City of Chelsea

Zoning Ordinance

Ordinance Number _____

Approved by the
City of Chelsea Planning and Zoning Commission
<Month, Day, Year>

Adopted by the City Council
City of Chelsea
Shelby County, Alabama

<Month, Day, Year>
Approval Page

Planning Commission

The Planning and Zoning Commission of the City of Chelsea has reviewed this zoning ordinance.

A public hearing on these regulations was held on the __________day of ____________, 2012.

The Planning and Zoning Commission of the City of Chelsea approves and presents this ordinance to the city council for their review on the __________day of ____________, 2012.

______________________________
Chairperson

City Council

The Chelsea City Council has reviewed the submitted zoning ordinance for the City of Chelsea.

The public hearing was held on this zoning ordinance on the ________day of _______________, 2012.

The Chelsea City Council adopted this zoning ordinance on the ________day of _______________, 2012.

______________________________
Mayor

______________________________
Attest
City Council

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Planning and Zoning Commission

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Board of Zoning and Adjustment

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Article 1. Preamble and Enactment Clause
WHEREAS Chapter 52, Article 4 of Title 11 of the Code of Alabama, 1975, as amended, empowers the City of Chelsea to establish zoning districts within its corporate limits for the purpose of regulating the kind, character, and use of structures and improvements within those zones, and to provide for the administration, enforcement, and amendment thereof, and
WHEREAS the City of Chelsea deems it necessary, for the purpose of promoting the public health, safety, convenience, order, prosperity, and general welfare of the city to enact such an ordinance, and
WHEREAS the city council has appointed the City of Chelsea Planning and Zoning Commission, hereinafter referred to as the Planning Commission, to recommend the boundaries of the various zones and the appropriate regulations to be enforced therein, and
WHEREAS the commission, with the assistance of the Regional Planning Commission of Greater Birmingham, has amended this ordinance, originally enacted {Insert Date}, and accordingly the Zoning Map thereto, has given due public notice of a hearing thereon, has held said Public Hearing and has submitted its final report to the city council, and
WHEREAS the city council has given due public notice of a second hearing related to the adoption of the amended Zoning Ordinance, setting forth zones, regulations and restrictions, and has held said public hearing, and
WHEREAS all requirements of Sections 77 and 79 of Title 11, Chapter 52, Article 4 of the Code of Alabama, 1975, as amended, with regard to the preparation of the report by the Planning Commission and subsequent action of the city council have been met;
NOW, THEREFORE, the public welfare requiring it, the City Council of the City of Chelsea, Alabama, does hereby ordain and enact into law the following articles and Sections.

Section 1.1. Authority
An ordinance, in pursuance of the authority granted by section 11-52-70 of the Code of Alabama, recompiled 1975, to provide for the establishment of zoning districts within the City of Chelsea, Alabama; to regulate within such districts the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures, and land; and to provide methods of administration of this ordinance and penalties for the violation thereof.

Section 1.2. Interpretation of Ordinance
In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, and the general welfare. Where this ordinance imposes greater restrictions upon the use of a building or land or upon the open spaces, yard area, or lot area, than are imposed or required by other ordinances, rules, regulations, or permits, or by easement, covenants or agreements, the provisions of this ordinance shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or upon the height, bulk or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the regulations of this ordinance, such provisions shall govern.
Article 2. Introduction, Purpose, and Application

Section 2.1. Short Title
The public welfare requiring it, it is ordained by the City Council of the City of Chelsea, Alabama as follows:

This ordinance shall be known as the “Zoning Ordinance of the City of Chelsea, Alabama,” and the map herein referred to, identified by the title “Zoning Map of the City of Chelsea, Alabama” shall be further identified by the signature of the Mayor of the City of Chelsea. The Zoning Map of the City of Chelsea is hereby adopted and made a part of this ordinance. Said zoning map shall zone only territory within the corporate limits of the City of Chelsea. Such map is filed with the City of Chelsea. The map will remain on file in the Geographic Information Systems (GIS) Office of the city for public inspection during normal working hours.

Section 2.2. The Official Zoning Map
The boundaries of each zoning district are delineated on the Zoning Map(s) of the City of Chelsea, Alabama, hereinafter referred to as the “Zoning Map”. Said map(s) and all notations, references, revisions, certifications, and other information shown thereon shall be considered a part of this ordinance and shall carry the same force and effect as if fully described therein. Said map(s) shall be retained at the Chelsea City Hall in the GIS Office.

Section 2.3. Purpose
The zoning regulations and districts as set forth herein are made in accordance with the City of Chelsea Master Plan to guide development in accordance with existing and future needs. The fundamental purpose of this ordinance is to promote the public health, safety, and general welfare; to encourage the use of lands and natural resources in the City of Chelsea in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development and growth of the City of Chelsea; to reduce hazards to life and property; to establish the location, size and the specific uses of dwellings, buildings, and structures which may hereafter be erected or altered; and to establish the minimum open spaces and sanitary, safety, and protective measures that shall be required for such buildings, dwelling, and structures; to avoid congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and sufficient water supply, and other public requirements; to conserve life, property, and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of the City of Chelsea.

Section 2.4. Methods
For the purposes herein before stated, the City of Chelsea is divided into zoning districts of such number, shape, and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use; to protect the common rights and interests within each district; preserve the general rights and interests of all; to promote wholesome, pleasing, harmonious, and economic results in civic service, activities, and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence, or other purposes, and also the location, height, bulk, occupancy, and uses of buildings or other structures, including the ratio of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

Section 2.5. Application of Regulations
No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the applicable regulations of this ordinance for the zone in which it is located except as otherwise provided herein. All future development of land, buildings, and structures shall further be in accordance with the applicable provisions of the city’s Subdivision Regulations and Design and Construction Specifications.

Section 2.6. Zoning of Annexed Land
2.6.1. If, prior to annexation, the property is zoned into a use compatible with a use in Table 6-1 and is compatible with surrounding uses, upon approval of the city council, the property will be annexed into the city and retain its current zoning classification.

2.6.2. Property may be pre-zoned prior to annexation in accordance with §11-52-85 and §11-52-77 of the Code of Alabama, 1975 and Article 15 of this ordinance.
Article 3. Terminology

Section 3.1. Generally
Certain words and terms are herein defined for purposes of interpreting this ordinance.

Section 3.2. Interpretation of Certain Words and Terms
Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word “building” shall include the word “structure”. The word “person” shall include a firm, corporation, association, organization, trust, or partnership. The word “lot” shall include the meanings of the words “plot”, “property”, and “parcel”. The word “shall” is mandatory. The word “may” is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine.

Section 3.3. Definitions
Except as defined herein or in the Subdivision Regulations of the City of Chelsea, Alabama, all other words used in this ordinance shall have their customary dictionary definition.

Accessory Structure or Use. A subordinate structure or a portion of the main structure, the use of which is incidental to the main use of the premises that does not contain provisions for sleeping, cooking, and sanitation and is not intended for use as a dwelling unit. An accessory use is one that is incidental to the main use of the premises.

Advertising. Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Agriculture. The tilling of soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals, fowl, and riding horses, and including sale of crops, dairy, and horticultural farm products incidental to the operation of a farm.

Alley. A public thoroughfare which affords only a secondary means of access to abutting property.

Apartment Building. See “Dwelling, Multiple”.

Animal Equivalent Unit. One thousand (1,000) pounds of live weight of any animal.

Assisted Living Centers. See Independent Living Center

Auto Dismantling, Junk and Salvage Yard. An entity engaged in the business of acquiring or owning junk or salvage automobiles, that is an entity engaged in the business of owning, possessing, handling, directing, or controlling such automobiles for the purpose of reselling the junk or salvage automobiles (in their entirety or as spare parts), or for the purpose of rebuilding, restoring, or crushing the junk or salvage automobiles.

Bank or Financial Service. A business engaged in providing banking or financial services to the public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

Bar. An establishment in which alcoholic beverages are served, primarily by the drink, and where food or package liquors may also be served or sold.

Basement. A story having a part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations.

Banner. Any sign of lightweight fabric or similar material that is temporarily mounted to a pole, to two poles, between two posts, a building or to a temporary frame by strings or cords at the corners or by other temporary methods of mounting.

Bed and Breakfast Inn. A private owner-occupied residence providing accommodations for a charge to the public with no more than 10 guest rooms for rent, breakfast only may be provided to the guests. Bed and Breakfast establishments are exempt from the Rules for Construction, Maintenance, and Operation of Hotels (ADPH 420-3-11) and the Rules for Food Service Sanitation (ADPH 420-3-22).

Buffer Yard. A strip of land that is retained, planted, or constructed for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, restricting passage, and enhancing the natural environment thereby providing for a compatible mix of otherwise incompatible uses.
Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building, Height. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, and gambrel roofs.

Building Marker. Any sign indicating the name of a building, date of construction, and incidental information, which is cut into a masonry surface or made of bronze or other permanent material.

Building Sign. A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees, and roof slopes of 45 degrees or steeper.

Business or Professional Office. A place where the administrative affairs of a business or profession is conducted, such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative staff of business or industry, and the like.

Canopy Sign. Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Car Wash. A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade. A cellar is not counted as a story for the purpose of height regulations.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than eight (8) times a day shall be considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a “time and temperature” portion of the sign and not a changeable copy sign.

Child Care Facility. A facility established for the care of children as defined in §38-7-2 of the Code of Alabama, 1975. For the purposes of this ordinance, this definition includes the following:

Child Care Center. This includes facilities licensed as day care centers and nighttime centers in accordance with §38-7-2 of the Code of Alabama, 1975. Day care centers and nighttime centers serve more than twelve children.

Child Care Institution. This includes facilities licensed as group homes and childcare institutions in accordance with §38-7-2 of the Code of Alabama, 1975. These facilities provide full-time care.

Clinic. A building or a portion of a building where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing together.

Club, Private. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

Community Center. Buildings arranged for community gathering for social, cultural or community services purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

Commercially Developed Parcel. A parcel of property on which there is at least one (1) walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Commercial Occupant. A commercial use, i.e., any use other than residential or agricultural.

Concentrated Animal Operation. A property with more than two (2) animal equivalent units per acre.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Convenience Store. A one story, retail store containing less than 2,000 sq. ft. of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including automotive fuel service.
islands and single unit mechanical car washes.

Copy. The linguistic or graphic content of a sign.

Day Care Home. A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less persons.

District. See Zoning District.

Dwelling. Any building or portion thereof that is used for residential purposes.

Dwelling, Accessory. A secondary residence on a single lot, detached from the primary residence, that contains provisions for sleeping, cooking, and sanitation.

Dwelling, Attached. Three or more adjoining dwelling units each of which is separated from the others by one (1) or more walls, unpierced from ground to roof; also referred to as a townhome.

Dwelling, Multiple. A building designed for or occupied exclusively by five or more families and containing multiple dwelling units.

Dwelling, Single-Family. A building designed for or occupied exclusively by one family.

Dwelling, Duplex. A single building designed with two dwelling units.

Dwelling, Fourplex. A single building designed with four dwelling units.

Dwelling Unit. One or more rooms located within a building and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and eating purposes.

Dwelling, Upper Story. A dwelling in mixed-use buildings that is located on a floor level above a use of another type (e.g., institutional, office, retail, or service, etc.).

Electric Sign. Any sign containing electric wiring.

Entertainment, Indoor. A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.

Entertainment, Outdoor. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas and amusement parks.

Erect a Sign. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed incident to the change of message or routine maintenance.

Family. One or more persons occupying a dwelling and living as a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption, or marriage.

Farm. A ten acre or larger tract of land used for the production, keeping or maintenance, for sale or for lease, of plants and animals useful to man, including the following farm activities:

- Forages and sod crops.
- Grains and seed crops.
- Dairy animals and products.
- Poultry, including egg production but excluding poultry processing.
- Livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing.
- Nursery operations involving the raising of plants, shrubs and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation.
- Forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting timber growth on the same premises but excluding lumber yards, mills and similar activities.
- Bees and apiary products.
- Fisheries, excluding fish and seafood processing.
- Fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables but excluding food processing.

Farm, Commercial. Agricultural use of property primarily for the purpose of generating income or as
the principal occupation of the resident(s) or user(s) thereof.

Farm, Hobby. Agricultural use of property from which generated income is incidental to the total household income of the resident(s) thereof.

Farmer’s Market. A permanently-located, enclosed, or partially unenclosed facility for the sale of fresh produce, including fruits, vegetables, plants and flowers and similar agricultural products, but excluding livestock and poultry.

Floor Area. The gross horizontal areas of all floors, including penthouses (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building. Basements and cellars shall not be included in the gross floor area.

Freestanding Sign. Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

Frontage. The length of the property line of any one parcel along a street on which it borders.

Frontage, Lot. That portion of a lot extending along a street line.

Fowl. Winged animals or livestock including chickens, geese, ducks, exotic birds, etc.

Fowl House. An enclosed or partially enclosed agricultural structure used for the keeping and raising of two or more chickens or other fowl.

Fowl Pen. A small, partially enclosed structure used for the keeping of no more than one chicken or other fowl.

Funeral Home. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Garage, Private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Public. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

Garage, Storage or Parking. A building or portion thereof designed or used exclusively for storage of motor-driven vehicles, and within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired or sold.

Garden Center or Nursery. Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools and equipment, and seeds.

General Retail, Enclosed. Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to food sales, department stores, clothing stores, home furnishings sales, appliance stores, gift shops, specialty stores, jewelry stores, cosmetics sales, tobacco stores, drug stores, variety stores, and similar retail businesses.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Group Home. A dwelling shared as a residence by persons who reside together as a single housekeeping unit, in which staff persons may provide supervision, counseling, treatment or therapy for the residents therein, and which may be licensed by, certified by, registered with, or otherwise authorized, funded or regulated, in whole or in part, by an agency of the state or federal government. The term shall include adult care homes, homes for the chronically mentally ill, homes for abused women or children, group care agencies, and similar residential living arrangements for handicapped persons, but shall not include Boarding houses, homes for the developmentally disabled, nursing homes, substance abuse treatment facilities, or any facility providing treatment, counseling, or therapy to patients or clients who do not reside on the premises.

Group Home, communal. Residence which houses individuals who are unrelated such as fraternity houses, non-profit ministries for various social problems which are not drug or alcohol related, and ( a house used by multiple members of a family on a rotating schedule.)

Health Care Facility. A facility, whether public or private, principally engaged in providing services for
health maintenance and the treatment of mental or physical conditions.

Health Club. An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and saunas, showers, massage room and lockers.

Home Improvement Center. A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

Home Occupation. Any occupation or activity which is clearly incidental to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising and no display or storage of materials or exterior identification of the home occupation or variation from the residential character of the premises and in connection with which no person outside the family is employed and no equipment used other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, and doctors' or dentists' offices for the treatment of patients.

Home Occupation, Minor. A home occupation which:

- Has no exterior evidence of the home occupation.
- Does not generate traffic in excess of 20 trips in one (1) day in addition to trips generated by the residence. (A "trip" is a vehicle traveling in one direction to or from a source. In other words, 20 trips equal 10 round trips).
- Does not create a need for off-street parking beyond normal dwelling needs; and
- Is operated by and employs family members residing on the premises of the home occupation.

Home Occupation, Major. A home occupation which:

- Has no exterior evidence of the home occupation with the exception of signs permitted by this ordinance.
- Is conducted within a single family dwelling including a single family detached dwelling, a single family semi-detached dwelling, or a single family attached dwelling.
- Accommodates the off-street parking needs of both the dwelling and home occupation.
- Involves or employs no more than one (1) person who is not a family member residing on the premises in the operation of the home occupation.

Hotel. A building which provides and offers to the public for compensation lodging, or boarding and lodging and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

Household Pet. A household pet is any domesticated animal kept for pleasure rather than utility or profit which is normally kept within a residence. Household pets include, but are not limited to, dogs, cats, fish, gerbils, hamsters, parakeets, parrots, cockatiels, tropical fish, parakeets, and similar small household pets, not raised for commercial purposes and normally kept indoors.

Illuminated Sign. A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall include signs with reflectors that depend upon automobile headlights for an image.

Impervious Surface. Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking areas, sidewalks and paved recreational facilities.

Impervious Surface Ratio (ISR). The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

Independent Living Facility. A facility where residents live in private units and receive assistance with limited aspects of personal care, such as: taking medication, bathing, or dressing. Meals are provided multiple times daily in a common dining area. Staff is on duty 24-hours per day to ensure the welfare and safety of residents. This definition does not include: convalescent centers, congregate residences, boarding and lodging houses, adult family homes, and group homes. (Variant: Assisted Living Centers)

Institution. The structure or land occupied by a group, cooperative, board, agency, or organization created for the purpose of carrying on non-profit functions of a public or semi-public nature, including but not limited to hospitals, schools, churches, fraternal orders, and also including residential accessory uses, such as rectories, parsonages, dormitories and dwellings for resident administrators,
watchmen, custodians or caretakers.

Industrial. Land uses other than agricultural, residential, retail and institutional or as defined within these regulations.

Kennel. Any place in or at which any number of dogs or cats or household pets are kept for the purpose of sale or in connection with boarding care or breeding for which a fee is charged.

- For the purpose of this ordinance, a kennel will be considered as any combination of structures, pens, areas or enclosures, covered or uncovered, open or enclosed where dogs or cats are kept as an accessory or ancillary use. The following interpretation notes are added for clarification.
- The definition of a kennel does not include the keeping of pets accessory to a dwelling in any zoning district.
- The definition of a kennel shall not include a dog house.
- The definition of a kennel does not include the keeping, breeding, raising, showing, or training of dogs or cats for the personal enjoyment of the owner or occupants of the property for which commercial gain is not the primary objective.
- Kennels may be further restricted through the use of restrictive covenants. The City of Chelsea does not enforce such covenants.
- The definition of a kennel shall apply to animal hospitals, clinics, boarding facilities or other similar uses in business, industrial, and agricultural districts.

Livestock. Animals of any kind, including fish and fowl, kept, bred or raised for commercial or other purposes, excluding house pets such as domestic cats and dogs, fish, fowl, and other similar animals kept for personal pleasure in accordance with regulations of the Health Department and applicable animal control authority of Shelby County.

Loading Space. A space having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

Lodge. The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings.; the local chapter itself.

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required therein and having its principal frontage upon a street.

Lot, Area. The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement for a public street or handle of a panhandle lot shall be included in the calculation of the lot area.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, Through. A lot other than a corner lot abutting two streets.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Probate Judge of Shelby County, Alabama, or a parcel of land described by metes and bounds, the plat of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot Width. The width of the lot at the front building setback line.

Manufacturing. The basic processing and fabricating of materials or products predominately from extracted or raw materials and the incidental storage sales, and distribution of such products.

Mini-Warehouse. A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.

Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, or the blending of materials such as lubricating oils, plastic resins, or liquors. This definition does not include harvesting of crops or hay.
Manufactured Home. A structure transportable in one or more sections which meets the following criteria: meets the minimum size requirements of a single family dwelling, is built on a permanent chassis designed to be used as a dwelling with a permanent foundation when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems contained therein. Such term shall include structures meeting all the requirements and with respect to which the manufacturer voluntarily files a certification required by Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1976.

Manufactured Home Park. An area containing 10 or more manufactured homes used as living facilities, or an area containing 10 or more spaces designed or intended for parking of mobile homes to be used as living facilities.

Marquee. A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance, or other pedestrian way.

Mobile Home. A detached unit for commercial, residential, or industrial purposes designed for transportation on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied complete and ready for occupancy or use except for minor and incidental unpacking and assembly separations, foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Modular Home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama Manufactured Housing Commission.

Monument Sign. A monument sign is a freestanding sign, a wall with a sign permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick, or wood and surrounded with additional landscape plantings. A monument sign shall be no more than 10 feet in height except where further restricted and shall have the lowest portion of its sign face no more than three (3) feet above the ground.

Motel. A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

Multiple Occupancy Complex. A parcel of property or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Nonconforming Use. The use of any building or land which was lawful at the time of passage of this ordinance or amendment thereto; but which use does not conform, after the passage of this ordinance or amendment thereto, with the use regulations of the district in which it is situated.

Nursing Home. A home for the aged or infirm in which three or more persons not of the immediate family are received, kept, provided with food, shelter, or care for compensation; but not including hospitals, clinics, or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

Office Building. A building used primarily for conducting the affairs of a business, profession, service, industry, or government. It may contain ancillary service for office workers, such as a restaurant, coffee shop, newspaper stand, and child care facilities.

Office Park. A development on a tract of land that contains a number of office buildings, and accessory or supporting uses on an integrated and coordinated basis.

Office, Professional. The office of a member of a recognized profession maintained for the conduct of that profession.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such
as to defeat the purposes of these regulations or lead to absurd results, a "parcel" may be as designated for a particular site by the Planning Commission.

Parking Lot. An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, rented or sold.

Parking Space, Off-Street. An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than 200 sq. ft., a minimum width of 10 feet, and a minimum length of 20 feet, exclusive of driveways and maneuvering area.

Pawn Shop. A commercial establishment in which the general public can "pawn" or leave certain items with the management to hold for a specific period for which the patron receives payment. The patron may choose to return, at or before the designated date, to purchase the held item or fail to return to claim it. Such establishments then have the authority to display such items for sale to the general public at a price management chooses to specify. Such establishments may also negotiate a purchase price for an item or items with the understanding that the item or items are subject to the immediate display for the purpose of sale to the general public. In certain cases, these types of establishments may also engage in accepting motor vehicle titles for a mutually agreed upon price.

