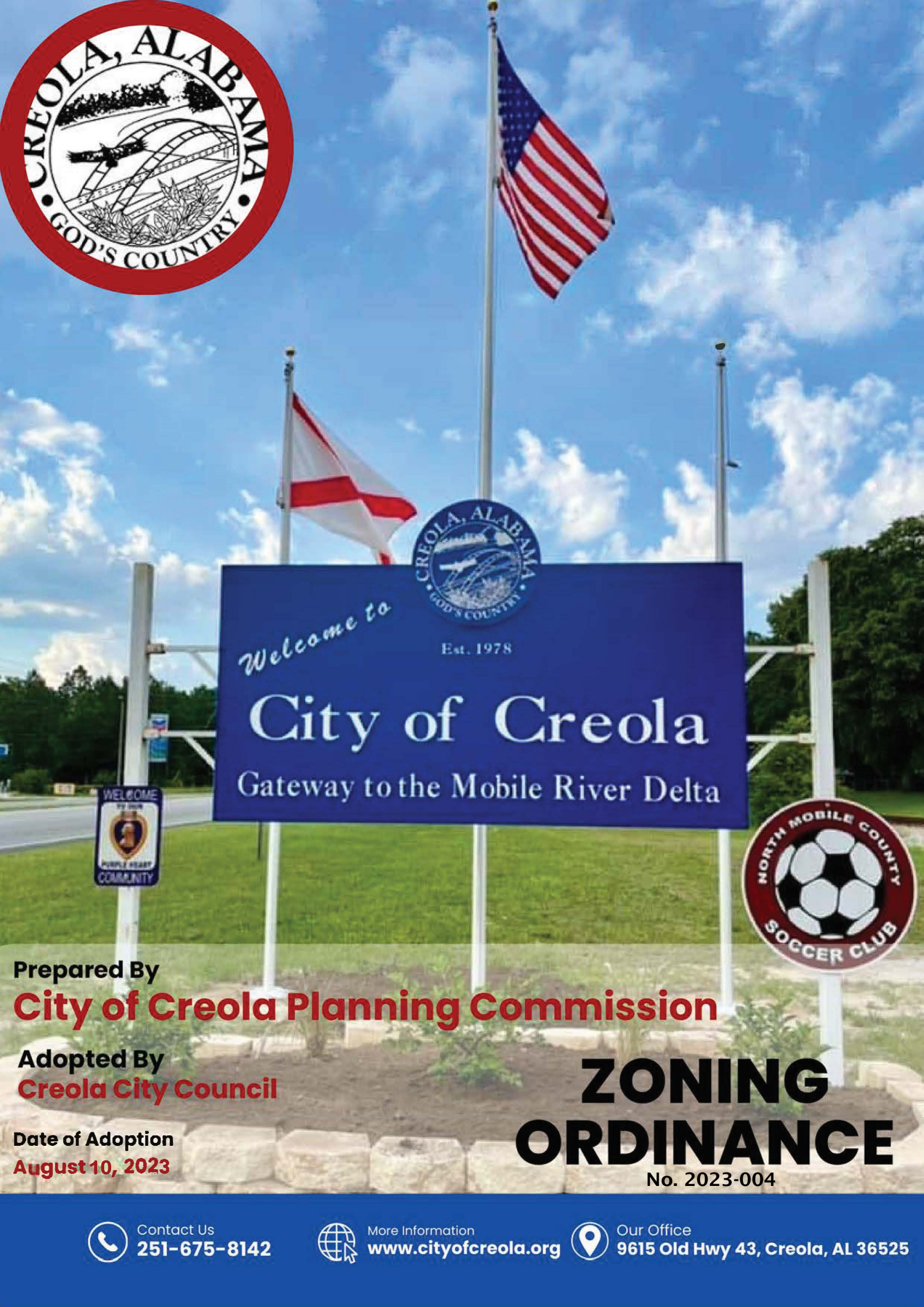




Welcome to

Est. 1978

City of Creola

Gateway to the Mobile River Delta



Prepared By

City of Creola Planning Commission

Adopted By

Creola City Council

Date of Adoption

August 10, 2023

ZONING ORDINANCE

No. 2023-004



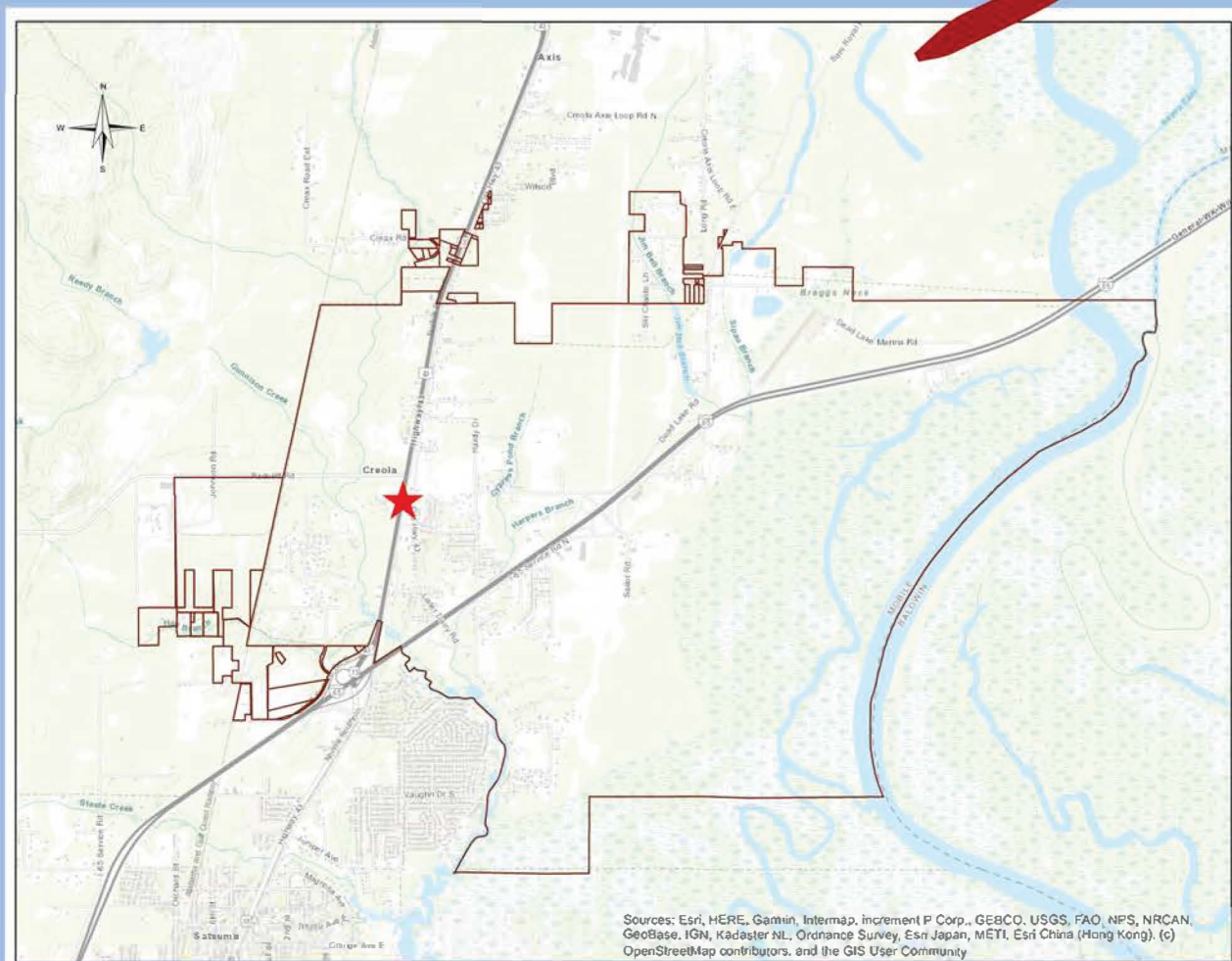
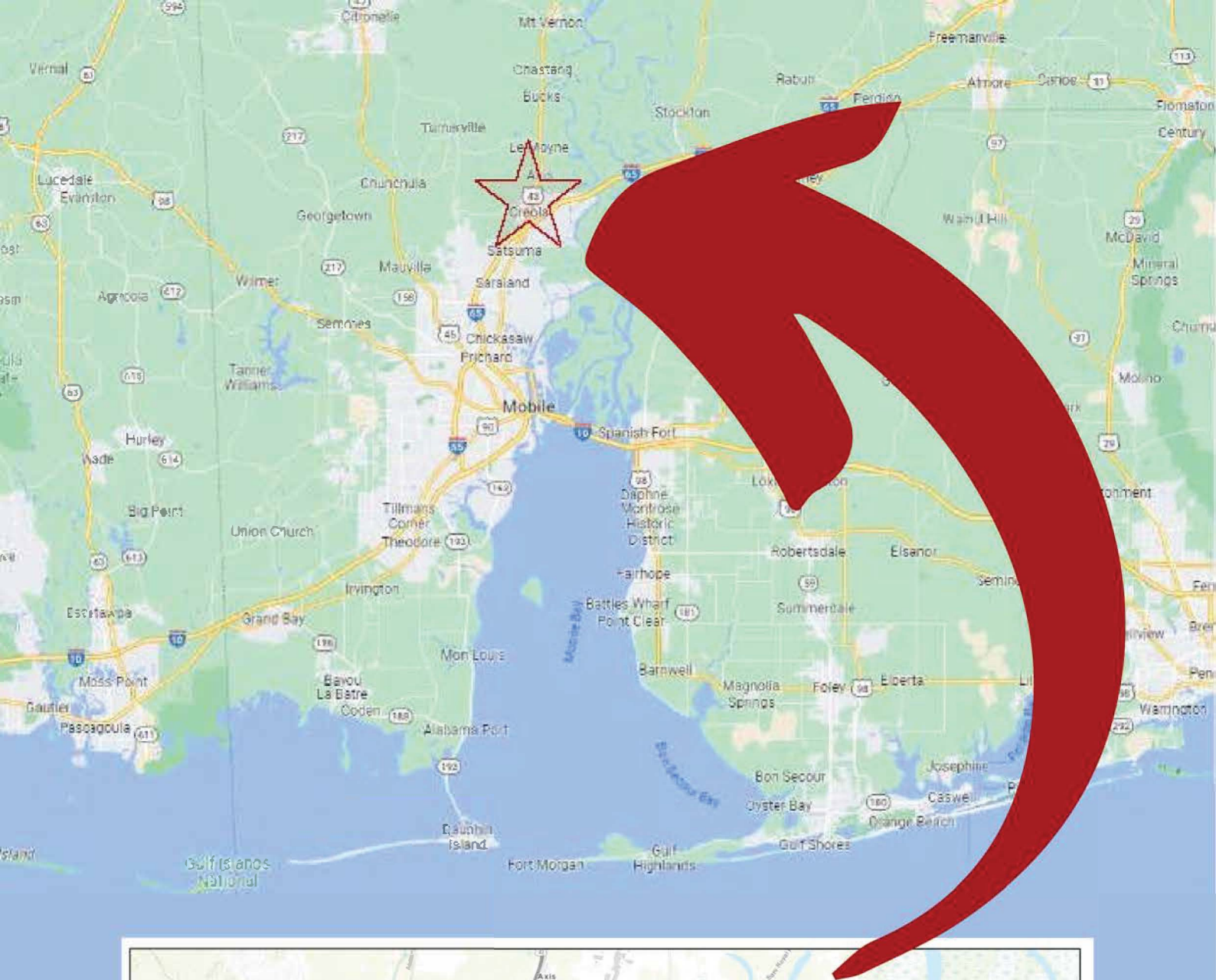
Contact Us
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More Information
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CITY OF CREOLA

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2023 CITY OF CREOLA

Creola City Council

Don Nelson ~ Mayor

Mark Howell

Harold Parmer

Wendy Lynch

Cody Chambless

Kendal Hadaway

Creola Planning Commission

Don Nelson ~ Mayor

Cody Chambless ~ City Council Representative

David Moss ~ Administrative Official

William Chambers ~ Planning Commission Chair

Gene Threadgill ~ Vice Chair

Margie Wilson

Russell Reeves

John Loden, Sr.

James Brown



THE CITY OF CREOLA

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Live Oak

Quercus Virginia

Proclaimed by Alabama Forestry Commission

Alabama Champion Tree ~ Species ~ 2013

**ZONING ORDINANCE
CITY OF CREOLA, ALABAMA**

ORDINANCE NO. 2023-004

PREAMBLE

THE CITY OF CREOLA, ALABAMA, PURSUANT TO THE AUTHORITY GRANTED BY TITLE 11, SUBTITLE 2, CHAPTER 52, ARTICLES 1 THROUGH 4, CODE OF ALABAMA, 1975 AND 1986 CUMULATIVE SUPPLEMENT, IN ORDER TO PROMOTE THE HEALTH, SAFETY, CONVENIENCE, ORDER, PROSPERITY, AND GENERAL WELFARE OF THE RESIDENTS; TO LESSEN CONGESTION IN THE STREET; TO SECURE SAFETY FROM FIRE, PANIC, AND OTHER DANGERS; TO PROVIDE ADEQUATE LIGHT AND AIR; TO PREVENT THE OVERCROWDING OF LAND; TO AVOID UNDUE CONCENTRATION OF POPULATION; TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWERAGE, AND PARKS; TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF NATURAL RESOURCES; TO FACILITATE INITIATION OF THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP, AND OTHER PUBLIC REQUIREMENTS, HEREBY ORDAINS AND ENACTS INTO LAW AN OFFICIAL ZONING ORDINANCE IN ACCORDANCE WITH THE LAWS OF ALABAMA. IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS ORDINANCE SHALL BE: CONSIDERED AS MINIMUM REQUIREMENTS; LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY; AND DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS GRANTED UNDER STATE STATUTES.



ARTICLE 1:

Title, Purpose, and Legal Status

§ 1.1	AUTHORITY & ENACTMENT
§ 1.2	SHORT TITLE & JURISDICTION
§ 1.3	PURPOSE & INTENT
§ 1.4	SEVERABILITY & VALIDITY
§ 1.5	INTERPRETATION & LEGAL STATUS
§ 1.6	RELATIONSHIP TO OTHER LAWS
§ 1.7	OFFICIAL PLANS & MAPS
§ 1.8	EFFECTIVE DATE

Code of Alabama 1975, Section 11-52-70, authorizes municipalities to establish zoning districts and to provide for the “kind, character and use of structures and improvements that may be erected or made” in each of these districts.

SECTION 1.1 AUTHORITY & ENACTMENT

The City Council of the City of Creola, Alabama, in pursuance of the authority granted by the Code of Alabama, 1975 as amended, Title 11, Chapter 52, Article 4, hereby ordains and enacts into law the following Articles:

SECTION 1.2 SHORT TITLE & JURISDICTION

This Ordinance shall be known as and may be cited as “Zoning Ordinance of the City of Creola, Alabama.” The area subject to this Ordinance shall be that incorporated portion of Creola the jurisdiction of the Mayor and City Council. The rules and regulations herein set forth are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama 1975, as amended and supplemented by all applicable laws.

SECTION 1.3 PURPOSE & INTENT

The purpose of a municipal zoning ordinance is to divide a municipality into districts or zones according to suitability for particular uses and to regulate the erection, construction, reconstruction, alteration, repair or use of buildings, structures and land according to such districts. The goal is to lessen congestion in the streets; to provide safety from fire; to provide adequate light and air; to prevent overcrowding of land; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements; protect and preserve natural resources; and to conserve the value of buildings.

The zoning regulations and districts as set forth are made in accordance with the Comprehensive Master Plan, Grow Creola 2035, for the purposes of guiding development to meet existing and



CREOLA ZONING ORDINANCE

Article 1 - Title, Purpose, and Legal Status

future needs. The Plan encompasses all facets of municipal development, which are considered guidelines to be used in directing proper growth of a municipality, and zoning ordinances should be drafted to further the main objectives. As required by Section 11-52-72 of the Code, zoning regulations must be consistent with a comprehensive plan. The ultimate criterion in determining the validity of zoning ordinances is whether the ordinance creates zones in such manner that the classifications are consistent with the land use pattern of the area, and bear a substantial relationship to the public health, safety, morals and general welfare.

The interpretation and application of the provisions of this Ordinance shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes. No land within the corporate limits of the City of Creola shall be developed without full compliance of this Ordinance and all other applicable city, county, state, and federal regulations. The intent of this Ordinance is more specifically to promote an orderly pattern of land uses and ensure proper development methods that will:

- Achieve the highest quality of life in Creola, consistent with sound land development, economic, social, and environmental conditions;
- Provide for guiding and accomplishing coordinated, adjusted, and harmonious development of the portions of the City under the jurisdiction of the City of Creola;
- Protect, promote and improve public health, safety, comfort, order, appearance, convenience and the general welfare of present and future inhabitants of Creola;
- Divide the City into Districts of such number, shape and size as may be deemed by the City Council to be best suited to carry out the purpose of this Ordinance;
- Manage, determine and establish within these Districts:
 - Use of land and buildings for residential, commercial, industrial, and other purposes;
 - Height, size, bulk, location, construction, repair, reconstruction and alterations of buildings;
 - Size of yards, courts, and other open spaces;
 - Percentage of a lot that may be occupied by a structure;
 - Density of population;
 - Conditions under which various classes of nonconforming use of land and buildings may continue, and reasonable schedule for altering or eliminating nonconforming uses of land or buildings;
 - Minimum floor area of structures and types and sizes of structures in those areas subject to seasonal or periodic floods, so that danger to life and property in such areas will be minimized; and,
- All regulations shall be uniform throughout each zoning district, but the regulations in one district may differ from those in other districts. To the end that incompatible uses are minimized or eliminated, uses permitted in one District may be prohibited in other districts;



- Regulations and district boundaries shall be made with reasonable consideration of the character of the districts and their special suitability for particular uses, with a view to conserving property values and encouraging the most appropriate use of land.

SECTION 1.4 SEVERABILITY & VALIDITY

Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.

SECTION 1.5 INTERPRETATION & LEGAL STATUS

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the protection, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or easements, covenants or agreements, the provisions of this Ordinance shall control.

SECTION 1.6 RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority including the City, through legislation, Ordinance, rule or regulation, the Ordinance, regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless or any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection laws or regulations.

SECTION 1.7 OFFICIAL PLANS & MAPS

This Ordinance shall be implemented in support of the Future Land Use Map from the City of Creola's Comprehensive Master Plan, *Grow Creola 2035*. The Future Land Use Map contained in the Plan serves as a guide for the future development of Creola. To the extent practical, it shall be followed in the administration of this Ordinance.

The zoning map shall be officially titled, "Zoning Districts Map", and ~~s~~ is hereby adopted and made a part of this Ordinance. A copy of this Ordinance and map shall be filed at Creola City Hall and in the office of the Probate Court of Mobile County, Alabama and shall show thereon the date of adoption of this Ordinance and zoning map.

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed on the official Zoning Districts Map, changes shall be made on the map promptly after the amendment has been approved by the City Council of Creola.

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Unauthorized alterations of the official zoning map shall be considered a violation of this Ordinance and subject to penalties as prescribed under Penalties.

The City Clerk shall maintain a file or registry of properties rezoned and variances granted under the authority of this Ordinance together with all pertinent requirements and/or conditions thereto.

SECTION 1.8 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its adoption by the Creola City Council, and upon such date, all previous zoning ordinances and maps, with all subsequent amendments thereto, are hereby repealed as of the effective date of this Ordinance.



ARTICLE 2:

Definition of Terms

§ 2.1	WORD INTERPRETATION
§ 2.2	WORDS AND TERMS DEFINED

SECTION 2.1 WORD INTERPRETATION

Except as otherwise provided herein, all words shall have the customary dictionary meaning. If a term used in this Ordinance is not defined in this article, the Planning Commission shall have the authority to provide a definition based upon the definitions used in accepted sources including, but not limited to, the most recent editions of *A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms,* and *A Survey of Zoning Definitions,* published by the American Planning Association (APA).

