An instrument of permanent protection, as described in §7.07.07, must be placed on the open space at the time of issuance of a grading permit.

§7.07.05 *Other Requirements*. The Applicant must adhere to all other requirements of the applicable district and the Subdivision Regulations.

§7.07.06 *Open Space Management Plan*. For the purposes of this Section, "open space" is defined as the portion of a Conservation Subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney.

A. Standards

1) The minimum open space must comprise at least 25% of the gross tract area.

2) The following priority conservation areas, when present, must be included within the open space, unless the applicant demonstrates that this would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:

a. The 100-year floodplain

b. Riparian zones of at least 75 ft width along all perennial and intermittent streams

c. Slopes above 25% of at least 10,000 sf contiguous area

d. Wetlands, as defined by the Corps

e. Existing trails that connect the site to neighboring areas

f. Archaeological sites, cemeteries and burial grounds.

3) The following are considered Secondary Conservation Areas and, when present, should be included within the open space to the maximum extent feasible:

a. Important historic sites

b. Existing healthy, native forests of at least one-acre contiguous area

c. Individual existing healthy trees greater than eight inches caliper

d. Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.

4) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface, such as portions of streets, parking and loading areas, are excluded from calculating open space.

5) At least 25% of the open space must be suitable for passive recreational use.

6) At least 50% of the open space must be in a contiguous tract, which may be divided by a local street whose area is excluded from the open space. The layout of open space should allow connection to neighboring areas of open space.

7) The open space must be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots must be provided with safe, convenient access to the open space through sidewalks or off-street walkways.

B. Permitted Uses of Open Space

1) Conservation of natural, archeological or historical resources

2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas

3) Passive recreation areas, such as open fields, walking or bicycle trails

4) Active recreation areas, provided that they are limited to no more than 20% of the total open space and are not located within priority conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.

5) Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities must be located outside of Primary Conservation Areas.

6) Easements for drainage, access, and underground utility lines

7) Other conservation-oriented uses compatible with the purposes of this Section.

C. Prohibited Uses of Open Space

1) Golf courses

2) Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous subsections

3) Agricultural and forestry activities not conducted according to accepted best management practices

4) Other activities as determined by the applicant and recorded on the legal instrument for permanent protection.

D. Ownership and Management of Open Space. See §3.07 Common Open Spaces and Facilities.

§7.07.07 Legal Instrument for Protection of Open Space. The open space must be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection must include clear restrictions on use of the open space, including all restrictions contained in this Subsection, and any restrictions the applicant chooses to place on the open space. The instrument must be one of the following:

A. A permanent conservation easement in favor of either:

1) a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

2) a governmental entity with an interest in pursuing goals compatible with the purposes of this Subsection, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement.

B. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

C. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

§7.07.08 Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor may be requested to reassess the open space at a lower value to reflect its more limited use.

Section 7.08 Group Care Homes

§7.08.01 Emergency Care, Family Care and Transitional Care Homes are subject to regulations of Section 11-52-75.1 of the Code of Alabama and must be provided a fire protection system and equipment in accordance with City Building and Fire Codes.

A. When approved as Conditional Uses, Emergency Care, Family Care and Transitional Care Homes, are subject to the following and any additional conditions established by the Commission:

B. No Group Care Home may be located within 2,000 feet of another such facility, the distance to be measured in a straight line, and only one facility may be located on a single lot.

Section 7.09 Home Occupations

§7.09.01 Exclusions

A. Yard sales, garage sales and similar temporary activities are not considered Home Occupations.

B. Child Day Care Group Homes are not considered Home Occupations and must be approved as Conditional Uses by the Commission.

§7.09.02 The following activities are not permissible as home occupations:

A. Group instruction

B. Swimming instructions

C. Barber and beauty shops

D. Public dining facilities or tea rooms

E. Food services

F. Pet shops

G. Veterinarians

H. Kennels or places keeping caged animals

I. Fortunetellers or similar activities

J. Photographic studios

K. Wholesale or retail sales, other than online sales

L. Outdoor sales or service

M. Nursery schools, kindergartens, or similar uses involving seven or more children

§7.09.03 Standards. Home occupations must comply with the following:

A. No person other than those residing in the dwelling may be engaged in the occupation.

B. The use of the dwelling for the home occupation must be clearly incidental and subordinate to its residential use. No more than 25% of the floor area of the dwelling may be used in the conduct of the home occupation, and no part of the home occupation may be conducted in an accessory structure.

C. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation, other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building. Signs or displays of goods on public property are prohibited.

D. Home occupations may not be conducted in any yards or open spaces, except that Family Day Care Homes may use yards and open spaces for children's play area, subject to any applicable state laws.

E. No traffic may be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the home occupation must be met off the street and other than in a required front yard or side yard.

F. Visitation by any patrons, customers or clients is permitted only during the hours 7AM to 8PM. No more than one patron, customer or client is permitted on premises at the same time.

G. Vehicles providing pick-up or delivery may not exceed two-axle trucks. Pick-up and delivery is limited to the hours 7AM to 7PM.

H. No activity, equipment or process that is part of the home occupation may create noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses beyond the property line. Noise level at the property line may not exceed 55 dBA. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises.

I. Fabrication of articles commonly considered "arts and handicrafts" is permitted as a home occupation, excluding any retail sales, wholesaling or warehousing of such articles for commercial use, sales or distribution.

J. All home occupations existing as of the effective date of this Ordinance must fully comply with this §7.09 after one year or before the next licensing date, whichever is sooner.

§7.09.04 *Permit required*. A home occupation permit is required for each home occupation prior to licensing, and expiration dates will be on the same day and may not exceed 12 months. A different period may be specified on uses permitted upon appeal by the ZBA. Home occupation permits are issued only after approval of the ZBA and subject to any conditions the ZBA requires to preserve and protect the character of the district.

Section 7.10 Junkyards

§7.10.01 No automobile wrecking yard, salvage yard or junkyard may be established closer than 300 ft to an established residential district.

§7.10.02 All outdoor storage of salvage and wrecking operations must be completely contained within a fence or wall of not less than six nor more than ten feet in height. The fence or wall must be designed in accordance with §9.05 Design Standards for Fences.

§7.10.03 The storage of wrecked automobile, junk, or salvaged materials may not exceed the height of the required screen fence or wall.

Section 7.11 Keeping of Livestock and Fowl

§7.11.01 All corrals and stables for the keeping of livestock and fowl for gain must conform to the following:

A. Minimum area for animals. Corrals must have a minimum area of 10,000 sf for the first livestock animal, and 1,000 sf for each additional livestock animal, to every portion of which all livestock must have free and unrestricted access.

B. Minimum area for fowl. Corrals must have a minimum area of 15 sf for each duck, goose, chicken, guinea, peacock, turkey, pigeon or other fowl.

C. Distance from dwellings. Corrals and stables established after the effective date of this Ordinance must be set back at least 200 feet from any dwelling other than that of the person keeping the livestock or fowl.

§7.11.02 Where permitted in a residential district, the keeping of chickens as pets or for egg production solely for personal use and not for gain, is permitted subject to the following:

A. Chickens may be kept only on the premises of an occupied single-family detached dwelling and only in the rear yard.

B. Not more than six hens are permitted; roosters are prohibited.
C. Except when under the personal control of the resident, chickens must be confined within a coop or run at all times.
D. Coops and runs are subject to the setback requirements in §3.06.02 Accessory Structures. No structure for the keeping of chickens may be located within 50 ft of the nearest dwelling other than that of the person keeping the chickens.
E. A coop may not exceed 120 sf in area.
F. The activity and associated structures must be maintained in a condition such that no odors or noises are produced that create a nuisance for adjoining properties.

Section 7.12 Manufactured Home Parks

§7.12.01 *Generally*

A. *Purpose*. The purpose of these requirements is to prevent visual blight and assure compatibility of uses, optimum service by community facilities and adequate vehicular access and circulation.
B. *Procedure*. No manufactured home park may be developed, redeveloped, altered or expanded without Conditional Use approval by the Commission. The application must be accompanied by a site plan showing the following:
1) The name of the project and the names of the owner, engineer, architect, designer, or landscape architect
2) The north arrow point, scale, and date
3) A vicinity map showing the location of the project in relation to the surrounding community
4) Zoning classifications of the proposed manufactured home park and surrounding properties
5) The boundaries of the property involved, the general location of all existing easements, section lines, property lines, existing streets, buildings, and any other physical features in or adjoining the project
6) The names and current addresses of all adjacent landowners
7) The approximate location and size of all sanitary and storm sewers, water mains, gas lines, culverts, and any other underground facilities in or near the project
8) Total size of manufactured home project in acres
9) Location of manufactured homes on stands, dimensions of manufactured homes and dimensions of each stand
10) Location and number of sanitary conveniences including toilets, washrooms, laundries, and utility rooms to be used by the occupants of the manufactured home park
11) Internal streets and driveways including the width and surface treatment, curbs, and other physical characteristics
12) A typical stand detail showing all features such as, but not limited to, size and material of stand, parking, storage, any other structures, and utility connections
13) Location and type of required landscaping, screening and buffers
14) Location and type of recreation area
15) Any area within or adjacent to the proposed manufactured home park subject to periodic inundation by storm drainage, overflow, or ponding
16) Any and all other physical improvements as required by this Section

§7.12.02 Minimum requirements. Any development, redevelopment, alternation, or expansion of a manufactured home park must comply with the following:

A. Standards. To protect the health and safety of the public and ensure quality construction, all manufactured homes must conform to standards approved by and bear the Housing and Urban Development (HUD) certification and be anchored and installed by a certified installer as required by the state manufactured housing commission.
B. Any manufactured home park must be at least four acres in area.
C. Each stand must be at least 5,000 sf in area, at least 50 ft wide, and at least 100 ft long.
D. A buffer must be provided as required by §9.02 Buffers.
E. Manufactured homes must be set back at least 15 ft from the front line of the stand.
F. Manufactured homes must be separated by at least 20 ft on the side and 15 ft in the rear.

G. Any manufactured home frame may not exceed three feet in height above grade level.
H. All parking and walkway areas must be paved. All yard areas must be planted and maintained with grass or similar ground cover and other landscaping.
I. All parts of the park must be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities must be certified by an engineer.
J. Storage facilities with a minimum capacity of 200 cubic feet per stand must be provided on the stand or in compounds located within 100 ft of each stand. Storage facilities must comply with City Building and Fire Codes.
K. Every manufactured home stand must have two off-street parking spaces.
L. Manufactured home parks may not accept manufactured homes until all items shown on the approved site plan are in place.

§7.12.03 Access and traffic circulation

A. Internal streets must be privately owned, built, and maintained and must be designed for safe and convenient access to all stands, parking spaces and all common areas of the park.
B. All internal streets must have a clearance of at least 30 ft and a minimum pavement width of 24 ft, measured from face of curb to face of curb. Internal streets must be continuous or be provided with a cul-de-sac with a minimum radius of 60 ft. No internal street ending in a cul-de-sac may be longer than 400 ft.
C. Internal streets must comply with City street specifications except that a concrete extruded curb may be used in place of a standard street curb.
D. Internal streets must be maintained free of cracks, holes, and other hazards at the expense of the park operator.
E. Internal streets must be numbered or named as approved by the Commission.
F. Internal streets must intersect adjoining public streets at 90 degrees, to the degree practicable, and at locations to eliminate or minimize interference with traffic on public streets.
G. At each entrance to the park, an 18-inch by 24-inch sign must be posted stating "Private Drive—No Thru Traffic." The operator must also post speed limit signs at appropriate places throughout the park.

§7.12.04 Lighting. Adequate lighting along internal streets and in any common areas must be provided as approved by the Commission. All electrical and telephone lines must be placed underground, when possible, in compliance with City Electrical Codes.

§7.12.05 Recreation area. All manufactured home parks must have at least one recreation area located in an area free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. At least ten percent of the gross park area must be devoted to recreational facilities, which must be maintained in a usable, sanitary condition.

§7.12.06 Utility requirements. Each manufactured home must be connected to the municipal water and sewage disposal system, if available. The design and specifications of interior utility systems must comply with City requirements. If the municipal sewage disposal system is not available, then an on-site central disposal system is required, until such time as a municipal sewage system is available. The on-site sewage disposal system must comply with the design and installation requirements of the health department or other authority having jurisdiction.

Section 7.13 Short-Term Rentals

The following regulations apply to short term rental of dwellings in residential districts only. For purposes of this section, "Short Term Rental (STR)" means the rental of a dwelling unit for less than 30 days per rental period.