Pennant. Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

Place of Worship. Building(s) arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating, and other integrally-related activities.

Political Campaign Sign. A small, free-standing campaign sign used during the time preceding an election.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Premises. A lot, together with all buildings and structures existing thereon.

Projecting Sign. A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall.

Public Facility. Building(s) arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations, and similar uses.

Recreation, Indoor. A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, fitness centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

Recreation, Outdoor. This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, hiking, golf courses, playgrounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, golf driving ranges, racetracks, and similar commercial recreational or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and beverages in a ready to consume state for consumption within the restaurant building, within a motor vehicle parked on the premises or off the premises as a carry-out order, and whose principal method of operation includes serving food and beverages in paper, plastic, or other disposable containers.
Restaurant, Standard. An establishment whose principal business is the sale of food and beverages in a ready to consume state and whose principal method of operation includes one or more of the following characteristics: customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; a cafeteria type operation where food and beverages are generally consumed within the restaurant building. Such restaurants may have carryout services.

Roof Line. A horizontal line intersecting the highest point or points of a roof.

School. Public, private, or non-profit education-related establishment.

Service Station. Any building, structure, or land used primarily for the dispensing, sale, or offering for sale at retail of any automobile fuels, oils, or accessories and single unit car washes; but not including major repair work such as motor overhaul, body and fender repair, or spray painting.

Shopping Center. A group of commercial establishments planned and developed in a unified design with shared parking, landscaping, driveway facilities, and under common management authority.

Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term sign shall not be deemed to include the terms “building” or “landscaping” or any architectural embellishment of a building not intended to communicate information.

Sign Face Area. The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure. Any construction used or designed to support a sign.

Story. That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished-off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
Street. A public or private right of way for vehicular traffic including highways, thoroughfares, lanes, roads, ways, and boulevards.

Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Structural Alterations. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Structure. Anything constructed or erected, the use of which required a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, back stops for tennis courts, fences, or radio towers.

Trailer, House. See Mobile Home or Manufactured Home.

Trailer, Travel. A trailer designed primarily for transport under its own power or by passenger vehicles and providing temporary living quarters.

Transportation, Communications, and Utility. This group of activities includes those uses which provide essential or important public services and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following and substantially similar activities based upon similarity of characteristics:

- Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police, and rescue.
- Utility facilities, such as water plants, wastewater treatment plants, and electric power substations.

Unit. That part of a multiple occupancy complex that is one living unit.

Vehicle Sales or Rental. A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, and motorcycles. Such an establishment may include incidental parking, storage, maintenance, and servicing.

Vehicle Sign. Any sign affixed to a vehicle.

Warehousing, Distribution. A place of business engaged in warehousing, wholesaling, or distribution services within a building. Site may also include a city sales desk secondary to the primary activity.

Window Sign. Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

Wireless Telecommunications Facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers, or similar structures supporting said equipment, equipment buildings, access roads, parking area, access roads, and other accessory structures.

Xeriscape. A style of landscape design requiring little or no irrigation or other maintenance.

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the "Area and Dimensional Regulations" pertaining to the district in which such yard is required to be provided.

Yard, Front. A yard extending across the front of a lot between the side lot lines. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. A yard extending across the rear of a lot between the side lot lines. On all lots, the rear yard shall be in the rear of the front yard.

Yard, Side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

Zoning District. A section or sections of City of Chelsea for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are
uniform.
Zoning Map. The map referred to in Article 2, of this ordinance.
Article 4. Zoning Districts and Boundaries

Section 4.1. Establishment of Districts
In order to carry out the intent and purpose of this ordinance, the City of Chelsea is hereby divided into the following districts; the location, boundaries, and area of which are and shall be as shown and depicted upon the zoning map:

A-R  Agricultural-Residential District
R-R  Rural Residential
E-1  Single-Family Estate District
R-1  Single-Family District
R-2  Single-Family District
O-I  Office and Institutional District
B-1  Neighborhood Business District
B-2  General Business District
M-1  Light Industrial District
SCD  Smart Code District (See Smart Code, Article 8)
PRD  Planned Residential District
PMD  Planned Mixed Use District
CU  Current Use

Section 4.2. Zoning Map
The map or maps which are identified by the title “Zoning Map of the City of Chelsea”, and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this ordinance and shall be known as the “zoning map” throughout this ordinance.

Section 4.3. District Boundaries
The district boundary lines on the zoning map are intended to follow either natural boundaries, streets or alleys or lot lines, and where the districts designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary lines shall be determined by use of the scale appearing on the zone map. Questions about interpretation of zoning district boundaries will be resolved by the Planning Commission.

Section 4.4. Annexed Property
Pre-zoning property prior to annexation is permitted in accordance with §2.6.2 of this ordinance and §11-52-85 of the State Code of Alabama, 1975. Request shall follow the process for rezoning property contained in this ordinance but may be carried out prior to annexation.
Article 5. General Regulations

Section 5.1. Generally
The general regulations contained in this article shall apply in all districts except as specifically provided for in Articles 7 and 8.

Section 5.2. Use of Land
No land shall be used except for a use permitted in the district in which it is located, except growing of agricultural crops in the open will be permitted in any district.

Section 5.3. Use of Structures
No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or structure be used, except for a use permitted in the district in which such building is located.

Section 5.4. Nonconforming Uses
Any condition with, or on property, which is “non-conforming” under the original, or prior revisions, of either the Shelby County Planning and Zoning Regulations or the City of Chelsea Planning and Zoning Regulations shall remain “non-conforming” under any subsequent revision of the City of Chelsea Planning and Zoning Regulations unless expressly allowed in any revised City of Chelsea Planning and Zoning Regulation.

Section 5.5. Height of Structures
No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

Section 5.6. Dimensional Regulations
No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located.

Section 5.7. Building Materials Standards
5.7.1. Purpose
A. To allow flexibility and variety in architectural style, design, and function, while maintaining and promoting overall consistency of all of the buildings collectively in the City of Chelsea, and to prevent unsightly and detrimental development within the community, and to preserve the general character and aesthetic quality of the city and promote a positive city image which reflects order, harmony, and pride.

B. Regulate the building materials used in the erection, construction, reconstruction, alteration, or repair of buildings and structures within the City of Chelsea. This standard shall be applied to all structures permitted following the adoption of Ordinance No. 2012-NN. Approval of building materials for remodeling or additions to any structures that existed prior to the enactment of Ordinance No. 2012-NN shall be at the discretion of the code enforcement officer with the approval of the Board of Zoning Adjustment.

B.1 Approval of building materials for new construction in subdivisions that were platted and approved prior to the enactment of Ordinance No. 2012-NN shall be at the discretion of the code enforcement officer with the approval of the Board of Zoning Adjustment.

B.2 This requirement shall apply to any accessory dwellings, whether attached to the principal dwelling or not.

C. This section shall affect only new construction and will not operate retroactively.

5.7.2. Scope
A. This article is not intended to supersede or supplant established building and fire code regulations or regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics, or workmanship of building materials.

B. The provisions of the article shall apply to all new structures in all districts.
5.7.3. Standards
A. All buildings shall have one primary material and no more than three secondary or accent trim materials. The coverage calculation does not include doors or windows. Ranges for materials are defined by district type.

B. Material changes other than trim shall only occur at inside corners in association with a massing element or at a horizontal architectural detail.

C. All sides of a building shall be complementary in design, details, and materials. Where a side or rear facade is visible from a public street or if parking is located at the side or rear of a building, the facade shall include windows, building materials, and architectural features similar to those present on the front facade of the building.

5.7.4. Material Standards by District
The regulations of this section are based upon the zoning district in which a structure is located. The percentages indicate the maximum material allocations for overall building materials.

<table>
<thead>
<tr>
<th>Category</th>
<th>Material</th>
<th>Residential A-R, R-R, E-1, R-1, R-2, PRD, PMD, SCD</th>
<th>Commercial B-1, B-2</th>
<th>Institutional O-I</th>
<th>Industrial M-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Siding Or Shingles</td>
<td>Wood Clapboard</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Wood Shingles</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Vinyl Siding, Conforming to the standards of product certification ASTM D6864 and color standards ASTM D3679 or ASTM D7251 or the most currently adopted or revised standard by the American Society for Testing and Materials (ASTM), and material that is no less than 0.044 inches thick (whether or not foam backed)</td>
<td>100%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>Vinyl Shingles (See Above)</td>
<td>100%</td>
<td>50%</td>
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</tr>
<tr>
<td></td>
<td>Fiber Cement Siding</td>
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<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Masonry</td>
<td>Brick</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>Jumbo or Utility Brick (Utility brick is larger than standard brick (typical utility brick = 3 5/8 inches x 11 5/8 inches))</td>
<td>0%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Category</td>
<td>Material</td>
<td>Residential</td>
<td>Commercial</td>
<td>Institutional</td>
<td>Industrial</td>
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<tr>
<td></td>
<td></td>
<td>A-R, R-R,</td>
<td>B-1, B-2</td>
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<td>E-1, R-1,</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>R-2, PRD,</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>PMD, SCD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>Stucco (Exterior Portland Cement Plaster with Three (3) Coats Over Metal Lath Or Wire Fabric Lath)</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>Architecturally Finished Block (Burnished Block, Split Faced Concrete Masonry Units or Architecturally Finished Tilt wall)</td>
<td>0%</td>
<td>70%</td>
<td>70%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>Stone</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>Cultured Stone or Cast Stone</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
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<tr>
<td></td>
<td>Engineered Finished Products</td>
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<td>EIFS (Exterior Insulation and Finish System) plaster, stucco or similar materials</td>
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<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>Hard Coated EEPS (Expanded Polystyrene) plaster or similar polyurea hard-coated foam materials</td>
<td>0%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
</tr>
</tbody>
</table>

Section 5.8. Encroachment on or Reduction of Open Spaces
The minimum yards, parking spaces, and open space required by this ordinance for each structure existing at the time of passage of this ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this ordinance for the district in which such lot is located.

Section 5.9. Off-Street Parking and Loading
No building shall be erected, converted, enlarged, reconstructed, or moved except in conformity with the off-street parking and loading regulations of this ordinance.

Section 5.10. Building to be on Lots
Every building hereafter erected, converted, enlarged, reconstructed, moved, or structurally altered shall be located on a lot as herein defined.

Section 5.11. Accessory Buildings
No accessory building shall be used for dwelling purposes except as specified in Article 9.

Section 5.12. Main Building on One Lot
More than one main building may be erected on one lot if the dimensional regulations for each structure or use are met.
Section 5.13. Joint Occupancy
No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use unless specifically permitted by the code.

Section 5.14. Building Material Storage
Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in an Agricultural, Residential, or Business Zone District for more than one (1) month prior to the commencement of construction.

Section 5.15. Parking or Storage of Major Recreational Vehicles
Major recreational vehicles including houseboats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other like vehicles shall not be stored or parked on any required front yard on any lot in a residential district for more than seven (7) days.

Section 5.16. Parking and Storage of Certain Vehicles
5.16.1. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
5.16.2. Commercial vehicles exceeding 10,000 lbs. G.V.W. and construction vehicles shall not be parked or stored in recorded residential subdivisions.

Section 5.17. Lot Width at Street Line
All lots shall have access to a public street. On any irregularly shaped lots, the lot width at the building line shall be no less than the minimum lot width required by the applicable zone.

Section 5.18. Home Repair and Remodeling
All home remodeling, repair, and modification shall be permitted provided that the minimum yard requirements are met for the district involved.

Section 5.19. Keeping of Animals
The keeping of household pets shall be permitted in any district provided that compliance with all applicable laws and state and county health regulations are maintained.

Section 5.20. Requirements for Keeping of Livestock
A. Minimum setback of agricultural structures shall be:
   A.1 Livestock barns - 100 ft. from adjoining lot lines, 100 ft. from nearest thoroughfare rights-of-way, 120 ft. from the nearest existing residence on any adjoining property.
   A.2 Fowl houses - 150 ft. from adjoining Lot Lines, 300 ft. from nearest thoroughfare rights-of-way, 300 ft. from the nearest existing residence on any adjoining property.
   A.3 Fowl pens shall not be located within any required yard.
   A.4 Swine shall not be housed, fed, and/or watered within 100 ft. of any adjoining lot line or within 300 ft. of any thoroughfare right-of-way.
B. The maximum number of animals permitted on one (1) property in an E-1 or R-R Zone shall be:
   B.1 One (1) animal equivalent unit, as determined by the following assignment of animal equivalent units, for the first “net” acre, which excludes required setbacks and developed and impervious surface areas. A maximum of one animal equivalent unit shall be allowed for each additional net acre. No more than 20 individual animals per property shall be permitted. Keeping of livestock in quantities greater than provided herein shall be permitted only in an A-R Zones.

<table>
<thead>
<tr>
<th>Animal Equivalent Units</th>
</tr>
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<tbody>
<tr>
<td>horse = 1 unit</td>
</tr>
<tr>
<td>sheep = 0.5 units</td>
</tr>
<tr>
<td>all fowl = 0.1 units</td>
</tr>
<tr>
<td>cow = 1 unit</td>
</tr>
<tr>
<td>goat = 0.5 units</td>
</tr>
<tr>
<td>swine = 0.5 units</td>
</tr>
<tr>
<td>rabbit = 0.1 units</td>
</tr>
</tbody>
</table>
B.2 The planning commission as needed shall determine equivalents for animals not listed. Offspring shall not be counted until they are weaned. Animals, which are not weaned, shall be counted when they reach half their adult weight based on industry standards.

C. Piles of feed or bedding shall be located no closer than 50 feet from a public thoroughfare right-of-way line, lot line, or zoning district boundary to minimize odor and nuisance problems.

D. Manure shall be stored for removal and disposed of in accord with all applicable county, state, and federal regulations. No manure piles shall be located closer than 50 feet from a public thoroughfare right-of-way, lot line, zoning district boundary, wetland, watercourse, or other water body.
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Article 6. Regulations by Districts

Section 6.1. Introduction
The purpose of the regulations in this article is to allow maximum utilization of land while insuring against detrimental impacts on the environment, neighboring properties, and the public interest. This insurance is provided by separating the incorporated area of the City of Chelsea into zoning districts and permitting specified uses within each district, if the use meets all criteria specified in this ordinance. All permitted, supplemental, special exception and non-permitted uses for all districts are shown in Table 6-1. All setbacks, height restrictions, and minimum lot size and width are useful tools in zoning to help maintain standards and are in Table 6-2. All buffer requirements between uses are in Table 6.3.

Section 6.2. Zoning District Intent

<table>
<thead>
<tr>
<th>District</th>
<th>District Name</th>
<th>Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-R</td>
<td>Agricultural-Residential</td>
<td>A district intended for larger lot or land areas on which the primary use is agricultural in nature and ordinarily used for generating profit. Residential is a permitted activity.</td>
</tr>
<tr>
<td>R-R</td>
<td>Rural Residential</td>
<td>A district intended exclusively for single lots of record that existed prior to the adoption of this ordinance. It is for single-family rural residential neighborhoods and homes that existed at the time of Chelsea’s incorporation. The intent is to accommodate, facilitate, and maintain the existing rural residential character.</td>
</tr>
<tr>
<td>E-1</td>
<td>Single-Family Estate District</td>
<td>A district intended for single-family residential neighborhoods. Its intent is to facilitate and maintain the development of a spacious neighborhood environment through larger lots and setbacks and with approved accessory structures.</td>
</tr>
<tr>
<td>R-1</td>
<td>Single-Family District</td>
<td>A district intended exclusively for single-family residential neighborhoods and to facilitate and maintain development of a more spacious neighborhood environment generally through larger lot, yard, and house size requirements.</td>
</tr>
<tr>
<td>R-2</td>
<td>Single-Family District</td>
<td>A district intended exclusively for single-family residential neighborhoods. Its intent is to facilitate the development of neighborhood environments characterized by a higher density.</td>
</tr>
<tr>
<td>O-I</td>
<td>Office and Institutional District</td>
<td>A district intended for the development of land for private, non-profit, public, and semi-public uses and services and similar institutional facilities or functions. Generally this includes office, schools, churches, hospitals, and public facilities.</td>
</tr>
<tr>
<td>B-1</td>
<td>Neighborhood Business District</td>
<td>A district intended for limited, small-scale commercial businesses and offices that, by the nature of such operations, are compatible with and serve the daily needs of surrounding neighborhoods and that provide convenient access for pedestrians and bicyclists.</td>
</tr>
<tr>
<td>B-2</td>
<td>General Business District</td>
<td>A district intended for automotive-related businesses and businesses offering retail and services catering to the needs of, and in locations convenient to, commuters and long-distance travelers.</td>
</tr>
<tr>
<td>M-1</td>
<td>Light Industrial District</td>
<td>A district providing for industrial uses that are determined to be least offensive or detrimental to adjoining properties in terms of health, safety, comfort, aesthetics, and in the general welfare of, and overall compatibility with, the surrounding area.</td>
</tr>
<tr>
<td>PRD</td>
<td>Planned Residential District</td>
<td>A district intended to provide flexibility of design, types, and densities for a residential neighborhood with some commercial development. To be considered for PRD zoning, the minimum acreage required is 20 acres. The base-zoning district shall determine which planned development district type is applicable. If the base-zoning district is A-R, R-R, E-1, R-1, R-2, and then the PRD shall apply.</td>
</tr>
</tbody>
</table>
| PMD      | Planned Mixed Use                      | A district intended to provide flexibility of design and types and...
### Section 6.3. Permitted, Supplemental, & Special Exception Uses, and Uses Not Permitted

In each district, only the uses specifically listed as “Permitted Uses”, “Uses Permitted Subject to Supplemental Use Regulations”, or “Special Exception Uses” shall be allowed. “Uses Permitted Subject to Supplemental Use Regulations” shall be allowed only in conformance with the requirements of the standards specified for such uses in Article 9. “Special Exception Uses” are exceptions for which no permit shall be issued except with written approval of the Board of Zoning Adjustment, and which shall further be subject to such conditions as said Board may require to preserve and protect the character of the district concerned, including any applicable Supplemental Use Regulations as referenced in Article 9. Any use or structure existing at the time of enactment or subsequent amendment of this ordinance but not in compliance with its provisions shall hereafter be considered a “nonconforming use,” and shall be subject to the stipulations, regulations, and other provisions set forth in Article 9 of this ordinance. Except as otherwise provided by law or in this ordinance, no building, structure, or land shall be used or occupied except in the zoning districts indicated and for the purposes permitted in this section.

6.3.1. A use in Table 6-1 in any district denoted by the letter “Y” is a use permitted by right, if all other requirements of state law and this ordinance have been met and if a zoning certificate has been issued in accordance with Article 16.

6.3.2. A use listed in Table 6-1 may be permitted as a supplemental use in any district denoted by the letter “S” if the requirements of Article 8 have been met.

6.3.3. A use listed in Table 6-1 may be permitted as a special exception use in any district denoted by the letter “X” if the requirements of Article 9 have been met.

6.3.4. A use listed in Table 6-1 is not permitted in a district when denoted by the letter “N”.

### Section 6.4. Use Limitations

Although a use may be permitted according to specified procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all the standards of this ordinance and other applicable codes, ordinances, and regulations.

### Section 6.5. Classification of Uses

This ordinance recognizes the limitations of a finite list of use classifications as utilized in Table 6-1. Therefore, the city planner (or other authority designated by the Planning Commission) is empowered to make interpretations to classify any questioned use within a use classification of most similar impact and characteristics. Appeals of such interpretations may be made to the Board of Zoning Adjustment per Article 14.

### Section 6.6. Unclassified Uses

In the event the City of Chelsea receives an application requesting the permitting of a use that is not listed or that cannot appropriately fit in a district listed in Table 6-1, the following procedure shall apply:

6.6.1. If compatible with the existing use district intent, the unclassified use may be permitted.

6.6.2. If the unclassified use would not be compatible with the intent of the existing use district, the Planning Commission shall make a determination of the most appropriate use district and require the applicant have the property rezoned.

6.6.3. Following final action of the unclassified use per above paragraphs, the Planning Commission may initiate an amendment to this ordinance to include the newly permitted use in the Table 6-1.
<table>
<thead>
<tr>
<th>Uses</th>
<th>A-R</th>
<th>R-R</th>
<th>E-1</th>
<th>R-1</th>
<th>PRD</th>
<th>PMD</th>
<th>O-I</th>
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Table 6-1 Uses - Permitted, Supplemental, Special Exception, Not Permitted
<table>
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<tr>
<th>USES</th>
<th>A-R</th>
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<th>E-1 R-1</th>
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<td>Wireless Communication Structures</td>
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<td>Kennel/Animal Shelters</td>
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<td>N</td>
<td>S</td>
<td>S</td>
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<td></td>
</tr>
</tbody>
</table>
Permitted | Y | Indicates a use permitted by right, provided that all other requirements of state law and this ordinance have been met and provided that a zoning certificate has been issued in accordance with Article 15

Supplemental | S | Indicates a use that may be permitted as a supplemental use in a district provided that the requirements of Article 9 have been met.