- The word “person” includes a firm, corporation, association, organization, trust or partnership.
- The word “lot” includes “plot” or “parcel”.
- The word “used” or “Occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- The word “map” means the “Official Zoning District Map of the City of Creola, Alabama”.
- The word “building” includes “structure”.
- The words “shall”, “will”, and “must” are always mandatory.
- The words “may” and “should” are permissive in nature.
- The present tense includes the future tense and the future tense includes the present tense.
- The singular number includes the plural and the plural includes the singular.

SECTION 2.2 WORDS AND TERMS DEFINED

As used in this Ordinance, the following words and terms shall have the meaning defined:

Abutting/Contiguous Property. Any property that is immediately adjacent to, touching, or immediately across any road or public right-of-way from the property in question.

Accessory Building and/or Structure. A building and/or structure detached from a principal building located on the same lot and incidental and subordinate to the principal building or use.

Accessory Dwelling Unit (ADU). An Accessory Dwelling Unit (ADU) is a secondary, self-contained residential unit located on the same lot as a primary single-family dwelling, and is subordinate to the primary dwelling. It provides independent living facilities, including areas for sleeping, cooking, and

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Article 2 - Definition of Terms



sanitation, and can be attached to the main house (such as a basement or garage apartment) or detached as a separate structure. See *Article 5*.

Accessory Use. Accessory uses are those activities and land uses incidental to a primary use. They function as secondary or subordinate to a primary or major use and are identified as such in zoning and municipal Ordinances. The classic example of an area's accessory use is a parking facility serving an office building on the same site, or signage for the primary use of a site. An accessory use is not the principal use of the property, but rather a use occasioned by the principal use and subordinate to it. Terms like 'auxiliary', 'ancillary', 'adjunct', 'subsidiary', and 'supplementary' are also used to define accessory uses.

Addition. Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "new construction."

ADEM. The Alabama Department of Environmental Management.

Adjacent Property. A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Administrative Appeal. A means of obtaining a review by the Board of Adjustment when an applicant declares that an official of the City has made an error in an interpretation or decision made, or has failed to take action, with respect to the Zoning Ordinance.

Administrative Official. A designated government official identified as a specific official, such as the City clerk, building official, fire chief, etc.

Administrative Subdivision. A subdivision of one parcel of land into two separate parcels or the removal or replacing of any existing parcel line on one parcel of land. Administrative subdivisions do not require Planning Commission approval or a public hearing, they are rather approved or denied by the Planning Staff administratively.

Adult Day Care. A program operated in a structure other than a single-family dwelling that provides group care and supervision on less than a 24-hour basis, and in a place other than their usual place of abode, to adults 18 years of age or older who may be physically or mentally disabled.

Adverse Impact. A significant negative impact to land, water, associated resources and/or public facilities resulting from development. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife, flora and fauna, and other resources; inadequate capacity for traffic, potable water, wastewater, police, fire, and emergency medical services and threatened public health.



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Affected Party. The owner of land adjoining the land subject to a development application; a person or organization who reasonably believes their property interest will be directly and materially affected by a proposed development or any officer or agent of the city.

Aggrieved Party. A person with a legally recognized interest (i.e., fee simple ownership) and standing to appeal who has or will suffer a special harm or adverse impact (as distinct from a harm or impact suffered by the general public) caused by a decision or action by the City in administering this Ordinance, and including any officer or agent of the City.

Agriculture. The use of land for farming of field crops, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture, plant nurseries, orchards, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce and/or product; provided, however, that the operation of any such accessory uses shall be secondary to that of the principal agricultural activities and that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Airport. Any runway, land area or other facility designed, used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown area, hangars, and other necessary buildings, and open spaces.

Alley. A public right-of-way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration and/or Altered. These terms shall include any changes in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code or this Ordinance, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

Amendment. See *Map Amendment* or *Text Amendment*.

Animal Care Uses. A use category that is characterized by use types related to the provision of medical services, general care, and boarding services for domestic animals. Example use types include animal shelters, animal grooming, kennels (outdoor and indoor), and veterinary clinics (with and without boarding).

Animal Shelter. A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

Antenna Support Structure. See *Tele-Communications Tower Related Terms Definitions*.

Appeal. See *Administrative Appeal*.



CREOLA ZONING ORDINANCE

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Applicant. The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

Application. The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate City department, board, or commission as part of the review for a development permit or approval reviewed under this Ordinance.

Application Review Committee (ARC). The review committee created to oversee and advise with the application and permit process for new construction and other development applications. This committee consists of the City of Creola Building Official, City of Creola Engineer, members of City of Creola Planning Commission, and others appointed by the Planning Commission Chair.

Aquifer. A geologic formation, group of formations, or part of a formation capable of storing and yielding ground water to wells or springs, lakes, and wetlands.

Architect. Any registered Architect duly licensed by the State of Alabama offering or performing any service, work, act or thing within the scope of the practice of architecture.

Arena, Stadium, and/or Amphitheatre. A building or structure area designed or intended for use for spectator sports, entertainment events, expositions, performing arts, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

Arterial Street. See *Street, Arterial*.

Assembly, Places of. Land or buildings arranged for public assembly or for religious purposes such as, community centers, churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

Athletic Field. Outdoor areas designed for athletic competitions and training for field sports such as soccer, baseball, football, and similar sports requiring outdoor fields. Associated accessory uses may include clubhouses, shelters, bleachers, restrooms, concessions, parking, equipment storage, irrigation system, and athletic equipment.

Atrium. An open area within a building surrounded on all four sides by the building walls and open and unobstructed from the first floor level to the roof or sky.

Auditorium and/or Theatre. A building or structure designed or intended for lectures, speeches, dramas, musical performances, or other live presentations or performances, all occurring inside a structure typically limited to a capacity of 500 or fewer seats.

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Authorized Agent. An individual appointed or named by the property owner to represent the property owner in the development process.

Automotive Garages. See *Gas Station and/or Garages*.

Awning. A detachable frame work covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.

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

Barndominium. A multi-purpose structure serving as a combination of a stick-built residential structure and a barn. Built within a metal or post-frame building and typically combining living quarters with storage, workshop, or barn space under one continuous roof. The structure is permanently affixed to a foundation and designed to meet local building, wind, and residential codes.

Barndominiums often feature steel or wood post framing, metal siding and roofing, and a flexible interior layout that allows for both open living spaces and utilitarian areas such as garages, barns, or workspaces. The residential portion includes fully finished living areas with insulation, plumbing, HVAC, and electrical systems equivalent to a conventional home. Roof, trusses, and other construction materials must comply with current, adopted building codes of the City of Creola.

This type of housing is permitted in zoning districts where residential uses are permitted and the lot is a minimum of five (5) acres or more.

Base Flood Elevation. The highest point, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood. The base flood elevation represents the estimated height that waters will reach given a storm of certain magnitude; that is, 1-year, 2-year, 100-year, or 500-year. Regulatory agencies permit construction in certain flood-prone areas provided that the new construction is elevated a given distance above the base flood elevation.

Bed and Breakfast. A private owner-occupied, or proprietor occupied residence providing accommodations to the public, for a charge, and with no more than four (4) guest rooms for rent. Breakfast may be provided to the guests only.

Berm. An elongated earthen mound typically designed and/or constructed on a site for the purposes of separation, border, barrier, screening, or buffering adjacent uses. A level space, shelf or raised barrier (usually made of compacted soil or deposited sand) separating two areas. They are man-made or made of materials that may have been dunes that were disrupted, and intended to defend those areas once protected by the original dunes. To the extent possible, they consist of the same materials contained in natural dunes.

Best Management Practices (BMPs). Methods that have been determined to be the most effective and practical means of preventing or reducing non-point source pollution to help achieve water quality goals.

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Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment, or pollutants from being carried in runoff to waters of the City or State.

Block. A tract of land bounded by public highways, streets, or by shorelines, waterways or other definite boundaries.

Board of Adjustment (BOA). An appellate board, also referred to as Board of Zoning Adjustment (BZA), appointed by Council, per Code of Alabama, Section 11-52-80, consisting of five (5) members and two (2) supernumerary members, each of which serves a three (3) year term. The Board hears and acts on matters and grievances pertaining to the Zoning Ordinance exclusively and has the power to waive and/or modify the zoning regulations in those situations where a literal interpretation and enforcement of them would render the property useless. The Board is responsible for hearing and ruling on three different actions pertaining to zoning only, which are: (1) administrative appeals; (2) special exception uses; and (3) variance.

Boarding House. Any building or portion thereof, other than a hotel, motel or bed and breakfast, which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly, and with or without provisions for cooking by guests or meals for guests.

Boardwalk. A ground-level or elevated public pedestrian walkway constructed along a public street or waterfront providing public access. Also see Dune Walkover.

Boat and/or Vessel. Any motorized or non-motorized vessel, used for, intended to be used for, or capable of moving across a body of water. Non-motorized personal watercraft under twenty (20) feet in length, such as kayaks, paddle boards, and canoes, shall not be considered a boat.

Boat and Marine Sales and/or Rental. Premises on which new or used boats, marine engines, or marine equipment are displayed for sale, lease, or rental.

Boat Dock. See *Pier*.

Boat Docking Facility. A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels on a commercial basis.

Boat Dry Storage. An enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

Boat Fueling Station. A use involving the dockside sale and dispensing of marine fuel to boats.

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Boat House. An enclosed or partially enclosed structure constructed wholly or partially over water that is designed to provide shelter for boats or other watercraft and marine-related equipment. Boathouses are generally attached to or closely associated with a pier.

Boat Launch. A facility designed to launch and retrieve recreational watercraft from a trailer.

Boat Lift. A structure, usually with mechanical operation, designed to lift a vessel out of the water.

Boat Repair. Major overhauling or repair of small craft and pleasure boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.

Boat Slip. A space designed for the mooring of a single watercraft.

Boathouse. An enclosed or partially enclosed structure constructed wholly or partially over water that is designed to provide shelter for boats or other watercraft and marine-related equipment. Boathouses are generally attached to or closely associated with a pier.

Boatyard. See *MARINA*.

Boundary Survey. A process carried out to determine property lines and define true property corners of a parcel of land described in a deed. It also indicates the extent of any easements or encroachments and may show the limitations imposed on the property by state or local regulations.

Buffer, Riparian. An area of trees and other vegetation adjacent to a river, bayou, other watercourse, or shoreline that is managed to maintain the integrity of the water body, to reduce pollution, and to provide food, habitat, and thermal protection for fish and wildlife.

Buffer Strip and/or Zone. An area of land along the perimeter of a development site that contains any combination of vegetative materials, landscaping, open space, berms, fences, and walls, and provides the physical separation and screening of one use or dissimilar development from another so as to visually shield or minimize potential adverse impacts and nuisances between adjacent properties.

Buildable Area. That portion of a lot located inside all the required setbacks and/or required yard. The building area of one lot may differ from another depending on the size of the total lot area.

Buildable Lot. Any lot upon which construction of a structure is permissible by all State, Federal, and local codes and regulations.

Building. Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.



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Building Code. The International Building Code, as adopted and modified. Buildings and Building Regulations, of the Code of Ordinances.

Building Coverage. The percent of total lot area occupied by rooved and/or covered buildings and structures but excluding unenclosed balconies and walkways, and other allowable yard encroachments and/or projections. Also referred to as Lot Coverage. Also see *Maximum Lot Coverage*.

Building Façade. See *Façade*.

Building Footprint. The perimeter of the area occupied by all the structures on a lot, including any roof overhangs, covered decks, stairways, or other permanent attachments.

Building Frontage. The side of a building that faces and is substantially parallel to a street. For the purpose of determining maximum sign area for a wall or projecting sign for one of multiple establishments within a building, building frontage applies to that portion of the side of the building's street-facing side that is devoted to the particular establishment.

Building Height. The vertical distance measured from the average existing grade to the highest point of the structure. **Comment: Cellular towers, water towers, mechanical equipment, chimneys, air conditioners, church spires/steeple, and other similar structures that are appurtenant to a building are exempt from height restrictions.**

Building Inspector and/or Official. The individual designated by the appointing authority to enforce the provisions of the building code.

Building Setback Line. A line around the perimeter of the buildable area of a lot. Measured from the lot line, running perpendicular the distance of the required setback and/or required yard. Also see *Setback Line*.

Building Permit. An official document or certification that is issued by the Building Official pursuant to the current adopted Building Code and other required adopted Ordinance, authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure as being in compliance with Building Code and all other applicable standards.

Building, Principal and/or Primary. See *Principal and/or Primary Building*.

Bulkhead. An upright structure or partition built parallel or nearly parallel to the shoreline, primarily to retain or prevent land from sliding and secondarily, to protect upland from beach erosion and damage from wave action.



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Article 2 - Definition of Terms

Business License. A license issued by a municipality that allow individuals or business owners to conduct business within the municipality's corporate limits and planning jurisdiction. It is the authorization to start and operate a business issued by the local government.

Caliper. Diameter of stem six inches (6") above the nursery planting line.

Campground. An outdoor lodging facility designed for overnight accommodation of persons in tents, rustic cabins, recreational vehicles, and shelters for the purpose of recreation, education, naturalist, or vacation. May be accompanied with appropriate facilities which accommodate the guest such as office, retail, and other commercial uses commonly established in conjunction with such facilities.

Camping Unit. Any tent, trailer, camper, recreational vehicle, lean-to or similar structures established or maintained and operated in a campground.

Canopy, Building. A detachable, roof like cover, supported from the ground, or deck or floor of a building, and from the walls of a building, for protection from sun or weather.

Canopy, Forest. See *Tree Canopy*.

Cargo Container. See *Shipping Container*.

Carport. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

Cell Tower. See *Tele-Communications Tower*.

Cemetery. Land used or intended to be used for the burial of the human and animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of Occupancy (CO). Official certification that a premise conforms to provisions of the zoning Ordinance and building code, and may be used or occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

Change of Occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Channel. A natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water. This definition also includes Canal.

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Chattel. Personal property as contrasted with real estate.

Child Day Care Facility. A facility that provides shelter and personal care for any part of a 24 hour day to six or more children under 12 years of age who are not related to the operator(s) of the facility. This includes day nurseries, day care centers, and other facilities that fall within the scope of this definition.

Church. See *Place of Worship*.

Circumference. The distance measured around an object.

City Engineer. The Engineer duly licensed with the State of Alabama, County of Mobile and the City of Creola, Alabama; hired and appointed by the City Council of Creola for engineering services.

Clear Cutting. The indiscriminate removal of trees, shrubs, and underlying vegetation/undergrowth with the intention of preparing real property for nonagricultural development purposes.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical or surgical attention, but who are not provided with board.

Clinic, Veterinary. A place used for the care, diagnosis and treatment of sick, ailing, animals, or animals in need of medical or surgical attention, or grooming, but not including overnight boarding.

Club, Clubhouse and/or Lodge. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Club, Private

Any association or organization of a fraternal or social character, not operated or maintained for profit, does not include casinos, nightclubs, or other institutions operated for a profit.

Code Enforcement Officer. The Officer employed by a municipality whose primary duties are the prevention, detection, investigation, and enforcement of violations of laws regulating zoning and public nuisances.

Cold Storage Facility. A building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing food products or storing frozen food products.

Commercial Parking Deck and/or Garage. A structure designed to accommodate vehicular, vessels, and trailer parking spaces that are fully or partially enclosed or located on the deck surface of a building. Where the parking facility is the primary use of the property, not the accessory use.



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Commercial Parking Lot. The use of a lot for the temporary or long-term parking of motor vehicles, vessels, and trailers as a principal use (rather than as accessory to any principal use on the lot), which contains parking spaces that may or may not be enclosed.

Common Driveway. A commonly shared driveway that connects, serves, and provides access to two or more properties. Also known as a Party Driveway.

Community Center. A building used for events and activities for community, youth, senior, civic, recreational, social, educational, cultural and other like activities, open to the public and usually owned and operated by a public or nonprofit group or agency.

Community Garden. An area of land managed and maintained by an individual or group to grow and harvest food crops or non-food ornamental crops (e.g., flowers and ornamental plants) for personal or group use, consumption, donation, or sale. Community gardens may be divided into separate plots for cultivation by one or more individuals, be farmed collectively by members of a group, include common areas maintained and used by group members, or include composting areas. They may be located on private land (vacant or developed) or on public lands and rights-of-way as allowed by the City. Community gardens do not include gardens maintained by individual property owners or occupants for the purpose of their personal consumption or use. Accessory structures may include storage and tool sheds, greenhouses, hoop houses, and cold frames.

Comprehensive Master Plan. A comprehensive, long-range plan intended to guide the physical development of an entire municipality or region over a set period of time, which typically includes inventory and analytic sections leading to the recommendations for the community's land use, economic development, housing, transportation, community facilities, and the like. Also referred to as a MASTER PLAN. As used in this Ordinance, the term refers to the most recently adopted Comprehensive Plan of the City of Creola, Alabama, as amended and supplemented from time to time by order or resolution of the Planning Commission.

Commercial Vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private non-profit transport of goods and boats.

Common Open Space. See Open and/or Green Space.

Conditional Use. See *Special Exception Use*.

Condominium. Condominium is a building or group of buildings, in which dwelling units, offices, or floor area is owned individually, and the structure and common areas are owned by all the owners on a proportional, undivided basis. All of the lands (includes lands underneath each unit), roofs, exterior steps, exterior wall/structure, plumbing (outside an interior wall), electrical (outside an interior wall), other utilities (outside an interior wall), and other improvements outside the building structure are owned jointly by all unit owners on a proportional, undivided basis. *Comment:* By definition, a condominium has

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common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements include the land underneath and surrounding the building, certain improvements on the land and such items as plumbing, wiring, and major utility systems, the interior areas between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.

Conforming Use. Any lawful use of a building or a lot that complies with the provisions of this Ordinance.

Connectivity. The relative degree of connection between streets, sidewalks, or other means of travel.

Construction. Any work or activity which is likely to have a material physical effect on existing coastal dune conditions and processes.

Construction Plans. Plans that accompany a Site Plan or Subdivision Plat, prepared by a Professional Engineer (P.E.), showing details of any land disturbing activity, which are in accordance with the Stormwater Management Standards of this Ordinance. They include, but are not limited to Street Plans, Drainage Plans, Building Plans, Erosion and Sediment Control Plan, and Utility Plans.

Construction Site. An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Contiguous. Adjacent, adjoining, abutting, next to, or touching and having a boundary or portion thereof, that is coterminous.

Contour and/or Elevation Line. A line on a topographic map that connects all points of the same ground elevation that represent ground formation by indicating the slope of the land.

Contractor Storage Yard. A use involving the outdoor storage of materials, supplies, and equipment by entities such as building, heating, plumbing, or electrical contractors. Accessory uses may include Contractor's offices.

Convalescent and/or Nursing Home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes Extended Care Facilities.



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Convenience Store. A store with extended opening hours and in a convenient location, stocking a limited range of household goods and groceries, and which may also provide gasoline and limited associated automotive products.

Corner Lot. See *Lot, Corner*.

County. Mobile County, Alabama.

Covenants. See *Restrictive Covenants*.

Day Care Center. A place for the day care and instruction of young or elderly persons but not including overnight care.

Deck. A flat covered or uncovered area generally adjoining a house, building or pool, and which may be used as an outdoor sitting or recreation area.

Deed. A legal document conveying ownership of real property.

Density. A unit of measurement; the number of dwelling units per acre of land.

Density, Gross. The number of dwelling units per acre of the total land to be developed.

Density, Maximum. The density allowable in a given zoning District not limited by other applicable requirements of this Ordinance.

Developed Lot. See *Lot, Improved*.

Development. Any man-made change to improved or unimproved real estate including, but not limit to, buildings or other structures.

Diameter Breast Height (DBH). The measurement method used to measure a tree. It is the circumference or the distance around a tree measured at four and one half (4 ½) feet above the ground, divided by pi, or 3.14. For example, a tree that measures 49" in circumference at 4 ½' up the trunk will have a DBH of 16" (49" ÷ 3.14 = 15.6 or 16). On steep slopes, measure this distance on the uphill side of the tree. Trees with multiple tree trunks should be treated as multiple trees and the DBH of each trunk added to the aggregate diameter measurement.