§7.13.01 *Licensing*. The property owner must have a valid Short Term Rental License from the City before a property can be advertised or operated for short term rental. An individual license must be obtained for each STR property.

A. The property owner must provide with the STR License application the name and telephone number of an emergency contact that will respond within one hour to complaints about the condition or operation of the STR or conduct of renters or their guests. The emergency contact must be able to respond on-site within 12 hours if requested by the City. The emergency contact must answer calls 24 hours a day, seven days a week for the duration of each short-term rental period. Prior to any change to the emergency contact, the owner must submit the revised contact information to the Police and Fire Departments.
B. Insurance. All STR licensees must obtain and maintain vacation rental property insurance that covers the commercial lodging use of the site. Proof of insurance must be provided within 30 days of approval of the STR License. Proof of insurance must be resubmitted each year for renewal of the STR License.

C. Notice. Each owner must, upon issuance of an STR License, provide written notice to the City Clerk and to all owners or property within a radius of 500 ft of the STR property, which includes the following information:
1) The names of the owner and emergency contact (if not the owner), including telephone numbers
2) The City's Code Enforcement telephone number by which members of the public may report violations
3) The maximum number of renters permitted to stay in the unit
4) The maximum number of vehicles allowed to be parked at the property
D. Taxation. The licensee is responsible for collecting and reporting taxes from any rental arrangement that is not subject to an established collection agreement with the City.

§7.13.02 *Standards*

A. The dwelling may only be rented for lodging use. It may not be rented for weddings, parties, concerts or similar events or used for such events during any short-term rental period.
B. Occupancy. The dwelling may not be rented to more than one guest party simultaneously. Occupancy is limited to the most restrictive of the following:
1) No more than two persons per bedroom plus two persons
2) No more than four persons per parking space

The number of bedrooms and parking spaces are determined by the Building Official as part of the STR License. The Building Official may inspect the dwelling to verify information submitted with the STR License application.

The owner must, by written agreement with the renter, limit overnight occupancy of the STR to the maximum occupancy approved with the STR license.

C. No on-premises signage legible from any right-of-way may advertise the STR.
D. The short term rental must comply with all applicable City regulations including but not limited to building construction, fire safety, noise, and garbage collection and disposal.
E. There must be adequate off-street parking to accommodate all guest parking needs. No recreational vehicles, buses or trailers may be stored on the street or forward of the front building line.
F. No food may be prepared or served to rental guests by the licensee.
G. A copy of the STR license, emergency contact information and house rules that comply with this section must be posted in a conspicuous place in the dwelling.
H. Upon notification that a renter or a renter's guest has violated any provisions of this Section or any noise, garbage, or other applicable provision of the City Code of Ordinances, the owner or emergency contact must promptly notify the renter of the violation and take such action as is necessary to prevent a recurrence.

§7.13.03 *Violations*. If, after investigation, the Building Official determines that any provisions of this Section have been violated, the Building Official will notify the owner in writing stating the provisions violated, necessary corrective action, and a compliance due date, as applicable.

A. Fines. In addition to the other remedies set out in this Subsection, violations will be subject to fines as follows:
1) Violation warning. The Building Official may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating a provision of this Section.
2) First violation. The first time a person is found to have violated one of the provisions of this Section, the person is subject to a fine of $150.
3) Second and subsequent violations. Any second or subsequent time a person is found to have violated the provisions of this Section, the person will be subject to a fine of $500 for each subsequent violation.
B. If a violation of building, fire safety or property maintenance regulations has not been corrected by the compliance date, the Building Official may cause the STR License to be temporarily suspended. When the violation has been corrected, the license is re-instated for the remainder of its current approval period. The Building Official may approve an extension of the compliance date if substantial progress toward compliance has been made and provided that the public will not be adversely affected by the extension.
C. Recurring violations. When noise, occupancy, parking or other violations concerning the conduct of the STR or its renters or their guests are found to have occurred during more than one rental period in the same license year or within any six-month period, the Building Official will request a hearing before the Council. Following a public hearing on the matter, the Council may revoke the STR License for the remainder of its

current approval period and suspend the ability of the owner to renew the license for an additional year. No STR License may be renewed unless all outstanding penalties assessed against the licensee are paid in full to the City.

Section 7.14 Tattoo Facilities

No tattoo facility may be located within 1,000 ft of any park, place of worship, public or private school, kindergarten, child day care facility, public pool, athletic facility, amusement park, miniature golf course, theater, library, place of amusement, or other facility which in the judgment of the Commission, minors under the age of 18 years generally frequent or are encouraged to attend or are in the general spirit or intent of the above areas.

Section 7.15 Telecommunication Towers

§7.15.01 *Definitions*. As used in this Section, the following words and terms have the meanings as defined herein:

A. Antenna. An electromagnetic device which conducts radio signals through an attached cable or wave guide, to or from a radio transmitter or receiver. “Antenna” includes devices commonly referred to as “whips”, “panels” and “parabolic dishes”. “Antenna” includes an antenna used in conjunction with microwave, cellular or personal communication service systems and any other type of telecommunication systems now or hereafter in use.
B. Co-location Site. A parcel of land or other site on which the antennae and related equipment of more than one party are located.
C. Communication facilities. Towers, antennae and equipment, collectively.
D. Equipment. All equipment and facilities used in conjunction with one or more towers and/or antennae, including, but not limited to, electronic systems, generators, fuel tanks and fuel.
E. Fiber-optics. Light transmissions through very fine flexible glass, by internal reflection.
F. Monopole. Any self-supporting wooden pole or any self-supporting metal or concrete pole designed to support an antenna; provided, that the word “monopole” does not include a latticed steel or metal tower, a tower which requires guy wires for support or a tower which has more than one source of support, such as a tower with more than one leg.
G. Residential Property. Any land located in a Residential District.
H. Tower. Any telecommunication Monopole (as defined hereinbefore) including Monopoles used for microwave, cellular or personal communication service systems and any other telecommunication systems now or hereafter in use. As used in this article, “tower” includes any telecommunication tower installed or constructed within the city prior to the effective date of this Ordinance, regardless of whether such tower is a Monopole or another type of tower.
I. Tower Compound. A parcel of land or a building on which communication facilities are located

§7.15.02 *Required Approvals*. No party may construct a tower or tower compound until the Commission has approved it as a Conditional Use, unless permitted by right in the applicable district, and a Building Permit has been subsequently granted. Co-location of an antenna on an existing tower may be approved by the Building Official, except as otherwise provided herein.

§7.15.03 *Applicability*. Communication facilities may be constructed and installed in any zoning district, provided they comply with the provisions of this Section. All towers, antennae and equipment constructed or installed, whether on a new or existing tower compound, after the effective date of this Ordinance and any changes or additions to any tower or antenna in existence before the effective date of this Ordinance, are subject to this Section. A tower which is proposed to be built on a co-location site is subject to the same requirements and conditions as all other towers. Routine maintenance of, and repairs to, the communication facilities, may be performed without the approval of the Commission, though a permit may be required if applicable to the nature of the maintenance or repair activity.

§7.15.04 *Public hearing*. The Commission will hold a public hearing with respect to each application for the construction of a tower. The installation of any additional antenna on the same tower, and the equipment used in connection with such additional antenna, is subject to approval of the Building Official and does not require a hearing or approval of the Commission unless:

A. the tower compound is to be enlarged or there is a change in the size or location of the existing tower; or
B. the Building Official considers it appropriate that such application be referred to the Commission for review and consideration; in either case a public hearing will be held, subject to all the conditions and requirements of a public hearing on an application for the construction of the initial tower on a tower compound.

The City will provide public notice of the hearing as required by State law. If, at the meeting of the Commission during which the public hearing is held or was scheduled to have been held, it is announced that the public hearing is continued or postponed to a certain specific date, no notice of the continued or postponed hearing must be given.

§7.15.05 *Co-location*. A new tower may not be constructed if space is available, on an economically reasonable basis, on an existing tower which is structurally and technically able to support the proposed antenna. An affidavit that reasonable effort has been made by the applicant to locate the proposed antenna on an existing tower must be submitted with the application for the construction of a new tower. Such affidavit must comply with the provisions of §7.15.10.g. Each tower constructed must be designed to provide for the installation of additional antennae to the fullest extent practicable, taking into consideration the structural and technical limitations of the type of tower proposed to be constructed.

§7.15.06 *Review Criteria*. In considering whether to permit communication facilities to be constructed and/or installed at a certain location, the Commission will consider the following public health, safety, and general welfare criteria:

A. Structural safety of towers: Towers must comply with wind-load and other structural standards contained in applicable building and technical codes adopted by the Council, and the electronic industries associations code, so as not to endanger the health and safety of people in the event of the structural failure of a tower. The Building Official will determine whether towers comply with the requirement of this subsection.

B. Appearance of tower compounds: To the extent practicable, towers and tower compounds must be designed, through the use of building materials, colors, textures, screening and landscaping, so that their appearance is compatible with surrounding land uses. The Commission may require that planting and a decorative fence or wall be constructed around a tower compound to help accomplish this end.

C. Compliance with rules and regulations: All communication facilities must comply with all applicable rules, regulations and other requirements of the FCC and other governmental agencies having jurisdiction over them, including but not limited to, the State of Alabama. The Commission may require that satisfactory evidence of such compliance be furnished by the applicant.

§7.15.07 *Development Criteria*. The Building Official will review all applications for towers, antennae, or equipment for compliance with the provisions of this Section. By a vote of at least 2/3 of the members of the Commission present at the public hearing, the Commission may waive any one or more of the following requirements if the circumstances justify such waiver and provided the reasons for such waiver are included in the minutes of the meeting of the Commission at which such waiver was granted.

A. All towers must be monopoles.

B. Each tower compound must be large enough to provide room for a structure to contain the equipment for at least one additional antenna.

C. The centerline of a tower may not be located closer than 200 ft to the boundary line of any residential property. If the land on which a tower compound is located, and all land which abuts the tower compound, is in a nonresidential zoning district (including land in a Planned Development District used for nonresidential purposes) the centerline of the tower may not be closer than 50 ft to the boundary line of such property. The Commission may reduce the foregoing setback requirements in exceptional cases where, due to unusual topographic conditions, the enforcement of the setback requirements would result in unnecessary hardship; provided that the setback may not be reduced to less than the minimum setback required in the applicable district and that the reduction of the setback requirements may not, in the opinion of the Commission, be contrary to the health, safety and general welfare of the public.

D. Towers must be constructed of wood, galvanized steel or concrete and retain their natural finish so as to reduce their visibility. Towers must be properly maintained.

E. No signs or other forms of advertising, including signs displaying the name of the owner or user of the tower or antenna, may be attached to, or depicted on, a tower or antenna.

F. Towers may not be illuminated except for warning beacons and as provided herein. Lights for security and maintenance purposes may be installed on structures which contain equipment. Such light must be pointed downward from a height of not more than 10 ft and may not exceed a maximum of 150 watts. Such lights must be located and directed so that they do not shine or reflect onto or toward any residential property.

G. Each tower compound must be surrounded and fully secured by a dark colored, vinyl-coated or galvanized steel chain link security fence or masonry wall or combination thereof, at least eight feet in height.

H. All tower compounds must be surrounded by a landscaped buffer which must, to a height of at least eight feet, effectively screen the view of the tower compound from adjacent public ways and residential property. The buffer, which may be located in the required setback area, must consist of a landscaped strip, at least

four feet in depth, located outside of the security fence. The landscaped strip must be planted with a combination of trees, shrubs, vines, and/or ground covers capable of attaining, at maturity, a height as high as the security fence and which will enhance and partially screen the outward appearance of the security fence. For tower compounds located within 1,000 ft of residential property or areas of special aesthetic concerns, such as schools, the Commission may require wider landscaped buffer areas and other items, such as decay-resistant, solid wood fences, earth beams and masonry walls. All fences, walls and landscaping must be kept in good condition and repair maintained in a neat manner by the owner or user of the tower.

In the application for permission to construct a new tower or to install an additional antenna on an existing tower, the applicant must include of the name and address of the party who will be responsible for maintenance and repair of the communication facilities, and any fences, walls and landscaped buffer areas. If a different person becomes responsible for such maintenance and repair, the owner of the tower must give the Building Official written notice of such person's name and address.

I. In isolated, nonresidential areas, alternative landscaping methods, such as the use of a dark colored, vinyl-coated or galvanized steel chain link security fence in combination with evergreen shrubs, trees, vines, and/or other plantings, may be permitted on the condition that if the areas surrounding such tower compounds become developed, the Commission may require the owner of the tower compound to comply with the requirements of §7.15.7.h above.