Special Exception | X | Uses identified by district but subject to approval by the Board of Zoning Adjustment

Not Permitted | N | Indicates a use that is not permitted in a district

Section 6.7. Area and Dimensional Requirements
Setbacks, height restrictions, and minimum lot size and width are useful tools in zoning to help maintain standards and separate land uses. Except as otherwise provided by Articles 7, and 8, the area and dimensional regulations set forth in Table 6-2 shall be observed.

Table 6-2 Area Requirements

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Height</th>
<th>Minimum Yards</th>
<th>Lot Size</th>
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<tr>
<td></td>
<td>Stories Feet</td>
<td>Side Yard</td>
<td>Side Yard</td>
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<td></td>
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<td>Front Yard</td>
<td>Rear Yard</td>
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<tr>
<td>A-R</td>
<td>3.5 50</td>
<td>50</td>
<td>50</td>
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<tr>
<td>E-1</td>
<td>2.5 35</td>
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<td>R-1</td>
<td>2.5 35</td>
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<tr>
<td>R-2</td>
<td>2.5 35</td>
<td>25</td>
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<td>R-R</td>
<td>Current Conditions</td>
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<td></td>
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<tr>
<td>O-I</td>
<td>4 50</td>
<td>25</td>
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<tr>
<td>District</td>
<td>Maximum Height</td>
<td>Minimum Yards</td>
<td>Side Yard</td>
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<td>----------</td>
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<tr>
<td>Zoning District</td>
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<td>B-1</td>
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<td>35</td>
<td>20</td>
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<td>4</td>
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</tr>
<tr>
<td>M-1</td>
<td>4</td>
<td>50</td>
<td>0</td>
</tr>
</tbody>
</table>

1). F.A.R: Floor to Area Ratio is ratio of the total floor area of buildings on a certain location to the size of the land of that location, or the limit imposed on such a ratio. Floor Area Ratio = (Total covered area on all floors of all buildings on a certain plot) / (Area of the plot).

2). The Gross Floor Area of each use/tenant does not exceed 2,500 sq. ft.

3). I.S.R: Impervious Surface Ratio. The Impervious Surface Ratio is a performance standard used to measure development intensity on a particular site.

**Section 6.8. Buffer Requirements**

Buffers shall be located along all zoning district boundaries or property lines, which separate property that is zoned to permit or is currently used for the uses stipulated in the following table. When the zone in the column is developed adjacent to the zone in the row, the zone in the column shall provide the required buffer. Except as otherwise provided Article 7 and Article 8, the buffer regulations set forth in Table 6-3 shall be observed.

A.1 The property owner shall be responsible for maintenance and replacement of all landscaping materials and irrigation systems required by this article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead, and kept free of weeds, refuse, and debris.

A.2 All required buffers shall be irrigated with automatic irrigation systems; except that buffers, which are approved as natural buffers, shall not require irrigation.
<table>
<thead>
<tr>
<th></th>
<th>Single Family</th>
<th>Office Institutional</th>
<th>B-1</th>
<th>B-2</th>
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<tr>
<td>B-1 Business</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>20</td>
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<tr>
<td>B-2 Business</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>Industrial</td>
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</table>
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Article 7. Planned Development Districts

Section 7.1. Intent
Planned development districts are hereby authorized for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. A planned development district is intended to provide flexibility of design, types, and densities for either residential neighborhoods or commercial developments. The minimum acreage required to be considered for planned development district zoning is 20 acres for PRDs and five (5) acres for PMDs.

Section 7.2. Procedures
The following are the procedures to be followed for the development of a planned development district.

7.2.1. Any petition for the establishment of a planned development district shall be submitted to the Planning Commission for its review and action. Approval of the request shall be based on the Planning Commission's consideration of the following criteria:

A. That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.

B. That the proposed development is consistent with the intent and purpose of this ordinance to promote public health, safety, and the general welfare.

C. That the final plan for the proposed development meets the requirements of this ordinance as well as the requirements of all other regulating bodies.

D. That an approved method of sewage disposal is available to the tract under consideration.

E. The application must be accompanied by a site development plan showing the use or uses, dimensions and locations of all improvements, and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this ordinance.

F. The Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land-use planning. The minimum yard and maximum height requirements and use buffers of the zoning district shall not apply except as set forth herein for each planned development district. The Planning Commission may impose additional conditions regarding layout, circulation, and other physical improvements.

7.2.2. Incomplete submittals will not be presented to the Planning Commission for review.

Section 7.3. Restrictions
The establishment of a planned development district will be for the express purpose of improving the tract of land in accordance with the approved plan of development for the particular tract of land and for the use set forth in the development plan.

7.3.1. If, within one (1) year from the effective date of the rezoning, construction has not commenced, the Planning Commission may, by appropriate action, repeal the amendment establishing the planned development district. Once construction is started, the improvements set forth in the plan of development must be completed within two years from date of issuance. Otherwise, the Planning Commission may repeal the rezoning establishing the planned development district. Extension of time may be granted as long as satisfactory progress is being made.

7.3.2. Unless specific variations are noted on the development plan and approved by the Planning Commission, the most restrictive requirements for parking, loading, yards, and dimensional regulations for the proposed use shall be applicable to the planned development district.

7.3.3. Any proposed deed restrictions, covenants, and organizational documents shall accompany the layout plan at time of submittal. Submittal shall include articles of incorporation and bylaws creating a Homeowner’s or Condominium Association, as applicable, for residential subdivisions.

7.3.4. If there is a Homeowner’s or Condominium Association, as applicable, representing residents of the development, then membership in the association shall be mandatory and automatic for all
homeowners of the development and their successors. The Association shall have lien authority to ensure the collection of dues from all members. There shall be only one Homeowner’s or Condominium Association for the development.

Section 7.4. Planned Development District Plan Requirements
Planned development district shall be planned in a comprehensive manner accounting for all land and maybe physically developed in phases. Minor variations from the original plan may occur.

7.4.1. Written Documentation
A. Legal description of the total site, including statement of present and proposed ownership.
B. A statement of development objectives, including a description of the character of the proposed development, its consistency with the comprehensive plan, and the relationship to surrounding neighborhoods and other existing developments.
C. A development schedule indicating the approximate dates when construction can be expected to begin and be completed and any applicable phasing of the construction.
D. A statement of the applicant’s intentions with regard to future selling or leasing of all or portions of the development, including land areas, dwellings, etc.
E. Plan for or intended manner of permanent care and maintenance of open spaces.
F. A visual presentation of how the planned development district will relate to and be compatible with adjacent and neighboring areas

7.4.2. Development Plan
A. Development name.
B. Legal title, quarter-quarter section(s), township, and range.
C. Scale, north arrow, and vicinity map.
D. Boundary survey and dimensions of property.
E. Delineation of all designated flood hazard areas, wetlands, and contiguous areas of 5,000 sq. ft. and greater with slopes greater than 15%.
F. Delineation of proposed land use areas.
G. Proposed lot lines and dimensions.
H. Estimated percentages of acreage to be devoted to each land use type including any sub-categories within residential, commercial, institutional, recreational, etc.
I. Number of all existing and proposed residential structures including the following:
I.1 Locations of different housing types.
I.2 Building locations and orientations.
I.3 Number of units and stories, floor-to-floor heights, and total heights per building, and floor areas of dwelling units.
J. Number of all existing and proposed non-residential structures, including the following:
J.1 Types of uses proposed.
J.2 Building locations and orientations.
J.3 Number of stories, floor-to-floor heights, total heights per building, and all floor areas.
K. Location and size of all areas to be conveyed, dedicated, or reserved as common open space, public parks, recreational areas, and similar public and semi-public uses.
L. Location of utilities, above-ground public utility facilities, and easements.
M. Thoroughfare plans which include the following:
M.1 Location and dimension of thoroughfares, alleys, driveways, and access points.
M.2 Notations of proposed ownership of thoroughfares.
M.3 Location, dimensions, and capacities of parking areas.
M.4 Service and loading zones.
M.5 Sidewalks, greenways, and other pedestrian and bicycle paths.
N. Location and design for drainage and on-site treatment of storm water including the following:
N.1 Curbs and gutters, inlets, culverts, and access to public storm sewer system.
N.2 Drainage ways, vegetative swales.
N.3 Detention and retention elements.
N.4 A general landscape plan indicating treatments and materials used for private and common open spaces and the landscape treatment of the perimeter of the development including materials and techniques to be used.
O. Additional Information. Any additional information determined by the building inspector and/or city engineer to be reasonable and necessary for evaluating the character and potential impact of the proposed development.

Section 7.5. Incentives for Planned Development Districts
To further a superior level of design and amenity in new development, the following incentives are offered in planned development districts:
7.5.1. Variable Dimensional Zoning Standards: Except as otherwise provided herein, standards for lot width, building height, floor area ratio, yard dimensions, off-street parking and loading, landscaping and screening, fences, signs, and other standards may vary from those established elsewhere in this ordinance if such variations are approved by the Planning Commission.
7.5.2. Variable Subdivision Design Standards: Dimensional and design standards for subdivisions and subdivision improvements such as streets, blocks, sidewalks and parkways, but not improvement construction standards, may vary from those established in the City of Chelsea Subdivision Regulations.
7.5.3. Mixed Land Uses: Land uses other than those allowed as Permitted or Supplemental Uses in the applicable base zoning districts may be permitted. In Residential Districts, no more than 10 percent of the net area of the development--excluding streets, retention and detention areas, and other public improvements--shall be devoted to business or commercial uses.
7.5.4. The developer may submit plats in stages to the Planning and Zoning Commission if they are in substantial compliance with the approved plan.

Section 7.6. Open Space
The following conditions govern open space requirements:
7.6.1. Permissible Land Uses
The following land uses may be counted toward open space requirements.
A. All floodplains may remain in permanent open space.
B. All wetlands not in the floodplain shall remain in permanent open space.
C. Sixty percent of areas with slopes of fifteen to thirty percent shall remain in permanent open space.
D. Eighty percent of areas with slopes of greater than thirty percent shall remain in permanent open space.
E. All lakes and ponds shall remain in permanent open space.
F. Seventy-five percent of the area within fifty feet of all ponds and lakes shall remain in permanent open space.
G. Drainage easements left in a natural state may be counted as open space.
7.6.2. Calculating Open Space
A. Required open space shall be calculated by multiplying the required open space ratio by the remainder of the gross site area less the area for roads, road rights-of-way, rights-of-way for utilities, and easements of access; land that is not contiguous or separated by a road, railroad, existing land uses, or major stream such that common use is hindered or that land is unavailable for building purposes; any existing recreation or resource conservation easements; land set aside for non-residential uses; and land required for buffer yards.
B. If the open space required in any planned development district is less than that required in any planned development district performance standards then other open space must be set aside until the
amount of required open space is met or exceeded. Options for providing additional open space include:

B.1 Natural areas. Areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands, wetlands, prairies, and savannah are types of natural areas.

B.2 Agricultural uses of field or pasture.

B.3 Recreational areas.

B.4 Commonly owned lawns.

7.6.3. Preservation and Maintenance of Open Space. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section, by any of the following mechanisms or combinations thereof:

A. Dedication of open space to the City of Chelsea, if the city is willing to accept the open space or an appropriate public agency, if there is a public agency willing to accept the dedication.

B. Common ownership of the open space by a homeowners’ association, which assumes full responsibility for its maintenance. There must be a demonstrable method for ensuring that the open space is maintained in perpetuity. The conditions of the responsibility must be set out in the covenants that run with the land.

C. Dedication of development rights of open space, as an example, for development of a public or private park, may be made to the appropriate public agency with ownership remaining with the developer or homeowner’s association. Maintenance responsibility shall remain with the owner.

D. Deed-restricted private ownership that shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance responsibility.

Section 7.7. Plan Review and Approval
The City of Chelsea Planning Commission shall approve or deny an application for the approval of a planned development district plan, or shall approve an application subject to conditions. Any approval, denial, or conditions attached to a development permit approval shall be based on and implement the Planned Development District regulations, and the goals, policies, and guidelines of the comprehensive plan.

7.7.1. Public Hearing
A public hearing is required prior to the approval of a planned development district plan.

7.7.2. Next Steps
Once a final planned development district plan has been approved, the developer may proceed with the process as outlined in the City of Chelsea Subdivision Regulations and/or the City of Chelsea Design and Construction Guidelines. The planning commission may review the planned development district plan concurrently with its review of the preliminary subdivision plat under the City of Chelsea Subdivision Regulations and the City of Chelsea Design and Construction Guidelines.

7.7.3. Plan Amendments

A. Minor Amendments
The Code Enforcement Officer/City Engineer may approve minor amendments to the final development plan. A minor amendment is an amendment required by technical or engineering considerations first discovered during development that could not reasonably have been anticipated during the approval process.

B. Major Amendments
The planning commission must approve major changes to the planned development district plan. Major changes include any or all of the following:

B.1 Any increase in the total number of residential units.

B.2 A 10% or more change in the total amount of commercial, industrial or institutional floor area to be contained within the planned development district.

B.3 Any street changes which involve removing or adding additional streets and/or intersections.
B.4 A 15% or more change in the amount of open space and/or land area to be provided for private and/or public recreational purposes.

B.5 Any change in the land to be dedicated to the public for public use and maintenance.

B.6 Any change which significantly adversely affects the internal or external compatibility of the planned development district or its long-term impact on the community.

B.7 Any change which violates a standard and/or regulation set forth in the City of Chelsea Zoning Ordinance or Subdivision Regulations which applies to the planned development district.

B.8 A change in the outer boundaries of the planned development district.

B.9 A 15% or more change to the lot area of any lot contained within the planned development district.

Section 7.8. Planned Residential District (PRD)
The primary purpose of this district is to accommodate a majority residential development with some commercial development on parcels constrained by natural or man-made restrictions. By allowing for clustering and higher densities, environmental features may be preserved rather than encroached upon. PRD shall only be allowed in A-R, R-R, E-1, R-1, R-2, districts. The minimum acreage for PRD is 20 acres.

7.8.1. PRD Plan Development
The following requirements are minimums and are intended to serve as a guide in plan formulation. The Planning Commission retains the authority to waive the provisions of this section or to impose greater requirements than herein stated. All residential buildings shall be set back from street right-of-way lines and from the periphery of the project to comply with the following requirements:

A. Unless indicated elsewhere, all residential buildings shall have a set-back of not less than 25 feet from the back of curb; set-backs for all other structures shall be as determined by the Planning Commission.

B. In no case shall a lot for a single-family detached structure be created with an area of less than 6,000 square feet or a frontage of less than 50 feet at the building line.

C. Where the planned residential development provides for single family attached dwellings (townhomes) to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements, and other applicable features.

7.8.2. Permitted PRD Uses

Table 7-1 Permitted PRD Uses

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USES | PRD
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Recreation, Outdoor | S
Restaurant, Fast Food | N
Restaurant, Standard | N
Restaurant, Pub | N
Service Station | N
Shopping Center | N
Temporary Outdoor Sales | N
Temporary Structure | S
Theater, Drive-In | N
Vehicle Sales Or Rental | N

INDUSTRIAL

Industrial Uses | N
Manufacturing | N
Public Utility Facilities | S
Warehousing, Distribution | N
Wireless Communication Structures | S

AGRICULTURAL

Farm | N
Greenhouse, No Sales | Y
Home Gardens, No Sales | Y
Kennel/Animal Shelters | N

| Permitted | Y | Indicates a use permitted by right, provided that all other requirements of state law and this ordinance have been met and provided that a zoning certificate has been issued in accordance with Article 15
| Supplemental | S | Indicates a use that may be permitted as a supplemental use in a district provided that the requirements of Article 9 have been met.
| Special Exception | X | Uses identified by district but subject to approval by the Board of Zoning Adjustment
| Not Permitted | N | Indicates a use that is not permitted in a district

**Section 7.9.** Planned Mixed Use Development (PMD)
The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, residential, religious, educational and cultural facilities, which are integrated with the total project by unified architectural and open space treatment. Minimum acreage for PMD is 5 acres.

7.9.1. PMD Plan Development
There shall be a front yard for all detached single-family dwellings of not less than 20 feet. The front yard setback for all other structures shall be as determined by the Planning Commission.

A. In no case shall a lot, for a single family detached structure, be created with an area of less than 5,000 sq. ft. or a frontage of less than fifty (50) feet at the building line.

B. Where the PMD residential development provides for single family attached dwellings (townhomes) to be held under individual ownership by the occupant, the plat shall be recorded and shall show building lines, common land, streets, easements, and other applicable features.
Single-family attached dwellings, duplex dwellings, and fourplex dwellings, including condominiums and townhomes, are permitted at gross densities of 10 dwelling units per acre.

### 7.9.2. Permitted PMD Uses

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**Article 8. SmartCode Districts**

The City of Chelsea has established SmartCode Districts; the complete SmartCode is contained in “Chelsea SmartCode” published under separate cover.
Article 9. Supplementary Use Regulations and Modifications

The uses identified in Articles 6 or 7 as subject to supplemental use regulations shall comply with all applicable standards for applicable uses as defined within this article.

Section 9.1. Applicability and Enforcement

After the effective date of this ordinance, any existing building proposed for a change in use that under this ordinance is subject to Supplemental Use Regulations, shall be required to obtain a Certificate of Occupancy from the building inspector stating that the structure, lot, and proposed use comply with all standards for the stated use. A Certificate of Occupancy required for a new building shall similarly reflect the building inspector’s satisfaction that all requirements have been met for a use subject to Supplemental Use Regulations. The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this ordinance.

Section 9.2. Supplemental Regulations for All Uses

9.2.1. Area Modifications for Lots of Record

Where a lot of record at the time of the effective date of this ordinance had less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site provided the yard space and other requirements conform as closely as possible, in the opinion of the Planning Commission, to the requirements for the district in which it is located.

9.2.2. Height Modifications

A. Chimneys, cooling towers, elevator bulkheads, head houses, fire towers, gas tanks, steeples, penthouses, stacks, tanks, water towers, ornamental towers and spires, or necessary mechanical appurtenances, where permitted, may be erected to any height not in conflict with existing or hereafter adopted ordinances of the City of Chelsea, except that where permitted in connection with residential uses, such structures shall be limited to a height of twenty feet above the maximum height of structures permitted in that district. The height of wireless telecommunications facilities shall be regulated in accordance with the provisions of Section 9.39 of this article.

B. The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which they are located.

C. Public, semi-public, or public service buildings, including but not limited to hospitals, schools, and churches, when permitted in a district with height limitations of less than sixty feet, may be erected to a maximum height of sixty feet, provided side yards are increased by one foot for each foot of additional building height above the height limitation for the district in which the building is located.

9.2.3. General Yard Modifications

A. Every part of a required yard shall be open to the sky; unobstructed by any structure or part thereof; and unoccupied for storage, servicing, or similar use except as provided herein.

B. Sills, belt courses, or ornamental features may project into any yard not to exceed six inches.

C. Cornices or eaves may project into any required yard not to exceed 18 inches.

D. Terraces, uncovered porches, underground fallout shelters, or ornamental features that do not extend more than five (5) feet above grade may project into a required yard, provided such projections are at least two (2) feet to any lot line.

E. More than one multiple dwelling, institutional, commercial, or industrial building may be located upon a lot or tract; but such buildings shall not encroach upon the front, side, and rear yards required by the district regulations. For multiple dwellings, the open space between buildings shall be 30 feet when one or both are two-story buildings, and 40 feet when one or both are three or more story buildings.

F. Where an open space is more than fifty percent surrounded by residential or institutional buildings, the minimum width of the open space shall be at least 20 feet for one story building, 30 feet for two story buildings and 40 feet for three or more story buildings.

G. In a residential district, a private swimming pool shall be enclosed by a fence of not less than four (4) feet in height. No mechanical appurtenance or pool shall be within 10 feet of any lot line. The minimum dimension of a yard upon which any entrance or exit of a multiple dwelling faces shall be
20 feet.
H. Wherever yards are provided between commercial or industrial structures, they shall have a minimum width of not less than six (6) feet.

9.2.4. Front Yard Modifications
The required front yards heretofore established shall be modified in the following cases:
A. Where 40 percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five (5) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
B. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then the following applies:
  B.1 Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings, or
  B.2 Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
C. Through lots shall provide the required front yard on both streets.
D. Corner lots shall provide a front yard on each street side. However, the buildable width of a lot of record need not be reduced to less than 28 feet; provided that the side yards shall in no case be reduced to less than that otherwise required for the zone district. No accessory building shall project into the front yard on either street.
E. Permitted signs attached to buildings may extend into a front yard or the required yard abutting a side street not to exceed 18 inches.
Service station pumps and pump islands may be located within a required front yard, but in no case shall the pump centerline be closer than 15 feet to any street line.

9.2.5. Rear Yard Modifications
The rear yards heretofore established shall be modified in the following cases:
A. Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.
B. An unenclosed balcony, porch steps, or fire escape may project into a rear yard for a distance not exceeding 10 feet.
C. Accessory buildings and structures may be built in a rear yard, but such accessory buildings and structures shall not occupy more than 30 percent of the required rear yard and shall not be nearer than three (3) feet to any side or rear lot line, except that when a garage is entered from an alley, it shall not be located closer than seven (7) feet to the alley line.

9.2.6. Walls and Fences
Walls or fences may be located within the yards except as provided herein.
A. No wall or fence in a front yard shall exceed a height of four (4) feet, except as required for a retaining wall.
B. No wall or fence in a rear or side yard shall exceed a height of six and one-half (6½) feet, except as required for a retaining wall.
C. In any residential district, no fence, structure, or planting, which obstructs visibility, shall be maintained within 25 feet of any street intersection.