District. See *Zoning District*.

Dock. See *Pier*.

Double Frontage or Through Lot. See *Lot, Through*.

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Drainage Plan. See *Stormwater Management Plan*.

Drive-In Restaurant. A restaurant or public eating business so conducted that food, meals, or refreshments are delivered to the motor vehicles for consumption by the customer or patron.

Drive-In Use. An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driving Range. See *Golf Driving Range*.

Duplex. See Dwelling Unit, Two Family.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, and meeting the locally adopted building code. For the purposes of this Ordinance, the term “Dwelling” does not include mobile homes, trailer homes, campers, recreational vehicles (RVs), portable trailers, hotels, motels, inns, boarding and lodging houses, tents, tourist courts, tourist homes, hospitals or nursing homes.

Dwelling Unit. A stick-built structure (not pre-fabricated, factory-built home) comprised of a room or group of rooms containing one (1) kitchen facility and sanitary facilities designed and used exclusively or occupied as separate living quarters, attached to a permanent foundation. For the purposes of this Ordinance, the term “Dwelling Unit” shall not include Modular Home or Manufactured Home. Dwelling Units are categorized as the following:

- a. Single-Family Dwelling Unit: A detached, stick-built residential structure designed for and occupied by one family as a home, with housekeeping facilities and one (1) kitchen facility.
- b. Two-Family Dwelling Unit: A detached, stick-built residential structure designed for, or used as, the separate home or residence of two separate and distinct families, having the exterior appearance of a single-family dwelling house and separated from the other by a wall or ceiling. Each individual unit of the two-family residence shall have housekeeping facilities and one (1) kitchen facility, as well as provisions for living, sleeping, eating, cooking and sanitation accessible from within the unit and each individual unit is to be occupied exclusively by one family.
- c. Multi-family Dwelling Unit: A detached, stick-built residential structure designed for, or used as, the separate homes or residence of three or more separate and distinct families. Each individual unit in the multifamily structure shall have housekeeping facilities and one (1) kitchen facility as well as provisions for living, sleeping, eating, cooking and sanitation accessible from within the unit and each individual unit is to be occupied exclusively by one family.
- d. Accessory Dwelling Unit: An additional dwelling unit subordinate to the principal dwelling unit on a lot.



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Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

Educational Institution. A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. Trade or vocational schools are a different use type.

Encroachment. See *Yard Encroachments and/or Projections*.

Engineering Plans. See *Construction Plans*.

Erected. The word “erected” includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations, fill drainage, and the like shall be considered a part of erection.

Erosion and Sediment Control Plan. A plan developed to address pollution caused by soil erosion and sedimentation during land disturbing construction activity.

Essential Services and Facilities. Public utility facilities related to water, storm water sewers, sanitary sewers, solid waste disposal, telephone, cable television, gas and electrical collection or distribution systems serving the community.

Excavation. Any mechanical removal of soil, rock, sand, gravel, or other unconsolidated materials from a location.

Expansion, Building or Use. The addition or enlargement of rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

Façade. The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Façades may be on the front, side, or rear elevation of the building.

Factory-Built Housing. Structures designed for long-term residential use. For the purpose of this Ordinance, factory-built housing consists of three types: modular, mobile homes, and manufactured homes, see definition of each.

Family. One or more persons occupying a single dwelling unit and using common cooking facilities, provided that unless all persons are related by blood, adoption, marriage, or guardianship, no such family shall contain more than five (5) unrelated persons.

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Farmer's Market. An occasional or periodic market held in a structure or open area where farmers sell their own produce or farm products.

Federal Emergency Management Agency of the United States Government (FEMA). The agency that administers the national Flood Insurance Program and the Flood Insurance Rate Maps.

Fill. Sand, gravel, earth, or other materials of any composition placed on a site for stabilizing.

Filling. The process of depositing or placing material to raise the level of a certain area or to change the type of soil of the area.

Final Plat. See *Plat, Final*.

Finished Grade. The final grade of the site that conforms to the approved plans. Does not include fill for aesthetics, landscaping, or other raised areas above the lowest floor of the structure.

Flea Market. A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmers' market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

Flood Hazard Area and/or Special Flood Hazard Area. An area identified by the United States Federal Emergency Management Agency (FEMA) as an area with a special flood and/or flood related erosion hazard, as shown on a flood hazard boundary map or flood insurance rate map (FIRM).

Flood Insurance Rate Map (FIRM). The official flood boundary map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain/Flood zone. Land areas established by FEMA's Flood Insurance Rate Maps (FIRM) which lie within or adjacent to the 100-year flood elevation contour boundary.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area, Gross. The sum of the gross enclosed horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline of shared party walls. The term does not include any area used exclusively for the surface parking of motor vehicles for a building, or area under the first habitable story, or equipment access, such as stairs, elevator shafts, and maintenance crawl space.



Food Processing. An establishment in which food, including seafood, is processed or otherwise prepared for eventual human consumption but is not consumed on the premises.

Footprint. See *Building Footprint*.

Freeboard. A measurement usually expressed in feet of additional height required above a required flood level for purposes of safety and floodplain management. Freeboard standards generally result in significantly lower flood insurance rates due to lower flood risk for the structure.

Funeral Home. An establishment used for the preparation of the deceased for burial that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

Gas Station and/or Garages. Buildings and premises where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities), and where in addition, repair services are performed. **Note: Uses permissible at a gas sales establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations.*

Glare. The reflection or harsh, bright light and the physical effect resulting from high luminance or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course. A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

Golf Driving Range. A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concession stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

Government Uses. A use category that includes use types providing for the general operations and functions of local, state, or federal governments. A wide range of accessory uses may be found, depending on the use type. Example use types include courthouse facilities, government administrative offices, post offices, fire and EMS stations, police stations, correctional facilities, and government maintenance, storage, and distribution facilities. This use category does not include passenger terminals for surface transportation services (categorized as transportation uses), or City, county, or state parks (categorized



as park and open area uses), or water, wastewater, gas, electric, or other infrastructure services (categorized as utility and communication uses).

Green Stormwater Infrastructure (GSI). An approach to water management that protects, restores, or mimics the natural water cycle. Green infrastructure is effective, economical, and enhances community safety and quality of life. It means planting trees and restoring wetlands, rather than installing structural apparatus for stormwater management.

Green Space. See *Open and/or Green Space*.

Greenway. A linear greenbelt linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and area immediately adjacent to the pathway.

Group Home. A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for three (3) or more adult resident persons with disabilities, i.e. persons with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others. A group home does not include assisted living facilities, nursing care facilities, rooming or boarding houses, or halfway house/mainstreaming facilities. Five or fewer persons with disabilities who live together in a dwelling are considered a family.

Habitable Living Space. The total square footage of heated and cooled living space.

Health Care Uses. A use category that includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families. Example use types include facilities such as hospitals, medical, dental clinics and labs, outpatient, medical treatment, nursing care, drug and alcohol treatment, psychiatric treatment, and blood or tissue collection facilities. This use category does not include assisted living facilities or group homes, which focus on providing personal care rather than medical care to residents, and are categorized as group living uses.

Hedge. A group of shrubs planted in line or in groups that forms a compact, dense, living barrier that demarcates an area from on-site or off-site views.

Heritage Tree. See *Tree, Heritage*.



Home Occupation. A service, business, profession, occupation, or trade that is conducted full-time or part-time solely within a residential home by the resident(s) of the home for the economic gain or support of the resident(s) of the home. Where the business owner receives clients and conducts business at the residence, where the Home Occupation use is incidental and secondary to the residential use of the lot, and where the use does not include any retail or wholesale sales on the premises (other than on-line, over the phone, and/or through the mail) nor any industrial use (other than custom crafts and sewing/alterations) and does not adversely and/or perceptively affect the character of the lot or surrounding area. A Home occupation does not include any business that is clearly inappropriate or out of character for a residential area, or such that its location constitutes an adverse impact on neighboring residential properties. All Home Occupation applications require Planning Commission review and a public hearing by the Board of Adjustment (BOA).

Home Office. A service, business, profession, occupation or trade where the business activity is not conducted in the residence, but rather off-site, and where the business owner does not receive clients at the residential home, and only maintains a home office in the residence for the purpose of general management activities of the business.

Home Owner's Association (HOA). An incorporated, non-profit organization of homeowners of a particular subdivision, condominium, or planned unit development that makes and enforces rules for the properties and their residents. Those who purchase property within an HOA's jurisdiction automatically become members and are required to pay dues, known as HOA fees. The purpose of a home owners association is to provide a common basis for preserving, maintaining, and enhancing homes and property values by enforcing restrictive covenants. With regards to construction and development applications, property owner's must meet the regulations of both the City's Zoning Ordinance and the HOA's requirements.

Hotel and/or Motel. A building or structure under a common or multiple ownership interest and single management which is designed, used or held out to the public to be place where sleeping accommodations are supplied for pay to transient guests or tenants. Such hotel or motel, with or without individual kitchen or cooking facilities, may have one or more dining rooms, restaurants, cafes or cocktail lounges where food and drink are served. To be classified as a hotel or motel, an establishment shall contain not less than five (5) individual guest rooms, maintain an inner lobby, and furnish services such as room cleaning, linen supply, telephone, and furnishings.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration, and does not effectively absorb water. Any areas of concrete or asphalt are considered to be impervious surfaces.

Impervious Surface Ratio (ISR). A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a development site by the site area.

Improve. To change an existing structure in order to enhance its integrity or value.



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Industrial Use. A use category that includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, warehousing, and outdoor storage. Example use types include machine shops; tool repair shops; small engine repair shops; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractor storage yards; fuel oil or bottled gas distribution; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses.

Infill. The development of new housing or other uses on scattered vacant sites in a built-up area.

Ingress. Access or entry point.

Kitchen. An area within a structure that is used or designed to be used for the preparation or cooking of food and that contains cooking appliances or rough in facilities including, but not limited to: sinks, refrigerators, ovens, convection ovens, stoves, stove tops, built-in grills, 240 volt electrical outlets or any gas lines.

Land Disturbance. Any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to clearing, demolition, removal of trees and vegetation, stripping, transporting, grading, grubbing, excavating, filling, logging, storing of materials, and other construction activities which would disturb the natural vegetation and/or existing contours of the land.

Land Disturbance Permit. A required permit issued by the City of Creola for any person wishing to disturb one (1) acre of land or more, or a quantity of any sized land within a multi-phased development.

Land and/or Property Owner. Any owner of a legal or equitable interest in land, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

Land Use. A description of how land is occupied or used.

Liquor Store. An establishment licensed by the state exclusively for the retail sale of alcoholic beverages in original packages for consumption off the premises where sold.

Little House. See *TINY HOUSE*.

Livestock. Domesticated animals typically raised in an agricultural setting which includes cattle, sheep, pigs, horses, goats, donkeys, and other domestic animals ordinarily raised to produce labor and/or commodities such as meat, eggs, milk, cheese, and wool. For the purposes of this Ordinance, the term "livestock" shall mean any animal of the equine (horse), bovine (cow), swine (hog), caprine (goat), poultry

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(chickens and any other domesticated bird kept for its eggs or flesh, e.g., the turkey, duck, goose, and guineafowl), and ovine (sheep). The term “livestock” shall not apply to any wild fowl or wild waterfowl such as the duck, goose, turkey, or pheasant, or any domesticated house pet.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

Long-Term Rental. Any type of lodging that is rented and/or leased for a time period of one hundred eighty (180) consecutive days or more.

Lot. A parcel of land that is occupied, or is designed or capable of being occupied, by a principal use or structure, together with any accessory uses or structures, and such access ways, parking areas, yards, and open spaces required under this Ordinance, see Figure 1.

Lot, Corner. A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees, see Figure 1.

Lot, Developed. See *Lot, Improved*.

Lot, Double Frontage. See *Lot, Through*, see Figure 1.

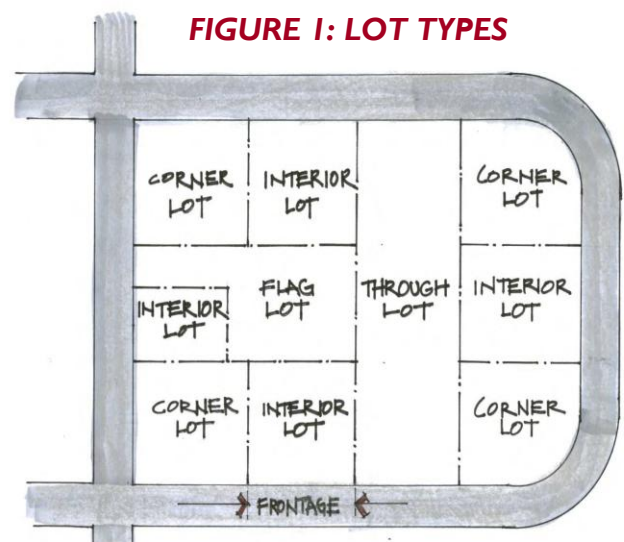
Lot, Flag. A lot not meeting the minimum frontage requirements and one that is shaped or configured such that the main building site on the lot (i.e., “flag”) is provided access to the public road by a private driveway, access easement, or right-of-way (i.e., “flagpole”), see Figure 1.

Comment: While flag lots provide for the development of backland areas, they don’t provide for adequate access should the backland area be further subdivided. Many municipalities only allow flag lots as long as the property will not be further subdivided.

Lot, Improved. A lot with buildings or structures.

Lot, Interior. A lot other than a corner lot, see Figure 1.

Lot, Substandard. A lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.



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Lot, Through. A lot that fronts on two parallel streets or waterways, that fronts on two streets or waterways that do not intersect at the boundaries of the lot, see *Figure 1*. Also known as Double Frontage Lot.

Lot, Waterside Through. A lot located that fronts a parallel street and a parallel shoreline.

Lot Area. The amount of horizontal land area contained within the lot lines of a lot, excluding public street rights-of-way and private street easements.

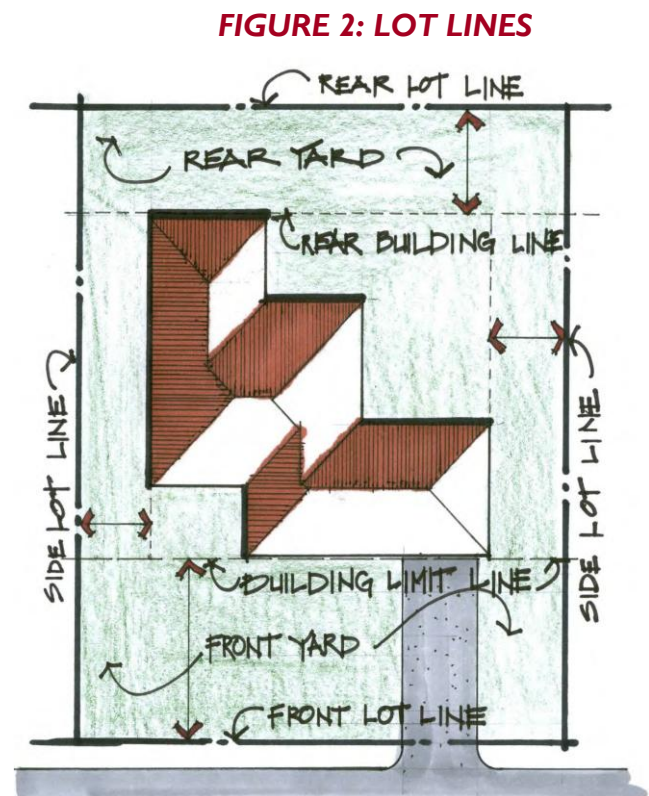
Lot Coverage. The part of the lot that is covered by impervious surfaces. Also see *Building Coverage*.

Lot Depth. The average distance measured from the front lot line to the rear lot line.

Lot Frontage. The length of the front lot line measured at the street right-of-way line.

Lot Line. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front. The lot line of a lot separating a lot from a street right-of-way, see *Figure 2*.



Lot Line, Rear. The lot line of a lot that connects the lot's side lot lines along the lot boundary opposite its front lot line, see *Figure 2*.

Lot Line, Side. The lot line of a lot that lies along a lot boundary connecting the outer ends of the lot's front and rear lot lines. A lot generally has two side lot lines. A side lot line may abut the boundary of another lot, or the boundary of a public street right-of-way or private street easement that is not faced by the lot's principal structure, see *Figure 2*.

Lot Line, Zero. A lot line that allows a building located on a lot in such a manner that one or more of the dwelling's sides rests on a lot line, see *Figure 3*.

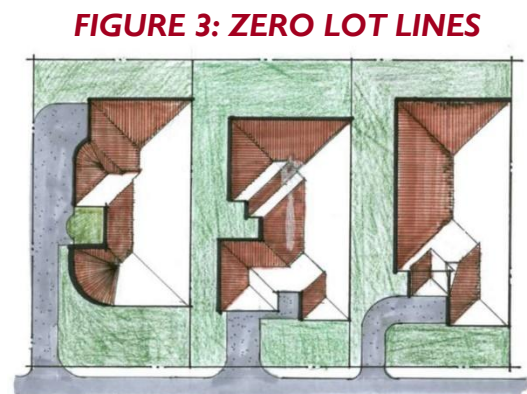
Lot of Record. A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds or County Probate Office.

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Lot Width. The average horizontal distance between the side lot lines. The lot width is measured from the front building setback line and/or building limit line, see *Figure 2*.

Low Impact Development (LID). Land planning and engineering design approach to manage stormwater runoff as part of green infrastructure. LID emphasizes conservation and use of on-site natural features to protect water quality. Also known as *Green Stormwater Infrastructure (GSI)*.



Lowest Habitable Floor. The lowest portion of the lowest horizontal support member of the lowest enclosed space used for living purposes, which includes working, sleeping, eating, cooking, recreation, or combination thereof. A floor used only for storage shall not be considered a habitable floor.

Lumen. A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

Major Subdivision. See *Subdivision, Major*.

Manufactured Home. A factory-built, pre-fabricated, residential structure that was manufactured off site and transported to the building site and attached to a permanent foundation (see definition of permanent foundation). Must be built to the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD Code and cannot be attached to a chassis or have towing capabilities. A Manufactured Home bears a RED HUD Seal affixed to the rear of each section of the home. For the purposes of this Ordinance, the term “Manufactured Home ” shall not have the same definition as a Single-Family Dwelling Unit. See additional requirements for Manufactured Homes in the Supplemental Regulations and Special Provisions Article of this Ordinance.

Manufactured Home Park. A parcel of land under single management which has been planned and improved for the provisions of services for permanent manufactured homes use. A manufactured home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and buffer yards, are privately owned or owned in common by residents of the park. For the purposes of this Ordinance, no new manufactured home parks are permitted within the corporate limits of the City of Creola.

Manufacturing Uses. A use category that includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms for consumers. This use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on-site,



but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters. Example use types include the specific uses of boating manufacturing and shipbuilding, plus the general sectors of heavy manufacturing and light manufacturing. This use category does not include the manufacturing and production of goods from salvage material or composting material (categorized as waste-related services uses).

Manufacturing, Heavy Uses. The manufacturing, assembly, fabrication, packaging, or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial use having significant potential to produce noise, dust, glare, odors, or vibrations off-site. Heavy manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vessels, vehicles, appliances, communications equipment, computer or electronic equipment, precision items, and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; electric power generation plants; petroleum refining; asphalt/concrete plants; and the manufacture of chemicals, fertilizers, paint, and turpentine.

Manufacturing, Light Uses. The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

Map Amendment (Rezoning). A change in the zoning district classification applied to land, reviewed and recommended by the Planning Commission and decided by the City Council in accordance with this Ordinance.

Marina. A facility for the docking, mooring, berthing, or storage of five (5) or more watercraft. Such uses may include a wide variety of accessory uses such as boat fuel sales, sales of boating supplies and equipment, boating-related services, laundries, boat repair and rental, retail facilities for owners, crews, and guest, and dry storage of boats.