J. Existing mature tree growth and natural land forms must be preserved to the maximum extent practicable. In some cases, such as tower compounds located on large wooded lots, preservation of a substantial amount of natural growth around the perimeter of the tower compound may be taken into consideration by the Commission in determining the extent of the buffer required.

K. A parking area and driveway of asphalt, concrete or other all-weather surface approved by the Building Official must be provided for each tower compound for service access and for access by emergency services. Subject to the approval of the Commission and to an appropriate agreement with the owner thereof, access may be by means of, and parking may be provided on, an adjoining property. Subject to the approval of the Commission, one or more public streets adjoining the tower compound may serve as the parking area.

§7.15.08 *Removal of Unused Towers*. Any tower which is no longer in use for its permitted purpose must be removed at the owner's expense. Within 10 working days of sending notice to the FCC of the intent of the owner to cease use of the tower, the owner must provide the Building Official with a copy of such notice. The owner must remove the tower and all communication facilities used in connection with it within 90 calendar days from the day the tower ceases to be used or by such earlier date as may be required by the FCC. If the owner does not remove the tower from the tower compound within the 90-day period, or shorter period if prescribed by the FCC, the owner of the property on which the tower is located, if different from the owner of the tower, must remove it from such land within 90 calendar days of receiving written notice form the city to do so. If neither the owner of the tower nor the owner of the property removes the tower within the time prescribed, the city may, but is not obligated to, remove the tower. If the city removes the tower it is entitled to recover the cost of doing so from the owner of the tower and/or the owner of the property. Notwithstanding the foregoing, a tower used by more than one party may continue to be used for telecommunication purposes as long as the tower is used for such purposes by at least one party. Any party who ceases to use a tower used by more than one party must remove its antenna from the tower and must remove its equipment from the tower compound within 90 calendar days after it ceases to use the tower, or within such shorter period as may be prescribed by the FCC, so that the tower and compound will be available for use by another party. If the tower is located on property owned by the City of Cullman or the Cullman Board of Education, the city or the board, respectively, has the right to purchase the tower for $100.00 when it ceases to be used for telecommunication purposes by all parties who have an antenna located on the tower. Such right to purchase must be exercised by the city or the board within 60 calendar days of the date the city receives notice that the owner of the tower intends to cease use of the tower for its permitted purpose.

§7.15.09 *Receiving Antennae*. A building permit is required for receiving antennae over 24 inches in diameter. A receiving antenna located in a residential zoning district is considered to be an accessory structure. A receiving antenna located in a nonresidential zoning district must be screened on at least three sides if it is located on the roof of a building or on the top of any other structure, and it must be screened on four sides if it is located at ground level.

§7.15.10 *Application*. In addition to other items and information required by this Ordinance, all applications for a permit to construct a new tower or to locate an antenna or additional equipment on an existing tower compound, must include the following:

A. A list of the names and addresses of all owners of property adjoining the subject property. For the purpose of this Section, the owner of property is considered to be the person shown as the property owner according to County tax assessor records. The application must be accompanied by the certification by the applicant, a surveyor or an attorney that the list of property owners was obtained from said tax assessor and that the list contains the names and addresses of all owners of property within 500 ft of such tower compound.

B. Statement of impact on health, safety, and welfare: A brief written statement concerning the steps the applicant has taken to comply with all applicable rules, regulations, and requirements concerning health and safety matters related to the proposed communication facilities.

C. Site plans: A site plan, prepared by a surveyor, scaled to not less than one inch equals 50 ft, showing the location and dimensions of the subject property, as well as the location of setback lines, driveways, parking areas, fencing, landscaping, and generators and the location, size and type of any fuel tanks. The site plan must be prepared by a licensed and must also show:

1) all parcels located within 500 ft of any part of the tower compound

2) zoning classification of the property and of all parcels within 100 ft of the subject property, including zoning classifications in an adjoining municipality

3) the latitude, longitude, section, township, range, tax parcel identification number, street address and the site identification number of the proposed tower compound. If any part of the tower compound is or will be located within 1,000 ft of a boundary line of the city, the following information must be clearly indicated:

a. the distance from such boundary line

b. the name of the adjacent municipality

4) such other information as may be required by the Commission to determine compliance with the requirements of this Ordinance. If the proposed tower is to be located on a portion of a larger property, its location with respect to the boundary lines of such property must be shown on the site plan.

D. *Elevation views:* a silhouette and elevation view of the proposed or existing tower, as applicable, all other communication facilities, and the tower compound, describing colors and materials to be used for the communication facilities and any fencing or walls. The configuration of proposed antenna arrays must be shown on the silhouette. The proposed location of future, additional antenna arrays must be shown on the silhouette by dashed lines.

E. Frequency band and wattage: The frequency band and maximum wattage of proposed communication facilities.

F. The estimated life of the tower, the antenna and the equipment.

G. Affidavit: An affidavit of the applicant stating that: 1) there is no existing tower from which the area to be served from the proposed new tower can be served; or 2) the applicant has made good faith efforts to have its antenna installed on an existing or proposed tower (from which the area proposed to be served by the new tower could be served) and has been unable to do so and giving a detailed written narrative of the efforts made by the applicant to use such existing or proposed tower.

H. Certification of Shared Use Design. If the tower to be used is one on which there is already one or more antennae, the application must be accompanied by a certification by an engineer, qualified to make such certification, certifying that the tower is able to accommodate the proposed antenna, as well as the antennae already located on the tower, in a safe and functional manner.

To help defray the costs of processing applications, reviews and otherwise administering the provisions of this Section, the applicant must submit a non-refundable application fee, as set by the Council, plus any costs incurred by the City for public notice.

§7.15.11 *Foundation Survey, As-Built Certification*. After the foundation for a tower is poured, a foundation survey, prepared by a surveyor, showing the location of the foundation of the tower, must be furnished to the Building Official, and no further work may be done with respect to the construction of the tower until the Building Official has approved, in writing, the foundation, including its location. Upon the completion of the tower and installation of an antenna, or upon the location of an additional antenna upon an existing tower, the tower and antenna or the antenna, as the case may be, may not be put into operation until a qualified engineer furnishes the City written certification that the tower and the antenna were built and installed, or the antenna was installed, if the antenna was installed on an existing tower, in accordance with the plans submitted to the city including the installation of any required buffers, fencing and walls.

Section 7.16 Upper-story Dwellings

§7.16.01 General Standards

A. The combination of residential and nonresidential uses must strictly comply with City Building and Fire codes.

B. The principal use of the building must be a permitted use or approved conditional use in the applicable district.

C. Dwellings are not permitted on the ground floor. Space above or below the ground floor may be either business or residential use.

D. No nonresidential use may be located on the same floor in the same building with any dwelling units.

E. Dwelling units must be accessible from a shared exterior entrance or one interior entrance commonly shared between the uses housed in the upper floors of the building.

F. Dwelling units may not be accessible directly from another unit or use within the building.

§7.16.02 Balconies. Balconies are permitted for approved dwellings only and subject to the following:

A. Balconies must meet the requirements of the Fire Official to be used as a rescue area or place of refuge for evacuation purposes.

B. Balconies may not extend more than 70% over public sidewalks. (See Figure 7-1.)

C. Neither balconies nor supports may encroach into ADA-required sidewalk areas.

D. Vertical clearance of at least nine feet must be maintained between the balcony and sidewalk or grade level, whichever is greater. (See Figure 7-1.)

E. All balcony support posts must be set back at least 24 inches from the back of curb and placed on concrete pedestals at least 18 inches above the sidewalk. (See Figure 7-1.)

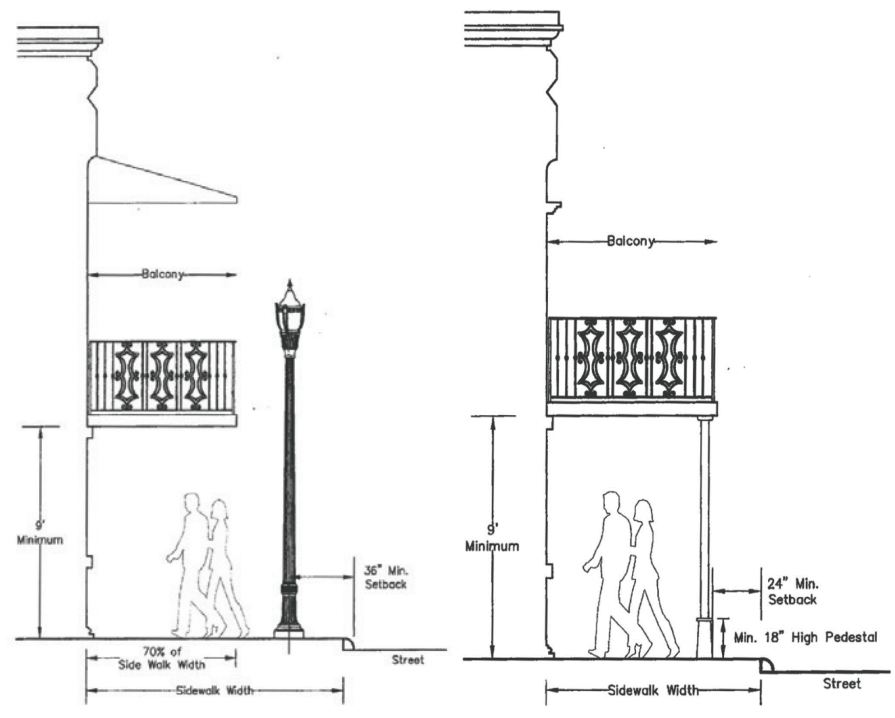


Figure 7-1 Dimensional requirements for balconies of upper-story dwellings. Note: For illustration purposes only. Dimensions are to be read and not measured. Drawing not to scale.

F. All balconies must be constructed of noncombustible material acceptable to the Fire Official and comply with the City Building Code as determined by the Building Official.

G. Property owners must provide a hold harmless agreement, acceptable to the city, relieving the city from any liability relating to the structure.

H. All balconies must be designed by a state-registered structural engineer. Stamped drawings must be submitted to the Building Official. Drawings must not be older than 180 days.

I. Balconies may be open or covered, but may not be enclosed permanently or temporarily.

J. Satellite dish and antenna may not be mounted to a balcony or any portion of the structure supporting or covering the balcony.

K. No objects may be placed, hung, draped, or attached to any portion of the balcony including, but not limited to, sheets, towels, signs, merchandise, or lighting extending past the balcony, except approved, permanent signage complying with nine-foot vertical clearance.

L. Balconies must be approved by the Commission before a building permit may be issued for its construction.

ARTICLE 8. PARKING AND LOADING STANDARDS

Section 8.01 General Standards

§8.01.01 Plans and specifications. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, must be submitted to the Commission for review at the time of application for any required site plan approval.

§8.01.02 Site drainage plans, including drainage from parking lots and loading areas, must be designed to prevent stormwater from draining on adjoining properties.

§8.01.03 All off-street parking and loading areas must surfaced with concrete, asphaltic-concrete, asphalt, pervious paving or other hard surface pavement acceptable to the city and maintained in proper condition, free of weeds, dust, trash, and debris.

§8.01.04 Lighting fixtures used to illuminate off-street parking and loading areas must be shielded or arranged to direct light away from any adjoining residential or institutional properties or streets.

§8.01.05 Landscaping must be provided as required in §9.04 Landscaping for Vehicular Areas.

§8.01.06 No off-street parking or loading areas are allowed that require vehicles to back out into a public street or to back into a loading space from a street. This does not apply to off-street parking for single-family or duplex dwellings and in CBD District.

§8.01.07 Whenever there is an alteration of a structure, an expansion of a use or a change in use, which increases the parking and loading requirements, the use must conform with the off-street parking and loading standards of this Ordinance to the furthest practicable extent.

Section 8.02 Off-street Parking

§8.02.01 Off-street Parking and Loading Terms

Terms used in this Article have the following meanings:

A. Employee. The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

B. Gross Leasable Area (GLA). The total floor area of a building designed for both tenant occupancy and exclusive use. GLA includes both owned and leased areas but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, GLA is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

C. Loading Area. That area used to satisfy the requirements of this Ordinance for truck loading and unloading.

D. Loading Space. An off-street space or berth used for the unloading or loading of commercial vehicles.

E. Occupancy Load. The maximum number of persons, which may be accommodated by the use as determined by its design and by the City Fire Code.