Section 9.3. Applicability and Enforcement
After the effective date of this ordinance, any existing building proposed for a change in use that under this ordinance is subject to Supplemental Use Regulations, shall be required to obtain a Certificate of Occupancy from the building inspector stating that the structure, lot, and proposed use complies with all standards for the stated use. A Certificate of Occupancy required for a new building shall similarly reflect the building inspector’s satisfaction that all requirements have been met for a use subject to
Supplemental Use Regulations.

Section 9.4. Agricultural Uses

9.4.1. Setbacks
A. Poultry houses for housing more than five hundred (500) birds shall not be located closer than 300 feet from all lot lines and thoroughfare right-of-way lines.
B. Structures for housing more than 25 head of livestock shall not be located closer than 100 feet from all lot lines and thoroughfare right-of-way lines.
C. If the owner of the proposed structure owns the land on the other side of the thoroughfare opposite the location of the proposed structure, such structure need only be set back from the thoroughfare right-of-way line the distance as required in the district where it is to be located; provided however, that the structure shall not be closer than 100 feet to any lot lines.
D. Piles of feed or bedding shall be located no closer than one 150 feet from a public thoroughfare right-of-way line, lot line, or zoning district boundary to minimize odor and nuisance problems.
E. Manure shall be stored for removal and disposed of in accordance with all applicable county, state, and federal regulations. No manure piles shall be located closer than 150 feet from a public thoroughfare right-of-way, lot line, zoning district boundary, wetland, watercourse, or other water body.

9.4.2. The Board of Zoning Adjustment may permit the expansion of existing poultry and livestock facilities closer to the property and street right-of-way lines than permitted above if the Board finds that the expansion of such facilities will not be more detrimental to surrounding properties than the existing use.

9.4.3. All concentrated animal operations shall require a nutrient management plan prepared by the USDA-Natural Resources Conservation Service (NRCS) that is approved by the Shelby County Soil and Water Conservation District prior to the commencement of such operation.

9.4.4. All agricultural practices shall comply with the USDA-NRCS Field Office Technical Guide’s Standards and Specifications for such practices.

9.4.5. Prior to the issuance of a building permit for any manure storage facility, the applicant shall provide the building inspector with a letter from the Shelby County Soil and Water Conservation District or the USDA-NRCS approving the construction of the facility.

9.4.6. Stables and Corrals
A. The minimum area for stable and corral uses shall be one (1) acre.
B. No more than one (1) horse or pony shall be permitted for each net one (1) acre and no more than one (1) additional horse or pony are permitted for each additional net acre.
C. All stables shall be located a minimum of 100 feet from all lot lines.

Section 9.5. Condominium

9.5.1. Condominium Buildings
A. Mailboxes and laundry rooms shall also be within the same building.
B. Parking areas for tenants shall be setback behind the front building line and shall further be setback no less than 15 feet from the building. A sidewalk of no less than 4 feet in width shall be provided between the building and parking area.
C. No less than 10% of the site area shall be improved and maintained as open space for the passive recreational use of tenants.
D. All utilities shall be placed underground; public water and sewer must be available to the site.

9.5.2. Condominium Complexes
A. Minimum Lot size: 12,000 sq. ft.
B. All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than 4 feet in width shall be provided between all buildings and parking areas.
C. Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.

D. No less than 20% of the site area, and not less than 2,400 sq. ft., shall be improved and maintained as open space for the passive recreational use of tenants.

E. All utilities shall be placed underground; all condominium complexes shall be served by public water and sewer.

Section 9.6. Assisted Living Facility

9.6.1. General Standards. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies.

9.6.2. Location Standards. Development shall be located on an arterial street or collector street. Off-site grocery, other commercial establishments, and medical conveniences should be within the ability of aged persons to reach them easily either by walking safely to them (within 2,000 feet on level sidewalks) or by transportation provided by project and facility owners. If the latter, there shall be frequent daily scheduled transportation service within a 5-10 minute ride to grocery, other commercial establishments, and medical conveniences. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed use.

9.6.3. Site Standards.

A. These facilities should be designed to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenity areas.

B. Ten (10) percent of the total parking spaces shall be designated as handicap accessible.

C. Each unit shall contain at least 400 sq. ft. of gross floor area.

9.6.4. Area Regulations. All buildings shall be set back from the street right-of-way and from all lot lines as required by the zone within which the development is located except where they are adjacent to a residential or agricultural zone or a state highway, the minimum setback shall be 50 feet.

Section 9.7. Auto Dismantling, Junk, and Salvage Yards

In addition to the buffer requirements of §6.8, auto dismantling, junk, and salvage yard operations shall conform to the following requirements:

9.7.1. A minimum eight (8) foot wall, privacy fence or other suitable screen shall be provided to block views of all outdoor storage areas from adjacent public streets and neighboring properties.

9.7.2. All wrecked cars, cars to be dismantled, and other junk will be stored at all times to the rear (behind) the required screen.

Section 9.8. Bed and Breakfasts.

9.8.1. Bed and breakfast establishments shall only be permitted in single-family detached dwelling units. The owner/operator shall be the primary resident/occupant of the establishment.

9.8.2. No cooking facilities shall be permitted in any bed and breakfast guest room. Breakfast may be provided by the owner/operator.

9.8.3. There shall be no external alterations to the building except as may be necessary for safety facilities such as fire escapes.

9.8.4. Rooms shall be rented on a nightly basis for periods not to exceed one (1) week.

9.8.5. Not more than one (1) non-family member of the owner shall be employed within the establishment.

Section 9.9. Boarding Houses

9.9.1. Boarding houses shall only be permitted in single-family detached dwellings and shall be operated by the owner. The owner shall also be the primary occupant of the dwelling.
9.9.2. At least three (3), but not more than six (6), boarding rooms shall be available in a boarding house.

9.9.3. Meals may be served for compensation only to boarders; in no case shall meals be served for compensation to persons who are not boarders of the establishment. No cooking facilities shall be permitted in any boarding room.

9.9.4. There shall be no external alterations to the building except as may be necessary for safety facilities such as fire escapes.

9.9.5. Rooms shall be rented on a weekly or monthly basis.

9.9.6. The applicant for a use permit and certificate of use and occupancy shall demonstrate that adequate public sewer and water service will be provided to the establishment and shall also demonstrate that the boarding home complies with all State of Alabama requirements for such uses.

Section 9.10. Camper Parks

   A. No manufactured homes shall be permitted.
   B. Developer shall furnish a sketch of the layout of camper trailer spaces, tent spaces, driveways, buildings, utilities, and recreational areas.
   C. Each camper trailer park shall contain a minimum of five (5) acres.
   D. Sewerage facilities, washroom or toilet facilities, and water supply shall comply with all state and county sanitary regulations governing tourist camps, cabin camps, tent camps, trailer camps, and similar establishments.
   E. The park shall afford proper drainage and same shall be approved by the city engineer.
   F. Parks shall be restricted to towed campers or travel trailers not exceeding 31 feet in length, and to self-propelled vehicles not exceeding 40 feet in length.
   G. All electrical facilities/hookups, if provided, shall meet all local and state code requirements.
   H. Parks shall be surrounded by an unoccupied open space or buffer strip 75 feet wide on all sides. The inside 20 feet may be used for a driveway. The buffer shall be in accordance with §6.8.

9.10.2. Lot Sizes.
   A. Minimum lot area - 1,600 sq. ft.
   B. Minimum lot width - 30 feet

9.10.3. Driveways.
   A. Minimum width shall be 20 feet for two-way traffic and 12 feet for one-way traffic.
   B. Maximum grade shall be six percent (6%).
   C. Minimum curve radius shall be 50 feet.
   D. Minimum surface requirements for roadways and driveways shall be a four (4) inch sub-base with a two (2) inches asphalt, or gravel surface. Regular and adequate maintenance shall be required to facilitate circulation of traffic and maintain suitable surface for travel.
   E. Adequate turnarounds shall be provided with no dead-end streets.

9.10.4. Electrical Requirements.
   A. Electrical outlets shall meet the minimum standards of the National Electrical Code.
   B. Washrooms or toilet facilities shall remain lighted at night.
   C. Outdoor lighting is required along pathways to restrooms at a maximum of 100 feet apart, not exceeding three (3) feet above ground and reflected downward, or as may be approved by the building inspector to provide adequate visibility.

9.10.5. Camper parks may contain accessory buildings necessary for the operation of the park such as bathhouses, rest rooms, laundry rooms, offices, and recreation buildings if approved by the commission. For each 100 campites or portion thereof, one (1) single family residence is allowed on site for occupancy by the owner operator only.
9.10.6. The commission shall have the right to require any other improvements deemed necessary for proper layout and design, or health, safety, convenience, and general welfare of the residents of the city.

Section 9.11. Cemeteries

9.11.1. General Regulations

A. A cemetery is a permitted supplemental use in the A-R, R-R, and O-I Districts provided, however, that the location of all cemeteries shall be reviewed and approved by the Planning Commission.

B. No cemetery except a family plot or "church yard" cemetery shall be established on a site containing less than 10 acres.

C. The site proposed for a cemetery shall not interfere with the development of a system of streets or a highway in the vicinity of such site. In addition, such site shall have direct access to a public thoroughfare.

9.11.2. Setbacks

A. All gravesites shall be set back no less than 30 feet from all lot lines. All columbaria and mausoleums shall be setback no less than 50 feet from all lot lines.

B. No gravesite shall be located closer than 150 feet from an underground water supply or within the flood plain.

9.11.3. All required yards shall be landscaped and maintained.

Section 9.12. Conservation Subdivision

The intent of conservation subdivisions is to provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards or by environmental regulations, which may limit the amount or type of development on such properties. The following are purposes of a conservation subdivision:

A. To enhance quality of life by promoting the creation of accessible green spaces throughout the community.

B. To protect sensitive, environmental land features, which will enhance/protect the health and safety of residents and neighboring property owners.

C. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation.

D. To allow clustering of homes and orienting them closer to the street, thereby providing gathering places and encouraging the use of parks as focal points within the community.

E. To encourage street designs that reduce traffic speeds and excessive reliance on main arteries.

F. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists.

G. To reduce perceived density by providing a maximum number of lots with direct access to and views of open space.


A. Applicability of Regulations. The Conservation Subdivision is available as an option on properties directly affected by the presence of flood hazard areas, severe topography, and areas otherwise affected by federal, state, or city environmental regulations. The applicant shall comply with all other provisions of the zoning ordinance and all other applicable regulations, except those incompatible with the provisions herein.

B. Ownership of Development Site. The tract of land to be subdivided and/or developed may be held in single, separate, or multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

C. Density Determination. The maximum number of lots on the site shall be determined, first by the preparation of a yield plan and then preparation of a conservation subdivision plan. The yield plan is a conventional subdivision plan conforming to the lot requirements of the applicable zoning district, but not including protected open space. The plan does not have to meet the formal requirements for a site.
design plan, but the design must be reasonably capable of being constructed given site constraints and applicable regulations. Following the preparation of the yield plan, the developer shall prepare a conservation subdivision plan, which yields no more lots than identified within the yield plan. The conservation subdivision plan shall identify open spaces to be protected in accordance with §9.12.4 and may include lots which do not meet the size and setback requirements of the applicable zone.

D. All federal (FEMA), state (ADEM), and local approvals for encroaching on environmentally sensitive areas, including but not limited to wetlands and modifying flood plains, must be obtained prior to submitting a site plan for approval.

9.12.3. Application Requirements

A. Site Analysis Map Required. Concurrent with the submission of a site concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design and that the proposed open space will meet the requirements of this article. The preliminary site plan shall include the following features:

A.1 Property boundaries
A.2 All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features.
A.3 All boundaries of applicable regulated buffer areas, easements, and rights-of-way.
A.4 Topographic features of no less than 5-foot intervals.
A.5 All Primary and Secondary Conservation Areas labeled by type, as described in §9.12.12 of this article.
A.6 General vegetation characteristics.
A.7 General soil types.
A.8 Planned location of protected open space.
A.9 Existing roads and structures.
A.10 Potential connections with existing green space and trails.

![Site Analysis Map](image)

**Figure 1 Conservation Subdivision Site Analysis**

9.12.4. Open Space Management Plan Required. An open space management plan, as described in §9.12.5 (E.), shall be prepared and submitted prior to the issuance of a land disturbance permit and shall include the following:
A. Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described herein, shall be placed on the open space concurrent with the issuance of a land disturbance permit.

B. The applicant shall adhere to all other applicable requirements of the underlying zone and subdivision regulations.

Figure 2 Conservation Subdivision Yield Plan

Figure 3 Conservation Subdivision Plan

9.12.5. Open Space.

A. Definition. Open Space is the portion of the conservation development or subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

B. Standards to Determine Open Space

B.1 The minimum restricted open space shall comprise at least 25% of the gross tract area.
B.2 The following are considered Primary Conservation Areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the conservation subdivision:
   B.2.(a) The 100-year floodplain.
   B.2.(b) Riparian zones of at least 75 ft. width along all perennial and intermittent streams.
   B.2.(c) Slopes above 25% of at least 10,000 sq. ft. contiguous area.
   B.2.(d) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
   B.2.(e) Populations of endangered or threatened species or habitat for such species.
   B.2.(f) Existing trails that connect the tract to neighboring areas.
   B.2.(g) Archaeological sites, cemeteries, and burial grounds.
B.3 The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
   B.3.(a) Important historic sites.
   B.3.(b) Existing healthy, native forests of at least one acre contiguous area.
   B.3.(c) Individual existing healthy trees greater than 8 inches caliper.
   B.3.(d) Other significant natural features and scenic view sheds, such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads.
B.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 with the exception that historic structures and existing trails may be counted. Large areas of impervious surface shall be excluded from the open space.
B.5 At least 33% of the open space shall be suitable for passive recreational use.
B.6 At least 75% of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
B.7 The open space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-adjoining lots shall be provided with safe, convenient access to the open space.
C. The following uses shall be permitted within the open space:
   C.1 Conservation of natural, archeological, or historical resources.
   C.2 Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
   C.3 Walking or bicycle trails constructed of porous paving materials.
   C.4 Passive recreation areas, such as open fields.
   C.5 Active recreation areas if they are limited to no more than 10% of the total open space and are not located within Primary 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.
   C.6 Landscaped storm water management facilities, community wastewater disposal systems, and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas.
   C.7 Easements for drainage, access, and underground utility lines.
   C.8 Other conservation-oriented uses compatible with the purposes of this ordinance.
D. The following uses shall be prohibited within the open space:
   D.1 Golf courses.
   D.2 Roads, parking lots, and similar impervious surfaces except as specifically authorized in the previous sections.
D.3 Agricultural and forestry activities not conducted according to accepted best management practices.

D.4 Impoundments.

D.5 Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

E. Ownership and Management of Open Space

E.1 Ownership of Open Space in Residential Subdivisions. A Homeowner’s Association representing residents of the conservation subdivision shall own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners’ Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the Homeowner’s Association.

E.2 Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities that includes the following:

E.2.(a) Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.

E.2.(b) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided.

E.2.(c) Provides that any changes to the plan be approved by the commission.

E.2.(d) Provides for enforcement of the plan.

E.3 In the event the party responsible for maintenance of the open space 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 Homeowner’s Association, or to the individual property owners that make up the Homeowner’s Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

F. Legal Instrument for Protection of Open Space

F.1 The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

F.1.(a) A permanent conservation easement in favor of one of the following:

   (i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.

   (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.

   (iii) If the entity accepting the easement is not the city, then a third right of enforcement favoring the city shall be included in the easement.

F.1.(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

F.1.(c) An equivalent legal tool that provides permanent protection, if approved by the city.

F.2 The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space.

G. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the Tax Assessor of Shelby County shall be requested to reassess the Open Space at a lower value to reflect its more limited use. If the open space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment should be at a value of zero.
Section 9.13. Day Care Facilities
Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the following requirements:

9.13.1. Application of Regulations
The provisions of this section shall apply to day care facilities providing service for part of a 24-hour day for children less than 16 years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include Family Day Care Homes and Day Care Centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.

The following general provisions apply to all day care facilities.

A. All child day care facilities shall comply with all applicable State of Alabama and City of Chelsea regulations.

B. The operator of a day care facility shall allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this ordinance.

C. Hours of outside play shall be limited to the hours between 8:00 a.m. and sunset as defined by the National Weather Service. An outdoor play area shall be provided for child day care facilities and shall not be located in the front yard.

D. Day care facilities utilizing, or proposing to utilize, an on-site sewage disposal system shall obtain a written statement from the Shelby County Health Department certifying that the system is properly designed to accommodate the use and show that there are no apparent signs of system failure.

E. Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and principal arterial and minor arterial roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas. On roadways with a posted speed limit of greater than 25 MPH, all outdoor activity areas must be setback 35 feet from the right-of-way.

F. The expansion of Day Care Home to a Day Care Center shall require rezoning to a district in which a Day Care Center is permitted. When applying for rezoning, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, on-lot sewage disposal facilities, parking spaces, and the child or adult drop-off circulation pattern.

9.13.3. Day Care Homes
In addition to the other provisions of this Section, Day Care Homes shall comply with the following:

A. The facility must have a current state registration certificate. Proof of registration renewal must be supplied to the city every two (2) years.

B. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to Article 11.

C. Family Day Care Homes shall only be permitted in single-family detached dwellings.

9.13.4. Day Care Centers
A. In addition to the other provisions of this section, Day Care Centers shall have an approved and current, valid state license. Proof of state annual license renewal must be supplied to the city every year.

B. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.

C. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.

D. Play equipment shall be located at least 10 feet from an abutting lot line.

E. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks,
drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

9.13.5. Application and Permitting Procedure
Any individual proposing a Family Day Care Home shall submit an application for a Family Day Care Home Permit to the building inspector who will review the application for compliance with the zoning ordinance. If the application demonstrates compliance with the zoning ordinance, the building inspector shall grant the permit.

9.13.6. Inspections
The building inspector, fire chief, or a person designated by the building inspector or city council, shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes following advance notice to the property owner.

Section 9.14. Drive-in Theaters
The following standards shall apply for drive-in theaters.

9.14.1. The location of any drive-in theater shall be reviewed and approved by the Planning Commission.

9.14.2. A drive-in theatre may be permitted in the B-2 District provided however that the locations shall be approved by the Planning Commission.

9.14.3. The site must have access to a major public road.

9.14.4. The screen of a drive-in theatre shall be placed a minimum of 100 feet from the public right-of-way and be located so as to be hidden from the view of traffic contiguous to the entrance and exits of the site.

9.14.5. The ingress and egress from the highway shall be signed to permit only one-way traffic.

9.14.6. Vehicle standing space shall be provided between the ticket office and the public right-of-way, for patrons awaiting admission, equal in quantity to not less than 20 percent of the capacity of the theatre.

9.14.7. All ground areas accessible to vehicles shall be treated with suitable materials to prevent the formation of dust.

9.14.8. An opaque wall or fence shall be provided of adequate height to screen the patrons and cars in attendance of the drive-in theatre from the view of surrounding properties.

9.14.9. All parking spaces and access ways shall be adequately lighted, provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.

9.14.10. The vehicular approach to the drive-in theatre site from the public thoroughfare or highway should be so designed that uncontrolled left hand turns from the public thoroughfare or highway to the site shall be eliminated or reduced by either a frontage roadway or other suitable means.

9.14.11. Sight distances at all points of ingress and egress shall be no less than 1,000 feet, except where a traffic signal light is installed at the entrance or exit of the site.

Section 9.15. Dwelling, Accessory

9.15.1. The Gross Floor Area of the accessory dwelling shall be at least 600 sq. ft.

9.15.2. If attached to the principal dwelling, the accessory dwelling shall maintain the appearance of the principal dwelling, and shall not create additional entrances toward the front of the property.

9.15.3. If detached from the principal dwelling, the accessory dwelling shall be limited to the rear of the principal dwelling or within the upper floor of a garage, and shall be so placed as to avoid objectionable views from the street and surrounding properties.

9.15.4. Accessory Dwelling in A-R or R-R Districts
A. The owner of the property shall use the manufactured homes for residential purposes or accessory dwellings for persons employed on the premises and they shall not be used for rental purposes.
B. Density
Accessory Dwellings in A-R districts may not exceed the following density.

- 10 Acres to 20 Acres  1 Accessory Dwelling Unit
- 20 Acres to 40 Acres  2 Accessory Dwelling Unit
- 40 Acres to 80 Acres  3 Accessory Dwelling Unit

More than 3 accessory dwellings must seek rezoning.

Section 9.16. Dwelling, Duplex
9.16.1. The proposed structure shall meet the setback and side yard requirements as required in the district where it is to be located.
9.16.2. The minimum lot size shall be 12,000 sq. ft. and not more than two (2) dwelling units per building shall be permitted.
9.16.3. All parking areas shall be located to the rear of the building and set back at least 20 feet from the building.
9.16.4. All utilities shall be placed underground; and all duplex units shall be served by public water and sewer.

Section 9.17. Dwelling, Fourplex
9.17.1. The proposed structure shall meet the setback and side yard requirements as required in the district where it is to be located.
9.17.2. The minimum lot size shall be 24,000 sq. ft. and not more than four (4) dwelling units per building shall be permitted.
9.17.3. All parking areas shall be located to the rear of the building and set back at least 20 feet from the building.
9.17.4. All utilities shall be placed underground; and all fourplex units shall be served by public water and sewer.