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Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather and/or provide business identification.

Master Plan. See *COMPREHENSIVE MASTER PLAN*.

Maximum Lot Coverage. The maximum amount of land inside the buildable area that is allowed to be built upon. This requirement is to ensure stormwater management standards are met to control flooding, and only applies to lots used for residential purposes.

Medical Treatment Facility. A small-scale facility used for the short term care and treatment of typically up to 20 chronically or terminally ill patients on an overnight basis. Such facilities may include sleeping rooms for care workers and members of patient's families.

Mini-Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized units for the storage of goods or wares, see *SELF-STORAGE OR MINI-WAREHOUSE*.

Minor Subdivision. See *Subdivision, Minor*.

Mixed-Use Development. A single tract of land, parcel, or structure developed for a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

Mobile Food Truck Vendor. A food service establishment that is vehicle-mounted, trailer –mounted, or wheeled and is capable of being readily moveable. This does not include vehicles regularly operating on a public road, selling individually packaged items like ice cream trucks. Units may be motorized or not, and may or may not require outside power or utility service, but must be fully mobile and able to be relocated within one hour of notice.

Mobile Home. A movable or portable constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living. It can consist of one or more units that can be telescoped when towed and expanded later for additional capacity or of two or more units, separately towable but designed to be jointed into one integral unit. The use of such a structure for purposes other than residential shall not affect its definition as a "Mobile Home" under the terms of this Ordinance.

Mobile Home Park. A residential development on a parcel of land in one ownership providing rental spaces for two (2) or more mobile homes on a long-term basis, i.e. more than 180 days and may have recreation and service facilities for the tenants.

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Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or travel trailer.

Modular Home. A factory-built, transportable building consisting of units designed to be fully constructed and used for residential habitable purposes at a building site on a permanent foundation into a permanent structure according to local and state codes. A modular home is built to the International Residential Building Code 2006. A modular home bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission (International Building Code) Alabama Code 24-4A. The Insignia is placed on the electrical panel door of a residential modular home. For the purposes of this Ordinance, the term "Modular Home" shall not have the same meaning as a Single-Family dwelling unit.

Moratorium. The legally authorized delay of new construction or development for a set period of time.

Mortuary. A place for the storage of human bodies prior to autopsy, burial, or release to survivors.

Multi-Family Dwelling Unit. See *Dwelling Unit, Multi-Family*.

Museum. A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products to the public.

Nonconforming Lot of Record. Any lot of record that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the lot standards applied by this Ordinance, or the subsequent amendment.

Nonconforming Sign. See *Sign Definitions and Related Terms*.

Nonconforming Site Feature. Any off-street parking, landscaping, perimeter buffer, or screening that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the off-street parking, landscaping, perimeter buffer, or screening standards applied by this Ordinance, or the subsequent amendment.

Nonconforming Structure. Any building or other structure that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the standards applied by this Ordinance, or the subsequent amendment, that govern its size, height, coverage, setbacks, and other locational aspects.

Nonconforming Use. Any use of land or a building, sign, or other structure that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the use standards applied by this Ordinance, or the subsequent amendment. If the land or structure is vacant or unused before adoption of this Ordinance, or a subsequent amendment, it shall be conclusively presumed

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that any use of the land or structure is subject to the provisions of this Ordinance, or the subsequent amendment. (Legal non-conforming).

Nonconformity. A nonconforming use, structure, lot of record, sign, or site feature that lawfully existed before adoption of this Ordinance.

Notice of Violation. An initial notice indicating an infraction of this Ordinance.

Nursing Home Care Facility. A facility or any identifiable component of a facility in which the primary function is the provision, on a continuing basis, of skilled nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying designations such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries. This does not include assisted living facilities, where care is limited to personal care and minimal nursing care, or the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.

Off-Site Parking. See *Parking, Off-Site*.

Off-Street Parking. See *Parking, Off-Street*.

Office Use. See *Professional Office Use*.

Opacity. A measurement indicating the degree of obscuration of light or visibility.

Open and/or Green Space. An open conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or conservation of open spaces or natural features such as creeks, wetlands, swamps, forested areas, undeveloped alleys, sand dunes, fresh and salt water marshes, all properties zoned Conservation Park, beaches and wildlife habitat. Conservation Park zoning district in The City's Comprehensive Plan is considered Green Space.

Ordinance. A set of regulations adopted and enforceable as municipal law by a governing body.

Outdoor Display and/or Sales. The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

Overlay Zone. A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the base underlying zoning district.

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Parcel. Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries, and that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit.

Park. Public or private land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

Parking Deck and/or Garage. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

Parking Lot. The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

Parking Structure. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

Parking, Off-Site. An off-street parking area provided on a different parcel than the use it is intended to serve.

Parking, Off-Street. A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

Parking, On-Street. A location or area within the right-of-way of a street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

Parking, Shared. Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

Performance Bond. Cash, bond, or other surety provided by an applicant in lieu of completing the construction or installation of public infrastructure or required private site features before application for Final Plat approval for a subdivision or issuance of a Building Permit or other development approval.

Permanent Foundation. Regarding a permanent foundation for a stick-built structure, refer to the City of Creola's most recently adopted building code. Regarding a permanent foundation for a Manufactured Home or a Factory-Built Structure, per US Department of Housing and Urban Development (HUD) - **Permanent Foundations Guide for Manufactured Housing (HUD-4930.3G)**, permanent foundations must be constructed of durable materials such as concrete, mortared masonry, or treated wood, and be site-

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built. It shall have attachment points to anchor and stabilize the manufactured home of factory-built structure to transfer all loads to the underlying soil or rock. It shall be structurally developed by a licensed professional engineer to ensure proper construction standards are used when installing this type of housing structure on a lot. See Article 8, Section 8.8 of this Ordinance for more information.

Permitted Use. See *Use Permitted by Right*.

Personal Service Establishment. An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; hair, tanning, and personal care services; psychics and mediums; massage therapists; and taxidermists.

Pervious Surface. Surfaces (also known as porous or permeable surfaces) allow water to percolate into the soil to filter out pollutants and recharge the water table.

Pier. A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

Place of Worship. A building or structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. The building or structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include churches, mosques, synagogues, temples, and other similar religious places of assembly. Accessory uses may include child day care facilities, schools, recreational facilities, offices, and maintenance facilities.

Planned Unit Development (PUD). An area of a minimum, contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

Planning Commission and/or Planning Board. The Planning Commission and/or the Planning Board of the City of Creola.

Planting Strip. Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

Plat, Final. The final map of all or a portion of a subdivision that shows all boundaries of lots, rights-of-way, easements, and open space parcels, and that is reviewed and decided by the Planning Commission in accordance with the City's Subdivision Regulations.

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Plat, Preliminary. A map of a major subdivision that shows the general layout and design of lots, streets, storm water management, utilities, open space, and other subdivision elements, and that is reviewed and decided by the Planning Commission in accordance with the City's Subdivision Regulations.

Porch. A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

Portable Building. See *Temporary Structure*.

Prefabricated Home, Manufactured. See *Manufactured Home*.

Prefabricated Home, Modular. See *Modular Home*.

Preliminary Plat. See *Plat, Preliminary*.

Premise. A lot of record together with all improvements occupying the lot.

Primary Entrance. The place of pedestrian ingress and egress to a building, parcel, or development used most frequently by the public.

Principal and/or Primary Building. A building in which is conducted the main or principal use of the lot on which said building is situated.

Principal and /or Primary Use. Principal uses relate to the main purpose of the district, exist independently of any other use of a property, and are allowed "by right." Dwellings in a residential district or stores in a business district are examples of principal uses.

Private Utility. Private utilities, also called investor-owned utilities, are owned by investors, and operate for profit, often referred to as a rate of return.

Produce Stand. A building, structure, or land area used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts—but do not include the sale of commercially packaged handicrafts or commercially processed or packaged foods. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

Professional Engineer (P.E.). A certified engineer licensed in the appropriate field by the State of Alabama.

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Professional Office Use. A use category that includes use types providing for activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on business, professional, or financial services. Example use types include offices for business services, professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., lenders, brokerage houses, tax preparers), sales (e.g., real estate agents), and contractor's offices.

Projections. See Yard Encroachments and/or Projections.

Property Owner's Association (POA). See *Home Owner's Association (HOA)*.

Public Assembly Area. Any area where individuals gather to participate in an activity or event.

Public Boat Launch and/or Boat Ramp. A public facility used to launch and retrieve recreational boats to and from the water. Launching and retrieval may be done manually or via motor-driven winches. Launches and ramps may include parking areas for users' motor vehicles and trailers, docks to assist in launching, restrooms, refuse containers, and breakwater protection structures.

Public/Semi-Public Building. Any building used exclusively for a branch of government or an institutional activity serving a public need, such as community centers, churches, city halls and other city offices, hospitals, schools, libraries, post offices, police/fire stations, museums, etc.

Public Hearing. A hearing on a development application reviewed under this Ordinance held by the Planning Board or City Council that is advertised to the public and provides members of the public the opportunity to present information and testimony related to the application that will be considered as subsequent Planning Board recommendations and City Council decisions are made.

Public Open Space Area. See *Open and/or Green Space*.

Public Safety. Public Safety refers to the welfare and protection of the general public. It is usually expressed as a governmental responsibility. Public safety is comprised of many organizations, including, but not limited to, police protection, firefighting services, or emergency medical services.

Public Utility. A public utility is a company that operates as a public-service corporation and provides essential services to the public such as electricity, telephone service, natural gas, water or postal services. The public utility is typically regulated by the national, state or local government.

Qualified Credentialed Inspector (QCI). An operator, operator employee, or operator designated person who has successfully completed initial training and annual refresher Qualified Credentialed Inspection Program (QCIP) training, and holds a valid certification from an approved training entity.

Qualified Credentialed Professional (QCP). A staff member of the Alabama Department of Environmental Management (ADEM) designated by the Director of ADEM, a licensed Professional Engineer, an Alabama Natural Resources Conservation Service Professional designated by the State Conservationist, a Certified



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Professional In Erosion And Sediment Control, or other registered professionals (geologists, soil scientists, land surveyors, landscape architects) currently holding appropriate professional licenses issued by the State of Alabama.

Recreation/Entertainment Uses, Indoor. A use category that includes private use types providing recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, and maintenance facilities. Example use types include auditoriums, theaters, motion picture theaters, and other indoor commercial recreation/entertainment uses (including fitness centers, bowling alleys, game rooms, dancehalls, skating rinks, indoor swimming pools, and indoor tennis club facilities). This use category does not include banquet halls that are part of and accessory to a hotel (categorized as a visitor accommodation use) or restaurant (categorized as an eating and drinking establishment), or private clubs or lodges of community service organizations (categorized as community service uses), or recreational facilities reserved for use by a particular residential development's residents and their guests (and thus considered accessory to that household living or group living use).

Recreation/Entertainment Uses, Outdoor. A use category that includes large and generally commercial use types providing continuous recreation or entertainment-oriented activities that primarily take place outdoors. Such uses may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, and maintenance facilities. Example use types include arenas, amphitheaters, or stadiums, athletic fields, golf courses, and other outdoor commercial recreation/entertainment uses (including privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; and privately-owned or membership sports and recreational facilities such as swim or tennis clubs, ball fields, courts, and archery ranges). This use category does not include outdoor recreational facilities that are part of and accessory to community services uses or places of worship, or outdoor recreational facilities reserved for use by a particular residential development's residents and their guests (and thus considered accessory to that household living or group living use).

Recreational Vehicle (RV). A vehicle that is built on a single chassis, contains an area 400 square feet or less when measured at the largest projection, is designed to be self-propelled or permanently towable by a light-duty truck, and is designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park (RV Park). A lot on which two or more campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

Recycling Center. A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.



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Recycling Drop-Off Center. A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations.

Recycling Drop-Off Station. A container or set of containers used for the collection and temporary storage of recyclable materials generated on-site.

Renovation. The removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation includes the replacement of equipment or fixtures.

Required Yard. See *Yard, Required*.

Residential Lodging. (Bed & Breakfasts, attached or detached dwelling or dwelling unit used full or part-time for long or short-term rental through Airbnb, VRBO, or other rental company). Also see *Long-Term Rental and Short-Term Rental*.

Restricted Entertainment Establishment. Any commercial establishment whose primary purpose is to provide products, services, entertainment, or activities that are characterized by an emphasis on adult content, including material, performances, or services that depict, describe, or relate to specified anatomical areas or specified sexual activities. These businesses are intended for patrons 18 years of age or older and typically require age-restricted entry. For the purposes of this Ordinance, Restricted Entertainment Establishments are subject to special location standards or conditional use requirements, including setback distances from schools, churches, parks, residential areas, and other Restricted Entertainment Establishments, to ensure compatibility with surrounding land uses and to protect and maintain the public health, safety, and welfare of the surrounding areas. See Article 8, Section 8.10 of this Ordinance for more information.

Restrictive Covenants. Private regulations recorded with the subdivision, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

Restrictive, More (Less). A regulation imposed by this Ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications. For example, regulations governing single-family uses would be more restrictive than the regulations governing business use.

Retail Sales and Services Use. A use category that includes use types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display/sales areas. Example use types include specific retail sales establishments such as drug stores, book stores, grocery stores, convenience stores, liquor stores, home and building supply stores,



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farmers' markets, flea markets, and other retail sales uses. They also include retail service establishments such as banks or financial institutions, laundromats, dry cleaning and laundry drop-off establishments, personal services establishments, personal and household goods repair establishments, funeral homes, and crematories. This use category does not include sales or service establishments related to boats (categorized as boat sales and service uses) or other motor vehicles (categorized as motor vehicle sales and service uses), or entertainment establishments primarily engaged in selling food or beverages for on-site consumption (categorized as eating and drinking establishments), or establishments primarily selling building supplies to contractors or other goods to retailers (categorized as wholesale uses), or the provision of financial, professional, or business services in an office setting (categorized as office uses), or uses providing recreational or entertainment opportunities (categorized as indoor or outdoor recreation/entertainment uses), or uses involving the sales, distribution, or presentation of materials or activities emphasizing sexually explicit content (categorized as adult entertainment uses).

Retail Sales Establishment. Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos.

Re-Subdivision. The combining of two or more separate lots into one or more new lots of record. For the purposes of this Ordinance, a Re-subdivision shall be considered the same meaning as a Subdivision.

Right-of-Way. A strip of land taken or dedicated for use as set forth in the official map plats of the City of Creola as public way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges. Right-of-Way widths vary throughout the City and can be verified through City Hall.

RV Sales and/or Rentals. Premises on which new or used recreational vehicles in operating condition are displayed for sale, lease, or rental.

Salvage Yard and/or Junk Yard. An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This use does not include automobile wrecker services and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor does it include the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.



Screening. Any landscaping or structure such as walls, landscaped berms, and hedges, used to conceal or reduce the negative visual and audio impacts of certain land uses or activities from streets or adjacent development. The height of a screen is measured from the highest finished grade abutting the element to be screened.

Sediment. Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Self-Storage and/or Mini-Warehouse Facility. A building or group of buildings divided into separate compartments offered for rent and used to meet short-term or long-term off-site storage needs.

Self-Service Storage Use. A use category that includes use types providing individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and campers, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use. Example use types include self-service storage establishments, also called “mini-warehouses.” This use category does not include a transfer and storage business not involving individual storage areas and where employees are the primary movers of property being stored or transferred (categorized as a warehousing and freight movement use).

Senior Center. A facility typically for use by citizens of 62 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately-owned, but are not operated for a profit.

Service Station. See *Gas Station*.

Setback. The required minimum distance between the lot lines of a parcel of land and the building setback line and/or the buildable area line. The required setback distance is determined by the zoning district requirement in which the lot is located.

Setback Line. A line parallel to the property line in front of which no structure may be erected.

Shipping Container. Also referred to as a cargo container, storage container, intermodal container, and/or freight container. A large standardized shipping container, designed and built for intermodal freight transport, meaning these containers can be used across different modes of transport from ship to rail to truck without unloading and reloading their cargo. They are primarily used to store and transport materials and products efficiently and securely in the containerized intermodal freight transport system. For the purposes of this Ordinance, a shipping container is not considered an accessory structure and/or building, and is not permitted to be used as an accessory structure and/or building.



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Short-Term Rental. A residential dwelling unit or portion thereof, that is rented or leased to transient individuals or families for temporary lodging accommodations in exchange for compensation for more than a maximum of 179 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or other lodging uses. This term includes lodging accommodations rented and/or leased through rental services such as Vacation Rental by Owner (VRBO), AIRBNB, and other similar rental services. Short term rentals include all housing types, but exclude motels, hotels, or bed and breakfasts (which are typically rented on an overnight basis), or other lodging uses.

Shrub. A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Sidewalk. A hard-surfaced, all-weather pedestrian way, usually alongside a street roadway.

Sight Triangle. A triangular area at each corner of intersecting roadways, or at the intersection of a roadway and driveway, within which the structures and vegetation are regulated to ensure safe sight distance for drivers of vehicles approaching the intersection.

Sign. A lettered, numbered, symbolic, pictorial, graphic, logo or illuminated visual display that is designed to identify, announce, direct or inform.

SIGN DEFINITIONS AND RELATED TERMS:

- Aggregate. The sum, total or combination; a total or whole.
- Air dancer. Air dancers are large inflatable devices comprising of a long tube attached to a fan which causes the tube to move in a dancing or flailing motion. Air dancers are generally called an inflatable tube or a moving figure, such as "windy man", "sky dancer", "tube man", and "fly guy". Variants of an Air dancer may resemble humans with tube arms.
- Attached Premises. A building with two (2) or more tenants sharing a common wall between tenants. Sometimes referred to as a strip center where an attached row of stores or service outlets are managed as a coherent retail entity, with on-site parking usually located in front.
- Auction Sign. Sign indicating that the property on which the sign is located is to be sold at auction on a specific date.
- Authorized Agent. An individual duly authorized by the owner of premises to apply for a sign permit, approval of a Master Sign Plan or other form of official action by the City with regard to any sign or signs on the property. N authorized agent, if not an attorney, shall have written authorization from all owners of the development site. Only an individual may be an authorized agent.



- Awning Sign. Sign that is painted on, applied to, or otherwise is a part of a fabric or other non-structural awning.
- Bandit (or Lawn) Sign. Bandit (or lawn) signs (also known as yard signs, placards and road signs, among other names) are used for local advertising. They can be used by businesses such as real estate and are popular in election campaigns. They are small signs that can be placed on the property of a business or on the lawns of a candidate's supporters. Bandit signs are often also placed near polling places on Election Day, although in most jurisdictions, there are legal restrictions on campaigning within a certain distance from a voting facility. The signs are typically placed close to the road for greater visibility. Signs come in various shapes and sizes, but are most often rectangular and between twelve (12) and forty (40) inches on each side. They are usually produced in packages that include lawn sign wires since most of these signs need to be placed on a grass or dirt surface.
- Banner. Sign, not otherwise classified as a temporary sign, made of cloth, canvas, plastic sheeting or any other flexible material, not rigidly attached to a building or the ground through a permanent support structure.
- Billboard. A large outdoor board, off-premise sign used for displaying advertisements.
- Bulletin Board - Noncommercial. Sign placed on the premises of any school, public agency, City rights-of-way, church or other religious organization, charitable organization or institutional organization consisting of changeable copy boards or panels for the posting of noncommercial notices.
- Bulletin Board – Commercial. Sign placed on the premises of any commercial business consisting of panels for the posting notices.
- Church Sign. A sign posted on or near a place of worship usually bearing the name and denomination of the church, and the days and times of worship.
- Commercial Message. Any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- Community Event Sign. Sign indicating an event or activity conducted by a person or an educational, civic or charitable organization, and having a public or community service-related purpose.
- Construction Sign. Sign pertaining only to the construction, alteration, rehabilitation or remodeling of buildings, identifying only those parties involved in construction on the premises and future activity for which the construction is intended.