F. Parking Aisle. That portion of the parking area consisting of lanes providing access to parking spaces.

G. Parking Area. An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.

H. Parking Space. That portion of the parking area set aside for the parking of one vehicle.

I. Stacking Space. An off-street space for the temporary stacking of vehicles with an aisle intended to serve a drive-in teller, take-out food window, dry cleaning/laundry pick-up and similar functions.

§8.02.02 Required Off-Street Parking Spaces

A. Requirements; exception. When any structure or use is established, enlarged, or increased in capacity, off-street parking spaces in the amount prescribed in Table 8-1. When the requirement is not readily determinable by Table 8-1, the Building Official will determine parking requirements using the table as a guide. Where deemed necessary to the public interest and upon a favorable recommendation of the Building Official, the reviewing authority may increase these parking requirements.

Required parking spaces must be maintained and may not be encroached upon by structures or other uses so long as the principal use remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Article. An exception may be made in the CBD District by the Planning Commission in the interest of preserving the character of the district. Required parking spaces may not be used for merchandise or any other use other than parking.

B. Location. Required off-street parking spaces must be located on the same lot as the principal building or on a lot within 300 ft thereof, except that this distance may not exceed 150 ft for single-family and two-family dwellings. This distance is measured from the nearest point of the parking facility to the nearest point of the lot occupied by the concerned building or use.

C. Parking in Residential Districts. Parking of motor vehicles in residential districts is limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed one ton, is permitted per dwelling unit. The parking of any other type of commercial vehicle, including those with the use of compressors or motor operations, is prohibited in a residential district.

D. Shared and Joint Parking. A joint parking area may contain required parking spaces for more than one use, provided the combined number of spaces complies with the parking for all uses. If the combined uses will use the same spaces at different times, the spaces may be credited to each separate use. The applicant must present a joint parking agreement; and, if sharing the same spaces, a time schedule for allocation of the spaces. Where appropriate, parking for multiple uses on the same premises may be reduced by calculation of shared parking requirements using Table 8-2.

Table 8-1 Required Off-Street Parking Spaces by Use

Agricultural Uses	
Farm	1 per 1.5 employees
Farm Stand	1 per 350 sf of retail floor area
Farm Support Business	1 per 1.5 employees, plus 1 per company vehicle
Stable	1 per 4 persons of occupancy load plus 1 per 1.5 employees
Residential Uses	
Accessory Dwelling	1 per DU
Assisted Living Facility	1 per 4 residents plus 1 per employee
Boarding House	1 per BR
Duplex	2 per DU
Independent Living Facility	1 per 2 DUs plus 1 space per employee
Manufactured Home	2 per manufactured home in a manufactured home park
Multifamily Dwellings	1 per studio or 1-BR unit; 1.5 per 2-BR unit; 2.0 per 3+ BR unit
Single-family Dwelling	2 per DU
Institutional Uses	
Club, Private	1 per 200 sf of non-storage and non-service floor area
Community Center	1 per 400 sf of GLA
Country Club	1 per 4 persons of occupancy load
Day Care Center	1 per employee, plus 1 stacking or parking space per 8 persons enrolled of occupancy load
Group Care Home	1 per 4 beds plus 1 per employee
Hospital	1 per 2 patient beds plus 1 per emergency room bed plus 1 per employee
Library	1 per 500 sf of GLA
Nursing Care Facility	1 per 4 beds plus 1 per employee
Place of Assembly	1 per 4 seats in the main assembly space
Public Facility	1 per 400 sf of GLA

Table 8-1 Required Off-Street Parking Spaces by Use

Rehabilitation Facility	1 per 4 beds plus 1 per employee
School, College or University	as determined by the Commission
School, Elementary or Junior High/Middle	1 per classroom, plus either 1 per employee or 1 per 4 seats in the main assembly space (whichever is greater)
School, High	1 per 8 students of occupancy load, plus either 1 space per classroom or 1 per 4 seats in the main assembly space (whichever is greater)
Commercial Uses	
Automobile Dealership	1 per 200 sf of interior sales area plus 1 per 4,000 sf of outdoor display area plus 1 stacking space per service bay
Automobile Parts Store	1 per 400 sf of GLA plus 1 per employee
Automobile Rental Establishment	1 per 400 sf of GLA plus 1 per rental vehicle
Automobile Repair Service	1 per employee plus 2 stacking spaces per service bay plus 1 per company vehicle
Bank (no drive-thru)	1 per 350 sf of GLA
Bank (drive-thru only)	1 per 2 employees plus 3 stacking spaces per teller
Bank (with drive-thru)	1 per 350 sf GLA plus 3 stacking spaces per teller
Barber or Beauty Shop	1.5 per chair
Bed and Breakfast	1 per guest bedroom plus 2 spaces
Bowling Alley	2 per bowling lane
Call Center, Telemarketing Office	1 per 150 sf of GLA or 1 per employee, whichever is greater
Car Wash (full service or automated)	1 per employee plus 4 stacking spaces per bay
Car Wash (self-service)	3 stacking spaces per approach lane plus 2 drying spaces per stall
Clinic	6 per practitioner
Commercial School	1 per 3 students of occupancy load plus 1 per employee
Dry Cleaning Pick-Up	1 per 300 sf of GLA
Funeral Home	1 per 1 employee plus 1 per 4 seats of occupancy load plus 1 per company vehicle
Furniture Store	1 per 600 sf of GLA
Service Station	2 per service bay plus 1 per company vehicle plus 1 per employee plus 1 stacking space per fuel island
Gas Station / Convenience Store	1 per 300 sf of GLA plus 1 stacking space per fuel island
General Retail Business	1 per 300 sf of GLA
Home Improvement or Appliance Store	1 per 500 sf of GLA
Hotel or Motel	1 per room plus 1 per employee
Laundromat	1 per 2 washing machines
Mini-warehouse	5 spaces (adjacent to leasing office, if any)
Office, business or professional	1 per 400 sf of GLA
Movie Theater	1 per 3 seats
Outdoor Recreation Golf Course: Miniature Golf: Golf Driving Range: Other:	 3 per hole 1 per hole 1 per tee 1 per 4 persons of occupancy load
Pool Hall	2 per 3 tables
Restaurant, Pick-up and delivery only	1 per employee plus 1 per 350 sf of GLA
Restaurant, Drive-in	1 per ordering station plus 1 per employee
Restaurant, Drive-thru	1 per 200 sf of GLA plus 4 stacking spaces per drive-thru window
Restaurant, Standard	1 per 4 seats of occupancy load
Unenclosed Retail	1 per 600 sf of display area plus 1 per employee
Veterinary Hospital	1 per 300 sf of GLA

Table 8-1 Required Off-Street Parking Spaces by Use

Industrial Uses	
General Industry and Manufacturing, Research Laboratory and similar uses	1 per 1,000 sf of GLA
Warehouse, distribution and wholesale Business	1 per 1 employee plus 1 per company vehicle but not less than 1 per 500 sf of GLA

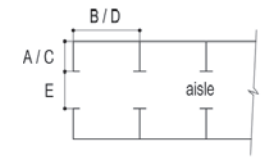
Table 8-2: Typical Shared Parking Demand by Use and Time of Day*

Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Movie Theater	40%	80%	10%	80%	100%	10%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

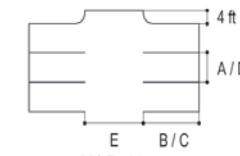
* Different parking demands may be used than those shown if documented in a parking demand study.

Table 8-3: Parking Lot Dimensional Requirements

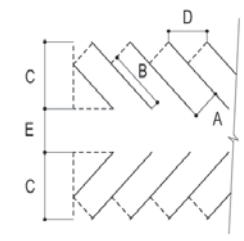
Parking Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Curb Length (D)	Aisle Width (E)		Interlock (F)
					One-Way	Two-Way	
0°	9 ft	22 ft	9 ft	22 ft	12 ft	20 ft	n/a
30°	9 ft	20 ft	17.4 ft	17 ft	15 ft	20 ft	3.9 ft
45°	9 ft	20 ft	20.2 ft	12 ft	15 ft	20 ft	3.2 ft
60°	9 ft	20 ft	21 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	9 ft	20 ft	20 ft	9 ft	20 ft	24 ft	n/a



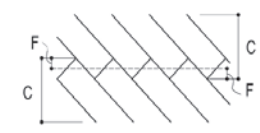
0° Parking



90° Parking



Angled Parking



Angled Parking with Interlock

§8.02.03 Parking Area Design. All off-street parking spaces, enclosed or unenclosed, aisles and access drives for ingress and egress, are subject to the dimensional requirements of Table 8-3 and the following:

A. All access to streets or alleys must be located in conformance with City access management standards established in the Subdivision Regulations. Access drives must connect directly, without obstructions, to a dedicated street or alley.
B. In all access drives requiring turning radius or curb cuts, the radius must be sized to allow unobstructed flow of traffic.
C. Detached single-family dwellings must have an access drive at least 12 ft wide. Duplexes and multifamily buildings must have an access drive at least 20 ft wide. Nonresidential uses must have an access drive at least 25 ft wide.
D. Off-street parking areas must be set back from property lines as required in §9.04 Landscaping for Vehicular Areas.
E. All nonresidential and multifamily off-street parking areas must be striped to indicate parking spaces as shown on the approved site plan.
F. Off-street parking areas may not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials or supplies.

Section 8.03 Off-Street Loading and Unloading Areas

§8.03.01 Nonresidential uses must provide off-street space for the loading and unloading of materials or goods without encroaching upon or interfering with the use of adjoining properties, public streets, alleys and sidewalks. See Table 8-4 for loading requirements.

§8.03.02 Each off-street loading and unloading space must be at least ten feet wide and 55 ft long with not less than 15 ft in vertical clearance, exclusive of maneuvering space.

§8.03.03 Loading space for two or more buildings on the same lot may be shared as long as the amount of space meets the combined requirements of all buildings to be served.

§8.03.04 Loading spaces may not be located in a required front yard or within five feet of any property line.

Table 8-4 Required Loading Spaces

Retail store, storage warehouse, wholesale establishment, industrial plant or factory, freight terminal, market, restaurant, funeral home, laundry or dry cleaning plant, or similar use	• Less than 8,000 sf GFA: no space required unless the Commission determines that the specific use requires such space • 8,001-20,000 sf of GFA: 1 space • 20,001-60,000 sf GFA: 2 spaces • Over 60,000 sf GFA: 2 spaces plus 1 additional space for every 50,000 sf GFA or fraction thereof over 60,000 sf
Auditorium, convention hall, exhibit hall, hotel, office building, stadium, sanitarium or similar use	• Less than 10,000 sf GFA: no space is required unless the Commission determines that the specific use requires such space • 10,001-40,000 sf GFA: 1 space • Over 40,000 sf GFA: 1 space plus 1 additional space for every 50,000 sf or fraction thereof over 40,000 sf

ARTICLE 9. LANDSCAPING

Section 9.01 General Provisions

§9.01.01 Purpose and intent. The purpose and intent of this article is as follows:

A. To enhance the aesthetic quality of the city by providing screening, landscape enhancement and protection and renewal of valuable vegetative resources
B. To ensure buffers are provided to mitigate incompatibilities between more and less intensive uses on adjoining properties
C. To promote ecological balance in urban areas through oxygen regeneration, shade, air and water pollutant filtration, groundwater aquifer recharge, and reduction of stormwater runoff
D. To prevent erosion of valuable soil resources and siltation in area waterways
E. To ensure that reasonable measures are taken to design and locate improvements so that heritage trees and other significant vegetation may be protected.

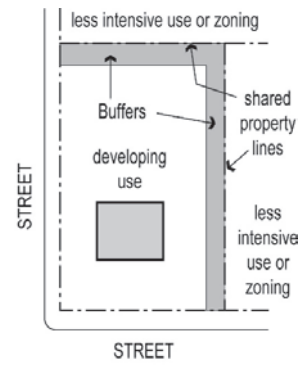
§9.01.02 Exemptions. The requirements of this article apply to all land for which a building permit is sought; except the following:

A. Single-family and duplex dwellings

B. Restoration of a building constructed prior to the effective date of the ordinance, which is damaged by fire, explosion, flood or other catastrophe, which damage is less than 50% percent of the assessed value of the structure.
C. Interior remodeling
D. Development for which a detailed landscape plan has been approved by the Commission prior to the effective date of the ordinance.
E. Construction of a structure, other than a building, which does not increase the developed area of a lot more than 50 sf.
F. Developed area of a lot if all proposed new buildings and/or additions to buildings contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction.

Section 9.02 Buffers

§9.02.01 Applicability. Buffers must be provided as required in Table 9-1 and as described in this Section. Buffers are the responsibility of the developing land use. A Landscaping Plan must be provided in accordance with §9.06. Buffer requirements are based on the developing land use and the existing, abutting use.