Section 9.18. Dwelling, Garden Homes, Patio Homes
9.18.1. Subdivision of lots for garden/patio homes shall be restricted to tracts with a minimum site area of three (3) acres.
9.18.2. Each home lot shall meet the following dimensional requirements:
- Minimum lot area: 5,500 sq. ft.
- Minimum lot width: 50 feet
- Minimum lot depth: 110 feet
- Minimum front yard: 20 feet
- Minimum side yard: 10 feet
- Minimum rear yard: 15 feet
9.18.3. An attached garage to a dwelling may share a common party wall with an attached garage on an adjacent lot used for a garden/patio home on either side.
9.18.4. All driveways and garage access must be located at the rear of the structure and accessed through an alley system.
9.18.5. All yard areas behind the front building line may only be enclosed by an opaque fence or wall along the side and rear lot lines to form a private yard area of at least 600 sq. ft.. Not less than 100 sq. ft. of the private yard area, with a minimum dimension of 10 feet, shall be a hard-surfaced patio or porch. Homes on adjacent lots to the rear or sides may own and maintain common party fences or walls.
9.18.6. All utilities shall be placed underground; and public water and sewer must be available to all lots.
Section 9.19. Dwelling, Townhomes/Attached

9.19.1. Subdivision of lots for townhomes shall be restricted to tracts with a minimum site area of at least 14,000 sq. ft. The maximum density shall be 10 dwelling units per acre. Not more than eight (8) contiguous dwelling units shall be permitted.

9.19.2. All driveways and garage access must be located at the rear of the structure and accessed through an alley system. The alley system shall be of such dimension to allow for garbage and recycling pickup.

9.19.3. Each townhome lot shall meet the following dimensional requirements:
- Minimum lot area--interior unit: 2,500 sq. ft.
- Minimum lot area--end unit: 4,500 sq. ft.
- Minimum lot width--interior unit: 25 feet
- Minimum lot width--end unit: 45 feet
- Minimum front yard: 20 feet
- Minimum side yard--end unit: 20 feet
- Minimum rear yard: 15 feet

9.19.4. A fenced or walled private yard area, no less than 300 sq. ft. in area, shall be provided on all lots of less than 7,000 sq. ft. Not less than 100 sq. ft. of the private yard area, with a minimum of ten feet, shall be a hard-surfaced patio or porch. Townhomes on lots adjacent to the rear or sides of the development may own and maintain common party fences or walls.

9.19.5. All utilities shall be placed underground and public water and sewer must be available to all lots.

Section 9.20. Dwelling, Manufactured Homes

Manufactured homes are prohibited in all zoning districts of the City except in A-R or R-R districts as an accessory dwelling for persons employed on the premises. Manufactured homes are subject to the following supplemental use regulations.

9.20.1. Water and sanitary facilities must be approved by the City of Chelsea and the Shelby County Health Department.

9.20.2. Manufactured homes shall be installed in accordance with the manufacturer’s installation instructions and the regulations published by the Alabama Manufactured Housing Commission.

9.20.3. With the exception of access and ventilation openings, which shall be covered with wire mesh screen, the space beneath each manufactured home shall be enclosed. All enclosing materials shall be permanently installed and shall be opaque and rust and rot resistant, and shall extend from the lower edge of the exterior walls of the manufactured home to ground surface of the lot upon which it is located.

9.20.4. Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act published by the U.S. Department of Housing and Urban Development. Any existing manufactured home not bearing such a seal shall be deemed a non-conforming structure and shall be treated as a non-conforming structure in accordance with the regulations established in Article 12 of this ordinance.

9.20.5. All exterior entrances must have either a landing, a porch, or a deck, which must be a minimum of five feet in width and all stairways shall have railings. All landings, porches, or decks must be constructed of wood, brick, or some combination of both.

9.20.6. All towing devices must be removed.

9.20.7. Exterior finish. Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.

9.20.8. The owner of the property for family shall use the manufactured homes for residential purposes or accessory dwellings for persons employed on the premises and they shall not be used for rental purposes.

9.20.9. Density
Manufactured homes in A-R districts may not exceed the following density.

| 10 Acres to 20 Acres | 1 Accessory Dwelling |
20 Acres to 40 Acres | 2 Accessory Dwellings
40 Acres to 80 Acres | 3 Accessory Dwellings
More than 3 accessory dwellings must seek rezoning

Section 9.21. Dwelling, Upper-Story

9.21.1. Generally. Upper-Story dwellings in mixed-use buildings shall be located on a floor level above a use of another type (i.e. institutional, office, retail or service, etc.). In all cases, provision of emergency egress and fire separation shall comply with all requirements of the Chelsea Building Code.

9.21.2. Single-Family Dwelling in a Mixed-Use Building. Single-family dwellings in mixed-use buildings are primarily intended for the occupancy of the owner or manager of the associated use or uses within the building. In such cases, the dwelling unit may be accessible from within the associated use. In all other cases, access to the single-family dwelling unit shall be from the exterior of the building or another entrance separate from the use(s) within the ground floor of the building.

9.21.3. Multi-Family Dwellings in a Mixed-Use Building. Multi-family dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed in the upper floors of the building. Dwelling units shall not be accessible directly from another unit or use within the building.

Section 9.22. Manufactured Homes and Trailers, Office Space

9.22.1. Manufactured homes or trailers may be used for sales offices for outside sales or merchandise such as mobile homes, camping trailers, or automobiles.

9.22.2. The use of manufactured homes or trailers for other business or industrial uses may be allowed temporarily by temporary use permit approved by the Planning Commission and issued by the city. The period shall not exceed one year.

9.22.3. Compatibility Standards for Manufactured Homes used for office space must meet the definition of Dwelling, Single-Family as follows:

A. Manufactured homes used as office space shall be compared to site-built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding that the Manufactured Home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to: site-built or other forms of office space which may be permitted in the same general area under this ordinance or existing development or proposed development in the same zoning district or area. Items subject to compatibility comparison will include the following:

A.1 Minimum Width
The general shape and appearance of the manufactured home shall conform to office building construction in adjacent or nearby locations to insure compatibility of site-built office space and manufactured housing.

A.2 Roof Pitch, Roof Overhang, Roofing Materials
The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of office space in adjacent or nearby locations. The minimum roof pitch shall be 3:12. Any roofing material may be used that will be compatible with other structures in adjacent or nearby areas.

A.3 Exterior Finish
Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.

A.4 Site Orientation
Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.

A.5 Garages, Carports
Garages and/or carports for manufactured homes shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or nearby locations.

A.6 Towing devices
All towing devices, wheels, axles, and hitches must be removed, if designed to be removed.
A.7 Landing, Stairs
At all exit doors, landings and stairs must be provided that meet the minimum Code standards in effect at the time the manufactured home is sited.

A.8 Underpinning
The type of material and method used for underpinning shall be consistent with and compatible to the underpinning for site-built houses in adjacent or nearby locations.

Section 9.23. Group Homes
9.23.1. A group home shall only be permitted in a detached dwelling unit situated on a lot having a minimum area of 10,000 sq. ft. and shall provide a minimum of 350 sq. ft. of habitable floor area for each resident.

9.23.2. General Requirements.
A. There shall be no more than six (6) persons permitted to occupy a group home, excluding staff personnel.
B. Common kitchen and dining facilities may be provided, however, no cooking or dining facilities shall be provided in individual resident's rooms.
C. A group home shall be affiliated with a parent organization, which provides for the administration of the group home through the direction of a professional staff.
D. A group home shall not be located within two thousand (2000) feet of another group home.
E. A group home shall comply with all applicable safety, fire, and accessibility and building codes as required by federal, state, and local governments. The applicant shall demonstrate compliance with all State requirements for group homes.
F. A minimum of four (4) off-street parking spaces shall be provided.
G. The applicant shall demonstrate that adequate public sewer and water service is available to the proposed group home.

Section 9.24. Home Occupations
The city recognizes the need to establish regulations pertaining to home-based occupations to afford opportunities for residents to work from home. Home occupations will particularly benefit individuals with physical disabilities, as well as those having to care for children or the elderly within their home. It is the intent of this section to establish regulations, which will permit home occupations in a manner that will preserve the peace, quiet, and tranquility of residential neighborhoods, and to ensure the compatibility of such uses with other uses permitted within the same zone.

All home occupations shall be classified as either “minor home occupations” or “major home occupations” as defined in Article 3 of this ordinance.

To the extent that such uses are consistent with the definition of a “minor home occupation”, minor home occupations shall include but are not limited to the following uses:
A. Professional office uses including realtors and insurance sales.
B. Artists, craftsmen, and sculptors.
C. Cake baking and decorating.
D. Dance instruction.
E. Dress making, sewing, tailoring contract sewing (maximum one machine).
F. Grooming of dogs and cats.
G. Gun repair.
H. Computer programming and word processing.
I. Laundry and ironing services.
J. Mail order or phone order.
K. Music composing or instruction.
L. Photography.
M. Millinery.
N. Saw, scissors, and blade sharpening.
O. Telephone related services.
P. Television, radio, electronics, and small appliance repair.
Q. Tutoring (limited to a maximum of four (4) students at any one time).
R. Wallpapering.

9.24.4. Major Home Occupations
Major home occupations shall include the following:
A. Any use listed above as a minor home occupation that exceeds the standards specified in §9.24.6.
B. Any home occupation that satisfies the definition of a "major home occupation" as defined in Article 3 of this ordinance.

The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and values of a residentially-zoned area for residence purposes and are more suited to non-residential zones. Therefore, the following uses shall not be permitted as home occupations in residential districts, except as otherwise permitted within A-R zones.
A. Ambulance services.
B. Animal boarding/kennels or veterinary services.
C. Appliance repair (major appliances).
D. Gift or antique shop.
E. Health salon, gym, dance studio, aerobic exercise studio, or massage parlor.
F. Helicopter service.
G. Limousine, hearse, or cab service.
H. Locksmith.
I. Minor or major repair, detailing, or painting of engines (small or large), vehicles, trailers, or boats.
J. Mortician or funeral home.
K. Palm reading/fortune telling.
L. Material or metal fabrication shops or machine shops.
M. Photo development.
N. Private club.
O. Private school with organized classes.
P. Production woodworking and cabinet making.
Q. Rental services, businesses, or sales from site (except direct distribution).
R. Restaurants or taverns.
S. Towing.
T. Welding shop.
U. Well drilling.
V. Other similar uses, which may, in the opinion of the building inspector, result in an adverse impact on a residential neighborhood.

9.24.6. All dwellings containing a home occupation shall comply with the following:
A. The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted.
B. A maximum of 25% of the Gross Floor Area of the dwelling, excluding attics, garages, and basements, shall be used for any home occupation(s).

C. Not more than one (1) major home occupation shall be permitted within any single dwelling unit.

D. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.

E. Storage of materials, products, or machinery used for the home occupation shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined.

F. The home occupation shall be conducted entirely within the dwelling or accessory building. The attached garage or detached garage area may be used for the home occupation purposes provided that such use does not cause the elimination of the required off-street parking spaces for the dwelling.

G. Deliveries from commercial suppliers shall comply with all applicable state regulations and shall not restrict traffic circulation.

H. A home occupation shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception on any adjacent lots or streets.

I. There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner that would be in violation of any applicable governmental law, rule, or regulation.

J. Sales of goods on the premises shall be limited to goods lawfully made on the premises; goods relating to services performed on the premises; or goods ordered previously by telephone or at a prior sales meeting, that are not made on the premises and that do not relate to services performed on the premises.

K. Home occupations shall not involve the use or storage of explosive, highly combustible, or hazardous materials.

L. "Parties" for the purpose of taking orders for the selling of merchandise shall not be held more than one (1) time per week.

M. The size of commercial vehicles used for the home occupation shall not exceed 20 feet in overall length or seven (7) feet in height and shall not have a load capacity in excess of one (1) ton.


Home occupations shall be subject to the following application and approval process:

A. All people engaged in home occupations shall obtain an appropriate business license from the city.

B. Minor Home Occupations - No application required.

C. Major Home Occupations - All major home occupations shall be subject to the following application and approval process:

C.1 The applicant shall demonstrate compliance with the requirements of this ordinance and shall request a Special Exception from the Board of Zoning Adjustment.

C.2 If a special exception is granted, the applicant shall submit an application for a Major Home Occupation Permit to the building inspector. After confirming that the conditions of the Board have been satisfied, the building inspector shall issue the permit. Such review of the application may require the building inspector to visit the dwelling if deemed necessary.

C.3 Major Home Occupation Permits shall expire one year from the date of issuance, and once granted may be renewed without additional hearings, subject to the provisions of this section. An application form for permit renewal must be completed and submitted to the building inspector with the annual permit fee prior to the annual deadline but not earlier than 30 days. Failure to renew or pay any required fees shall be grounds for revocation of a permit.

C.4 The annual fee for a Major Home Occupation Permit shall be established by the city council.

9.24.8. Inspections.

The building inspector, or a person designated by the building inspector or city council, shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes following advance notice to the property owner.
Section 9.25. Independent Living Facilities

9.25.1. Single Building
A. Entrances to individual units shall be from the interior of the building. Mailboxes and laundry rooms shall also be within the same building.
B. Parking areas shall be setback no less than 15 feet from the building and a sidewalk of no less than five (5) feet in width shall be provided between the building and parking area.
C. No less than 20% of the site area shall be improved for the passive recreational use of tenants.
D. All utilities shall be placed underground; and all independent living facilities shall be served by public water and sewer.

9.25.2. Complex
A. Minimum site area: 12,000 sq. ft.
B. All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than five (5) feet in width shall be provided between all buildings and parking areas.
C. Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
D. No less than 20% of the site area, and not less than 2,500 sq. ft., shall be improved for the passive recreational use of tenants.
E. All utilities shall be placed underground; and all independent living complexes shall be served by public water and sewer.

Section 9.26. Industrial Uses
All industrial uses shall conform to the following standards:

9.26.1. All industrial operations shall be in compliance with all state and federal government regulations as required by the most recent regulations made available by these governmental bodies, including but not limited to noise, air pollution, vibration, radiation, and the pollution of groundwater, surface water, and soils.

9.26.2. Odor. Emission of odorous gases or other odorous matter in such quantities as to be offensive at any lot line shall not be permitted.

9.26.3. Toxic Gases. All industrial uses shall emit no noxious, toxic, or corrosive fumes or gases.

9.26.4. Glare and Heat. All industrial uses shall carry on no operations that would produce heat or glare beyond the lot line of the lot on which the industrial operation is located.

9.26.5. Waste Products. Storage of waste materials shall not be permitted except in an enclosed building or approved containers. No potentially dangerous effluent shall be discharged.

9.26.6. Screening. Where any industrial parcel is contiguous to a residential or commercial zone or to a public right-of-way, all outdoor storage areas shall be screened from such districts and said public right-of-way by a landscape screen or other visual barrier with plantings. The landscape screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet and planted at intervals of not more than 10 feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier. An alternative visual barrier shall be a six (6) foot high opaque fence or wall with plantings of trees, shrubs, and/or vines along the outside surfaces of the fence or wall.

9.26.7. Landscaping. Any part or portion of the site that is not used for buildings, other structures, loading or parking spaces, aisles, sidewalks, and designated storage areas, shall be provided with an all-season ground cover.

9.26.8. Access and Traffic Control. Access to and from the site shall be designed in a manner conducive to safe ingress and egress. The developer shall be responsible for the construction of any necessary traffic control devices or additional lanes required by the Alabama Department of
Transportation. All entrances and exits shall conform to the applicable driveway regulations of this ordinance.

Section 9.27. Kennels and Animal Shelters.

9.27.1. Kennels and animal shelters shall not be located within 200 feet of an R1 or R2 zone.

9.27.2. Not more than 20 animals shall be housed or boarded at any one time. Overnight boarding areas shall be completely enclosed within the building.

9.27.3. Outdoor runs shall be located to the rear of the building and all such areas visible from a public right-of-way shall be enclosed with a wooden privacy fence or similar weather-resistant, durable, and opaque material. Fences (or walls) shall not be less than four (4) feet nor greater than eight (8) feet in height.

9.27.4. All waste material shall be stored in closed containers and screened from all streets and adjoining properties by a fence, wall, or plant screen at least as high as the containers.

9.27.5. Emission of any offensive odors is not permitted at any time.

Section 9.28. Manufactured Home Parks

The following property development standards shall apply for all existing manufactured home parks hereinafter altered.

9.28.1. No parcel of land containing less than ten acres and less than ten (10) manufactured home spaces, available at the time of first occupancy, shall be used for a manufactured home park.

9.28.2. The manufactured home park shall be constructed so as to provide adequate light and air and to avoid undue congestion; provided, however, there shall be not less than 7,500 sq. ft. of area for each space provided on the site. This space ratio shall include access roads, automobile parking, accessory building space, and recreation area.

9.28.3. The manufactured home park shall be located on a well-drained site, shall be so located that its drainage will not endanger any water supply, and shall be in conformity with all applicable health and sanitation regulations in force by the County Health Officer.

9.28.4. Location

A. The location of manufactured home parks shall be approved by the Planning Commission.

B. A supplemental use for the purpose of establishing a manufactured home park may be permitted only in the A-R district.

C. The location of any manufactured home of the park must be at least 30 feet from any permanent residential building located outside the park, unless separated there from by a natural or artificial barrier.

9.28.5. Yards

A. Each manufactured home park shall have a front yard of not less than 50 feet extending for the full width of the parcel devoted to said use.

B. Each manufactured home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than 15 feet.

C. Where a side or rear yard abuts a street, the yard shall not be less than twenty-five feet and all yards shall be landscaped and maintained.

D. No building or structure erected or stationed in the park shall have a height greater than 2½ stories or thirty-five (35) feet.

E. Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of twelve (12) sq. ft. Said sign shall contain thereon only the name, address of the manufactured home park, and may be lighted by indirect lighting only.

9.28.6. Spaces

A. Each manufactured home space shall be of sufficient size that, in addition to the trailer, the following areas shall be provided:

B. Each manufactured home space shall be at least forty-five (45) feet wide and seventy (70) feet deep, and such space shall be clearly defined by permanent markers.
C. There shall be a front yard setback of at least ten (10) feet from all access roads within the manufactured home park.

D. Manufactured homes shall be so harbored on each space that there shall be at least twenty (20) feet clearance between manufactured homes or any attachments thereto; provided however, with respect to manufactured homes parked end-to-end, the end-to-end clearance shall be not less than fifteen (15) feet. No manufactured home shall be located closer than twenty (20) feet from any building within the park.

E. There shall be at least one off-street parking space for each trailer space that shall be on the same site or located in grouped parking bays specifically designed for such purpose close to the site served.

F. Each manufactured home space shall be provided with a paved patio of at least two hundred (200) sq. ft.; and may provide a metal storage locker or locker fabricated of some suitable material such as concrete blocks or brick, but shall not contain wood siding. Storage lockers shall be located in locker compounds established in the rear of the manufactured home spaces. Such lockers shall be located at least ten (10) feet from trailer coaches.

G. A docking pad containing a minimum of four (4) inches of compacted gravel, or other suitable pavement material, shall be provided for each trailer space.


A. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of parking spaces within the area shall be equal to one (1) for every four (4) trailer sites.

B. Access roads within a manufactured home park shall be paved to a width of not less than twenty-three (23) feet. Where access roads are paved to a width of thirty (30) feet or more, the required off-street guest parking spaces shall be waived.

C. Each manufactured home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Health Department.

D. An accessible, adequate, safe, and potable supply of water approved by the Health Officer shall be provided in each manufactured home park.

E. Refuse storage, collection and disposal shall be in conformity with the laws and regulations prescribed by the Health Department.

F. There shall be provided a park and recreation area having a minimum of one hundred and fifty (150) sq. ft. for each manufactured home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than thirty (30) feet.

G. Only factory prefabricated portable attachments or awnings may be attached to or become a part of any manufactured home. No permanent addition of any kind shall be built onto, nor become a part of any trailer coach. However, skirting of coaches is permissible.

H. Manufactured homes shall not be used for commercial, industrial, or other non-residential uses within the manufactured home park.

An application to the Planning Commission for permission to establish a manufactured home park shall be as regulated hereunder in this section of the ordinance. The following information shall be submitted to the Planning Commission.

A. The location and legal description of the proposed manufactured home park.

B. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the manufactured home park.

C. The proposed use of buildings shown on the site.

D. The location and size of all manufactured home spaces.

E. The location of all points of entry and exit for vehicles and internal circulation pattern.

F. The location of all landscaping to be provided.

G. The location of all lighting to be provided.

H. The location of walls, fences, and the indication of their height and materials of construction.
I. The location of all off-street parking facilities.

J. Such other architectural and engineering data as may be required to permit the Health Officer or Planning Commission to determine if the provisions of this ordinance are being complied with.

K. A time schedule for development shall be prepared which shall demonstrate the applicant’s readiness and ability to provide the proposed services. Said time shall be, for a period of not more than one (1) year.

9.28.9. General Regulations.

A. Additions or alterations. Any additions or alterations to existing manufactured home parks or parks hereinafter established shall be in conformity with the provisions of this ordinance.