- Development Site. One or more parcels of land unified under a single development plan which constitutes the entire development shown on a site plan or subdivision plat, including all land needed for landscaping, drainage facilities, parking, internal access roads, driveways or other physical design features needed to serve the proposed development.
- Digital Sign. A form of electronic display that shows programming, menus, information, advertising and/or other messages. Digital signs utilize technologies such as LCD, LED, plasma displays or projected images to display content.
- Dilapidated Sign. Any sign that is structurally unsound, has defective parts, or is in need of painting or maintenance.
- Directional Sign, on premises. Sign, other than an official sign, not displaying any commercial message, designed and created solely for the purpose of traffic or pedestrian direction and placed on the property.
- Directory Sign. Sign listing only the names and addresses of tenants or occupants of, and the name of, a permitted multiple occupancy commercial building or group of buildings.
- Display Area, General. The area that can be enclosed or measured by the smallest rectangle that will encompass the entire sign face and/or wall graphics; including frame, but excluding posts, uprights, braces or other structural members that support it.
- Door Sign. Sign attached to, painted on or etched into a door. A sign in a window that is part of a door is a door sign rather than a window sign.
- Double Face Sign. A sign with two (2) display areas against each other or where the interior angle formed by the display areas is fifteen (15) degrees or less. The sign must be identical on both sides, where one face is designed to be seen from one direction and the other side from another direction. The display area of a double face sign is calculated from the area of one (1) side of the sign.
- Facade (or Attached) Sign. Sign attached to, or painted directly upon, a facade.
- Feather Flag. Tall, thin flags mounted on long poles that bend with the wind and resemble a sail. Their narrow, long dimensions make them look similar to feathers, and when the wind blows, the entire flag ruffles.
- Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol.

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- Flashing. To give off light or be lighted in sudden or intermittent bursts.
- Freestanding Sign. See *Ground Sign*.
- Gasoline Service Station Price Sign. Sign placed at a gasoline service station indicating grades, prices and brand of gasoline offered for sale.
- General Business Sign. Sign advertising or identifying only the premises whereon the sign is located, which may include, but not be limited to, the name, hours of operation, symbol or logo of the owner, occupant, manager, business, institution or building, the address, the type of business, profession, services or activity conducted on the premises; and descriptive information about the products and services offered thereon.
- Ground Sign. A freestanding sign supported by uprights, posts or bases affixed in or upon the ground and not attached to any part of a building.
- Hazard Sign. Sign warning of construction, excavation or similar hazards, and of such size and placement that is in accord with the provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways, 2009 Edition, published by the US Department of Transportation, Federal Highway Administration.
- House Identification Sign. See *Incidental Sign*.
- Identification Marker, Subdivision. An on premise sign marking an entrance to a residential subdivision containing the name of subdivision and no other content.
- Incidental Sign. Sign, other than an official sign, containing no commercial message, providing only information or direction for the convenience and necessity of the public.
- Institutional Sign. A sign setting forth the name of service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses.
- Internal Sign. Sign inside a business.
- Logo. A graphic representation or symbol of a company name, trademark, abbreviation, etc., often uniquely designed for ready recognition.
- Murals. Any picture painted directly onto a building or structure that does not contain wording or logos.
- Non-Commercial Message. Any wording or other display other than a commercial message.



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- Non-Conforming Sign. A sign lawfully erected and legally existing at the time of the effective date of this Ordinance, but which does not conform to the provisions of this Ordinance.
- Non-Official Flag. Any flag other than an Official Flag.
- Off-premise Sign. Sign not located on the premises (same platted parcel of land) of the business, advertising only goods and services of the business to which an off-premise permit has been issued, such as a billboard.
- Official Flag. Any official government flag or emblem.
- Official Sign. Any official governmental, traffic, directional, regulatory or informational sign placed by a duly authorized public official, or notice issued by any court officer or order, or officer in performance of a public duty; an official historical marker; any sign erected by a federal, state or local government agency for identification purposes at any office, institutional, recreational or other publicly owned or leased site.
- On-Premise Sign. Any sign located or proposed to be located within the same platted parcel of land on which a business or other activity identified on such sign is located.
- Outdoor Advertising Sign. See *Off-Premise Sign*.
- Pennant. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.
- Political Sign. Sign containing a non-commercial message regarding a public issue, promoting a political cause or supporting the campaign of an individual for public office.
- Premises. Land and building or part of a building having a separate street address. The plat of record, which is, affected either directly or indirectly by the contents of this Ordinance.
- Product Sign. Sign directly attached to a licensed or otherwise authorized vending machine, gasoline pump or similar apparatus that directs attention only to products or services dispensed therefrom.
- Professional/Home Occupation Sign. Sign fastened directly to the building containing only profession/name of business, business hours and phone number.
- Projecting Sign. Sign placed above the ground, permanently affixed at more or less a right angle to the exterior facade of the building to which it is attached.



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- Portable Sign. Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.
- Real Estate Directional Signs. A sign intended to provide directional information to real estate available. Signs shall be placed so as to minimize interference with any type of road crew maintenance. Signs shall be maintained in good condition as long as displayed. A small logo or name may be included on the face of the sign. A real estate directional sign shall not be considered a “directional sign” as described herein.
- Real Estate Sign. Sign indicating that the property on which the sign is located is for sale, lease, rent, auction or development; to announce an open house event in connection with the sale or lease of a building, or to identify a model home.
- Rental Business. The rental of products available for use in return for payment (Bikes, Boats, Jet Skis, Wind Surfers, Kite Boards, Surf Boards, etc.).
- Rental Home Sign. A sign limited in content to name of rental, graphics, name of rental agent (not to exceed 20% of sign face), address of premises, and not to exceed sixteen (16) square feet including graphics.
- Required Signs. The street address (building number) of each of the premises in the City shall be displayed, as per City Ordinance, in a legible manner in a location visible from the public rights-of-way.
- Residential/Condominium Identification Sign. Identification sign naming the residence or condominium with graphics, containing no commercial message, located on the property identified.
- Retail Sales Business. A business engaged in the sale of goods in small quantities to customers.
- Roof Sign. Sign mounted on a roof, above the eaves or above the top of a parapet wall of a building, but not extending above the highest point of its supporting roof or of another architectural element that serves to block a rear view of the sign.
- Sandwich (Sidewalk) Sign. A movable sign not permanently secured or attached to the ground or surface upon which it is located, but supported by its own frame. These signs are known by various names based on the manufacturer and include names such as wind signs, rolling, folding, tip ‘n roll, swinger sidewalk signs or equivalent.
- Security Sign. Sign indicating only the logo, name and contact telephone number of the company providing security services to the property upon which the sign is located.



- Shopping Center. A group of commercial establishments on one or more contiguous parcels of land having shared access and/or off-street customer parking.
- Sign. A lettered, numbered, symbolic, pictorial, graphic, logo or illuminated visual display that is designed to identify, announce, direct or inform.
- Sign Face. The area of the smallest rectangle within which all letters, logos, symbols, graphics or other elements displayed on the sign can be enclosed.
- Sign Height. The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater. No freestanding or ground sign may exceed sixteen (16) feet in height.
- Sign Variance. A variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. Permission to depart from the sign regulations when, because of special circumstances applicable to the property, strict application of the provisions of the sign regulations deprives such property the privileges enjoyed by other property owners.
- Snipe Sign. An overlay added to an existing sign layout as an additional message to the main sign, for example, a band (stripe) across a corner saying (Coming Soon). It is also a term for illegal posting of hand bills, bandit signs and posters without permits.
- Suspended Sign. Sign attached to, and supported by, the underside of an elevated structural element.
- Temporary Sign. Sign not permanently and rigidly affixed to the ground or a building.
- Utility Sign. Sign showing the location of a public telephone, or sign placed by a regulated public utility to indicate location of its facilities, and includes no commercial message.
- Window Sign. Sign painted onto the inside or outside of a window, or sign attached to the outside of, or displayed in front of, a window.

Single-Family Dwelling Unit. See *DWELLING UNIT, SINGLE-FAMILY DETACHED*.

Site. A lot or parcel of land, or any combination of contiguous lots or parcels of land, including buildings and appurtenances located thereon, having a unity of use and ownership or control.



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Site Plan. A development plan drawn to scale showing uses, structures, and other physical features of a lot, as required by this Ordinance under Site Plan Approval Procedures.

Sketch Plan. A conceptual plan drawn to scale showing a rough sketch of a proposed development containing enough detail to be used for the purpose of discussion and clarification, as required by this Ordinance under Site Plan Approval Procedures.

Small Home and/or House. See *Tiny House*.

Special Exception Use. This term refers to a use that is generally compatible with the zoning district intent, however, due to the nature and intensity of the use, it requires the review of the Board of Adjustment, who shall hear and ultimately decide after a public hearing is held, if the proposed use is allowed in said zoning district and if any additional standards are required to ensure it does not create any harmful impacts on the surrounding area.

Stop Work Order. An order issued by the Building Official or other authorized City staff that directs the person responsible for a development activity or other act in violation of this Ordinance to cease and desist such activity or act.

Stormwater Drainage Facility. Any pipe, ditch, creek, river, lake, swale, watercourse, wetlands, or any other natural or man-made facility through which stormwater or stormwater runoff may pass regularly or intermittently.

Stormwater Management Plan. A plan or map drawn to scale by a Professional Engineer (P.E.) detailing the control and management of stormwater from a construction site, showing plans and specifications that describe the measures proposed to manage stormwater runoff as per the requirements listed in the Stormwater Management Standards of this Ordinance.

Stormwater Retention and/or Detention Facility. A storage facility for stormwater runoff collected and/or stored for a period of time and released at a rate equal to or less than the pre-development rate.

Stormwater Run-Off. The flow of water resulting from precipitation that flows over the surface or as concentrated flow in ditches, channels, storm sewers, or watercourses.

Street. A public thoroughfare that affords the principal means of access to abutting property. The term includes all facilities that normally occur within the right-of-way, such as roadways, on-street parking lanes, sidewalks, curbs and gutters, drainage facilities, and utility lines and facilities. Streets are classified as principal arterial streets, minor arterial streets, collector streets, and local streets, but may be known as highways, parkways, throughways, roads, avenues, boulevards, lanes, places and courts. Streets do not include public alleys.

Street, Arterial. A street designed or utilized primarily for high speed vehicular movements and heavy volume of traffic.

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Street, Collector. A street, designated on the City's Street Plan, that is designed and intended both to provide vehicular access to and from abutting development, particularly in commercial and industrial areas, and to provide both travel mobility among neighborhoods and activity centers by connecting local streets and other collector streets with arterial streets. Collector streets also provide bicycle and pedestrian access and circulation.

Street, Local. A street designed and intended primarily to provide direct vehicular access to and from abutting development, or part of a large development, as well as provide travel mobility by connecting driveways and other local streets with collector streets and arterial streets. Local streets generally handle low to medium vehicular travel speeds and traffic volumes, but may handle relatively high traffic volumes within large commercial and mixed-use developments and in urbanized areas such as the downtown. Local streets serve as primary providers of bicycle and pedestrian access and circulation.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a permanent location on the ground or attached to something having a location on the ground, including but not limited to, a house, building, deck, pool, parking lot, gazebo, signs, walls, fences, screened enclosures, gas or liquid storage tanks or other objects. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. This definition does not include sand fences or dune walkovers constructed for the purpose of dune protection or enhancement.

Structure, Principal. See *Principal and/or Primary Building*.

Subdivider. Any person who subdivides land deemed to be a subdivision as defined by this Ordinance.

Subdivision. Any division of a tract or parcel of land into two or more lots, parcels, building sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development; and including any division of land involving the dedication of a new street or a change to or encroachment on an existing street. For the purposes of this Ordinance, the term re-subdivision shall have the same meaning.

Subdivision, Major. A subdivision of more than six (6) new lots, or one which involves the creation and installation of new streets, utilities, and/or infrastructure, regardless of the number of lots.

Subdivision, Minor. A subdivision of land into not more than six (6) lots new lots and does not involve the creation and installation of new streets, utilities, and/or infrastructure.

Subdivision Plat. A map or drawing, drawn to scale by a certified land surveyor or professional engineer, detailing how a parcel or parcels of land will be subdivided or re-subdivided from its original platting. Presented to the Creola Planning Commission for formal review, the subdivision plat shows a depiction of



the property, noting the dimensions, location, and boundaries of the property with the lots, streets, alleys, easements, rights-of-way, and other features required by the City of Creola's Subdivision Regulations.

Subdivision Regulations. The rules that govern the subdivision process for the City of Creola as adopted by the Creola Planning Commission.

Survey. See *Boundary Survey*.

Surveyor. A Land Surveyor licensed and registered by the State of Alabama Board of registration for Professional Engineering and Land Surveyors.

Tele-Communications Tower. A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi- public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

Tele-Communications Tower Related Terms Definitions:

- Antenna Support Structure. Any building or other structure allowed in the district in which it is located, other than a tower which can be used for location of telecommunications facilities.
- Camouflage. The design of a tower or telecommunications facility to minimize a visual impact and to blend into the surrounding environment. The term "Camouflage" does not necessarily exclude the use of un-camouflaged lattice, guyed or monopole tower designs.
- Co-Location. The practice of locating multiple wireless broadcast facilities/providers within or upon the same facility. This Ordinance requires co-location of tele-communication carriers within a single facility to avoid the proliferation of telecommunication towers.
- Guyed Tower. A structure erected for mounting communications transmission and receiving devices. The structure is usually an open, triangular or rectangular shape and maintains its width the entire length of its structure. The distinction of this tower lies in its support system, which includes anchored guyed-wire at varying angles to support its entire length.
- Monopole Tower. An upright, self-supporting structure, erected for mounting communications transmitting and receiving devices. This structure is cylindrical in shape and is wider at the base for sufficient strength to be self-supporting. It usually decreases in diameter toward the top. It derives its name from its single anchoring leg or pillar.
- Repeater. A receiving and transmission site used to gather communication signals and amplifies it for further distribution. A repeater is the key to broadcasting a signal over extended distances and varying terrain.



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- Self Supported Tower. A triangular based structure with three support legs as its base, erected for mounting communications transmission and receiving devices. This structure is wider at its base and becomes smaller at its apex. These structures also gain its strength through its lattice-like, cross-member structure.
- Satellite Earth Station. A ground link network which acts as a relay loop between an orbiting satellite for receiving and transmitting signals. Its main purpose is to extract the satellite signal and process it for distribution. These stations are placed at strategic locations to complete a communications network.
- Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which an individual seeks to locate or has installed upon or near a tower or Antenna Support Structure. However, the term "Telecommunications Facilities" shall not include the following:
 1. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial;
 2. Any residential satellite earth station antenna regardless of zoning category;
- Tower. A self-supporting lattice, guyed or monopole structure constructed from grade, or resting on grade as a temporary or testing installation which supports telecommunications facilities.
- Tower Owner. Any individual, firm, partnership, association, corporation, company or other legal entity that develops, constructs, builds, operates, modifies or erects a telecommunications tower.

Temporary Structure. A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has expired. For the purposes of this Ordinance, the definition of temporary structure shall include a Recreational Vehicle (RV).

Temporary Use. A use established for a limited period of time with the intent to discontinue such use upon the expiration of the time period.

Temporary Use Permit. A permit authorizing the operation of a temporary use or special event that is reviewed and decided by the Building Official in accordance with the City's [Temporary Use Permit](#).

Text Amendment. An amendment to the language of this Ordinance that is reviewed and recommended by the Planning Commission and decided by the City Council in accordance with this Ordinance.



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Tiny House and/or Home. A structure with or without wheels, intended for use as a habitable dwelling with a maximum floor area not to exceed eight hundred (800) square feet. For the purposes of this Ordinance, a Tiny House shall not be considered a Single-Family or One-Family Dwelling Unit. Also known as a Little or Small House.

Tree. An evergreen or deciduous upright woody perennial plant having a single main stem or trunk, or several main stems or trunks, and usually a distinct crown of foliage and few or no branches on its lower part, and ordinarily growing to a considerable height (i.e., at least 13 feet).

Tree Removal. The actual removal of a tree by digging up or cutting down, or the effective removal through damage or neglect.

Tree Removal Permit. A permit authorizing the removal of trees that is reviewed and decided by the Building Official in accordance with this Ordinance.

Tree Canopy. The extent of the outer and/or upper layer of leaves of an individual tree or group of trees formed by mature tree crowns.

Tree, Heritage. Any species or category of tree listed in this Ordinance. [Heritage Trees Identified](#), with a DBH (Diameter at Breast Height) equal to or greater than the minimum DBH shown in this Ordinance for the particular species or category of tree.

Tree, Understory. A tree that has an expected height at maturity of not greater than 30 feet.

Use Permitted by Right. aka "Use by Right." The term "Use by Right" refers to a property owner's use of property and structures in manners consistent with that which is listed as permissible in the zoning district in which his or her property is located.

Utility Use. A use category that includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. The category also includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and newspapers. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, storage areas, or data transmission equipment. Example use types include major utilities, minor utilities, wireless communication towers and antennas, radio and television broadcasting studios, and newspaper printing facilities.

Variance. A means for property owners to use their property in a manner that is not allowing under the terms of the Zoning Ordinance. Its purpose is to authorize land owners, due to conditions naturally occurring on their property which are unique to their property specifically, a deviation from the strict requirements of the Zoning Ordinance. The land owner must prove that using the property in compliance with the Zoning Ordinance would create an unnecessary hardship beyond their control. If granted, the



variance is tied to the land in perpetuity. A variance is heard and decided upon by the City of Creola Board of Adjustment. There are two types of variance, which are:

- (1) Area Variance, which modifies the site development standards in the Ordinance. It provides relief from the dimensional requirements relating to setbacks, site coverage, lot sizes, building height, parking standards, and the like. And;
- (2) Use Variance, which allows property to be used for a use or activity that otherwise would not be permitted in the zoning district by the Ordinance. This action has the same effect as the rezoning of property. For the purpose of this Ordinance, a use variance is not allowed and shall not be granted by the Creola Board of Adjustment. Rather, the proper action to take in this instance is for the land owner to file an application for the rezoning of their property.

Vegetated Swale. Broad, shallow channels designed to convey and infiltrate stormwater runoff. The swales are vegetated along the bottom and sides of the channel, with side vegetation at a height greater than the maximum design stormwater volume.

Vehicle Sales and/or Service. A use category that includes use types involving the direct sales and servicing of automobiles, trucks, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage. Example use types include auto painting and body shops, auto repair and servicing (with and without painting/bodywork services), auto sales or rental, auto wrecker services, car wash and auto detailing, and the sales or rental, and repair, of trucks and recreational vehicles. Also included are gasoline filling stations, tire and muffler shops, transmission shops, taxi service, truck stops, and commercial parking lots, decks, and garages. This use category does not include similar uses and facilities related to boats (categorized as boat and marine sales and service uses), or fueling facilities that are accessory to specific principal uses (e.g., fueling facilities for fleet vehicles), or the storage of inoperable vehicle or vehicle parts (categorized as a waste-related service use).

Veterinary Clinic, With Boarding. A facility for the medical care and treatment of animals, including household pets and larger domesticated animals, and that also boards animals not receiving medical treatment. Such facilities may be entirely indoors or may have both indoor and outdoor components.

Veterinary Clinic, Without Boarding. A facility for the medical care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components, but do not board animals not receiving medical treatment.

Vocational and/or Trade School. A public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.



Warehouse, Distribution. A use engaged in distribution of manufactured products, supplies, and equipment.

Warehouse, Mini. See *MINI-WAREHOUSE*.

Warehouse, Storage. A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Waste Composting. Uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.

Watercourse and/or Waterbody. A natural or artificial channel through which water flows.

Wetland. A land area that is saturated with water, either permanently or seasonally, such that it takes on the characteristics of a distinct ecosystem.

Yard. A ground area of open space on a lot that is unoccupied and unobstructed by any portion of a structure from the ground upward. Yards are further classified as front, rear, waterside, and side yards. Yards shall be measured from the wall of the structure to the property line perpendicularly using a straight line and shall not contain more than twenty percent (20%) impervious surface materials such as concrete and pavement on residential lots for the purposes of achieving proper stormwater management standards to control flooding.