§9.02.02 Required yards, where corresponding with the buffer area, may overlap and may be counted toward buffer width requirements.

§9.02.03 Buffer requirements may be modified by the approving authority as follows:

A. When the proposed use will abut an existing, nonconforming use on a property that is designated for another use in the Master Plan and is zoned accordingly, the buffer may be modified to be consistent with the planned use of the neighboring property.
B. If the land use relationship between two abutting lots changes so that a lesser buffer would be required, the previously provided buffer may be reduced.
C. Whenever the proposed use abuts vacant land, buffer requirements are based on the zoning of the abutting property or the use projected by the Master Plan, whichever requires a greater buffer.
D. Buffers may not be used for parking, recreational use or any other purpose, except as provided herein. The approving authority may permit a walkway through a buffer and public utilities and storm drainage facilities may be constructed in a buffer, so long as the buffer otherwise complies with this Section.

§9.02.04 Design Standards

A. Prior to occupancy of the premises, the buffer must provide a visually impervious barrier, from the ground to five feet above grade level throughout the length of the buffer. Within one year after installation, the buffer must be at least six feet above grade throughout the length of the buffer.
B. Required plantings must be evergreen and may be supplemented with other plant materials.
C. The buffer width may be reduced as provided in Table 9-1 when a fence is provided that is five to seven feet tall and that meets the requirements in §9.05 Design Standards for Fences.

Table 9-1 Buffer Requirements By Use

Developing Land Use	Existing Abutting Use: Single-family detached	Single-family attached	Multi-family	Lodging	Institutional low/medium/high	Business	Parks & green-ways
Residential and Lodging	Buffer Class Required						
Detached, single-family	n/a	n/a	A	A	A	A	n/a
Attached, single-family	A	n/a	A	A	A	A	n/a
Multifamily	B	A	n/a	n/a	n/a	n/a	n/a
Lodging	B	B	A	n/a	n/a	n/a	n/a
Manufactured home parks	B	B	B	B	A	B	A
Institutional							
Low intensity	A	A	n/a	n/a	n/a	n/a	n/a

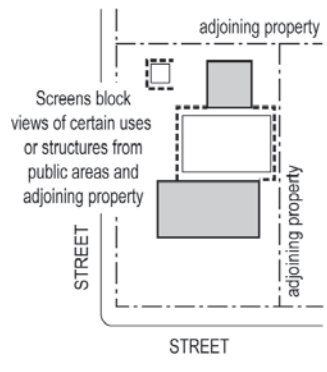
Table 9-1 Buffer Requirements By Use

Medium intensity	A	A	A	n/a	n/a	n/a	n/a	n/a	A
High intensity	B	B	B	A	A	n/a	n/a	n/a	A
Business/Commercial									
Offices up to 50,000 sf	A	A	A	n/a	A	n/a	n/a	n/a	A
Offices greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Amusement; outdoor entertainment	B	B	B	A	B	A	n/a	n/a	A
Retail, shopping centers, and restaurants up to 50,000 sf	B	B	A	A	A	A	n/a	n/a	A
Retail, shopping centers, and restaurants greater than 50,000 sf	B	B	B	A	B	A	n/a	n/a	A
Heavy commercial, including repair, contractor and automotive uses	B	B	B	A	B	A	n/a	n/a	A
Industry									
Warehousing, storage, and public utility facilities	C	C	C	C	C	B	B	A	B
Other industrial uses	C	C	C	C	C	C	C	B	B
Planting Requirements by Buffer Class									

Buffer Class	Width: With fence/wall	Width: Without fence/wall	Required trees per 120 lf
A	10 ft	15 ft	6
B	15 ft	20 ft	8
C	22 ft	30 ft	10

Section 9.03 Screening

Screening provides visual separation of certain site elements from public areas and adjoining properties.



Screening

§9.03.01 *Applicability*. For all multifamily, nonresidential and mixed use developments, the following require screening:

A. Garbage collection, recycling and refuse handling areas
B. Maintenance areas or utility structures associated with a building or development
C. Ganged utility meters and air conditioners/mechanical units
D. Outside runs for veterinary clinics, animal shelters, and kennels
E. Outdoor storage of materials, stock, equipment, and vehicles (such as those stored for repair), not including retail display
F. Any other uses for which screening may be required by the reviewing authority

§9.03.02 *Design Requirements*. Screening must comply with the following and as approved by the reviewing authority:

A. Location of the site element should be the first consideration in providing required screening. The reviewing authority may lessen screening requirements when the location of the site element obscures it from public view and from neighboring properties.
B. Screening may not impede any drainage way or block access to any above-ground, pad-mounted transformer. The utility company may require a minimum clear distance.
C. The method of screening, including height and materials, must sufficiently screen the site element from view. The minimum height needed is preferred.
D. Multiple site elements may be screened together.

E. Site elements that produce objectionable noise or odors must be located to minimize any nuisance to the public and abutting properties.
F. Shrubs must be evergreen and spaced no more than six feet on center. If used in combination with a fence meeting the requirements of §9.05 Design Standards for Fences, shrubs may be deciduous and may be spaced no more than eight feet on center.
G. Trees must be evergreen and, in the absence of a fence, must be supplemented with shrubs to create a continuous, opaque screen.

§9.03.03 *Requirements for Specific Uses*

A. Refuse and recycling containers may not be located forward of the front building line. These containers must be screened on three sides with an opaque gate for access. The fence must be at least two feet taller than the container.
B. Outdoor storage must be screened to a height of two feet taller than the material or equipment to be screened.
C. Service areas, work yards, and similar uses should be located to minimize their visibility to the public and to any abutting properties to which such functions would be objectionable. Where location on site is insufficient to screen the element, required screening must be at least six feet in height.

Section 9.04 Landscaping for Vehicular Areas

Landscaping must be provided in vehicular areas of nonresidential, multifamily and mixed-use developments that are used for off-street parking and loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels. Such landscaping shall be provided in such a manner as to break up the expanse of paving, facilitate the safe circulation of pedestrian and vehicular traffic and provide valuable shade for pedestrians and/or vehicles.

§9.04.01 Requirements

A. Required trees must be a species that reaches a mature height of at least 20 ft.
B. Interior Landscaping. Five percent of the area of any surface parking lot that has over ten spaces must be interior landscaping, such as islands and peninsulas. Trees must be included within interior landscaped areas and evenly distributed so that, in combination with other landscaping, no portion of the vehicular area is more than 75 ft from a tree.
C. Perimeter Landscaping. Vehicular areas must be separated from side and rear lot lines by a landscaping strip at least five feet wide planted with evergreen shrubs and one tree per 50 ft of lot line.
   1) Where this conflicts with buffer or other landscaping requirements, the greater requirement governs.
   2) Driveway connections between adjacent businesses and other compatible uses are encouraged and are not included in calculation of perimeter tree requirements.
D. Street Frontage Landscaping
   1) A landscaped strip at least ten feet wide must be located between any vehicular area and an adjoining street right-of-way. The strip must be planted with ground cover, mulch or a combination of these and similar landscape materials. When a fence is provided that is 2.5 – 3.5 ft tall and meets the requirements of §9.05, the landscaping strip must be five feet wide with shrubs spaced no more than ten feet on center.
   2) Shrubs must be evergreen and spaced no more than six feet on center.
   3) At least one tree per 50 lf of street frontage must be provided and evenly distributed. This is reduced to one tree per 75 ft when street trees required by the Subdivision Regulations are provided along the frontage. Trees may be planted no closer than 15 ft from the street curb.

§9.04.02 *City and state rights-of-way.* All landscaping within city or state rights-of-way, other than that performed by the City or state, is the sole responsibility of the adjoining property owner to maintain. The property owner should secure a written agreement with the proper authority prior to landscaping any portion of a right-of-way. The City or state will not be responsible for damages to landscaping materials in rights-of-way, during street or utility repairs or maintenance activities.

Section 9.05 Design Standards for Fences

Fences used to meet the landscaping requirements of this Article 9 are subject to the following:

§9.05.01 Fences must be masonry, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire fencing cannot be used to meet landscaping requirements. No more than 25% of the fence surface may be left open. The finished side of the fence must face abutting property or public views.

§9.05.02 Shrubs and trees must be planted on the exterior side of the fence.

§9.05.03 If a fence extends more than 100 ft in one direction, it must have columns of wood or masonry, which project outward from the fence surface and spaced no greater than 50 ft on center.

Section 9.06 Plans; Certificate of Occupancy

§9.06.01 All landscaping plans for new construction and for the addition and renovation of buildings exceeding 50% of the assessed value of the property must be submitted to the Commission along with the original site plan, or to the Building Official if not subject to Commission review. All landscaping plans must be drawn in sufficient detail to determine the size and species of all trees and vegetation to be planted and must include the following:

A. Date, scale, north point, project name, owner's name and designer's name

B. Location and dimensions of the property to be developed

C. Existing watercourses and significant drainage features

D. The location and size of existing and proposed streets and alleys, existing and proposed utility easements and overhead utility lines on or adjacent to the lot

E. The location, size and type of trees, shrubs and ground cover to be used in the proposed landscape areas with planting details and/or specifications:

1) Minimum size of trees: 2½-inch caliper

2) Shrubs: three-gallon containers

3) Ground cover: four-inch cups

F. The method of protecting existing trees from damage during construction

The Plan must be drawn or reviewed and approved by a registered architect, landscape architect, engineer or other person designated in §34-17-27, Code of Alabama or licensed to provide such services by the state department of agriculture plant protection division and the City.

§9.06.02 Any landscaping must be constructed according to the approved plan. Any changes in the landscaping plan must be approved by the City Arborist before the change is made, who may refer the change to the Commission or other authority, when the landscaping plan is part of a development subject to their review and approval. An appeal of the City Arborist's determinations may be brought before the ZBA.

§9.06.03 *Certificate of Occupancy.* The Building Official will not issue a Certificate of Occupancy until all aspects of a required landscaping plan have been completed and approved by the City Arborist. In the event of inclement weather or other unavoidable condition that prevents the implementation of the landscaping plan, the owner may be issued a Certificate of Completion of Structures. A Certificate of Occupancy may be issued if some aspects of the landscape plan are not completed, provided the following:

A. The delay in installation of landscaping will not pose a safety problem to the public.

B. A reasonable date for completion is agreed upon by the City Arborist and the property owner, in writing,

C. A bond payable to the City, in an amount of 1½ times the cost of the landscaping, is secured and approved by the city clerk.

Section 9.07 Modifications

Planting requirements may be modified by the approving authority in any of the following circumstances:

§9.07.01 Existing natural vegetation, which meets, in whole or in part, landscaping requirements, may be counted. However, additional planting may be required to fully achieve the requirement.

§9.07.02 Where impending development of adjacent property would make these standards unreasonable or impractical.

§9.07.03 Where the view from adjoining properties is blocked by a change in grade or other natural or man-made features.

§9.07.04 Where planting will not thrive due to poor soil conditions, intense shade or similar conditions that cannot be reasonably overcome, in which case, the approving authority may require fences or walls to substitute for plantings.

Section 9.08 Maintenance and Irrigation

§9.08.01 All required fences must be permanently maintained in good condition and replaced or repaired as needed. Plant material required as part of any buffer, screen or landscaping must be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

§9.08.02 Dead or damaged landscape material must be replaced within three weeks of notice.

§9.08.03 Drought-tolerant, native species are recommended; otherwise, an automatic irrigation system may be required.

ARTICLE 10. SIGNS

Section 10.01 Generally

§10.01.01 *Substitution of Messages*. Signs authorized by this Article may carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without additional approval or permitting process, other than electrical or building permits, if the change in message requires electrical or structural changes. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

§10.01.02 *Severability*. If any clause, portion, provision, or section of this Article is held to be invalid by any court of competent jurisdiction, that holding will not render invalid any other clause, portion, provision, or section.

Section 10.02 Signs and Advertising Structures

§10.02.01 In all districts, other than residential districts, where front yard or setback requirements are required, outdoor advertising structures may be placed within such front yard or setback area of the place of business advertised and shall conform to all regulations stated herein.

§10.02.02 All outdoor advertising signs to be located within 660 feet of the nearest edge of the right-of-way of a highway or the Interstate or Federal Aid Primary System shall file an application for a permit with the State of Alabama Highway Department, as required by the Highway Beautification Act-Outdoor Advertising.