B. Conformance. Every manufactured home park in existence upon the effective date of this ordinance may be maintained and operated for an indefinite period without being subject to the provisions of this ordinance; provided, however, that such parks comply with all applicable health regulations and specifications. All manufactured home parks created or established after the effective date of this ordinance shall conform to the specifications and requirements as set forth herein.

C. Supervision. The owner or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities and equipment in a clean, orderly, sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this ordinance to which the license or permittee is subject.

D. Maintenance of Register. Every manufactured home park owner or operator shall maintain a register containing a record of all manufactured homes and occupants using the manufactured home park. Such register shall be available to any authorized person inspecting the court, and shall be preserved for the period required by the Planning Commission. Such register shall contain (1) the names and addresses of all manufactured home occupants stopping in the park, (2) the make, model, and license number of each motor vehicle and manufactured home, (3) the state, territory, or county issuing the licenses and (4) the dates of arrival and departure of each manufactured home.

E. Revocation of permit. The Planning Commission or Health Department may revoke any permit to maintain and operate a park if the permittee fails to comply with the regulations of this ordinance. The permit may be reissued if the circumstances leading to revocation have been remedied and the park is being maintained in full compliance with the law.

Section 9.29. Mini-warehouses, Mini-storage

9.29.1. No individual storage space shall exceed 400 sq. ft. in area.

9.29.2. All storage space shall be served by a paved driveway of 24 feet minimum width. The entire site shall be enclosed by security fencing of eight feet minimum height and be lit with night sky lighting throughout.

9.29.3. No storage space shall be used for other than storage purposes.

Section 9.30. Places of Worship

9.30.1. Places of Worship as special exception in B-1, B-2, and M-1 shall subscribe to all requirements of the district.

9.30.2. Places of Worship may be a supplemental use in PRD, and PMD and shall subscribe to all requirements of the district.

Section 9.31. Pub Restaurants

9.31.1. A dining area shall be provided of at least 800 sq. ft. and equipped with tables and chairs accommodating at least 25 persons at one time.

9.31.2. At least one meal shall be served per day of operation.

9.31.3. Such place shall be duly licensed by the ABC Board for the sale of liquor, malt or brewed beverages, and/or table wines for on-premises consumption.

9.31.4. The serving of such food or meals shall constitute the principal business of such establishment, with the serving of liquor, malt or brewed beverages and/or table wines being only an incidental part
of the business. During any 90-day period, the gross receipts from the serving of meals and food shall constitute 70 percent or more of the gross receipts of the business.

Section 9.32. Railroad Facilities

9.32.1. Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities) needed for operating railroad trains, may be constructed, repaired, maintained, or replaced in any district.

Section 9.33. Temporary Outdoor Sales

9.33.1. Applicability. This section sets standards for temporary outdoor sales activities, including produce stands and seasonal sales. Permanent outdoor retail sales as a principal use shall be subject to all provisions of the zones in which they occur.

9.33.2. General requirements. The following standards apply to all temporary outdoor retail sales activities unless otherwise provided by this section.

A. All businesses operating from temporary outdoor locations shall have a current business license or permit to operate issued by the City of Chelsea.

B. Hours of operation. All sales facilities, signs, and any related vehicles shall be removed from the site at the close of daily business. All lighting shall be turned off with the exception of minor lighting attached to the structure. Night operations are allowed only when specifically authorized through temporary use permit.

C. Parking requirement. None, provided sufficient open area is available to accommodate all employee and customer parking needs on the site, entirely outside of public rights-of-way other than designated on-street parking spaces.

D. Food sales. The sale of raw or processed foodstuffs is subject to the applicable regulations of the Shelby County Health Department.

E. Setback. All sales areas shall be setback from adjacent rights-of-way no less than thirty (30) feet.

F. Permission of Property Owner. Where the vendor is other than the property owner, the vendor shall provide the code enforcement officer or other designated city official a written agreement signed by the property owner authorizing the temporary use of the property by the vendor for temporary outdoor sales.

G. Association with an Existing Building. Generally, temporary outdoor sales shall occur only on lots with an existing, occupied building. However, exceptions may be specifically authorized through temporary use permit approval.

9.33.3. Produce Stand. A produce stand pursuant to this section is the temporary use of a site for the sale of food and farm produce items from a structure intended for that purpose or from parked vehicles and requires a temporary use permit.

A. Limitation on use. Produce stands are limited to the sale of food and produce items, including raw and prepared foodstuffs, plants, and cut flowers. Livestock and poultry are prohibited.

B. Duration of use. Produce stands shall occur no more than three (3) days per week on any site, unless otherwise provided for in the applicable zone.

9.33.4. Seasonal Sales. Seasonal sales include the retail sale of holiday vegetation, including pumpkins and Christmas trees or other similar activity. Seasonal sales shall be of a non-commercial nature and sponsored by a group of persons residing in the city. Such sales shall register with the city and shall not be required to obtain a temporary use permit.

A. Time limit. The length of time during which seasonal sales may occur is limited to 30 days.

B. Hours of operation. 8:00 am to 9:00 pm for seasonal sales.

Section 9.34. Temporary Structures

Temporary structures for use incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary building shall be removed upon completion or abandonment of the construction work.

Section 9.35. Public Utility Facilities
9.35.1. Location.
   A. Public utility facilities shall be situated on site to minimize visibility from adjacent businesses and dwellings through the use of existing topography and vegetation and further situated to maximize distance between any buildings on adjacent lots.
   B. The facility and its perimeter screening shall be setback no less than 50 feet from any non-residential building and no less than 100 feet from any dwelling.

9.35.2. Landscaping Buffer and Screening.
   A. A landscaped buffer shall effectively screen the view of the facility from adjacent public ways and residential properties.
   B. The required buffer shall consist of a landscaped strip of at least 15 feet in width along the perimeter of the facility. The buffer strip shall be planted in accordance with the landscaping standards of §6.8.
   C. For sites within 1,000 feet of a residence, screening shall include a decay-resistant, solid wood fence, brick or masonry walls, or a combination thereof.
   D. All fencing and landscaping shall be maintained by the utility.
   E. In locations where the visual impact of the facility would be minimal, such as remote, agricultural, or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Planning Commission.
   F. Existing mature tree growth on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.

9.35.3. Security Devices. The facility shall be fully secured. A minimum eight feet (8’) high, dark vinyl coated steel or wood fence, a brick or masonry wall, or combination thereof shall be installed around the entire perimeter of the facility. Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the facility shall be permitted, if deemed necessary to fully secure the facility.

9.35.4. Access. Driveways and parking shall be provided to assure access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street, or off-street parking area.

9.35.5. Public utility facilities, including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distributions of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained, or replaced within any district in the City of Chelsea. This is not to be construed to include the erection or construction of buildings or electric substations.

Section 9.36. Veterinary Clinics, Veterinary Hospitals

Veterinary facilities shall not be located within 200 feet of an E-1, R-1, R-2, or a PRD zone.
   A. All areas where animals have access or are kept shall be soundproofed to contain all sounds on-site prior to the issuance of a Certificate of Occupancy.
   B. All waste material shall be stored in closed containers that are screened from all streets and adjoining properties by a fence, wall, or plant screen at least as high as the containers.
   C. Emission of any offensive odors is not permitted at any time.

Section 9.37. Wireless Telecommunications Services and Facilities

9.37.1. Purpose.
The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The underlying principles of these standards are as follows:
A. To achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities.

B. To encourage and maximize the use of existing and approved towers, buildings, and other structures to accommodate new wireless telecommunications facilities.

C. To ensure the compatibility of towers with, and avoid adverse impacts to nearby properties.

D. To discourage the proliferation of towers throughout the City of Chelsea.

9.37.2. Objectives. The proposed locations and design of all communication towers shall consider the following public health, safety, and general welfare objectives:

A. Structural Safety. The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes so as not to endanger the health and safety of residents, employees, or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

B. View Protection. The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.

C. Land Use Compatibility. The proposed tower facility will be compatible with the surrounding land uses, given the character of the use and development of the location.

D. Design Harmony. The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.

E. Existing Communication Services. The proposed tower facility will comply with FCC and other applicable agency standards so as not to interfere with existing communication services in the area.

F. Health Effects. The proposed tower will comply with all applicable federal, state, county, and city health standards so as not to cause detrimental health effects to persons in the surrounding area.

9.37.3. Applicability. All communication towers and antennae shall meet the minimum requirements as prescribed in this ordinance and any additional regulations adopted by the city council governing the development and construction of communication towers and antennae.

9.37.4. Definitions.

A. Accessory Structure Compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area, and other accessory devices/auxiliary structures are located. The outline of an accessory structure compound shall be accurately defined on a site plan.

B. Alternative Support Structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility facilities.

C. Antenna. An electromagnetic device, which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically, this includes “whips,” “cornucopia horns,” “panels”, and parabolic “dishes.”

D. Antenna Support Structure. Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel, or concrete single poles (monopoles); self-supporting steel towers with three or four “legs” (self-support/lattice towers); and rooftops of existing buildings or structures (such as elevated water storage tanks). (See also tower).

E. Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

F. Concealment Techniques. Concealment techniques are methods used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications
facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation. Example: A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

G. FAA. Federal Aviation Administration.

H. FCC. Federal Communications Commission.

I. Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.

J. Private Telecommunications Operation. The use of a telecommunications facility to provide communications services internal to the facility owner or to its affiliates, provided that there is no fee charged for or lease of the communication services and provided further that such communication services are only accessory to the principal use of the owner’s property on which they are located.

K. Temporary Telecommunications Tower. Mobile wireless telecommunications towers mounted upon trailers, operated temporarily, which are also known as “cellular’s on wheels” (COWs).

L. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (See also antenna support structure).

9.37.5. Procedures.

A. Permit Requirements. All wireless telecommunications facilities are subject to the standards contained in this section and will be required to receive a use permit from the city clerk prior to being granted a building permit.

B. Application. Any application submitted for approval shall include the following items, in addition to any other required items, to show compliance with these review standards.

B.1 Statement of Impact on Health, Safety, and Welfare. A brief written statement shall address conformance with the health, safety, and welfare objectives of this guideline.

B.2 Site Plan. A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development criteria of these guidelines.

B.3 Rendering. A rendering of the tower, accessory facilities, and compound shall depict colors, materials, and treatment. If lighting or other FAA requirements for tower color is proposed, evidence of such requirement shall be submitted.

B.4 Justification for a New Tower. A proposal for a new tower shall include documentation showing that the planned equipment for a proposed tower cannot be accommodated on an existing tower within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists.

B.5 Certification of Shared Use Design. A qualified engineer, registered in the State of Alabama, shall certify that the proposed tower’s structural design can accommodate a minimum of two (2) shared users.

B.6 As Built Survey. A qualified professional engineer, licensed in the State of Alabama, shall certify that the proposed communication tower was built in accordance with the submitted site plan including the installation of any required buffer yard.

B.7 Capacity. The application shall include the total anticipated capacity of the structure including the number and types of antennae that can be accommodated.

B.8 Safety. Mitigation measures for ice and other hazardous falling debris, including setbacks and de-icing equipment, must be included.
B.9 Parking. Where applicable, adequate parking shall be provided, along with buffers where such tower abuts any residential zone. Such towers shall be prohibited in any residential zone of the City of Chelsea, Alabama.

C. Additional Application Requirements. In addition to the submittal requirements for zoning approval, applications for wireless communication services shall include the following:

C.1 A network design plan for all of the service provider's existing and planned sites in the city and surrounding jurisdictions. The network design plan shall indicate the location of existing and proposed facilities and the service area covered by each site.

C.2 A qualified electrical engineer licensed by the State of Alabama shall prepare an evaluation of the radio frequency (RF) field exposure conditions of the facility demonstrating that the radiation levels generated by the facility meet federal standards and that interference to consumer electronic products is unlikely to occur. The evaluation shall include the following:

C.2.(a) The maximum exposure conditions directly adjacent to the antenna and at the closest point the public could come into contact with radiation, including upper floors of residential, institutional, or commercial buildings.

C.2.(b) The maximum cumulative exposure conditions of all personal wireless services and facilities within the vicinity.

C.2.(c) Certification shall be provided by the electrical engineer prior to final inspection of the facility that the RF field exposure conditions are per the submitted evaluation.

C.3 Visual representations sufficient to accurately show the appearance of the proposed facility, such as photomontages, mock-ups, and story poles. When feasible, scaled mock-ups shall be constructed on site.

C.4 The city may require a co-location agreement binding the applicant and property owner to make the facility available in the future for the installation of additional communication equipment by other wireless communication providers.

C.5 If the facility is abandoned in the future, the applicant shall be required to remove the wireless communication antennas and equipment from the site.

C.6 Wireless communication services and all equipment, such as emergency generators and air conditioners, shall be designed to be in compliance with the city noise ordinance.

D. Exempt Facilities. The following facilities are exempt from these standards and from any requirement to obtain a permit subject to this section:

D.1 Amateur radio and receive-only antenna owned and operated by a federally licensed radio station operator or used exclusively for receive-only antennas.

D.2 Telecommunications facilities for private communication operation less than or equal to 75 feet in height or mounted on a structure that is accessory to the principal use of the owner’s property on which it is located.

E. Temporary Installations. Temporary telecommunications towers shall be allowed for a period not to exceed one year with approval from the City of Chelsea Planning Commission. Requests for temporary use permits for self-supporting towers shall be accepted only for sites that are already approved for a permanent tower structure. An application for a temporary tower may be made simultaneously with an application for a permanent tower. All portions of the temporary self-supporting towers and its support structures, including guy wires, shall fall within the property or compound boundaries that are approved specifically for wireless telecommunications facility use. A temporary tower shall not exceed the height of a permanent tower approved for a particular site. These regulations shall not apply to portable mobile emergency or test tower facilities.

F. Design Requirements — Personal Wireless Service and Facilities. The following specific design requirements shall apply to each type of personal wireless service and facility:

F.1 Building Mounted Antennas.

F.1.(a) Building mounted personal wireless services shall not exceed ten feet above the building surface on which they are located. An additional one (1) foot of height may be added for every 10 feet
the antenna is set back from the building parapet, to a maximum height of fifteen feet above the surface on which it is located.

F.1.(b) Building mounted antennas shall be architecturally integrated with the building design in such a manner as to be visually unobtrusive.

F.1.(c) Building mounted antennas shall be painted to match the existing building.

F.1.(d) Building mounted antenna equipment facilities shall be screened from public view.

F.2 Distributed, Repeater, or Microcell Antenna Systems

F.2.(a) Distributed, repeater, or microcell antenna systems mounted on buildings within non-residential zones shall conform to the height limit of the zone within which the subject building is located.

F.2.(b) Distributed, repeater, or microcell antenna systems mounted on utility poles or other public utility facilities within the public right-of-way in any zone shall be limited in height to the height of that particular structure.

F.2.(c) Distributed, repeater, or microcell antenna systems shall be designed to minimize their visibility on utility poles or other structures.

Distributed, repeater, or microcell antenna systems’ equipment facilities shall be screened from public view.


A permit for a wireless telecommunications facility may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met.

A. Location and Facility Height

Permissible locations and facility heights are shown in Table 9-1.

Table 9-1 Location and Facility Height (Wireless Facilities)

<table>
<thead>
<tr>
<th>WIRELESS TELECOMMUNICATIONS FACILITIES</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A-R, R-R, PRD, PMD</td>
</tr>
<tr>
<td>Alternative support structures</td>
<td>Permitted</td>
</tr>
<tr>
<td>Co-location antennas</td>
<td>Permitted</td>
</tr>
<tr>
<td>Use of concealment techniques (antenna support structures of any height)</td>
<td>Permitted</td>
</tr>
<tr>
<td>Antenna support structures up to 60' in height</td>
<td>Permitted</td>
</tr>
<tr>
<td>Antenna support structures 61' to 200' in height</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Antenna support structures 201' to 260' in height</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Antenna support structures 261' in height or more</td>
<td>Prohibited</td>
</tr>
</tbody>
</table>

A.1 Towers and/or antennas utilizing alternative support structures shall not exceed 15 feet in height above the existing structure on which they are placed.

A.2 “Whips,” “panels,” cornucopia horns, and parabolic “dishes” placed on alternative support structures shall not exceed 100 sq. ft. in size.

B. Area and Dimensional Regulations.

B.1 Lot size must conform to the minimum lot size required for the underlying zoning district.

B.2 The minimum lot size for any new freestanding wireless telecommunications facility shall be large enough to allow for the antenna support structure and ground-mounted accessory structures of the
applicant and the ground-mounted accessory structures at least one additional co-locating service provider.

B.3 If only a portion of a parcel is being leased for a wireless telecommunications facility, the lease parcel must be situated within the parent parcel so that the wireless telecommunications facility complies with the applicable antenna support structure setback requirements.

C. Setbacks.

C.1 Wireless telecommunications towers, guys, and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques does not exempt a wireless telecommunications facility from any minimum yard requirements.

C.2 Towers (but not guys and accessory facilities) must adhere to additional setbacks indicated in the following table. Tower setbacks do not apply to alternative support structures.

<table>
<thead>
<tr>
<th>TOWER SETBACKS</th>
<th>The setback from all property lines is...</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-R, PRD, PMD</td>
<td>50’ (for towers of any height)...(Additional setback applies if tower is adjacent to a residentially-zoned property - see (c) below.)</td>
</tr>
<tr>
<td>R-R, E-1, R-1, R-2, B-1</td>
<td>A distance equaling the height of the tower</td>
</tr>
<tr>
<td>O-1, B-2</td>
<td>50’ (for towers of any height)...(Additional setback applies if tower is adjacent to a residentially-zoned property - see (c) below.)</td>
</tr>
<tr>
<td>M-1</td>
<td>30’ (for towers of any height)...(Additional setback applies if tower is adjacent to a residentially-zoned property - see (c) below.)</td>
</tr>
</tbody>
</table>

C.3 Towers must be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property.

9.37.7. Co-location.

A. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant’s needs.

B. Documentation that reasonable efforts have been made to achieve co-location shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved antenna support structure refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.

C. Antenna support structures less than or equal to 200 feet in height shall have the ability to accommodate at least one additional antenna, unless they would cause the height of the antenna support structure to be increased. Antenna support structures greater than 200 feet in height, if permitted, shall have the ability to accommodate at least two additional antennas.

D. Co-location is not required if the use of concealment techniques is prohibitive to co-location efforts.

E. The City of Chelsea may request of the owner/operator of wireless telecommunications facility permission to place weather warning equipment, such as horns and sirens, on a tower of a wireless telecommunications facility, which request may be refused by the owner/operator should such warning equipment interfere with the operation of the wireless telecommunications facility.


The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.
A. Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area. Towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure unless other standards are required by the FAA.

B. Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

C. No signage, symbols, or advertisements may be attached to the pole, tower, or antenna.

D. Camouflaged Towers.

D.1 Concealed towers on developed property must be disguised to appear as either a part of the structure housing a principal use or an accessory structure that is normally associated with the principal use occupying the property.

D.2 Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation. Example: A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

D.3 Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are other types of concealment techniques.


A. The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

B. In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided in as much as shall be practical.


A. Non-vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non-vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of eight (8) feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non-vegetative screening shall be properly maintained by the property owner or lessor.

B. In isolated non-residential areas, alternative non-vegetative screening methods may be accepted, such as the use of earth-toned, vinyl-coated steel security fencing.

C. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the non-vegetative screening requirement may be reduced or waived.

D. Wireless telecommunications facilities utilizing underground vaults rather than aboveground equipment buildings may be exempted from any buffer requirements.

9.37.11. Landscaping.

A. A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.

B. The standard buffer shall consist of a minimum eight (8) feet wide landscaped strip outside the dark vinyl coated steel security fencing of the perimeter of the compound. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines, and/or ground covers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 feet of a residence, the site review by the Planning Commission may impose increased
buffer standards to include a decay-resistant, solid wood fence, earth berms, and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.

C. In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth toned colored, vinyl-coated steel security fencing in combination with four (4) feet of evergreen trees, shrubs, vines and/or other plantings.

D. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural, or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Planning Commission.

E. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.

F. Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from any buffer requirements.

G. Security Devices. The facility shall be fully secured. A minimum eight feet (8’) high, dark vinyl coated steel fence shall be installed around the entire perimeter of the compound (measured to the top of the fence or barbed wired, if applicable). Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound.

H. Access. Driveways and parking shall be provided to assure the operator’s access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street or off-street parking area.

I. Co-Location. No new tower shall be established if space is structurally, technically, and economically available on an existing tower, which would serve the area that the new tower would serve. Documentation that reasonable efforts have been made by the applicant to achieve co-location shall be submitted in accordance with the requirements of this section. Towers shall be designed to maximize shared use to the greatest extent possible, given the structural and technical limitations of the type of tower proposed. In any event, co-location shall be encouraged. If feasible, each tower shall, at a minimum, be designed for double its intended use for all transmitting and receiving antennae other than microwave dish antennae.

J. Removal of Obsolete Towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owners’ expense. The owner shall provide the building inspector with a copy of the notice to the FCC of intent to cease operations, which shall be given 90 days from the date of ceasing operations, and to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operations.


A. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, “dual lighting” (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.

B. Basic security lighting for the compound may be permitted but shall not include any flashing lights or lights greater than 20 feet in height. This lighting shall be focused only on the compound itself and shall be directed away from any adjacent property.