Yard, Front. The yard between the front façade of the principal structure(s) on a lot and the front lot line, and extending the full width of a lot.

Yard, Rear. The yard between the rear façade of the principal structure(s) on a lot and the rear lot line, and extending the full width of the lot.

Yard, Required. The minimum yard area space that is required when the property is developed for the purposes of stormwater management and flooding control. The required yard is part of the general yard space, but may or may not encompass the entire yard space depending on the size of the lot. The required yard is located between the property line and the minimum required building setback line and/or buildable area boundary for the zoning district, see "Yards" diagram in Article 5 of this Ordinance. The required yard shall remain unoccupied and unobstructed from permanent structures including impervious surfaces from the ground upward to the sky, with the exception of permitted yard encroachments and projections, see "Allowable Yard Encroachments" table in Article 5 of this Ordinance.

Yard, Side. The yard between the side façade of the principal structure(s) on a lot and the nearest side lot line, and extending between the front yard and rear yard of the lot.

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Yard, Waterside. A yard abutting any body of water and the principal structure (s) on a lot. May be either a front, side, or rear yard depending on the orientation of the principal building on the lot.

Yard Encroachments and/or Projections. Certain architectural features, mechanical equipment, and/or landscaped structures, which are allowed to extend into a standard required yard space, provided that the encroachments and/or projections meet the locally adopted building codes and minimum vision clearance triangle on a corner lot. See Site Design and Dimension Standards Article of this Ordinance for details on requirements.

Zoning Amendment. The formal procedure to amend the adopted zoning ordinance and/or official zoning map of the City by changing the text of the ordinance and/or boundaries of any zoning district on the zoning map. A public hearing is required by the Planning Commission and City Council for this action before a vote can be considered by the City Council.

Zoning District. An area delineated on the Official Zoning Map within which a prescribed set of development standards are applied to various types of development.

Zoning District, Base. A zoning district within which one or more uses are allowed and where intensity, dimensional, and development standards are applied and required.

Zoning District, Overlay. See Overlay Zone.

Zoning Map. The Official Zoning Map of the City of Creola, upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.



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ARTICLE 3:

General Provisions

§ 3.1	APPLICATION & COMPLIANCE OF REGULATIONS
§ 3.2	EXISTING COVENANTS
§ 3.3	LAND DISTURBANCE PERMIT
§ 3.4	SCREENING & BUFFER REQUIREMENTS BETWEEN DISTRICTS
§ 3.5	OUTDOOR STORAGE & SCREENING
§ 3.6	LIGHTING
§ 3.7	GARBAGE & TRASH DISPOSAL
§ 3.8	TEMPORARY USE STRUCTURES & PERMITS
§ 3.9	JUNKED VEHICLES, TRAILERS, & VESSELS
§ 3.10	ANIMALS & LIVESTOCK

SECTION 3.1 APPLICATION & COMPLIANCE OF REGULATIONS

Except as hereinafter provided, the following shall generally apply to all zoning districts within the corporate limits of the City of Creola:

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

SECTION 3.2 EXISTING COVENANTS

Where subdivisions, lots, or parcels exist which have already been recorded or which will be recorded with deed restrictions or other such restrictive covenants, such restrictions and covenants must be met in addition to the requirements of this Ordinance.

SECTION 3.3 LAND DISTURBANCE PERMIT

A land-disturbing permit shall be required for any land-disturbing activity related to the clearing of an undeveloped piece of property. A Land Disturbance Permit can be obtained through the Building Official's office at Creola City Hall.

SECTION 3.4 SCREENING & BUFFERING REQUIREMENTS

A protection buffer is required between any residential district and/or use and any non-residential district and/or use in efforts to ensure the integrity and protection of the residential areas of the city. The protection buffer may be a wall, fence, or screen-planting strip and shall be placed in the required yard of the property containing the non-residential district or use.

In any commercial district, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height where



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necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.

- In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or tight evergreen hedge not less than six feet in height.
- Any outdoor storage equipment or materials shall be properly screened as to the requirements of this Ordinance. Any car, boat, or equipment repair lot of any kind shall be properly screened as to the requirements of this Ordinance.
- Outdoor lighting of all types shall be directed so as to reflect away from all adjacent properties and shall be so situated as not to reflect directly into any public right-of-way.
- All screening, lighting, space, etc., shall be in good condition and appearance. The building official may cause to be removed, replaced, repaired or corrected, at the owner's expense, any screening, lighting and space improperly maintained.

SECTION 3.5 OUTDOOR STORAGE & SCREENING

- All outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.
- In any non-residential zoning district, any outside area designated for service facilities, that is, utility, dumpsters, garbage receptacles, garbage cans, construction materials and/or equipment, gas, fuel tanks, liquid petroleum tanks, other outdoor storage tanks, etc. shall be properly screened and be shielded from public view. Said storage shall be limited to the rear yard and screened from public view or incompatible uses with an opaque fence or wall of permanent construction and of a design and of materials approved through the Planning Commission at Site Plan Review process.
- The Building Official may cause to be removed, replaced, repaired or corrected at the owner's expense if not properly maintained.
- Outdoor Storage is prohibited on undeveloped lots.

SECTION 3.6 LIGHTING REGULATIONS

All screening, lighting, space, etc. shall be in good condition and appearance. The Building Official may cause to be removed, replaced, repaired or corrected at the owner's expense, any screening, lighting and space improperly maintained.

§ 3.6.1 Outdoor Lighting Adjacent to Residential Areas

- Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, residential zoning districts, and residential uses to ensure that all exterior lights and illuminated signs are designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across property lines, and/or direct glare at any location on or off the subject property that may negatively impact adjacent residential areas.
- Any outdoor lighting shall be so situated as not to reflect directly into any public right-of-way.



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SECTION 3.7 GARBAGE & TRASH DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish.

- Trash, garbage or other waste shall be kept in sanitary containers approved by the City Council.
- Garbage and trash disposal shall be in compliance with applicable City ordinances.
- Commercial dumpsters, trash refuse, and recycling containers should not be located forward of the front building Line. Such containers shall be screened by the combination of opaque fence or masonry wall that is higher than the dumpster, and plant material on three (6) sides. Opaque gates, designed to complement the screen, shall be installed for access.
- Commercial dumpsters shall be placed on a concrete pad of sufficient size and strength to support service vehicles without failure. In any district where reference is made requiring adequate screening of a specified.

SECTION 3.8 TEMPORARY USES & STRUCTURES

Temporary uses and structures are permitted in all zoning districts. See *Article 8, Section 8.5* of this Ordinance for additional requirements regarding temporary uses and structures.

§ 3.8.1 Permit Required

The regulations contained in this section are necessary to govern the operation of transitory, seasonal and/or temporary structures and uses that are considered to be -nonpermanent in nature.

- All Temporary structures and/or uses require a Temporary Use Permit obtained through the City 's Building Department accompanied by an application fee.
- A Temporary Use Permit for a temporary building and/or structure is valid for one hundred eighty (180) days. If the temporary building and/or structure will be used for longer than one hundred eighty (180) days, then the property owner must apply for another Temporary Use Permit.
- A Temporary Use Permit for temporary uses is valid for sixty (60) days. If the temporary use will be used for longer than sixty (60) days, then the property owner must apply for another Temporary Use Permit.
- Planning Commission approval is required for all temporary uses and structures before the issuance of a Temporary Use Permit with the exception of a temporary use permit for Construction Support, see *Article 8, Section 8.5* of this Ordinance.
- All applications for a Temporary Use Permit must provide the following:
 - 1) Physical address for the location of the temporary building or use;
 - 2) A description of the proposed use or purpose of the temporary building;
 - 3) Site plan showing where temporary structure or use will be located on the lot, zoning, setback requirements of the zoning district for the site, and any easements on the property, and the location for all parking and sanitary facilities.
 - 4) Letter of Authorization from the property owner giving permission for the temporary structure or use.



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§ 3.8.2 General Requirements

- A temporary structure or use shall not be located in any right-of-way.
- A temporary structure or use shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zoning district, except as otherwise provided by these regulations.
- Termination of Use- Occupancy or use of the temporary structure shall terminate with the expiration of permit, completion of construction, abandonment or revocation of the related use permit and thereafter shall be removed from subject property.

§ 3.8.3 Uses Allowed

The following temporary uses shall be permitted as specified by these regulations:

- Construction Support- Temporary buildings or portable type trailers used in conjunction with construction work only, may be permitted in any zoning district and shall be removed immediately upon completion of construction.
- Business Support- Construction or Real Estate Office on or adjacent to any site on which a building or construction project is being diligently pursued for which a major use permit has been granted.
- Seasonal Support- Christmas Tree/Seasonal Sale Lot – A temporary use permit may be issued for the display and open lot sales of Christmas trees and/or seasonal promotions in a non-residential district only, for a maximum of sixty (60) days.
- Special Event Support- Tent Events/Religious Gatherings – A temporary use permit is required for any tent event or other temporary structure to house an event, gathering, and/or meeting. Such permit shall be valid for not more than thirty (30) days and is subject to renewal prior to the termination date. Tents used in all zoning districts shall be temporary in nature, as for the protection of the public, surplus, or sale goods, or as temporary uses incidental to an established principle use. No tent shall be used, erected or maintained as living quarters.
- Personal Support- A Temporary Use Permit shall be issued for recreational vehicles visiting occupied residential structures in all zoning districts for a period not to exceed more than fourteen (14) days.

SECTION 3.9 JUNKED VEHICLES, TRAILERS, & VESSELS

A junked vehicle, trailer, or vessel, or one that is not in use or cannot move under its own power shall not be permitted to be located on any lot. Such vehicles shall be confined to junk yards.

SECTION 3.10 ANIMALS & LIVESTOCK

Animals that are defined by this Ordinance as “livestock” (see Article 2: Definition of Terms) are permitted in all zoning districts within the corporate limits of Creola provided the following regulations are met:

- Poultry, including chickens and any other domesticated bird kept for its eggs or flesh, e.g., the turkey, duck, goose, and guineafowl, are permitted on a lot that is a minimum of one (1) acre or more in size. Any structure, pen, coop, yard, etc. used for the keeping and storage of said poultry



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shall be located no closer than forty (40) feet from any residential dwelling on said lot, and no closer than one hundred (100) feet from any structure that is on any adjacent lot.

- Any livestock other than poultry are permitted on a lot that is a minimum of one (1) acre or more in size. Any structure, pen, or corral used for the keeping or housing of livestock shall not be located closer than 200 feet from any property line.



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Article 4 - Zoning District Requirements & Permitted Uses

ARTICLE 4:

Zoning District Requirements & Permitted Uses

§ 4.1	PURPOSE
§ 4.2	RULES FOR DETERMINING BOUNDARIES
§ 4.3	CLASSIFICATION OF ZONING DISTRICTS
§ 4.4	ESTABLISHMENT OF ZONING DISTRICTS
§ 4.5	ZONING DISTRICTS DESCRIPTIONS
§ 4.6	USE COMPLIANCE WITH DISTRICT REQUIREMENTS
§ 4.7	USE CATEGORIES
§ 4.8	TABLE OF PERMITTED USES
§ 4.9	DISTRICT USES
§ 4.10	OFFICIAL ZONING MAP

SECTION 4.1 **PURPOSE OF ZONING DISTRICTS**

The City of Creola, Alabama is hereby divided into zoning districts as listed and described below and as shown on the official zoning district map, for the purpose of:

1. Providing a residential environment free of incompatible uses, safe from natural and manmade hazards;
2. Promoting, where possible, planned residential, commercial, and industrial areas in appropriate locations, with appropriate standards.
3. Providing a level of flexibility of control sufficient to promote innovation and creativity in community development and to encourage maximum living comfort and convenience; and
4. Promoting and adhering to the currently adopted Comprehensive Master Plan for the City.

SECTION 4.2 **RULES FOR DETERMINING BOUNDARIES**

The boundaries of the districts are shown on the map as adopted by this Ordinance and made part hereof and entitled "Zoning Districts Map of City of Creola, Alabama." The Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance. The zoning map, which is properly attested, is on file in the official records of the City of Creola, Alabama.

The boundaries of the zoning districts are shown on the map adopted by this Ordinance or amendments thereto; and the regulations of this Ordinance govern the use of land and buildings, the heights, density, and placement of buildings, size of yards and other open spaces and other features as herein set forth are hereby established and declared to be in effect upon all land included within the boundaries under the jurisdiction of the City of Creola.

Where uncertainty exists as to the boundaries shown on the map, the following rules shall apply:



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1. Where district boundaries are indicated as approximately following street centerlines or lot lines, such lines shall be construed to be boundaries.
2. Where a street or alley is officially vacated or abandoned by the City, the classification of the abutting parcel shall apply to that portion of the street or alley added to such parcel.
3. In cases of the uncertainty of the district boundary, the Building Official shall interpret the Zoning Map. Any decisions may be appealed to the Zoning Board of Adjustment.
7. If any property is not shown as being in a zoning district because of error or omission, the zoning classification of such property shall be, by default, R-1 Single Family Residential until zoned by an amendment to this Ordinance.
5. Any new annexed property to be included in the City's corporate limits shall be zoned R-1 by default. The property owner of the annexed property may request a different zoning classification.

SECTION 4.3 CLASSIFICATION OF ZONING DISTRICTS

All individual land parcels within the City's corporate limits are officially designated by this Ordinance to be assigned one (1) base zoning classification per parcel. Some lands located within the city limits may be assigned one base zoning classification and one or more overlay zoning classifications.

Land shall be classified (zoned) or reclassified (re-zoned) into a zoning district only in accordance with the procedures and requirements set forth in this Ordinance.

§ 4.3.1 RELATIONSHIP BETWEEN BASE AND OVERLAY ZONING DISTRICTS

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district. If the standards governing an overlay zoning district expressly conflict with those governing an underlying base zoning district, the standards governing the overlay zoning district shall control.

SECTION 4.4 ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are established within the corporate limits of Creola to implement the Future Land Use Map of the City's Comprehensive Master Plan. To achieve the purposes of this Ordinance, the City of Creola is hereby divided into the following zoning districts:

<u>SYMBOL</u>	<u>ZONING DISTRICT</u>
R-1	Single Family Residential District
R-2	Single Family Residential District-Medium Density
R-3	Duplex & Multi-Family Residential District
RMH	Manufactured Home Residential District
B-1	Local Business District
B-2	General Business District
IM	Industrial & Manufacturing District
CR	Conservation Recreational District

<u>SYMBOL</u>	<u>OVERLAY DISTRICTS</u>
SFHOD	Special Flood Hazard Overlay District



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SECTION 4.5 ZONING DISTRICTS DESCRIPTIONS

§ 4.5.1 RESIDENTIAL DISTRICTS

- **R-1: Single-Family Residential District (One Dwelling Unit per Lot of Record)**

The R-1 Single Family Residential zoning district provides a low-density neighborhood environment that limits uses primarily to single-family dwellings and their associated accessory uses, along with residentially appropriate uses. Single-family style housing which is designed and intended for occupancy by one family is permitted in the district, with each housing unit located on one single lot of record. This zoning classification offers the most protection to the land owner by restricting uses that would compromise the integrity of the residential neighborhood, ensuring quality of life standards are met.

- **R-2: Single-Family Residential District-Low-Medium Density (One Dwelling Unit per Lot of Record)**

The R-2 district provides a medium density residential neighborhood environment, providing land areas for single-family housing options on smaller lots, together with their associated accessory uses. One principal housing structure per one lot of record is required, and limited residentially appropriate uses which are compatible with the district are permitted as well.

- **R-3: Duplex & Multi-Family Residential District (One or More Dwelling Units per Lot of Record)**

The R-3 district is intended to provide appropriate locations for development of medium density (duplex two-family) and high density (multi-family) housing and other residentially compatible types of uses. Two-family and multi-family housing are permitted along with their associated accessory uses and other compatible uses that are appropriate for the district. More than one principal building is permitted per lot of record.

- **RMH: Manufactured Home Residential District (One Dwelling Unit per Lot of Record)**

The RMH district provides land areas for stand-alone manufactured homes, which are located outside of a manufactured home park, on one, single lot of record. The purpose of this zoning district is to provide a place where manufactured homes may be placed as permanent single-family dwellings in a manner that maintains safe, attractive, and compatible residential neighborhoods. The intent is to ensure that manufactured housing meets appropriate construction, placement, and appearance standards consistent with site-built housing in surrounding residential areas.

§ 4.5.2 COMMERCIAL DISTRICTS

- **B-1: Local Business District**

This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by



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individual shops throughout a neighborhood. This district also provides for establishments of a professional nature and is restricted to offices and businesses which provide specific corporation functions or professional services to the general public but not the sale of wholesale goods.

- **B-2: General Business District**

This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes.

§ 4.5.3 INDUSTRIAL & MANUFACTURING DISTRICTS

- **IM: Industrial & Manufacturing District**

The purpose of this district is to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities is usually needed. Prior to approval, a traffic study is recommended. Locations should be in accordance with comprehensive plans and special review is required for some.

§ 4.5.4 CONSERVATION DISTRICTS

- **CR: Conservation Recreational District**

The purpose of the Conservation Recreational (CR) district is to safely utilize environmentally sensitive lands that are not suitable for residential, commercial, or industrial development. A large portion of these lands are federally regulated because they are located in a flood zone and/or wetland area where development is limited to uses that will not disturb the natural resources present on the land. Outdoor recreational uses are appropriate in this district, which enable the land to effectively be used while properly implementing conservation standards to ensure stormwater management and flooding control.

§ 4.5.5 OVERLAY DISTRICTS

- **SFHOD: Special Flood Hazard Overlay District**

The purpose of the Special Flood Hazard overlay is to identify parcels that are in a Special Flood Hazard Area (SFHA) per FEMA Flood Insurance Rate Maps (FIRMs). Properties located in flood zones other than flood zone "X" may require additional construction standards per City of Creola Flood Damage Prevention Ordinance to reduce and prevent flood damage to personal property.



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SECTION 4.6 USE COMPLIANCE WITH DISTRICT REQUIREMENTS

Any use permitted in any zoning district, whether by Right, with Planning Commission Approval, or with Board of Adjustment approval by Special Exception must comply with the requirements of the zoning district in which it is located.

- In general, any use that is more restrictive may be permitted in a zoning district that permits a less restrictive use. No less restrictive use may be permitted in a zoning district that requires a more restrictive use.
- All uses in all zoning districts shall be conducted entirely within a completely enclosed structure unless expressly exempted from enclosure requirements in this Ordinance.
- All utility structures necessary for the transmission and distribution of electric power, telephone lines, gas, and water lines, etc. shall be allowed in zoning districts within the City of Creola.
- It shall be the responsibility of the owner and/or authorized agent to demonstrate compliance with the requirements of this Ordinance.

§ 4.6.1 Permitted Uses by Right (R)

The following sections indicate uses permitted in each district. Unless otherwise noted, uses permitted are permitted *by Right* subject to the conditions specified in this Ordinance. All non-residential uses that are listed as *Uses by Right* are still subject to review and approval by the Planning Commission prior to the issuance of a building permit.

§ 4.6.2 Uses Requiring Planning Commission Review (P)

Certain uses require the review and approval of the Planning Commission as being in harmony with the orderly and appropriate development of the district in which the use is located. All uses listed as *Uses Requiring Planning Commission Review* shall be reviewed by the Planning Commission to determine if the location of the proposed use is appropriate for the zoning district in which it is located and consistent with the Comprehensive Master Plan prior to site plan approval and the issuance of a building permit.

§ 4.6.3 Uses by Special Exception (S)

Special Exception uses are sometimes referred to as conditional uses permitted on appeal to the Board of Adjustment (BOA) for review and approval due to the nature of the use. Special Exception uses are typically non-compatible with the zoning district and require review of the BOA at a public hearing. Special Exception uses are subject to site plan review and approval by the Planning Commission provided the “use” is first approved by the BOA. Each application to the Board of Adjustment for a use permitted by special exception shall be accompanied by a sketch plan (see definition). If the use is approved by the Board of Adjustment, the application will move forward in the development process to the Planning Commission, who will review the application and site plan (see definition) for compliance with the Zoning Ordinance.