Section 10.03 Creating Obstructions; Becoming dangerous

A. Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any building or structure. No advertising signs or structures shall be erected between 4 feet and 10 feet above the ground that will obstruct the vision of a vehicle operated or traveling upon any street, road, highway, driveways, or alleyway within the City of Cullman. No sign shall be erected that will impede the view of any street or highway intersection...

B. No sign, canopy, awning, marquee, or other structure shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view. No sign shall be erected or maintained which imitates or resembles any official traffic sign, signal, or device. No sign red, amber, or green lights shall be permitted in such proximity to a traffic signal light that, in the opinion of the enforcement officer, could be mistaken for such traffic signal by a driver.

C. Whenever a sign or outdoor advertising structure becomes abandoned, structurally unsafe or endangers the safety of a building or premises or endangers public safety, the Building Official shall order that such sign or advertising structure be made safe or removed. Such order shall be served in writing and shall be complied with within 30 days of the receipt thereof by the person, firm, or corporation owning or using the sign or advertising structure or the owner of the building or premises on which the unsafe sign is affixed or erected. After a second 30 day notice, the City may remove the said sign or advertising structure at the owner's expense.

D. Nonconforming sign: Where a lawful sign exists at the effective date of adoption or amendment of this section that could not be built under the terms of this section by reason of restrictions on size, height, illumination, location, or other requirements concerning the structure, it shall be deemed a nonconforming structure, portable signs excluded. A nonconforming structure may be maintained only by painting or refurbishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the original permit for construction was issued. Upon a determination by the Building Official and notice to the owner of the sign that a nonconforming sign has become dilapidated or structurally unsound, such sign shall be removed within 30 days. Any structural or other substantive maintenance to a nonconforming sign shall be deemed an abandonment of the nonconforming sign and shall render the sign in violation of the provisions of this ordinance.

E. Electric or illuminated signs shall be installed in strict conformity with the Electrical Code of the City of Cullman. No electrical wire or cable serving an electric or illuminated sign shall be laid on the surface of the ground, street, parking lot, or sidewalk.

F. No sign shall incorporate a bare, incandescent bulb with wattage exceeding 20 watts, except as a shielded, indirect light source. No illuminated sign shall be permitted which produces an illumination exceeding 1/2 foot candle in a residential district.

G. If a sign is removed or damaged in any manner to the extent that the restoration costs exceed 50% of the original value of the sign immediately before the damage occurrence, such sign shall be removed or altered to conform to these sign regulations.

Section 10.04 Signs and Advertising Structure Permits

A. Except where this ordinance explicitly exempts a sign, all signs erected shall require a sign permit issued by the Building Inspections Department.

B. Permit exceptions: The repairing, cleaning, touch-up painting, or bulb replacement and other normal maintenance to prolong the life of a sign shall not require a sign permit. Any maintenance to improve the structural integrity of the sign must be permitted. Changing the logo or name of any sign face shall not require a permit.

C. Any sign or advertising structure shall be subject to a building permit being issued. The fee for said permit shall be governed by the permit fee schedule adopted by the City of Cullman. Each permit application shall be accompanied by plans which show the following:

D. *Application; contents.* Each permit application shall be accompanied by plans which show the:

1) Indicate the proposed site by identifying the property owner, location, present use, and zoning district.

2) Show location of the sign on the lot in relation to the property lines, existing signs and structures.

3) Show complete structural specifications for all signs including footings, anchoring, and support for projecting signs and outdoor advertising structures. Such structural specifications must comply with the latest building related codes adopted by the City of Cullman. Signs exceeding 60 sf or any sign in excess of 20 ft in height shall be designed by an engineer registered in the State of Alabama, and said engineer shall place his official seal and signature to said structural specifications.

4) No permit shall be required for signs measuring seven square feet or less in area.

5) Additional information needed to determine if such sign is to be erected in conformance with this ordinance.

E. Projecting signs with two or more faces extending perpendicular from the building wall shall not project more than six feet from the wall.

F. Projecting signs shall not exceed 24 square feet in area and shall provide at least nine feet clearance underneath the sign.

G. Canopy or marquee signs may be attached to roof-like structures extending from a building wall or covering a fuel service island provided such signs are made a part of the canopy or marquee and do not extend beyond its face.

H. Attached signs shall not be placed upon any roof surface unless such roof has a pitch or 45 degrees or more.

I. The height of any attached sign shall not extend above the highest point of the roof line.

J. Wall signs with a single face mounted parallel to a building face shall not project more than 12 inches from the building wall and shall not extend beyond the limits of the building face.

Section 10.05 Signs and Advertising Related to Alcoholic Beverages

§10.05.01 All advertisement relating to alcoholic beverages must comply with Alabama Alcoholic Beverage Control Board Administrative Code Chapter 20-X-7 advertising provisions which state as follows:

A. All proposed advertising shall be submitted to the ABC Board for prior approval before dissemination within Alabama. This includes but is not limited to radio, television, newspapers, magazines, billboards, point-of-sale materials, novelty items, clothing, promotions, and aerial displays. Once approved, advertising may be disseminated repeatedly if there are no substantial or material deviations in the use, message, or distribution thereof.

B. The ABC Board may exercise its discretion to prohibit advertising it considers objectionable.

C. All advertisements shall pertain to alcoholic beverages approved and/or listed by the ABC Board at the time such advertisements are disseminated.

D. No advertisement may include any illustration(s) of any person(s) consuming alcoholic beverages or any person(s) posed in an immodest or sensuous manner, nor shall any advertising contain profanity or offensive language.

E. No advertisement shall include anything which might appeal to minors by implying that the consumption of alcoholic beverages is fashionable or the accepted course of behavior.

F. No promotional activities, sweepstakes, or contests may award alcoholic beverages as prizes therefor.

G. Refund coupons or cents-off coupons which require or induce the purchase of table wine or beer are prohibited.

Statutory Authority: Section 28-3-49, Code of Alabama, 1975

§10.05.02 It shall be unlawful for any person, business, or premises selling beer, wine, and/or alcohol for on-premises and/or off-premises consumption to display any sign (electronic, painted, or otherwise) containing the English name, brand name, or any phonetic spelling or misspelling of an English name for any alcoholic beverage as enumerated and defined in this ordinance (including any type of illustration or image depicting an alcoholic beverage) outside any place of business or in any window or door visible from the outside of the business. For the purposes of this ordinance, any sign attached directly to any part of a window or its surroundings (including windows integrated into doors) or any sign placed within 36 inches of the window with its content visible from the outside will be considered to be in the window. Any inconsistency with any prior ordinance which is in conflict with the terms and conditions of this section or contrary to its intent shall be superseded by this section to the extent of the conflict.

§10.05.03 No sign of any kind advertising table wine shall be displayed outside any retail place of business. Radio, television, newspaper, magazine, billboard, and commercial vehicles used for transportation of table wine may be used to advertise table wine in accordance with the Rules and Regulations issued by the Alabama Beverage Control Board, provided, however, that there shall be no advertising of table wine on billboards located in "dry" counties as defined.

Section 10.06 Signs-Illuminated, Portable, or Movable

§10.06.01 A sign may be illuminated if illumination is confined to the surface of the sign and the electrical wiring servicing said sign meets the electrical codes of the City of Cullman. Lighting shall be so designed that the intensity and characteristics of the lighting shall not interfere with adjoining properties or create danger to street traffic. Signs shall not be erected or maintained which contain, include, or are illuminated by any flashing, intermittent, or moving lights except those giving public information such as, but not limited to, time, date, temperature, weather, or news.

§10.06.02 Signs of any size mounted on trailers and other portable signs are strictly prohibited, and no variance or special exception shall be granted authorizing such a sign. A truck or other vehicle displaying as sign may circulate on the streets of the city, but no vehicle displaying such a sign shall be parked outside an enclosed building for longer than 90 minutes.

Section 10.07 Signs Prohibited.

§10.07.01 The following signs are prohibited:

A. Any sign advertising a yard sale or similar type, except one sign not to exceed two square feet in area may be located in the yard, not on any public right-of-way, where such sale is being held.

B. Any sign erected on a public right-of-way except street signs, directional signs and other signs that are erected or permitted by city, county, or state officials.

C. All signs attached to utility poles, trees, street signposts, or any permitted sign or sign support.

D. All signs obstructing any sidewalk, driveway, alley, or street.

E. All signs exceeding 50 sf in area, exclusive of necessary structural support, placed within ten feet of any property line or any street right-of-way.

F. Any sign deemed unsafe by the Building Official due to its nature or location.

G. Bench-type signs located on city or state rights-of-way.

§10.07.02 Any sign installed or placed on a public right-of-way shall be forfeited to the public and subject to confiscation. In addition to other remedies provided under this article, the city shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal.

§10.07.03 Council findings: The City Council hereby prohibits portable signs throughout the city owing to the findings related to the protection of the public health, safety, morals, and general welfare:

A. Portable signs are not a uniquely valuable mode of communication; that is, ample methods of communication are available as alternatives to portable signs.

B. Evidence has shown that portable signs are a threat to public safety.

C. Portable signs are not in keeping with the city's aesthetic standards. Portable signs contribute to visual clutter in commercial and industrial centers.

D. The city's only effective alternative in controlling the detrimental effects of portable signs is outright prohibition in all cases.

E. Removal: All portable signs shall be deemed in violation of this article if not removed within one year of the effective date of this article.

Section 10.08 Signs Approved for Home Occupations.

One sign shall be permitted for approved home occupations, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building. Signs or displays of goods on public property are prohibited.

Section 10.09 Signs – Temporary

§10.09.01 All temporary signs such as yard sale signs, political signs, banners or other like signs shall be removed by parties involved after their usefulness has been fulfilled or upon notification by the Building Official. In no case shall such signs be placed on rights-of-way, in medians of highways, or on public property.

§10.09.02 Temporary Banner (exterior): A banner, as defined in this article, may be displayed to advertise or identify activities, grand openings, and sales and must be erected on the address where the event is to take place. Banner shall not be placed on the right-of-way. Such banner shall be limited to one per address, not to be displayed longer than the event or 30 days, whichever comes first, not to exceed 32 sf, and to be removed immediately following the event.

§10.09.03 Temporary real estate signs: Any real estate company or property owner for the sole purpose of selling or renting property in the city shall be permitted to have signs on property only (on-premises signs). On-premises signs shall not exceed 9 square feet in area on a residential lot or 32 sf on a nonresidential lot; shall not interfere with traffic visibility at intersections or public street and private drives; and shall be removed within seven days after a sale, lease, or rental. An on-premises real estate sign may only contain the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner, property manager, or agent. Temporary real estate signs, signs directing people to such properties, signs advertising an open house or other amenities relating to the properties shall not be placed in the public right-of-way or median of any street or highway or public easement, or on public property.

§10.09.04 Temporary construction site identification sign: Not more than two construction signs per street frontage shall be permitted on the site where building is actually in progress under a current building permit. Such signs shall not exceed 32 sf in area. A construction sign may identify the project on the site and include the owner or developer, architect, engineer, contractor, subcontractor, funding sources, and related information such as but not limited to sale or leasing information. Such signs may not be erected before a building permit is issued and must be removed before a certificate or occupancy is obtained.

§10.09.05 Temporary political signs: A temporary political sign may be erected in connection with elections or political campaigns. Such signs shall not exceed nine square feet in area on a residential lot or 32 sf on a nonresidential lot; shall not be placed in the public right-of-way, median of any street or highway or public easement, or on public property; shall not be erected on any utility poles or traffic control signs; shall not interfere with traffic visibility at intersections or public street and private drives; and shall be removed within 72 hours after the election or political campaign.

§10.09.06 Temporary garage or yard sale sign: A temporary sign advertising the sale of personal property on a lot may be erected only on the lot where the sale is to take place. Such signs shall not exceed nine square feet in area on a residential lot; shall not be placed in the public right-of-way, median of any street or highway or public easement, or on public street and private drives; shall not be erected on any utility pole or street sign; and shall not be erected more than 72 hours prior to the sale and shall be removed within 24 hours after the sale.

Section 10.10 Billboard Signs

The City Council hereby finds and determines that further regulation of the location, size, and certain features of billboard signs is necessary to enable the public to locate goods, services and facilities without difficulty, while ensuring the continued attractiveness of the community and the protection of property values.

§10.10.01 Location. No billboard sign, display or device shall be hereafter erected or maintained in any zoning district, except as described in this section:

A. Billboard signs may be permitted in a B-1 or B-2 zoning district provided that they are located within 660 feet of an officially designated interstate highway. No billboard sign shall be affixed on any building. Billboards

may also be permitted in B-1 and B-2 zoning on the following State highways within the city limits of Cullman: Highway 69, Highway 278, Highway 31, and Highway 157 under the following conditions:

1) No sign may be closer than 4,000 ft from an existing billboard within the Cullman city limits no matter what side of the road it is upon (with exception of billboards located along I-65 as stated in §10.10.04.B)

2) Billboard may not be erected closer than 10 feet from any of the property lines of the lot or parcel upon which the sign is located. No sign may be built within the radius of 2000 feet from the center of the intersection of Highways 31 and 278.