9.37.13. Environmental Impact. All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC’s subsequent approval thereof, must be submitted at the time of application.

A. Radio Frequency. The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.

B. Structural. A professional engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the Standard Southern Building Code and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 222-E “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures”) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.

C. Security of Site. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury. A sign shall be discretely placed on the outermost structural element that indicates the name and telephone number of a person responsible for the safety and maintenance of the facility.

D. Access. Provisions shall be made to provide access clearances for emergency vehicles.


A. Towers must be properly maintained. Estimated life of structure must be included in submittal information.

B. Obsolete towers. In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 consecutive days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the city engineer who shall have the right to request documentation and/or affidavits from the wireless telecommunications facility owner regarding the issue of telecommunications facility usage. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility or transfer the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility. At the earlier of 180 days from the date of abandonment with reactivation or upon completion of dismantling and removal, any variance approval for the wireless telecommunications facility shall automatically expire. The applicant shall sign an affidavit to this effect, to be placed on file with the City of Chelsea.

Section 9.38. Other Supplementary Uses

Supplemental uses not covered elsewhere in this ordinance and which are generally of a nature to be incompatible with most permitted uses may be allowed in any district except the “R” and “E” districts. The location shall be approved by the Planning Commission. In addition, a complete development plan and any other information pertinent to the development or use shall be included at the discretion of the Planning Commission. Such uses may include but are not limited to the following:

A. Airport or landing field.

B. Commercial, recreational, or amusement development for temporary or seasonable periods.

C. Sanitary landfill operation.

D. Practice golf driving ranges, par three golf courses, or miniature golf courses.
Article 10. Off-Street Parking and Loading Requirements

Section 10.1. Applicability
The number of off-street automobile parking spaces shall be provided according to the following thresholds for the various types of uses described in Table 10-1. Any fractional space calculated according to Table 10-1 shall be computed as a whole space.

10.1.1. Availability of On-Street Parking. In non-residential areas where on-street parking exists or required by the Subdivision Regulations, on-street parking spaces directly abutting the use may be counted toward the parking requirement for the use. On-street handicap parking spaces shall not be counted. No on-street parking space may be counted toward two or more uses.

10.1.2. Use Not Specified. Where a use is not specifically identified herein, the parking space requirements of a similar or related use shall apply.

10.1.3. Parking Above Maximum Desired. Where a developer prefers to provide “overflow” parking or parking space in excess of the maximum provided herein, such as to meet intermittent high demands for parking (i.e. holiday shopping), such excess space shall be provided upon a pervious parking surface as approved by the city engineer.

10.1.4. Parking Requirements by Use

Table 10-1 Parking Requirements by Use
(sq. ft. = square feet)

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family, two-family, and three-family dwellings</td>
<td>2 per dwelling unit</td>
<td>none</td>
</tr>
<tr>
<td>Upper Story Dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studios and one-bedroom units</td>
<td>1 per unit</td>
<td>1.5 per unit</td>
</tr>
<tr>
<td>Two-bedroom units</td>
<td>1.5 per unit</td>
<td>2 per unit</td>
</tr>
<tr>
<td>Three- or more bedroom units</td>
<td>2 per unit</td>
<td>3 per unit</td>
</tr>
<tr>
<td>Places of Worship and Assembly Halls</td>
<td>1 per 325 gross sq. ft. or 1 per 5 seats in the main assembly area (whichever is greater)</td>
<td>1 per 275 gross sq. ft. or 1 per 3.5 seats in the main assembly area (whichever is less)</td>
</tr>
<tr>
<td>Health Club</td>
<td>1 per 120 gross sq. ft.</td>
<td>1 per 90 gross sq. ft.</td>
</tr>
<tr>
<td>Lodging</td>
<td>1 per guestroom plus 1 per 500 sq. ft. of common area</td>
<td>1 per guestroom plus 1 per 250 feet of common area</td>
</tr>
<tr>
<td>Industrial</td>
<td>1 per 500 sq. ft. or 2 spaces per 3 employees on the maximum working shift. (whichever is greater)</td>
<td>1 per 400 sq. ft. or 3 spaces per 3 employees on the maximum working shift. (whichever is less)</td>
</tr>
<tr>
<td>Medical Office</td>
<td>1 per 225 gross sq. ft.</td>
<td>1 per 190 gross sq. ft.</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 325 gross sq. ft.</td>
<td>1 per 280 gross sq. ft.</td>
</tr>
<tr>
<td>Restaurants, Pub Restaurants, Bars, and Indoor Entertainment</td>
<td>1 per 125 gross sq. ft.</td>
<td>1 per 90 gross sq. ft.</td>
</tr>
<tr>
<td>General Retail</td>
<td>1 per 250 gross sq. ft.</td>
<td>1 per 200 gross sq. ft.</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Day Care Facilities</td>
<td>1.5 spaces per employee plus adequate area for loading and unloading children</td>
<td>2.25 spaces per employee plus adequate area for loading and unloading children</td>
</tr>
<tr>
<td>Elementary and Middle/Junior High Schools</td>
<td>1 per 4 seats in assembly room plus 0.75 per daytime employee</td>
<td>1 per 4 seats in assembly room plus 1 per daytime employee</td>
</tr>
<tr>
<td>High School</td>
<td>1 per 4 seats in assembly room plus 1 per daytime employee</td>
<td>1 per 3.5 seats in assembly room plus 1 per daytime employee</td>
</tr>
<tr>
<td>Private Club or Lodge</td>
<td>1 per 250 gross sq. ft.</td>
<td>1 per 200 gross sq. ft.</td>
</tr>
<tr>
<td>Assisted Living Facilities</td>
<td>1 per 6 residents</td>
<td>1 per 4 residents</td>
</tr>
<tr>
<td>Independent Living Facilities</td>
<td>1 per 4 residents</td>
<td>1 per 3 residents</td>
</tr>
<tr>
<td>Outdoor Entertainment/Recreation</td>
<td>As recommended by the city engineer on a case-by-case basis</td>
<td></td>
</tr>
<tr>
<td>Funeral Home</td>
<td>1 per 60 sq. ft. per funeral service room</td>
<td>1 per 40 sq. ft. per funeral service room</td>
</tr>
<tr>
<td>Community Center</td>
<td>10 plus 1 space per 450 sq. ft. over 2,000 sq. ft.</td>
<td>10 plus 1 space per 375 sq. ft. over 2,000 sq. ft.</td>
</tr>
</tbody>
</table>

**Section 10.2. Rules in Applying Parking Standards**

In applying the standards of this article, the following rules shall apply:

10.2.1. “Floor area” shall mean the gross floor area of the specified use. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

10.2.2. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

10.2.3. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

10.2.4. These standards shall apply fully to all uses and buildings established after the effective date of this ordinance.

10.2.5. These standards shall apply fully to all additions, expansions, enlargements, or reconstructions of all buildings.

**Section 10.3. Location of Required Parking Spaces**

10.3.1. All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred feet from an institutional building served, and not to exceed five hundred feet from any other non-residential building served.

10.3.2. Up to 50 percent of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, dance halls, night clubs, or cafes, and up to 100 percent of the parking spaces required for a
church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used or operated during the same hours as those listed in (a) provided that written agreement thereto is properly executed and filed as specified below.

10.3.3. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement, thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned. The agreement shall be approved as to form by the city attorney and shall be filed with the application for a permit. It shall be recorded, at the applicant's expense, in the Office of Judge of Probate, Shelby County, Alabama and shall be in full force and effect until released by resolution of the Planning Commission.

10.3.4. No off-street parking shall be permitted in the required front yard of any "E" or "R" district except upon a driveway providing access to a garage, carport, or parking area for a dwelling.

10.3.5. All parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable hard surface permanent type of pavement.

Section 10.4. Loading Requirements--Specified Uses

The following are the off-street loading regulations of the City of Chelsea.

10.4.1. A building whose dominant use is handling and selling goods at retail shall provide spaces in relation to the total floor area used for retail purposes as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 - 10,000 sq. ft.</td>
<td>One</td>
</tr>
<tr>
<td>10,000 - 20,000 sq. ft.</td>
<td>Two</td>
</tr>
<tr>
<td>20,000 - 30,000 sq. ft.</td>
<td>Three</td>
</tr>
<tr>
<td>Over - 30,000 sq. ft.</td>
<td>Four</td>
</tr>
</tbody>
</table>

10.4.2. Manufacturing, repair, wholesale or warehouse uses shall provide spaces in relation to total floor area as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 - 40,000 sq. ft.</td>
<td>One</td>
</tr>
<tr>
<td>40,000 - 100,000 sq. ft.</td>
<td>Two</td>
</tr>
<tr>
<td>Each - 75,000 sq. ft. over 100,000 sq. ft.</td>
<td>One Additional</td>
</tr>
</tbody>
</table>

10.4.3. Other buildings not listed above shall provide spaces in relation to total floor area as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 - 50,000 sq. ft.</td>
<td>One</td>
</tr>
<tr>
<td>50,000 - 100,000 sq. ft.</td>
<td>Two</td>
</tr>
<tr>
<td>100,000 - 200,000 sq. ft.</td>
<td>Three</td>
</tr>
<tr>
<td>Over - 200,000 sq. ft.</td>
<td>Four</td>
</tr>
</tbody>
</table>

10.4.4. Rules in applying loading standards.

In applying the requirements of Section 10.4 of this article, the following rules shall apply. These requirements shall apply fully to all buildings erected after the effective date of this ordinance. These requirements shall apply fully to all enlargements, expansions, or reconstructions of all buildings.

In all cases, off street loading and unloading facilities shall be of sufficient sizes so that no part of any motor vehicle, loading or unloading, shall protrude onto a public street.
Article 11. Sign Regulations

Section 11.1. Intent
The purpose of this article is to provide the minimum control of signs that ensures the protection of the public safety and general welfare. These provisions are intended to reduce the hazards to pedestrian and vehicular traffic, prevent unsightly and detrimental development which has a blighting influence upon the community, prevent signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, preserve the general character and aesthetic quality of the city, and promote a positive city image which reflects order, harmony, and pride.

Section 11.2. Measurement Determinations
11.2.1. Number of Signs. In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

A. Sign Face Area.
A.1 Individual Signs. The sign face area of individual signs shall be computed by using the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable regulations and is clearly incidental to the display itself.

A.2 Multifaced Signs. The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are no more than 36 inches apart, the sign face area shall be computed by the measurement of one of the faces.

A.3 Sign Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

A.4 Distance between Signs. The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

A.5 Facade Area. The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

Section 11.3. Exempt Signs
The following signs are exempt from the requirement that a permit be obtained and shall not be counted toward any restriction regarding the number or area of signs permitted on a parcel provided they conform to the standards enumerated in this section and provided they are not placed or constructed so as to create a hazard of any kind.

11.3.1. Signs that are not designed or located to be legible from any street or adjoining property.

11.3.2. Signs of 216 square inches (1.5 sq. ft.) in size or less and signs that include no letters, symbols, logos, or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these regulations. Combination of such signs shall not exceed 10 sq. ft. at any one location or any one parcel.

11.3.3. Signs necessary to promote health, safety, and welfare, and other regulatory, statutory, traffic control, or directional signs erected on public property with permission as appropriate from the City of Chelsea, the State of Alabama, or the United States.
11.3.4. Legal notices and official instruments.
11.3.5. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the City of Chelsea for a prescribed period of time.
11.3.6. Holiday lights and decorations.
11.3.7. Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
11.3.8. Memorial signs or tablets, historical markers, name of a building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
11.3.9. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
11.3.10. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
11.3.11. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards.
11.3.12. Works of art that do not constitute advertising.
11.3.13. Signs carried by a person.

Section 11.4. Prohibited Signs
It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The following signs are expressly prohibited unless otherwise exempted or expressly authorized by this article.

11.4.1. Any sign with a sign face area greater than 200 sq. ft.
11.4.2. Signs that are in violation of the building code or electrical code adopted by the City of Chelsea.
11.4.3. Any sign that, in the opinion of the city engineer, does or will constitute a safety hazard.
11.4.4. Portable signs
11.4.5. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
11.4.6. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for "time and temperature" signs.
11.4.7. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
11.4.8. Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.
11.4.9. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
11.4.10. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
11.4.11. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the City of Chelsea.
11.4.12. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.

Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public
streets.

11.4.13. Non-governmental signs that use the words "stop," "look," "danger," or any similar word, phrase, or symbol.

11.4.14. Signs, within 10 feet of public right of way or 100 feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.

11.4.15. Any sign within any public right-of-way.

11.4.16. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

11.4.17. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.

11.4.18. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.

11.4.19. Signs placed upon benches, bus shelters, or waste receptacles, except as may be authorized in writing.

11.4.20. Signs erected on public property or on private property located on public property (such as private utility poles) other than signs erected by a public authority for public purposes or as otherwise permitted by these regulations.

11.4.21. Signs erected over or across any public street except as may otherwise be expressly authorized by these regulations and except governmental signs erected by or on the order of a public officer.

11.4.22. Roof signs placed above the roof line of a building or on (or against) a roof slope of less than 45 degrees.

11.4.23. Vehicle signs with a total sign area in excess of 10 sq. ft. when the vehicle is parked for more than 60 consecutive minutes within 100 feet of any street right-of-way; is visible from the street right-of-way that the vehicle is within 100 feet of; and is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising shall not be considered a vehicle used in the conduct of the business.

Section 11.5. Permitted Signs

11.5.1. Generally
The signs enumerated in this section shall be subject to all the terms of this article including the requirement that a sign permit be obtained prior to erection of any sign in excess of one (1) sign on a parcel or a total sign face area of six (6) sq. ft. on a parcel. Exemption from the requirement to obtain a sign permit does not necessarily indicate exemption from any other requirement or permit that may be required by the city. Wherever there is inconsistency between these sign regulations and subdivision protective covenants, the more stringent requirement shall apply.

11.5.2. All Parcels.

A. Directional Signs. Directional signs limited in area to four (4) sq. ft., giving directions to motorists regarding the location of parking areas and access drives shall be permitted on all parcels and shall not be counted as part of an occupant's allowable sign area.

B. Flags. Not more than three (3) flags or insignias of governmental, religious, charitable, fraternal, or other organizations may be displayed on any one parcel of land. Such flags shall not exceed 60 sq. ft. in area and shall not be flown from a pole the top of which is more than 40 feet in height. All flags must be flown in accordance with protocol established by the Congress of the United States for the American Flag. Any flag not meeting the above requirements shall be considered a banner and shall be subject to the appropriate regulations.

C. Banners
C.1 Banners must be receive a permit from the city and are subject to the following restrictions:
C.2 Banner signs shall not be located on the public right-of-way of any public street.
C.3 Banner signs may be posted up to 21 days.
C.4 Banner signs shall be promptly removed within two days after the conclusion of the event.
C.5 Banners must be maintained and not allowed to slump or become in a poor state of repair.
C.6 No more than four banners per calendar year shall be allowed for any one organization
C.7 Banner signs shall not exceed 40 square feet.
C.8 In multi-tenant properties or shopping centers, each tenant may have no more than one banner per street frontage provided that a banner sign shall not be located closer than 100 feet from another such banner sign on the same premises or site.
C.9 Banner signs shall not be used as a permanent sign.
C.10 Failure to maintain permitted banners or any non-compliance with these regulations may result in the denial of future permits.
C.11 Nothing in this provision shall be construed to authorize the posting of such banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by this article. Any posting on private property without the consent of the owner is prohibited.
D. Utility Signs. Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height and so long as the sign face does not exceed one-half (1/2) square foot.
E. Undeveloped Parcels. Undeveloped parcels may display one (1) square foot of signage per 10 feet of frontage up to a maximum of 96 sq. ft.. No individual sign shall exceed 64 sq. ft. or 10 feet in height. Signs must be spaced at least 100 feet apart.

11.5.3. Residential Developments, Farms, and Ranches.
A. A sign may be displayed at the entrance to a residential development, farm, or ranch subject to the following restrictions. One (1) sign is permitted at only one entrance from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 32 sq. ft. in size and may be illuminated by a steady light only.
B. All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners’ association, or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

11.5.4. Commercially Developed Parcels.
A. Freestanding Signs. Signs may be placed in a freestanding location on a commercially developed parcel subject to the following limitations:
A.1 The permissible number, area, spacing, and height of freestanding signs for each multiple-occupancy complex and each commercial occupant not located in a multiple-occupancy complex shall be determined according to Table 11.1.
A.2 Multiple Frontages. For a parcel having frontage on two (2) or more public streets, each frontage shall be considered separately for the purposes of determining compliance with the above provisions for freestanding signs; but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one (1) frontage. However, no freestanding sign on one (1) right-of-way may be closer than 100 feet to a sign on another right-of-way.
B. Building Signs. Signs not expressly prohibited by this article may be attached to the wall of a building on a commercially-developed parcel subject to the following limitations: Building signs shall be limited to a maximum height of 30 feet above grade, except that on a building of more than 30 feet in height, a single sign is allowed above 30 feet on each side of the building.
B.1 Each multiple occupancy complex may display one (1) building sign on each side of the principal building or buildings in the complex. The sign-face area shall not exceed 200 sq. ft. per sign or a total combined sign-face area of five (5) percent of the facade area of the building side, whichever is smaller.
B.2 Each occupant of a multiple-occupancy complex may display three (3) building signs; one on any exterior portion of the complex that is part of the occupant’s unit, not including common or jointly owned portions. The sign-face area shall not exceed 200 sq. ft. per sign or a total combined sign-face area of 10 percent of the facade area of such exterior portion, whichever is smaller.

B.3 Each occupant not located in a multiple-occupancy complex may display three (3) building signs on each side of the building in which the occupant is located. The sign-face area shall not exceed 200 sq. ft. per sign or a total combined sign-face area of 10 percent of the facade area of the building side, whichever is smaller.

Table 11-1 Freestanding/Monument Sign Standards

<table>
<thead>
<tr>
<th>If the frontage on a public right-of-way is:</th>
<th>&lt;=50’</th>
<th>&gt;50’ – &lt;=100’</th>
<th>&gt;100’ – &lt;=200’</th>
<th>&gt;200’ – &lt;=300’</th>
<th>&gt;300’ – &lt;=400’</th>
<th>&gt;400’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number of signs</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Maximum total sign area</td>
<td>16 sq. ft.</td>
<td>32 sq. ft.</td>
<td>48 sq. ft.</td>
<td>64 sq. ft.</td>
<td>80 sq. ft.</td>
<td>96 sq. ft.</td>
</tr>
<tr>
<td>Maximum sign area for individual sign</td>
<td>16 sq. ft.</td>
<td>32 sq. ft.</td>
<td>48 sq. ft.</td>
<td>64 sq. ft.</td>
<td>80 sq. ft.</td>
<td>96 sq. ft.</td>
</tr>
<tr>
<td>Minimum setback from side property line</td>
<td>10 ft.</td>
<td>15 ft.</td>
<td>20 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minimum distance from any other freestanding sign on the same site</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>100 ft.</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Maximum height</td>
<td>10 ft.</td>
<td>15 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

C. Time and Temperature Signs. Time and temperature signs are permitted on commercially developed parcels notwithstanding a general prohibition on changing or animated signs. These signs may only display numerical information and must be kept accurate. They may be freestanding or attached to a building and are subject to the regulations applicable to such signs. They shall be counted as part of the occupant’s allowable sign area.

Section 11.6. Design, Construction, Location, and Maintenance Standards

11.6.1. Compliance with Building and Electrical Codes Required.
All permanent signs, and the illumination thereof, shall be designed, constructed, and maintained in conformity with applicable provisions of the building and electrical codes adopted by the City of Chelsea. Wherever there is inconsistency between these sign regulations and the building or electrical code, the more stringent requirement shall apply.

A. Illumination Standards.

A.1 Sign lighting may not be designed or located to cause confusion with traffic lights. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.

A.2 Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.

B. Placement and Clearance Standards.
B.1 Signs shall be located so that there is, at every intersection or driveway, a clear view between the heights of three (3) and 10 feet in a triangle formed by the corner and points on the curb 70 feet from the intersection or entranceway.

B.2 Supports for signs or sign structures shall not be placed in or upon a public right-of-way or public easement, except under the terms of a lease between the owner of the easement or right-of-way and the owner of the sign.

B.3 No freestanding sign shall project over a public right-of-way.

B.4 No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

B.5 All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

B.6 All signs over vehicular ways shall provide a minimum of fourteen (14) feet six (6) inches of clearance.

C. Relationship to Building Features.

C.1 A building sign shall not extend beyond any edge of the surface to which it is attached or disrupt a major architectural feature of the building.

C.1.(a) A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

C.1.(b) The combined area of permanent and temporary signs placed on or behind windows shall not exceed 25 percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

D. Maintenance.

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas shall be maintained in accordance with the building and electrical codes adopted by the City of Chelsea and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of 10 feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Section 11.7. Administration

11.7.1. Permits

A. Applicability

No person shall erect a sign without first obtaining a sign permit, except for the following actions that shall not require a permit:

A.1 Changing the copy, announcement, or message on a sign.

A.2 Cleaning, painting, electrical or comparable maintenance or repair of a sign that does not alter any regulated feature of such sign.

A.3 Erecting a sign for which a permit is not required in accordance with "Section 11.3 Exempt Signs" or "Section 11.5.1 Permitted Signs - Generally".