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§ 4.6.4 **Uses Prohibited (—)**

Any use listed as Prohibited in any zoning district shall not be allowed in said district.

§ 4.6.5 **Uses Not Specified**

In any case where a use is not specifically listed under Uses Permitted by Right, with Planning Commission Approval, or by Special Exception, or elsewhere in this Ordinance, its status shall be determined by the Building Official and the Planning Commission by reference to the most clearly analogous use. When the status of a use has been so determined, it shall be officially recorded by the Building Official and such determination shall be referenced as and thereafter have general application to all uses of the same type.

SECTION 4.7 USE CATEGORIES & DESCRIPTIONS

The following land uses and activities are organized and grouped into the following use categories. The Use Category Table in Section 4.8 of this Article identifies which uses are permitted in each zoning district.

1. Residential Uses
2. Light Commercial Uses (1,500 square feet or less)
3. Heavy Commercial Uses
4. Recreational Uses (Active and Passive Recreational)
5. Public/Semi-Public Uses (Small-scale and Large-scale)
6. Industrial & Manufacturing Uses
7. Accessory Uses
8. Other Uses

§ 4.7.1 **RESIDENTIAL USES**

Residential uses are activities that involve the housing of individuals and families, offering a place for neighborhoods that provide a variety of lot sizes, housing unit types, and ownership options. This use category provides areas where the buildings are predominantly used for habitation purposes, where other uses permitted are limited to those that are considered complimentary and appropriate to the surrounding area to provide safety and quality of life to the residents while ensuring the integrity of the neighborhood is not compromised. Housing units range from low-density style housing such as single-family homes to high density style housing that include duplexes, quadplexes, condominiums, and apartments, depending on the zoning district. Only one (1) principal building (dwelling) and its accessory building is allowed to be placed on one lot of record in the R-1, R-2, and RMH zoning districts. Two or more principal buildings and their accessory buildings are allowed to be located on one lot of record in all other zoning districts provided all required setbacks are met.

Examples:

1. Single Family Detached Dwelling Unit
2. Two Family Dwelling Unit
3. Multi-Family Dwelling Units (apartments, townhomes, condominiums, age-friendly housing etc.)



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4. Barndominiums (minimum lot size 3 acres)
5. Manufactured Homes/ Modular Homes
6. Accessory Buildings and Structures-including, but not limited to: garages, utility buildings for storage, piers, boat docks, Accessory Dwelling Units (ADUs)-minimum lot size 5 acres

§ 4.7.2 LIGHT COMMERCIAL USES

Light Commercial uses are considered any small-scale business activity involving the sale of goods or services carried out for profit that serve the day-to-day commercial needs of surrounding neighborhoods. The maximum size of the business is limited to 1,500 square feet or less, and the activity of the use is less intensive to ensure the integrity of the neighboring properties is not infringed upon or compromised.

Examples:

1. Retail establishments
2. Dining establishments
3. Small scale markets & farmer's markets
4. Personal service establishments
5. Professional Offices
6. Studios for display/instruction in art, dance, music, drama, theater, and other performing arts
7. Lodging
8. Studios, Museums
9. Mixed-Use establishments
10. Public Parking Lots
11. Other small-scale, neighborhood appropriate establishments

§ 4.7.3 HEAVY COMMERCIAL USES

Heavy Commercial uses are considered any large-scale business activity involving the sale of goods or services carried out for profit. These types of uses are typically larger in size and involve a more intense use that typically generates higher volumes of vehicular traffic.

Examples:

1. All commercial uses listed under LIGHT COMMERCIAL USES
2. Retail establishments
3. Dining establishments
4. Grocery stores/ Hardware stores
5. Lodging Uses-Hotels, Motels, and Bed & Breakfasts
6. Country Clubs, lodges, private clubs, and meeting rooms
7. Gas stations/ Convenient stores
8. Car, truck & boat wash
9. Small engine repair
10. Car lots/boat sales, equipment sales, supplies, rentals, repairs, and service
11. Banks and other financial institutions



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12. Family entertainment establishments
13. Urgent Care/ EMS services/Medical/dental/optical/Healthcare Offices and/or facilities
14. Veterinary services/Animal vet clinic, kennel or pet boarding facility (indoor or outdoor kennels)
15. Public Parking lots
16. Child/Adult Day Care Centers/Assisted Living Facilities
17. Liquor stores/Bars, night clubs, lounges/ Brewery
18. Taxi/shuttle/public transportation services
19. Funeral Homes/Mortuary
20. Pawn shops/Thrift stores
21. Bait and tackle shop
22. Covered Markets (** Must be operated within a structure containing a permanent roof, with or without permanent walls)
23. Construction/Specialists/Trade services and workshops *(All work/services must be conducted entirely within the enclosed structure and all supplies and equipment must be stored indoors or with adequate exterior screening so as not to be visible from an adjacent property)*
24. Event venue

§ 4.7.4 **RECREATIONAL USES**

Recreational uses are considered activities that involve active or passive forms of exercise or leisure-time interests. Due to the differences in the intensity level of each use and the amount of disturbance each could create, this use category is divided into “Recreational-Passive” uses and “Recreational-Active” uses. For the purposes of this Ordinance, Recreational-Passive uses shall be considered recreational uses being more appropriate for residential districts and areas, such as parks, trails, hiking, biking, benches, statues, fountains, pavilions, ponds, and other natural and cultural features. Non-commercial activities and features that do not disturb the residents or the character of the residential neighborhood, but rather enhance the area, promoting and maintaining standards that provide quality of life for the residents. Recreational-Active uses shall be considered recreational uses being more suited for non-residential zoning districts due to their level of intensity, which could disturb residential neighborhoods. They are uses and areas that have a commercial component and increased traffic, such as golf courses, campgrounds, and RV Parks.

Examples:

RECREATIONAL USES - Passive Recreational, such as:

1. Parks/Pool/Splash pads
2. Fishing piers/Boat docks, launches, slips, and storage
3. Boardwalks & Trails (nature, hiking, bicycle, walking)
4. Sports fields & Courts (Soccer, baseball, softball, football, tennis, basketball, etc.)
5. Natural resource areas, bird and wildlife sanctuaries and other natural preservation areas
6. Golf courses with or without club house facilities

RECREATIONAL USES – Active Recreational, such as:

1. RV Parks/ Outdoor camping/day and night camping to include tent and RV
2. Farmer’s markets
3. Historic and archaeological sites
4. Marinas with or without marine supply store and/or services



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§ 4.7.5 **PUBLIC & SEMI-PUBLIC USES**

Public and Semi-Public uses are any building operated using public revenues and used exclusively for public or semi-public purposes by any department or branch of government; a building of an institutional nature and serving a public need, such as places of worship, hospital, school, library, post offices, police and fire stations, museums, water treatment facilities, etc. These areas exist to provide necessary community services to residents and business alike. For the purposes of this Ordinance, these types of uses are separated into Small-Scale and Large-Scale categories and are permitted in specific zoning districts, depending on the intensity of the activity and the nature of the use.

Examples:

PUBLIC & SEMI-PUBLIC USES - Small-Scale (Residentially Compatible), such as:

1. Libraries
2. Public parks
3. Community Centers
4. Museums, studios, art centers and/or galleries
5. Churches (with or w/o attendant building and facilities)

PUBLIC & SEMI-PUBLIC USES - Large-Scale (uses not appropriate in a residential district), such as

1. Medical facilities, hospitals, and ambulance services
2. Schools and other educational & instructional institutions
3. Civic Buildings used exclusively by federal, state, county or city government for public purposes
4. Public utilities/Public safety facilities including water, sewer, fire and police, etc.
5. Auditoriums /Gymnasiums and/or stadiums in conjunction with school facilities
6. Health Clubs & Centers/YMCA

§ 4.7.6 **INDUSTRIAL & MANUFACTURING USES**

This district is intended to provide a suitable, protected location for uses including, but not limited to industrial, manufacturing, assembly, warehousing, and distribution.

Examples:

1. Warehouses/Storage services & facilities
2. Freight storage, services, terminals, etc.
3. Any type of manufacturing, processing, assembly, packing, packaging, repair, servicing, fabrication, millwork, etc.
4. Industrial Parks
5. Salvage yards
6. Water & sewer treatment plants/chemical plants
7. Oil & gas refinery
8. Funeral Homes/Mortuary
9. Pawn shops/Thrift stores
10. Bait and tackle shop
11. Public Parking lots
12. Storage facilities-indoor/outdoor (**Screening required for outdoor)
13. Liquor stores/Bars, night clubs, lounges/ Brewery
14. Gas stations/ Convenient stores



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15. Car, truck & boat wash
16. Small engine repair & machine shops
17. Car lots/boat sales, equipment sales, supplies, rentals, repairs, and service
18. Rental services/Storage & Self-storage services (mini warehouse)
19. Restricted Entertainment Establishment
20. Data Center

§ 4.7.7 **ACCESSORY USES**

Accessory uses are considered incidental to a primary use. They function as secondary or subordinate to a primary use of the property and are not considered the principal use of the property, but rather a use lower than the principal use but compatible, supportive, and appropriate to the primary use.

Examples:

1. Accessory Buildings and Structures-including, but not limited to: garages, utility buildings for storage, piers, boat docks
2. Piers, wharves, docks, boat houses, and boat lifts
3. Home Occupations
4. Accessory Dwelling Units (ADUs)-5 acre lot size minimum

§ 4.7.8 **OTHER USES**

"Other" uses are those activities that are needed by the community, but don't typically fit in with the surrounding area in most zoning districts. Before these uses can be approved, they may require additional standards and review due to the unique nature of the use and the intensity by which it may impact neighboring areas. Uses in this category are permitted by either Special Exception or Require Planning Commission Review, and may require a public hearing to ensure the adjacent neighbors are aware of the proposed use.

Examples:

1. Telecommunication (Cell) Tower
2. Assisted Living Facility / Group Home*
3. Airport
4. Cemetery
5. Residential Lodging (Bed & Breakfasts, attached or detached dwelling or dwelling unit used full or part-time for long or short-term rental through Airbnb, VRBO, or other rental company)
6. Commercial Agriculture Uses- Any type of commercial farming activity including, but not limited to: commercial crop farms, commercial animal farms, chicken houses, dairy farms, sod farms, pig farms, cattle ranches, plant nurseries, orchards, and other commercial agriculture activities. These uses may also include the necessary accessory uses needed for packing, treating, storing, and shipping the produce and/or product that is produced from the commercial agriculture activity.
7. Landfill

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SECTION 4.8 USE CATEGORY TABLE OF PERMITTED USES

Note: Accessory buildings & Public Utilities, and their accompanying service structures including but not limited to water, sewer, fire and police uses are permitted by Right in all zoning districts.

KEY								
R = Uses by Right *(Uses listed as "by Right" other than Single-Family Home require Planning Commission Review and approval) S = Uses by Special Exception P = Uses Requiring Planning Commission Review/Approval — = Uses Prohibited								
USE CATEGORY	ZONING DISTRICT							
	R-1	R-2	R-3	RMH	B-1	B-2	IM	CR
RESIDENTIAL USES								
Single Family Dwelling	R	R	—	—	P	—	—	P
Two Family Dwelling	—	—	R	—	P	—	—	—
Multi-Family Dwelling (max. 6 dwelling units)	—	—	R (e)	—	P(e)	—	—	—
Manufactured/Modular Home	—	—	—	R	—	—	—	—
Barndominium (*3 acre minimum lot size)	R (c)	—	—	—	—	—	—	R (c)
Manufactured Home Park	—	—	—	—	—	—	—	—
Accessory Dwelling Unit (ADU) *5 acre minimum lot size	S (d)	—	S (d)	—	—	—	—	S (d)
LIGHT COMMERCIAL (1,500 SQ.FT. OR LESS)	—	—	S	—	R	R	P	—
HEAVY COMMERCIAL USES	—	—	—	—	—	R	R	—
RECREATIONAL USES								
Passive Recreational	R	R	R	—	P	P	P	R
Active Recreational	—	—	—	—	R (a)	R(a)	P	P
PUBLIC/SEMI-PUBLIC USES								
Small-Scale	—	—	S	—	P	P	—	—
Large-Scale	—	—	—	—	P	P	—	—
INDUSTRIAL & MANUFACTURING USES	—	—	—	—	—	—	R(f)	—
ACCESSORY USES								
Accessory Building/Structure/Use	R	R	R	R	R	R	R	R
Cargo/Shipping Container-*5 acre minimum	P(b)	P(b)	P(b)	—	R	R	R	R
Piers, docks, boat houses, and boat lifts	R	R	—	—	—	—	—	R
Home Occupation	S	S	P	—	—	—	—	—
Home Office	R	R	R	—	R	R	R	R
OTHER USES								
Telecommunication (Cell) Tower	—	—	—	—	—	—	P	P
Assisted Living Facility / Group Home*	—	—	R*	—	—	P	—	—
Airport	—	—	—	—	—	—	S	—
Cemetery	—	—	—	—	—	—	S	—
Residential Lodging	S	S	S	—	P	P	—	S
Commercial Agriculture Uses	P						P	P

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NOTE: Uses not specified shall be determined by the Building Official and the Planning Commission by reference to the closest, most analogous use.

* PUBLIC HEARING REQUIRED

- (a) RV Parks/ Outdoor camping/day and night camping to include tent and RV are not permitted in B-1 & B-2 zoning districts
- (b) Cargo/shipping containers are permitted in all zoning districts as an accessory use only. When located in a residential zoning district or on a lot that is used for a residential use, cargo/shipping containers are only permitted if the lot size is a minimum of five (5) acres.
- (c) Barndominiums permitted in R-1 and CR zoning districts on a lot of record that is a minimum of three (3) acres or more.
- (d) Accessory Dwelling Unit (ADU) is permitted as a Special Exception Use, which requires additional review and approval by the Board of Adjustment in the R-1, R-3 and CR zoning districts provided it is located on a lot of record five (5) acres or more in size; maximum of one (1) ADU per each lot of record; shall not exceed 50% of the size of the primary structure
- (e) Multi-family developments are limited to a maximum of six (6) dwelling units (6-plex) or less.
- (f) Age-Restricted Businesses are permitted in the IM zoning district as a Special Exception use, which requires additional review and approval from the Board of Adjustment

SECTION 4.9 DISTRICT USES

The following section is a list of uses permitted in each zoning district either by *Right (R)*, *Requiring Planning Commission Review (P)*, *Special Exception (S)*, and *Uses Prohibited (—)*. This list is essentially identical to the Table of Permitted Uses except in list form. **Note:** Accessory buildings & Public Utilities, and their accompanying service structures including but not limited to water, sewer, fire and police uses are permitted by Right (R) in all zoning districts.

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

A. Uses Permitted by Right (R)

1. Single Family Dwellings
2. Accessory Building/Structure/Use
3. Passive Recreational Uses
4. Wharfs, piers, boat house, boat lifts and boat docks as an accessory structure
5. Barndominium on lots with a minimum lot size of 3 acres or more
6. Home Office

B. Uses Requiring Planning Commission Review (P)

1. Other Uses (Commercial Agriculture Uses Only)
2. Cargo/Shipping Container as an accessory use on lots with a minimum of 5 acres only

C. Uses by Special Exception (S)

1. Home Occupation
2. Residential Lodging
3. Accessory Dwelling Unit (ADU) with a minimum lot size of 5 acres or more; limited to 1 ADU per each lot of record; shall not exceed 50% of the size of the primary structure

R-2 Single Family Residential District-Medium Density

A. Uses Permitted by Right (R)

1. Single Family Dwellings
2. Accessory Building/Structure/Use

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3. Passive Recreational uses
4. Wharfs, piers, boat house, lifts, and boat docks as an accessory structure
5. Home Office

B. Uses *Requiring Planning Commission Review (P)*

1. Cargo/Shipping Container as an accessory use on lots with a minimum of 5 acres only

C. Uses by *Special Exception (S)*

1. Home Occupation
2. Residential Lodging

R-3 DUPLEX & MULTI-FAMILY RESIDENTIAL DISTRICT

A. Uses Permitted *by Right (R)*

1. Two Family Dwellings (Duplex)
2. Multi-Family Dwellings **Maximum of 6 dwelling units per multi-family development*
3. Accessory Building/Structure/Use
4. Passive Recreational use
5. Group Home/Assisted Living Facility (**Public Hearing Required*)
6. Home Office

B. Uses *Requiring Planning Commission Review (P)*

1. Home Occupation
2. Cargo/Shipping Container as an accessory use on lots with a minimum of 5 acres only

C. Uses by *Special Exception (S)*

1. Light Commercial uses
2. Public/Semi-Public uses-SMALL SCALE
3. Residential Lodging
4. Accessory Dwelling Unit (ADU) with a minimum lot size of 5 acres or more; limited to 1 ADU per each lot of record; shall not exceed 50% of the size of the primary structure

D. Uses Prohibited (-)

1. Manufactured Home Park

RMH RESIDENTIAL-MANUFACTURED HOME DISTRICT

A. Uses Permitted *by Right (R)*

1. Manufactured/Modular (Factory-Built) Home (Stand-Alone outside of a Park)
2. Accessory Buildings

B-1 LOCAL BUSINESS DISTRICT

A. Uses Permitted *by Right (R)*

1. Light Commercial uses
2. Active Recreational uses (*see footnote a under Use Category Table*)
3. Accessory Building/Structure/Use, including cargo/shipping container

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B. Uses Requiring Planning Commission Review (P)

1. Single Family Dwellings
2. Two Family Dwellings (Duplex)
3. Multi-Family Dwellings
4. Passive Recreational uses
5. Public/Semi-Public uses-SMALL SCALE
6. Public/Semi-Public uses-LARGE SCALE
7. Residential Lodging

C. Uses by Special Exception (S)

B-2 GENERAL BUSINESS DISTRICT

A. Uses Permitted by Right (R)

1. Light Commercial uses
2. Heavy Commercial uses
3. Active Recreational uses (*see footnote a under Use Category Table*)
4. Accessory Building/Structure/Use, including cargo/shipping container

B. Uses Requiring Planning Commission Review (P)

1. Passive Recreational uses
2. Public/Semi-Public uses-SMALL SCALE
3. Public/Semi-Public uses-LARGE SCALE
4. Group Home/Assisted Living Facility. *Public Hearing Required
5. Residential Lodging

C. Uses by Special Exception (S)

IM INDUSTRIAL MANUFACTURING DISTRICT

A. Uses Permitted by Right (R)

1. Industrial & Manufacturing uses
2. Heavy Commercial uses
3. Commercial Agriculture uses
4. Accessory Building/Structure/Use, including cargo/shipping container

B. Uses Requiring Planning Commission Review (P)

1. Light Commercial uses
2. Passive Recreational uses
3. Active Recreational uses
4. Other Use: (Telecommunications (Cell) Towers & Commercial Agriculture Uses only)

C. Uses by Special Exception (S)

1. Cemeteries

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2. Airports
3. Restricted Entertainment Establishments

CR CONSERVATION RECREATIONAL DISTRICT

A. Uses Permitted *by Right (R)*

1. Passive Recreational uses
2. Accessory Building/Structure/Use, including cargo/shipping container
3. Wharfs, piers, boat house, lifts, boat docks and boat launches
4. Barndominium on lots with a minimum of 3 acres or more