3) Billboard must be a minimum of 25 ft from the ground to the bottom of the billboard.

B. Signs located within a B-1 and B-2 zoning district other than Paragraph A above shall not be for hire and shall advertise the business at that location or be located on property immediately adjacent to the place of business so advertised.

C. All billboard signs shall be approved by the Building Inspector after complete plans and specifications, designed by a professional engineer legally registered in the State of Alabama and said engineer shall affix his official seal and signature to the plans and specifications, have been submitted and found to be in compliance with all pertinent codes and ordinances of the City of Cullman. Upon request, a survey may be required to be submitted by the owner to the Building Official.

D. The owner of said sign shall also secure, at his expense, all necessary approvals from the Department of Transportation and the land owner and submit said approvals to the Building Inspector along with his request for approval.

§10.10.02 Size

A. The maximum area for any one sign shall be 672 sf with a height that does not exceed 14 ft and a width that does not exceed 50 ft inclusive of any border and trim but excluding the base or apron, supports, and other structural members.

B. The area shall be measured by the smallest square, rectangle, triangle, or circle or combination thereof which will encompass the entire sign.

C. A sign structure may contain one or two signs per facing and may be double-faced, back-to-back, or V-type, provided that if two signs are facing the same direction, the aggregate total area shall not exceed 672 sf.

§10.10.03 Lighting

A sign may be illuminated if illumination is confined to the surface of the sign and the electrical wiring servicing of said sign meets the electrical codes of the City of Cullman. Lighting shall be so designed that the intensity and characteristics of the lighting shall not interfere with adjoining properties or create danger to street traffic. Signs shall not be erected or maintained which contain, include, or are illuminated by any flashing, intermittent, or moving lights except those giving public information such as, but not limited to, time, date, temperature, weather, or news.

§10.10.04 Spacing

A. Billboard signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device, or which obstructs or physically interferes with the driver's view of approaching, merging or intersecting traffic.

B. There shall be at least 500 ft between billboard signs located within 660 ft of I-65 on the same side of the highway. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

C. All other sign spacing shall be spaced in accordance with §10.10.01 Location.

ARTICLE 11. NONCONFORMING USES

Section 11.02 General Provisions

§11.02.01 Any parcel of land, use of land, or structure existing as of the effective date of this Ordinance, that does not conform to the requirements of this Ordinance may be continued and maintained subject to the provisions in this Article.

§11.02.02 Nothing in this Article may be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements, which do not increase in scope or scale the nonconformity of the structure.

Nothing in this Article may be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official charged with protecting the public safety and who

declares the structure to be unsafe and orders its restoration to a safe condition; provided the restoration is not otherwise in violation of this Ordinance.

§11.02.03 No nonconformity may be moved, in whole or in part, to any other location on the same or any other lot unless the entire structure conforms to the regulations of the applicable district after being moved.

§11.02.04 No use or structure that is accessory to a principal nonconforming use or structure may continue after the principal use or structure has ceased or terminated, unless it thereafter conforms to all of the regulations of this Ordinance.

Section 11.03 Nonconforming Lots

§11.03.01 *Vacant Lots*. If the owner of a nonconforming vacant lot owns adjoining land that may be combined with it in order to comply with the requirements of this Ordinance, the lots must be combined before the City issues a Building Permit or any approval required by this Ordinance for development of the lots.

If the owner of a nonconforming vacant lot of record does not own sufficient adjoining land to enable compliance with the area and dimensional requirements of this Ordinance, one building and its accessory structures may be built provided they conform as closely as possible, as determined by the ZBA, to the requirements of the applicable district, and further provided that no side yard, where required to be greater than five feet, may be reduced to less than five feet.

§11.03.02 *Occupied Lots*. Where multiple dwellings existed on one lot in the R-1 or R-2 District, on the effective date of Ordinance No. 848, the owner may apply for a variance to subdivide the lot, so that each dwelling may be on its own lot, though the resulting lots may be smaller than required by this Ordinance. If a dwelling on such a lot is destroyed by fire or natural disaster, it may be rebuilt provided it conforms as closely as possible, as determined by the ZBA, to the district requirements.

Section 11.04 Nonconforming Uses

§11.04.01 Generally

A. A nonconforming use may not be changed to another nonconforming use.

B. Whenever a nonconforming use changes to a conforming use, it may not thereafter revert to the previous or any other nonconforming use.

C. A nonconforming use may not be altered, enlarged, or intensified in any way that increases its nonconformity, but may be altered or reduced to decrease its nonconformity.

D. When any nonconforming use is discontinued for a continuous period of more than 365 days, any subsequent use of the lot or structure, as applicable, must comply with the use regulations of the applicable district.

§11.04.02 Nonconforming Uses of Land. A nonconforming open use of land may not be enlarged to cover more land than was occupied by the use when it became nonconforming.

§11.04.03 Nonconforming Uses of Structures

A. A nonconforming use of a structure may not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use.

B. Nonconforming residential structures in any district, in which the residential use is not permitted, may be enlarged, extended or structurally altered, provided no additional dwelling units are created, and the extension or alteration complies with all other requirements of this Ordinance.

C. A structure containing a nonconforming use may not be moved to any portion of the lot other than that occupied when the use became nonconforming.

Section 11.05 Reconstruction of Damaged Buildings or Structures

§11.05.01 Any nonconforming dwelling damaged by fire, wind, flood, or other causes, may be repaired or rebuilt within the footprint and square footage of the nonconforming dwelling. The repairs or reconstruction must be initiated within 180 days and completed within 365 days of such damage. Other nonconforming structures damaged by fire, wind, flood or other causes up to 60% of their value prior to the damage, may be repaired or rebuilt within the existing footprint and square footage. If the damage exceeds 60% of the value of the structure, the structure must be made to conform to applicable zoning regulations, if repaired or rebuilt.

§11.05.02 Any accessory structures such as storage buildings, detached garages, and similar buildings which have been damaged by fire, wind, flood, or other causes, must be brought into compliance with the requirements of the zoning district in which they are located.

ARTICLE 12. SITE PLAN AND CONDITIONAL USE REVIEW

Section 12.01 Site Plan Review and Approval

§12.01.01 Purpose.

A. It is recognized that:

1) There is a value to the public in establishing safe and convenient traffic movement

2) There is value in encouraging a harmonious relationship of buildings and uses

3) There are benefits to the public in conserving natural resources.

B. Toward these purposes, Site Plan Review by the Planning Commission is required for certain developments expected to impact natural resources, traffic patterns, and neighboring development.

§12.01.02 Applicability

All mixed-use, nonresidential and residential developments, excluding single-family and duplex dwellings, including all city, county, and state projects within the jurisdiction of the Planning Commission, must be submitted to the Commission for site plan approval.

§12.01.03 Application

A. A Site Plan Review application must be filed with the Building Official.

B. Submittal Requirements. Site Plan Review applications must include the following:

1) All existing ground elevations drawn to a scale sufficient to show the elevations with clarity and prepared by a surveyor, whose seal must be affixed to the drawing

2) Legal description and all boundary lines of the subject property, showing the slopes and lengths of such boundary lines and prepared by a surveyor, whose seal must be affixed to the drawing

3) North arrow and the scale

4) Vicinity map showing the location of the proposed project in relation to the surrounding community

5) Access to the property including location and dimensions of all curb cuts and driveways along existing or proposed streets and alleys and proposed traffic flow and control measures

6) Location, dimensions and design of all streets, alleys and other vehicular ways

7) Location, dimension and design of all pedestrian facilities

8) Off-street parking, showing typical size of parking spaces, total number of parking spaces, and all loading and unloading areas

9) Existing and proposed utilities and utility access ways

10) Location, use, and dimensions of each proposed structure

11) Finished grade elevations of buildings, sidewalks, parking and loading areas and driveways with special attention given to stormwater drainage. All site plans must include detention or retention areas (if required), a statement of pre- and post-construction runoff, including effects on adjacent properties. All site plans must conform to applicable standards of the Alabama Department of Environmental Management

12) Required buffers, screening and landscaping including type, location and dimensions of plantings and other materials, including location, dimensions, and type of enclosure of all outside storage facilities and refuse containers

13) Any signs and exterior lighting, including method of preventing glare on adjoining streets, pedestrian ways and private properties

14) Location, dimensions, condition, and arrangement of all open space, yards.

15) Any noise, smoke, odors and other impacts that will be produced by the proposed development that may affect adjacent properties and associated mitigation measures

§12.01.04 Review and Approval

A. Upon receipt of a complete application, the Commission will evaluate the site plan and approve, approve with conditions or disapprove the site plan, advising the applicant in writing of the decision, including any changes or conditions required by the Commission. The applicant, or their agent, must appear before the Commission to supply any additional information as they may require. Failure of the applicant to appear before the Commission may result in the request being removed from the agenda or tabled to a future Commission meeting.

B. Upon approval, the Commission will retain one copy, transmit one copy to the Building Official and notify the owner.

C. If disapproved, the Commission will notify the applicant in writing of the grounds for disapproval.

D. If approved with conditions, the Building Official may not issue a Building Permit until the applicant has submitted three revised sets of plans to the Building Official for approval that includes the conditions required by the Commission.

§12.01.05 Amendment. A site plan may be amended by the Commission upon request of the applicant. Amendments must be submitted, reviewed and approved in accordance with §12.01.03-§12.01.04.

§12.01.06 Certificate expiration. Site plan approval expires 365 days after the date of issuance, unless a building permit has been issued and work is proceeding.

Section 12.02 Conditional Use Review and Approval.

The Commission hears and decides requests for approval of Conditional Uses specified in the district regulations and uses not listed in the district regulations that may come within the spirit and intent of the applicable district.

§12.02.01 Procedure

A. A Conditional Use application must be submitted to the Building Official at least 21 days before the scheduling Commission hearing date.

B. Submittal Requirements. Conditional Use applications must include the following:

1) North arrow and the scale

2) One or more maps showing the location of the proposed use in relation to adjoining neighborhoods and business areas, including existing uses and zoning classifications

3) Conceptual site plan showing the location, use and size of structures, open spaces, landscaping parking and loading areas, access drives and vehicular and pedestrian circulation system

4) Conceptual plan for stormwater management

5) Location of exterior lighting and signs, including any illumination of signs

6) Any noise, smoke, odors and other impacts that will be produced by the proposed development that may affect adjacent properties and associated mitigation measures

C. Upon receipt of a complete application, a public hearing before the Commission will be scheduled with notice provided to adjoining and adjacent landowners.

D. Following the public hearing, the Commission will evaluate and approve, approve with conditions or disapprove the request, advising the applicant in writing of the decision, including any changes or conditions required by the Commission. The applicant must appear in person or by agent at the Commission meeting.

E. Approval of a Conditional Use is void after 12 months if no Building Permit or a business license for the proposed use is not issued, or if the Conditional Use ceases for a period in excess of six months.

§12.02.02 Criteria. In determining whether to approve a Conditional Use, the Commission will consider and may require conditions on the proposed use to assure the following:

A. Satisfactory ingress and egress, motorist and pedestrian safety and convenient traffic flow

B. General compatibility with adjacent properties, neighborhood and business area, as applicable

C. Compatibility of the bulk, density and lot coverage with that of adjoining properties

D. Compatibility with land use, transportation and other development policies of the Master Plan

E. Availability, location and adequacy of utilities

F. Mitigation of any potential economic, noise, glare, and odor effects on adjoining properties

G. Adequacy of buffering and screening of potentially adverse views and activities from surrounding properties

If the Commission finds the proposed development is not within the spirit and intent of the district, does not meet, or is not capable of meeting, despite conditions the Commission could reasonably impose, the above criteria, the Commission may disapprove the proposed Conditional Use, providing the grounds for disapproval in writing to the applicant.

ARTICLE 13. ZONING BOARD OF ADJUSTMENT

Section 13.01 General Provisions

§13.01.01 *Appointment, Duties and Responsibilities*. The Zoning Board of Adjustment ("the ZBA") previously established is hereby continued, and its members are appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama.

§13.01.02 *Meetings, Procedures and Records*. Meetings of the ZBA are held at the call of the chairman and are open to the public. The ZBA may adopt and publish rules of procedure; keep minutes of its proceedings; and keep records of its official actions, all of which must be a public record.