B. Procedure

All sign permits shall be procured in accordance with the following procedure:

B.1 A written application shall be submitted to the city clerk for review and processing. The application will be accepted by the city clerk only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by the city clerk or city engineer to determine compliance with these regulations.

B.2 The city engineer, or other professional designated by the city, shall review the application and plans and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.

B.3 Following review and determination as to conformance with these regulations, the city engineer or other professional designated by the city shall, in a reasonably expeditious manner, either approve or
deny the application for the sign permit. In case of denial, the city engineer or other professional designated by the city shall specify the section or sections of these regulations with which the proposed sign is not in conformance.

B.4 If an approved sign requires a permit from the city engineer or other professional designated by the city, the applicant shall forward a copy of the completed application form and associated plans and the specifications to the building official who shall determine whether the proposed sign conforms to all applicable requirements of the building regulations and who shall, in a reasonably expeditious manner, either approve or deny an application for a permit to construct the sign.

C. Submission Requirements.
No request for a sign permit shall be considered complete until all of the following has been submitted to the city clerk:

C.1 Application Form. The application shall be submitted to the city in duplicate on forms made available by the city.

C.2 Statement of Authorization. Any application form, which is signed by an individual other than the property owner, shall be accompanied by a notarized statement of authorization consenting to the sign placement or, if the property or building upon which the sign is to be located is leased, evidence of the executed lease shall accompany the application form. In the event the building or property is leased and the application form is signed by an individual other than the lessor, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and evidence of the executed lease.

C.3 Plans and Specifications. Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale, and include the following:

C.3.(a) Lot frontage on all street rights-of-way.
C.3.(b) Facade area of any wall on which a sign is proposed to be placed.
C.3.(c) Dimensions and elevations (including the message) of the sign.
C.3.(d) Dimensions of the sign's supporting members.
C.3.(e) Maximum and minimum height of sign, as measured from finished grade.
C.3.(f) Location of the sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property.
C.3.(g) For illuminated signs, the type, placement, intensity, and hours of illumination.
C.3.(h) Construction and electrical specifications, for the purpose of enabling determination that the sign meets all applicable structural and electrical requirements of the building code.
C.3.(i) Value of the proposed sign.
C.3.(j) Number, type, location, and surface area of all existing signs on the same property and/or building on which the sign is to be located.
C.3.(k) Application Fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City of Chelsea for the particular category of application. This fee shall be non-refundable, irrespective of the final disposition of the application.

C.4 Permit Expiration. Sign permit shall be valid for a maximum of 180 days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

C.5 Variances. Any request for variance from the standards set forth in this article shall be processed according to the procedures and criteria for variances as set forth in “Article 14, Board of Zoning Adjustment” of these regulations.

C.6 Inspections. The city clerk, city engineer, building inspector, or other professional designated by the city shall, as each may determine necessary, inspect the property to ascertain that the sign is in accord with all provisions of these regulations and the building regulations, respectively, and in accord with all terms upon which the sign permit may have been conditioned.

Section 11.8. Nonconforming Signs
A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Chelsea on the effective date of this article or any sign existing within any area added to such jurisdiction after
the effective date of this article that is prohibited by, or does not conform to the requirements of, these regulations.

11.8.1. All nonconforming signs shall be removed or altered to be conforming within five (5) years of the effective date of these regulations, unless an earlier removal is required by paragraph 11.9.2 below or by Section 11.11.

11.8.2. Subject to the limitations imposed by paragraph 11.9.1 above and Section 11.11 below, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

A. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
B. Structurally altered to prolong the life of the sign, except to meet safety requirements.
C. Expanded or altered in any manner that increases the degree of nonconformity.
D. Reestablished after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the city engineer or other professional designated by the city.
E. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
F. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds 50 percent of the assessed value of the structure.

11.8.3. Any nonconforming sign, which is located on land adjoining an interstate or federal-aid primary highway for which just compensation is required for removal by the Federal Highway Beautification Act or the Highway Beautification Act-Outdoor Advertising of the State of Alabama, shall be exempted from the removal terms of paragraph (11.9.1) above. This shall not, however, preclude the city from seeking to remove any such sign through an eminent domain proceeding or achieving sign conformance by other lawful means.

Section 11.9. Abandoned Signs

11.9.1. Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied; pertains to a business which does not maintain a current business license; or pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

11.9.2. Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

Section 11.10. Illegal Signs

11.10.1. The following signs shall be considered to be illegal and a violation of the terms of this article:

A. A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein
B. A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection
C. An abandoned sign

11.10.2. Upon determination by the city engineer or other professional designated by the city that a certain sign is illegal, the city engineer or other professional designated by the city shall act to remedy the violation, which may include:
A. The issuance of a notice of violation to the individual who owns, is responsible for, or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action.

B. The removal by the city of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way; in which case, the city shall have the right to recover the full costs of removal and disposal from the individual erecting such a sign.

11.10.3. Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of the City of Chelsea and shall be subject to the remedies and penalties provided by such ordinance and by state law.
Article 12. Nonconforming Uses

Section 12.1. Non-conforming uses in General
Any condition with, or on property, which is “non-conforming” under the original, or prior revisions, of either the Shelby County Planning and Zoning Regulations or the City of Chelsea Planning and Zoning Regulations shall remain “non-conforming” under any subsequent revision of the City of Chelsea Planning and Zoning Regulations unless expressly allowed in any revised City of Chelsea Planning and Zoning Regulation.

Section 12.2. When Continuance of Use Permitted; Change in Use
The lawful use of a structure or the lawful use of land existing at the time of the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same general classification or to a conforming use.

Section 12.3. Structures or Premises Vacant For One Year
In the event that a structure or premises occupied by a nonconforming use becomes and remains vacant for a continuous period of one year or more, the use of the same shall thereafter conform to the use regulations of the district in which such structure or premises is located.

Section 12.4. Enlargement, etc., of structure or premises
No structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless such use is changed to a use which conforms to the use regulations of the district in which such structure or premises is located; provided, however, that a structure or premises may be physically enlarged, extended, reconstructed, or structurally altered to the extent necessary for compliance with any existing and applicable law or ordinance specifying minimum standards of health or safety.

Section 12.5. Enlargements, etc., of Nonconforming Use
No nonconforming use shall be enlarged, extended, or expanded unless such use is changed to a use that conforms to the use regulations of the district in which such use is located.

Section 12.6. Structures Conforming To District Regulations but Not Other Regulations
A structure or building conforming to the use regulations of the district in which it is located but not conforming to any other provisions of this ordinance, may be enlarged, extended, or expanded; provided; that such enlargement, extension, or expansion conforms to the provisions of this ordinance.

Section 12.7. Restoration of Damaged Buildings
Any nonconforming building or structure damaged or destroyed by any cause may be rebuilt or reconstructed to its original state of nonconformity provided that such reconstruction shall commence within one (1) year after the damage occurs.

Section 12.8. Reestablishment of Nonconforming Use
Any nonconforming use discontinued because of damage or destruction of a building or premises may be reestablished at its original level of nonconformity if the use is resumed within one (1) year of its discontinuance.
Article 13. Administration

Section 13.1. Enforcement
The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the city planner or other such official designated by the Planning Commission.

Section 13.2. Zoning Certificates
A zoning certificate shall be required for the construction of any building or for the alteration of any building where such alteration will cause an increase in the land coverage of such building. A certificate shall not be required for accessory buildings or barns in the AR zoning district.

Any applicant for a zoning certificate shall submit to the Planning Commission a sketch showing the location of the proposed construction or alteration, the property lot lines, and all applicable dimensions so that the city planner may determine that the construction or alteration conforms to the dimensional and use regulations of the district in which it is located.

Section 13.3. Procedures for Requesting a Supplemental Use

13.3.1. Purpose. It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as supplemental uses in these regulations in order to determine the appropriateness of a particular supplemental use in a given location.

13.3.2. Authorization. The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any supplemental use that is expressly permitted as a supplemental use in a particular zoning district.

13.3.3. Procedures.
A. The city clerk shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

B. The city clerk shall, a minimum of 15 calendar days before the scheduled public hearing by the Planning Commission, provide notice of such hearing by regular mail to the owners of property adjacent to the proposed supplemental use as their names appear in the county tax records.

C. The Planning Commission shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

13.3.4. Submission Requirements.
No request for supplemental use approval shall be considered complete until all of the following has been submitted to the city clerk:

A. Application Form.
The application shall be submitted to the city clerk on forms to be provided by the city. The application shall be signed. If not signed by the property owner, it shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf. The application and any accompanying documentation shall be submitted in three (3) copies.

B. Plans and Specifications
Each application shall be accompanied by an accurate site plan, drawn to scale, which identifies the following:

B.1 The current off-street parking available on the site.
B.2 Any new proposed parking layout.
B.3 Ingress to and egress from the site.
B.4 Area of the site.
B.5 Existing uses on the site, including the location and floor area of all buildings.
B.6 Such other information as the Planning Commission may reasonably require.
B.7 Any supplementary information, exhibits, plans, or maps, which will become part of the application, shall be submitted to the city clerk at the time of filing the application.
C. Application Fee
The applicant shall be required to pay an application fee according to the current schedule of fees established by the city for the category of application. This fee shall be non-refundable irrespective of the final disposition of the application.

13.3.5. Standards for Approval
A supplemental use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

A. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the City of Chelsea Comprehensive Plan; these regulations; or any other official plan, program, map, or regulation of the City of Chelsea.

B. The proposed use shall be consistent with the community welfare and not detract from the public’s convenience at the specific location.

C. The proposed use shall not unduly decrease the value of neighboring property. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

13.3.6. Conditions and Restrictions on Approval
In approving a supplemental use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such supplemental use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any supplemental use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these regulations. Those conditional uses, which the Planning Commission approves subject to conditions, shall have the time allotted to satisfy such conditions specified by the Planning Commission.

Section 13.4. Violation and Penalty
In addition to all other means provided by law for the enforcement of the provisions of this ordinance, any person violating any of the provisions thereof shall, upon conviction, be fined not more than $100.00 and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

Section 13.5. Temporary Emergency Relief
The Mayor is hereby granted authority to provide immediate temporary emergency relief, to applicants requesting such, by permitting the installation of a mobile home on an applicant’s property under the following conditions:

13.5.1. Such permit shall be valid only for a period not to exceed one (1) year from the date of issuance.

13.5.2. Such permit shall not be transferable; and, prior to issuance of such permit, the Mayor must be reasonably satisfied that the applicant’s requested relief is necessary, and that the need for such relief is directly related to damage resulting from fire or declared natural disaster.
Article 14. Board of Zoning Adjustment

Section 14.1. Appointment
A Board of Zoning Adjustment is hereby established. Such Board shall be appointed as provided by Section 11-52-80, Code of Alabama, 1975, or as such may be amended, and it shall have all powers granted therein.

Section 14.2. Procedure
The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman or, in his absence, the acting chairman. He may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Adjustment shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the official records of the board.

Section 14.3. Administrative Review
The Board of Zoning Adjustment shall hear and decide appeals where it is alleged that an error exists in any order, requirement, decision, or determination made by the Planning Commission in the enforcement of this ordinance.

Section 14.4. Variances
To authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

Section 14.5. Justification
Variances to the terms of this ordinance may be granted on an individual, case-by-case basis upon a finding by the Board of Zoning Adjustment that the variance will not be contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. Another essential factor is that the spirit of the ordinance shall be observed and substantial justice done. More specifically, the board shall determine all of the following criteria have been considered.

14.5.1. The board should make proper adjustment to prevent unnecessary hardship, even to the extent of authorizing non-conforming uses. Where the board authorizes a non-conforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot reasonably be put to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.

14.5.2. Variances should be permitted only under peculiar and exceptional circumstances.

14.5.3. Variances should be permitted only if the ordinance has created an unnecessary hardship. Alabama statutes require unnecessary hardship for approval of variances.

14.5.4. Mere financial loss of a kind, which might be common to all of the property owners in a district, is not an unnecessary hardship.

14.5.5. When a hardship is self-inflicted or self-created, there is no basis for a claim that a variance should be granted.

14.5.6. Variances should be granted sparingly and should be carefully preserved to the end that the structure of this ordinance would not disintegrate and fall apart by constant erosion at the hands of the Board of Zoning Adjustment.

Section 14.6. Application for a Variance
An application for a variance shall be filed with the Chairman of the Board of Zoning Adjustment. The application shall be filed by the property owner or the authorized agent of the property owner on a form made available by the city clerk and shall include the following:

14.6.1. Name, Signature and address of the property owner and agent of the property owner, if any.

14.6.2. Address of the property under consideration.

14.6.3. Zoning and land use of the property under consideration.
14.6.4. Justification for the variance in accordance with all of the criteria in Section 14.5.

14.6.5. A vicinity map showing the location of the subject property.

14.6.6. A plat, drawn to scale, showing all dimensions, property boundaries, and proposed development layout with the variance noted or highlighted.

14.6.7. The names and addresses of adjacent property owners as shown on the most recent records of the Shelby County Tax Assessor’s Office.

14.6.8. A $50.00 administrative fee is required from the applicant or agent at the time the application for a variance is made, plus the cost incurred in notification and publication.

Section 14.7. Public Notice Required
At least 15 days prior to the scheduled Board of Zoning Adjustment public hearing, the Chairman of the Board of Zoning Adjustment shall give written notice of the variance request to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Mail, first class, postage prepaid, addressed to each property owner at the addresses as submitted with the variance application by the applicant, as well as publication in a newspaper of general publication throughout the city and/or posting of such notices in four (4) conspicuous places within the city (if there is no newspaper of general circulation). Any error in the address of such notices shall not invalidate the giving of notice, provided that no more than five percent (5%) of the total number of notices given contain any such error. Such notice shall state the following:

14.7.1. The name of the applicant.

14.7.2. The location of the property.

14.7.3. The nature of the variance and applicable zoning provisions.

14.7.4. The time, date, and location of the Board of Zoning Adjustment public hearing at which said application is to be heard and considered.

Section 14.8. Action on Appeals
In exercising the above-mentioned powers, the Board of Zoning Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm (wholly or in part) or modify the order, requirement, decision, or determination as to what should be made and, to that end, shall have powers of the Planning Commission from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Planning Commission or other administrative official; to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance; or to affect any variation in the application of this ordinance.

Section 14.9. Appeals - How Taken
14.9.1. Appeals to the Board of Zoning Adjustment may be filed by any person aggrieved by any officer, department, board, or bureau of the city affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed 30 days or such lesser period as may be provided by the rules of the board, by filing with the city clerk or other administrative official and the Board of Zoning Adjustment, a notice of appeal specifying the grounds thereof. The code enforcement officer shall forthwith transmit to the board all papers constituting the record upon which the action was appealed.

14.9.2. The Board of Zoning Adjustment shall fix a reasonable time for hearing the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person, by agent, or attorney.

Section 14.10. Stay of Proceedings
An appeal stays all proceedings in furtherance of the action appealed, unless the city clerk or other administrative official certifies to the Board of Zoning Adjustment (after the notice of appeal is filed by him) that, by reason of facts stated in the certificate, a stay would, in his opinion, caused imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Adjustment or by a court of record on application, on notice to the city clerk or other administrative official from whom the appeal is taken and on due cause shown.
Section 14.11. Appeals from the Action of the Board
Any party aggrieved by any final judgment of the Board of Zoning Adjustment may appeal there from to
the circuit court or court of like jurisdiction as provided by Section 11-52-81, Code of Alabama, 1975,
or as same may be amended, within 15 days from the date of the board hearing.
Article 15. Amendments and Changes

Section 15.1. Requirements for Change
Whenever the public necessity, convenience, general welfare, or good zoning practice warrants such action, the city council may amend, supplement, modify, or repeal the regulations or zoning district boundaries herein established, however no amendment shall be considered unless it is first submitted to the Planning Commission for review and recommendation.

Section 15.2. Petition for or Initiation of Change
A proposed change of the zoning district boundaries or of the regulations may be initiated by the Planning Commission or by petition of one or more owners or authorized agents of such owners of property within the area proposed to be changed.

Section 15.3. Action on Petition
Any proposed amendment, supplement, modification, or repeal shall be submitted to the Planning Commission for its consideration at least 21 days before the regularly scheduled Planning Commission meeting.

Section 15.4. Public Notice
15.4.1. At least 15 days prior to the scheduled Planning Commission public hearing, the Chairman of the Planning Commission shall give written notice of the proposal to all adjacent property owners as well as those property owners within 500 feet of the subject property.
15.4.2. Such notice shall be deemed given when deposited in the United States mail, first class, postage prepaid, addressed to those property owners at their addresses submitted by the applicant at the time the application was made. The notice shall also be published in a newspaper of general circulation throughout the city and/or posting in four (4) conspicuous locations within the city (if there is no newspaper of general circulation published within the city).
15.4.3. Any error in the addresses of such notices shall not invalidate the giving of such notice, provided that not more than five percent (5%) of the total number of notices contain any such error.
15.4.4. Such notice shall contain the following:
   A. Name of the applicant.
   B. The location of the subject property.
   C. The proposed use of the property requested to be rezoned.
   D. The time, date, and location of the Planning Commission public hearing.

Section 15.5. City Council Action on Amendments
15.5.1. Upon receipt of the recommendation of the Planning Commission in favor of a proposed rezoning amendment, the city council shall give a “first reading” of the proposed amendment at a regularly scheduled city council meeting and set a date for a public hearing to consider action on such request.
15.5.2. At least 15 days prior to the public hearing before the city council, the city clerk shall cause to be published the proposed zoning amendment once a week for two (2) consecutive weeks (once in its entirety and once in a synopsis form referring to the date and name of the newspaper in which the proposed amendment was first published) in advance of its passage in a newspaper of general circulation published within the city.
15.5.3. Said advertisement shall also contain a notice stating:
   A. The name of the applicant.
   B. The location of the subject property.
   C. The proposed use of the property for which rezoning is being requested.
   D. The time, date, and location of the city council public hearing.
15.5.4. Such notice shall further state that, at such public hearing, all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment. In addition, such notice shall be posted in four (4) conspicuous places within the city. However, if there is no
newspaper of general circulation published within the city, the city council must cause the synopsis only to be posted in four (4) conspicuous locations within the city. Until these publication requirements have been met, no adoption of a zoning ordinance or amendment thereto shall be valid.

15.5.5. The city clerk shall also give written notice to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class, postage prepaid, addressed to those property owners at their addresses as submitted by the applicant at the time application for rezoning was made. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five percent (5%) of the total number of notices contain any such error.

15.5.6. At the time and place scheduled for the public hearing of the proposed amendment, the city council shall hear the presentation of the applicant, review the recommendation of the Planning Commission, and hear any argument in opposition to and/or support of the proposal by the general public.

15.5.7. After such hearing, the city council may adopt the ordinance as recommended by the Planning Commission or in such amended form as it deems best. However, if the city council makes substantial changes in the ordinance as first advertised, the city council should hold another public hearing after giving notice as described herein.

15.5.8. After the ordinance is adopted by the city council, it must again be published in the same manner as all municipal ordinances, subject to the provisions of Section 11-45-8 of the Code of Alabama.

Section 15.6. Limitations on Rezoning Requests
Should the city council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Planning Commission until a period of 12 months has elapsed from the date of such action by the city council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the public hearing held by the city council, shall also require a six (6)-month time period before another application may be submitted.

Section 15.7. Fees
Before any action shall be taken as provided in this article, the applicant petitioning for a change shall deposit with the Planning Commission a fee of $250.00 plus $10.00 per acre to cover the cost of administering the foregoing procedure. In addition, there is a charge of $2.00 per adjacent property owner to cover the cost of certified mailing cost and $50.00 for legal advertisement of the proposed zoning change. Under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every 12 months, provided that by unanimous resolution of the Planning Commission that such action may be initiated at any time.
Article 16. Legal Status Provisions

Section 16.1. Severability of Ordinance
This ordinance and the various articles, sections, subsections, sentences, clauses, supplements, etc. contained and referenced herein are hereby declared to be severable. Should any section, provision, or other element of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

Section 16.2. Conflict with Other Regulations
Whenever the regulations of this ordinance or supplement thereto are more restrictive than required under any other statute, the requirements of this ordinance and supplements thereto shall govern. Whenever the provisions of any other statute are more restrictive than required by this ordinance or supplements thereto, the provisions of such statute shall govern.

Section 16.3. Validity
This ordinance and the various articles, sections, subsections, sentences, clauses, supplements, etc. contained and referenced herein are hereby declared to be severable. Should any section, provision, or other element of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

Section 16.4. Repeal of Existing Zoning Resolution
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Any previous resolutions referring to and/or authorizing such administration and regulation as provided for in this ordinance, prior to as if in place of this ordinance, are also hereby repealed.

Section 16.5. Effect upon Outstanding Building Permits
Nothing contained herein shall require any change in plans, construction, size, or designed use of any building, structure, or part thereof for which there is a valid outstanding permit on the date of passage of this ordinance. However, any further construction or use shall be in conformance with this ordinance.

Section 16.6. Effective Date
This ordinance shall take effect and be in force immediately after adoption by the City Council of the City of Chelsea, Alabama.

Done this ___________ day of ___________________________________, ______________________.

Mayor | Attest

I, Becky Landers, City Clerk of Chelsea, Alabama, do hereby certify that Ordinance Number __________ has been posted by me at the following places located within the corporate limits of Chelsea.

This the ___________ day of ________________, ___________.

____________________________________ City Clerk