§13.01.03 *Powers and Duties*. The ZBA has the following powers:

A. Interpretation of Boundaries. To hear and decide upon interpretation of district boundaries shown on the Official Zoning Map in accord with criteria specified in §1.06.02.

B. Administrative Appeals. To hear and decide appeals of any order, requirement, decision or determination made by the Building Official, acting under the authority of this Ordinance in accordance with §13.02 Administrative Appeals

C. Variances. To hear and decide appeals for a variance from the provisions of this Ordinance in accordance with §13.03 Variances.

D. Special Exceptions. To hear and decide requests for Special Exceptions for uses designated in Articles 4, 5 and 6 and any other Special Exceptions provided for in this Ordinance in accordance with §13.04 Special Exceptions.

Section 13.02 Administrative Appeals

Appeals to the ZBA may be taken by any person aggrieved by a decision made by the Building Official relating to the provisions of this Ordinance.

§13.02.01 *Procedure*

A. Appeals must be taken within 60 days of the date of the administrative decision being appealed. Appeals must be filed in writing on forms made available by the City. All documentation constituting the record upon which the action appealed from was taken must be transmitted to the ZBA.

B. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the ZBA after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings will not be stayed except by a restraining order granted by the ZBA or by a court of record.

C. The ZBA will hold a public hearing on the appeal, with public notice given including due notice to the parties in interest. The appellant or their agent must appear at the hearing.

§13.02.02 *Decision*. The ZBA may affirm, reverse wholly or in part, or modify the Building Official's decision.

Section 13.03 Variances

The ZBA may authorize variances from the terms of this Ordinance when, due to exceptional conditions, a literal enforcement of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the regulation is observed, the public safety and welfare secured, and substantial justice done. Eligible conditions, include but are not limited to, exceptional narrowness, shallowness, shape and topography of the subject lot. The existence of a nonconformity in the same district, or of permitted or nonconforming uses in other districts, does not constitute a reason for a variance.

§13.03.01 *Procedure*

A. The applicant must submit a Variance application indicating the provision of this Ordinance from which relief is sought. Scaled and dimensioned drawings indicating locations of existing and proposed structures, relationship to adjacent properties, and all alleged physical constraints must accompany the application. Photographs documenting the existing conditions may be included with the application. The scale drawing must have a vicinity sketch and the ZBA may require a survey.

B. The application must be submitted to the ZBA in compliance with its adopted procedures at least 21 days before the scheduling ZBA hearing date.

C. The City notifies all adjoining property owners by certified letter of the time and place of the ZBA meeting and the nature of the proposed variance at least seven days prior to the meeting. The applicant must furnish the names and current addresses of the adjoining property owners with the application.

D. The applicant, or authorized agent, must attend the ZBA meeting.

§13.03.02 *Duration of Approval*. Approval of the variance is void if a building permit has not been issued within 12 months of the effective date of approval.

§13.03.03 *Criteria*

Variances may be granted in such individual cases of unnecessary hardship upon a finding by the ZBA that *all* of the following criteria are met:

A. There are exceptional conditions peculiar to the land or buildings, including but not limited to its size, shape, or topography that are not generally applicable to other lands or structures in the vicinity.

B. There is proof of an unnecessary hardship suffered directly by the property in question resulting from the application of this Ordinance. Variances granted under similar conditions on other properties is not sufficient evidence to prove an unnecessary hardship. Nor is it sufficient to show that greater value or profit would result. An unnecessary hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.

C. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

D. A literal interpretation of the provisions of this Article would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

E. The variance will be in harmony with the purpose and the intent of these Regulations and will not be injurious to the neighborhood or to the general welfare.

F. The variance requested is the minimum variance that will enable the reasonable use of the property.

G. The variance is not a request to permit a use of land, building, or structure which is not permitted in the district involved.

§13.03.04 *Conditions*. The ZBA may prescribe any safeguards or conditions that it deems necessary to secure substantially the objectives of the provisions from which relief is sought. Any conditions apply to the land, structure, and use and not to a particular person. Violations of conditions attached to a variance are considered violations of this Ordinance.

Section 13.04 Special Exceptions

§13.04.01 *Procedure*

A. Applications for Special Exceptions must be filed by the owner, or authorized agent, on forms made available by the City, at least 21 calendar days before the scheduled hearing date before the ZBA.

B. The City notifies all adjoining property owners by certified letter of the time and place of the ZBA meeting and the nature of the proposed special exception at least seven days prior to the meeting.

C. The applicant, or authorized agent, must attend the ZBA meeting.

§13.04.02 *Duration of Approval*. Approval of the Special Exception is void if a building permit has not been issued within 12 months of the effective date of approval.

§13.04.03 *Criteria*. The ZBA will review requests for compliance with this Ordinance and all other applicable regulations of the City. The ZBA must determine that satisfactory provisions have been made concerning the following, among other considerations:

A. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access

B. The location and accessibility of off-street parking and loading areas

C. The location and accessibility of refuse and service areas and potentially adverse effects on surrounding properties

D. The screening and buffering of potentially adverse views and activities from surrounding properties

E. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties

F. The availability, location, and capacity of utilities

G. The location and scale of signs and lighting with regard to traffic safety, glare, and compatibility with surrounding properties

H. The bulk, density, and lot coverage of structures, and yards and open areas, with regard to their compatibility with the character of the surrounding area

§13.04.04 *Conditions*. The ZBA may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Master Plan and this Ordinance in relation to the items listed

above and as may otherwise be reasonably necessary. Any conditions apply to the land, structure, and use and not to a particular person. Violations of conditions attached to any Special Exception are considered violations of this Ordinance.

If the ZBA finds the proposed request is not within the spirit and intent of the district or regulation from which the exception is sought, does not meet, or is not capable of meeting, despite conditions the ZBA could reasonably impose, the above criteria, the ZBA may disapprove the request, providing the grounds for disapproval in writing to the applicant.

§13.04.05 *Home occupations*

The ZBA may authorize special exceptions for home occupations in Residential Districts in accordance with the procedures in this §13.04. Consideration of a Special Exception for a home occupation will be determined using the standards set out in §7.09 Home Occupations as a guide.

Section 13.05 Abatement of Hazard or Nuisance

The ZBA may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The ZBA may direct the Building Official to issue an abatement order, but such order may be directed only after a public hearing by the ZBA, notice of which is sent by registered mail to the owners and/or operators of the property on which the use is conducted and to owners of property within 300 ft of the concerned property, in addition to due notice by advertisement in a newspaper of general circulation. The ZBA holds an abatement hearing upon receipt of a petition signed by any person affected by the hazard or nuisance or on its own initiative. The ZBA will issue an abatement order only upon finding that reasonable evidence has been presented of the hazard or nuisance. The order must specify the date by which the hazard or nuisance must be abated.

Section 13.06 Rehearings

§13.06.01 All decisions rendered by the ZBA are final and binding on all parties. No appeal of an administrative decision, or decision on a variance or a special exception may be reheard, and no further application may be accepted once a decision has been rendered except under one or more of the following conditions:

A. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing

B. The decision resulted from an error in procedures made by the ZBA, the Building Official, or any other City officials.

C. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama.

§13.06.02 Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant does not constitute grounds for rehearing. Any applicant wishing a rehearing must appear before the ZBA to present one or more of the qualifying conditions listed in this Section. If the ZBA finds that one or more of the qualifying conditions exist, the applicant may submit a new application to be heard at a subsequent meeting.

Section 13.07 Appeals from Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the ZBA may within 15 working days thereafter make an appeal to the circuit court or court of like jurisdiction, by filing with the ZBA a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the ZBA must cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court will be tried *de novo.*

ARTICLE 14. ADMINISTRATION AND ENFORCEMENT

Section 14.01 Generally

§14.01.01 Authority of Building Official

A. The provisions of this chapter, and all existing codes, are administered and enforced by the Building Official, who has the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purposes of making inspections of buildings or premises necessary in carrying out its duties in the enforcement of these Regulations. If entry is refused, the Building Official has recourse to every remedy provided by law to secure entry.

§14.01.02 *Building Permit Required*

A. It is unlawful to commence the excavation for or the construction of any structure, including accessory structures, make structural repairs, changes or additions to any existing electrical, HVAC, plumbing or gas systems or to store building materials or erect any structure, including accessory structures, until the Building Official has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with these Regulations. Application for a building permit is made to the Building Official on forms provided for that purpose.

B. If the Building Official finds that any provisions of these Regulations are being violated, said Official will notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. The Building Official will order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal, additions, alterations, or structural changes; discontinuance of any illegal work being done; or take action authorized by this Article, and all existing codes, to ensure compliance with or to prevent violation of its provisions.

§14.01.03 *Certificate of Occupancy Required*

A. No land or structure, hereafter erected, moved or altered in its use may be used until a Certificate of Occupancy is issued stating that the land or structure conforms to this Ordinance.

B. After the owner or his agent has notified the Building Official that a building or premises is substantially ready for occupancy or use, the Building Official will make a final inspection and issue a Certificate of Occupancy if the building or premises conforms to this Ordinance. If a Certificate is refused, the Building Official must provide notice of and reason for the refusal to the owner.

Section 14.02 Penalties and Other Remedies

§14.02.01 *Procedures*. Any person violating any provision of these Regulations is subject to the following procedures:

A. The Building Official will notify the person of the violation in person or by certified mail, with return receipt requested, a copy of the provision being violated, a written explanation of the exact cause of the violation and a specified amount of time in which to correct the violation. Only one notice will be issued to any person at the same address provided the occupancy or ownership does not change.

B. If, after the notice has been served, the time period for correcting the violation has expired, the Building Official will submit legal notice by certified mail, with return receipt requested, to the person in violation of such zoning regulation. The legal notice will contain a copy of the provision being violated, a written explanation of the exact cause of the violation, a specified amount of time in which to correct the violation.

C. If, after the above procedures have been followed, the violation has not been corrected, the Building Official will certify to the chief of police that the violation has not been corrected. The chief of police will issue a citation to the person violating the regulation. The citation will contain an explanation of the violation and the fine as prescribed by law.

D. Repeated violations of the same provision by the same person at the same address is subject to the described procedure in Paragraph C without the benefit of Paragraphs 1 and 2. Each day the violation is committed or permitted to continue constitutes a separate offense and is subject to an additional fine.

E. The conviction of a violation and imposition of any fine does not exempt the violation from being made to comply.

For the purpose of this section, if a person does not agree with the Building Official as to the exact location of property lines, it is that person's responsibility to provide a land survey at his expense to confirm the location of the property lines.

§14.02.02 *Injunction, mandamus, and other appropriate proceedings*

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of these Regulations, the Building Official, in addition to other remedies, may institute injunction, mandamus, or other appropriate actions or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, and to correct or abate such violation or to prevent occupancy of such building, structure, or land.

Section 14.03 Amendments

These Regulations and zoning district boundaries may be amended, supplemented, changed, modified or replaced, in accordance with the Code of Alabama. Amendments may be initiated by the Council, the Commission for referral to the Council, or by request of the property owner.

§14.03.01 *Application*

A. An application for any amendment must contain a description or statement of the present and proposed zoning regulation or district boundary requested to be changed, the names and addresses of the owners of affected property, the names and addresses of the adjacent property owners, and the use of the adjacent property.

B. Rezoning applications must be filed at least 21 calendar days prior to the next regularly scheduled Commission meeting.

C. Fees, as provided in the City Fee Schedule, must be submitted with the application to cover the advertising and administrative expenses incurred by the City.

§14.03.02 *Procedure*

A. After the Building Official determines a complete application has been submitted, a hearing will be set before the Commission, subject to the public notice requirements of Title 11, Chapter 52, Code of Alabama. The Commission has 30 days after the public hearing to report its recommendation to the city council. Failure to transmit its report within this time frame is deemed to have recommended approval by default.

B. Following the Commission's hearing, the Council will hold a public hearing subject to the public notice requirements of §11-45-8 and §11-52-77, Code of Alabama.

§14.03.03 *Limit on Initiation of Amendment*. No action may be initiated for an amendment to this Ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the Council on the grounds that the circumstances and conditions have changed significantly since the prior hearing.

Section 14.04 Statutory Review

The Commission must review the character, location and extent of any public street, square, park or other public way, ground, open space or building or structure, or any major utility project, whether publicly or privately owned, in accordance with §11-52-11, Code of Alabama. The purpose of the review is to determine whether or not the projects are consistent with the Master Plan. The Commission's findings and recommendations are transmitted to the Council.