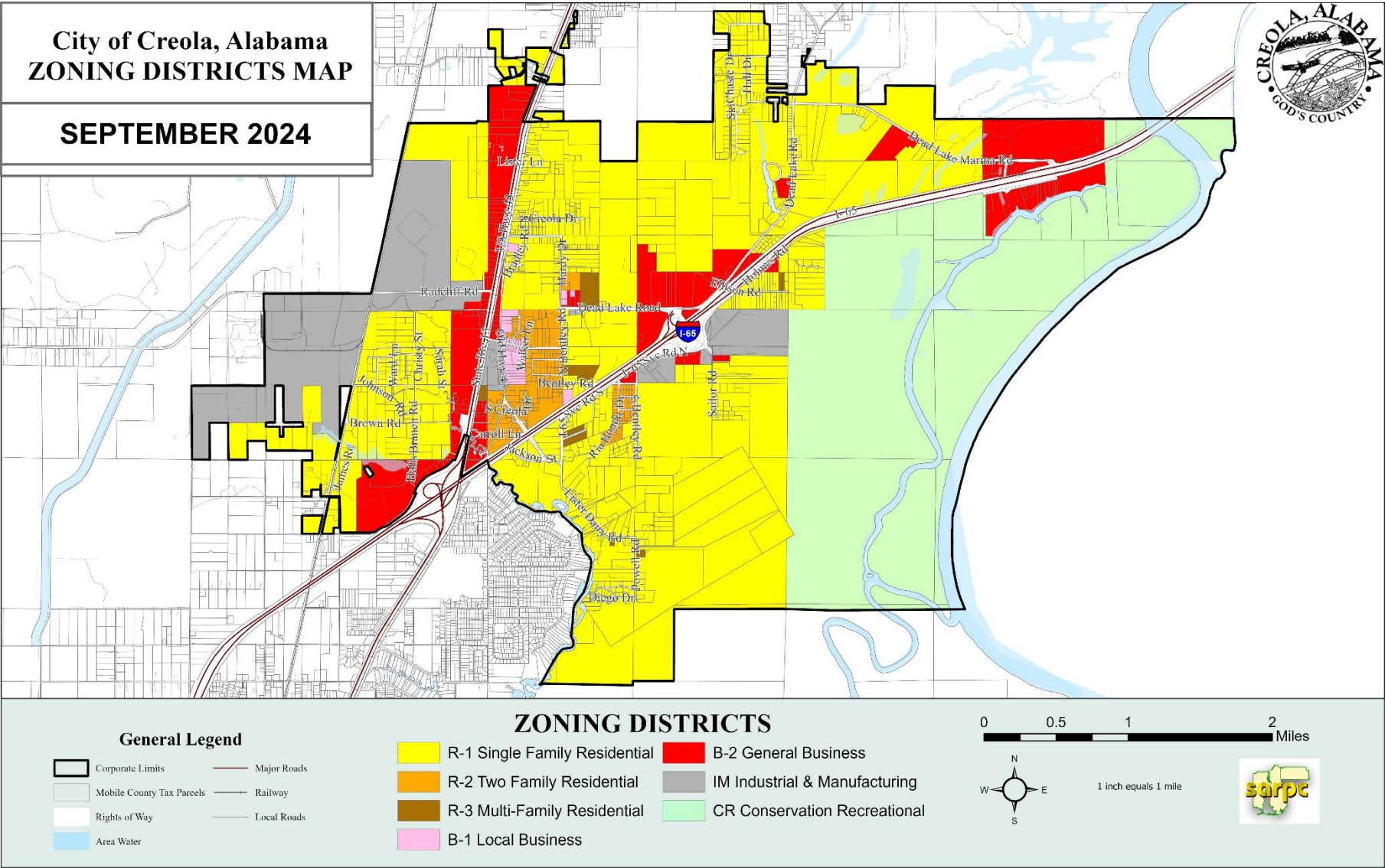
B. Uses Requiring Planning Commission Review (P)

1. Single Family Dwellings
2. Home Office
3. Active Recreational uses
4. Other Use: (Telecommunications (Cell) Towers & Commercial Agriculture Uses only)

C. Uses by *Special Exception (S)*

1. Residential Lodging
2. Accessory Dwelling Unit (ADU) with a minimum lot size of 5 acres or more; limited to 1 ADU per each lot of record; shall not exceed 50% of the size of the primary structure

4.10 OFFICIAL ZONING MAP



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ARTICLE 5:

Lot Dimensions & Setback Requirements

§ 5.1	GENERAL REQUIREMENTS FOR RECORDED LOTS OF RECORD
§ 5.2	BUILDINGS PER LOT
§ 5.3	ACCESS TO LOTS
§ 5.4	LOT COVERAGE & DIMENSIONAL REQUIREMENTS
§ 5.5	YARD MEASUREMENTS REQUIREMENTS
§ 5.6	MINIMUM YARD SETBACKS & DISTANCE BETWEEN BUILDINGS
§ 5.7	ALLOWABLE YARD ENCROACHMENTS & PROJECTIONS
§ 5.8	PERFORMANCE STANDARDS FOR NON-RESIDENTIAL DISTRICTS
§ 5.9	ACCESSORY BUILDINGS & ACCESSORY DWELLING UNITS (ADUs)
§ 5.10	CARGO/SHIPPING CONTAINERS
§ 5.11	FENCING REQUIREMENTS

SECTION 5.1 GENERAL REQUIREMENTS FOR RECORDED LOTS OF RECORD

§ 5.1.1 Minimum Lot Size Requirements

- Unless otherwise required by the zoning district in which the newly created lots are located within the corporate limits, each newly created lot shall have a minimum area of fifteen thousand (15,000) square feet, a minimum width of one-hundred (100) feet at the building setback line, exclusive of drainage easements, a side yard width of ten (10) feet and a minimum rear yard width of thirty (30) feet.
- No lot of record shall be reduced in size so that the lot's dimensional requirements of this Ordinance are not maintained.
- No lot shall be re-subdivided into, nor shall any dwelling be erected or placed on any lot having an area and frontage of less than the smallest lot on the street on the block in which it is located as per recorded plat.

§ 5.1.2 Use of Non-Conforming Lot of Record

A non-conforming lot of record is a parcel of land that was lawfully established before the adoption of this Ordinance that does not conform to the dimensional requirements of the zoning district in which it is located. Where the owner of an existing Lot of Record or the successor to the title thereto, does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the Lot of Record may nonetheless be allowed to be used as a building site, without meeting the minimum lot area and lot width requirements, provided that:

- The use is permitted in the zoning district;



- The lot has been in separate ownership from abutting lands at all times since it became non-conforming;
- The lot was created compliant with official controls in effect at that time; and
- The setback requirements of this Ordinance are met.

§ 5.1.2.1 Substandard Lots of Record

When two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, the lots shall not be considered as separate parcels of land for the purposes of sale or development. Such lots shall be platted or re-parceled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.

SECTION 5.2 BUILDINGS PER LOT

In the specific zoning districts listed below, the following regulations shall apply regarding the number of principal buildings permitted per lot of record. In all other zoning districts, multiple principal buildings per lot of record are permitted providing the district setback standards are met and spacing between buildings on the same lot are equal to the maximum height limit and/or in compliance with the city's current adopted Building and Fire Codes.

- Single-Family(R-1) and Two-Family(R-2):
Only one (1) principal building and its customary accessory building may hereafter be erected on any one (1) lot of record in the R-1 or R-2 zoning districts.
- Multi-Family (R-3) Zoning District:
More than one principal building and its customary accessory building may hereafter be erected on any one (1) lot of record in the R-3 District. Minimum building spacing between buildings on the same lot shall be in accordance with the City's current adopted Building and Fire Codes.
- All Non-Residential Zoning Districts:
In all non-residential zoning districts, there is no requirement for the number of buildings per lot of record providing the district setback standards are met and spacing between buildings on the same lot are in compliance with the city's current adopted Building and Fire Codes.

SECTION 5.3 ACCESS TO LOTS

Any newly created lot must provide access to a paved public road that has been built according to the requirements of the City of Creola's Subdivision Regulations unless the subdivision required to create the new lot is determined to be exempt per City of Creola Subdivision Regulations. The Creola Planning Commission shall not approve any newly created lot that does not provide access to a paved public road unless it is determined to be exempt from the subdivision regulations, in efforts to prevent the creation of land-locked property. Access to public streets shall be maintained in accordance with the following requirements:



§ 5.3.1 Lot Frontage

Each principal use shall be placed on a lot or parcel which provides frontage on a paved public street having a right-of-way of not less than fifty (50) feet, except where existing public rights-of-way are less than fifty (50) feet.

§ 5.3.2 Lot Access

Any newly created lot shall have access to a paved, public street at least twenty (20) feet in width.

SECTION 5.4 LOT MEASUREMENTS

Total lot area is defined as the total area within the lot lines of a lot excluding any area within existing or proposed public street rights-of-way or private street easements. Total lot area determines the minimum amount of land required for various building types. It's measured in U.S square feet (SF) from the property lines, see *Table 5.1L Lot Standards Table* for the minimum lot area and width requirements for each residential zoning district.

§ 5.4.1 Minimum Lot Width

- Each residential zoning district within the corporate limits of the city has lot area and width requirements specific to the district. Developments and/or subdivisions must meet the minimum lot requirements that apply to the zoning district in which the property is located.
- The lot width is measured from the front building setback line (not the property line), see *Chapter 2: Definition of Terms*.
- There are no specific lot area and width requirements for non-residential lots only that the lot shall be of sufficient size to accommodate the intended use, including adequate parking and loading facilities in addition to space required for the conduct of other operations of the business, and be large enough to provide the yard setback requirements specified herein.

§ 5.4.2 Buildable Area of a Lot

The buildable area of a lot is the portion of the lot located inside the building setback line, which is determined by the required setback dimension of the zoning district in which the lot is located. The size of the buildable area of a lot will differ from that of another lot because it is based on the total lot size of said lot and the amount of required yard space, or setback space the zoning district requires. Other factors that determine the size of the buildable space are land features naturally occurring on the lot such as a waterway or wetland. In order to determine the amount of buildable area on any particular lot, the minimum required setbacks must be first be subtracted from the total lot area in addition to any natural land features occupying the lot as well as any protective buffers that may be required to preserve the natural resource.

§ 5.4.3 Lot Coverage and/or Building Coverage Allowances of a Lot

Lot coverage, also referred to as building coverage, is essentially the total square footage of all covered structures occupying a lot from a bird's eye view. The building footprint is essentially the perimeter of the lot coverage area.



Lot coverage is defined as the amount of land occupied by the footprint of the principal building on the lot and the footprint of all other structures on the lot that are covered by an impervious surface, which is any hard surface that is not permeable and does not absorb rain water. It does not include allowable yard encroachments such as chimneys, AC unit platforms, bay windows, etc. but it does include any covered yard encroachment such as a covered porch or covered deck. These types of covered structures may not encroach into the required yard and must be built inside the perimeter of the buildable area.

Lot coverage is expressed as a percent and is determined by dividing the total area of all the building footprints by the gross area of the lot. Examples of impervious surfaces are houses with roof tops, garages, sheds, accessory buildings, gazebos, paved driveways, paved parking spaces, covered porches, concrete patios and walkways, and asphalt. Any paved or concrete surface, or covered/rooved structure that rain water runs off of is considered an impervious surface and counts as part of the lot coverage percentage. For example, a swimming pool would not be counted as part of the lot coverage percentage because it captures and holds rain water, but the pool deck and/or patio would be counted as part of the percentage because it is a hard surface that cannot capture rain water.

§ 5.4.3.1 Maximum Lot Coverage

Each residential lot has a Maximum Lot Coverage allowance, expressed as a percentage, which represents the maximum percent of impervious surface allowed on a particular lot.

Maximum Lot Coverage is computed as the total amount of impervious surface on the lot divided by the total lot area. This percentage is important in the development process because it calculates the intensity of a use on a lot for development. The maximum amount of lot coverage for all residential lots in all zoning districts is thirty-four percent (30-40%), see **TABLE 5.1: Lot Standards Table** below. This standard does not apply to commercial lots or any lot used for a non-residential use. These essential requirements are to ensure proper stormwater management standards are implemented, which help prevent the lot being developed, as well as neighboring lots, from receiving excessive stormwater and flooding.

To calculate the percentage of lot coverage, divide the total building footprint square footage of all hard surface-covered structures on a lot by the total lot area and multiply by 100.

i.e. The total building footprint area is 1,000 sq. ft. on a lot that has a total area of 6,000 square feet. $(1,000\text{sq.ft.}/6000\text{sq.ft.} * 100 = 17\%$.

§ 5.4.4 Maximum Lot Density

For the purposes of this Ordinance, density is defined as the number of dwelling units per gross acre of land. This determines the maximum number of residential dwelling units that can be developed per lot(s), which determines how densely populated the lot or lots will be. To determine the number of dwelling units allowed per lot, use the density equation by dividing the square footage of the lot by the square footage of an acre (43,560 sq. ft.) and multiply by the maximum density allowed for the zoning district in which the lot is located (see **TABLE 5.1:**



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Lot Standards Table below to know the density factor).

The density equation is as follows:

$\text{sq.ft. of lot} \div \text{sq.ft. of acre} = \text{acreage of lot} \times \text{max. density factor (see table)} = \text{maximum \# of dwelling units/lot (do not round up if number exceeds a whole number)}$.

For example:

A property owner wants to build a 4-plex multi-family structure on a 10,000 square foot lot in the R-3 district. Use the density equation and Lot Standards Table below to determine the maximum number of dwelling units that are permitted on a 10,000 square foot lot.

$10,000 \div 43,560 \times 25 = 5.74$ or 5 dwelling units per lot (do not round up if the number exceeds a whole number)

If the developer wants to build a single family home in an R-1 zoning district, and the lot is an acre, using the equation and the density factor of 4, the answer will calculate the number 0.459136682. In this instance, the number has not reached the whole number of 1, so you would round up. This means the developer can build one single family home on said lot. If he has a one-acre property, he can subdivide the property into 8 separate lots that are 5,000 square feet each and build a single family home on each lot.

OR

to determine how much land is needed for the proposed development as in the example above and using the Lot Standards Table below, multiply the required minimum square footage of the lot area as required by the zoning district by the desired number of dwelling units requested to build. The Lot Standards Table below states that the minimum lot size for a multi-family structure in the R-3 zoning district must be a minimum of 5,000 square feet for 1 dwelling unit, plus an additional 1,650 square feet for each additional dwelling unit. Use the equation in the example below to determine if this scenario will work.

4 dwelling units on a 10,000 square foot lot:

$5,000 (1^{\text{st}} \text{ dwelling unit}) + [3 (\text{ea. add. dwelling unit}) \times 1,650 = 4,950] = 9,950 \text{ SF}$

This means the lot must be a minimum size of 9,950 square feet. Since the size of the lot in this example is 10,000 square feet, and 9,950 does not exceed 10,000, the 4-plex multi-family structure meets the lot size requirement and can be allowed.

If the developer needs additional land for a larger proposed development, they must first acquire adjacent land and re-subdivide the lots to create a new lot large enough to accommodate the larger proposed development.

§ 5.4.5 Lot Standards Table

Use the Lot Standards Table below to determine the minimum and/or maximum dimension requirements for each lot used for residential purposes in each zoning district.

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TABLE 5.1: Lot Standards Table

ZONING DISTRICT	R-1	R-2	R-3	RMH	CR
Minimum Lot Area in square feet required for each lot for the following residential structures:					
Single-Family Structure	15,000	12,750	N/A	N/A	15,000
Single-Family Structure w/septic and/or well	20,000	12,750	N/A	N/A	N/A
Barndominium	3 acres	N/A	N/A	N/A	3 acres
Duplex Structure	N/A	N/A	10,000	N/A	N/A
Multi-Family Structure	N/A	N/A	5,000 + 1,650 for each additional unit	N/A	N/A
Manufactured/Modular Home	N/A	N/A	N/A	12,750	N/A
Recreational Vehicle (RV) Park	N/A	N/A	N/A	N/A	2 acres
Accessory Dwelling Unit (ADU) *Maximum of 1 ADU per each Lot of Record; must be more than 800 sq. ft., not to exceed 50% of size of primary structure	5 acres	N/A	5 acres	N/A	5 acres
Minimum Lot Width (ft.)*measured at front building setback line	100	85	85	85	100
Maximum Lot Coverage (%) (residential use only)	30	30	40	30	30
Maximum Density (dwelling units/ gross acre)	2	2	5 (Two Family) 25 (Multi Family)	2	2
Maximum Building Height (ft.) ¹	35	35	40	35	35

SECTION 5.5 YARD MEASUREMENTS AND REQUIREMENTS

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.

§ 5.5.1 Yard Requirements

A “yard” and a “required yard” are two different objects, see *Article 2: Definition of Terms*. The “yard” is the general yard space of a lot and is defined as the open space that lies between the principal building and the nearest lot line. These “yards” or open spaces are essentially the front, rear, side, and on lots adjacent to a waterbody, waterside yards.

The “required yard”, which is also referred to as the required minimum setback, is the amount of open space between the buildable area line or building setback line, see *Article 2: Definition of*

¹ In Special Flood Hazard Areas (SFHAs) which are established by FEMA's Flood Insurance Rate Maps (FIRMs), building height shall be measured from the minimum base flood elevation (BFE) for the purposes of this Ordinance.



Terms, and the lot line of the property. The amount of required yard for each lot depends on the setback standards listed in each of the zoning districts of this Ordinance.

- Each required yard shall be open and unobstructed from the ground upward, in which no structure is permitted to be located except for the customary allowable yard projections of sills, cornices, buttresses, ornamental features, chimneys, flues, eaves, and other such projections, provided they do not exceed the allowances listed in the table below in Section 5.7 of this Article.
- Uses and structures that are permitted in the required yard area include accessory buildings, swimming pools, uncovered patios and decks, open stairways and porches, driveways, and fences.
- Parking and driveways are allowed in the required yard space. Pervious materials are highly encouraged to ensure proper stormwater provisions are achieved and effective, however, any type of ground cover is allowed in the required yard space providing the amount of impervious surface does not exceed the forty percent (40%) threshold, or less, depending on the threshold for the specific zoning district, for all residential lots. This total allowance includes any structure or building on the lot that is paved, covered, and/or rooved.
- A through lot shall be deemed to have a front lot line along each street it abuts. For purposes of this subsection, regarding through lots, the required front yard shall be provided on each street the lot abuts.

§ 5.5.2 Measuring Yard Depth

- Yards: Front, side, waterside, and rear yard depths on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot's front, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot. Allowable encroachments and projections into required minimum yards shall be ignored when measuring yard depths.
- Required Yards and/or Minimum Setbacks: The required yard space and/or minimum setback shall be measured as the distance between the property line and the building footprint line and/or buildable area line perpendicular to the property line. The required yard space establishes the required minimum setback on a lot to ensure the provision of open areas around structures for the purposes of: visibility, fire and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation. **The lot width is measured at the front building setback line, not the property line.**

SECTION 5.6 MINIMUM YARD SETBACKS & DISTANCE BETWEEN BUILDINGS

A required yard is also considered the required setback. The required yard is the open area between a property line and the building setback line on a lot. Each zoning district listed in this Ordinance has a minimum required distance the yard space has to extend from the lot line inward to the building setback line. In the event that a structure does not encompass the entire buildable lot area, the general "yard" space will be larger than the "required" yard space, see diagram below.



§ 5.6.1 Setback Requirements

- All structures shall conform with the setback requirements established for each zoning district in this Ordinance, except as otherwise provided by this section. In no case shall any portion of any structure extend into a street right-of-way, a vehicular access easement or beyond a property line.
- On substandard lots of record, the front, side and rear setbacks may be less than required in this Ordinance; provided that, no front setback shall be less than the average setback of the existing developed lots on the same block and on the same side of the street; no side setback shall be reduced to less than five (5) feet; and no rear setback shall be reduced to less than ten (10) feet. The amount of reduction up to these limits shall be determined by the Building Official in consideration of the lot size and the size of the proposed structure.
- Any lot that abuts a waterway such as a stream, river, bayou, or creek, and any lot that abuts a wetland or floodway, a protective buffer of no less than thirty feet (30') is required, and in such case, an additional setback from the buffer will not be required.
- In any district requiring a front yard setback, no In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee or other obstruction to vision over the height of 2 ½ feet above street level shall be permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroads or of right-of-way lines of a street and a railroad.

§ 5.6.1.1 Setback Requirements on Corner Lots

- The side of the lot adjacent to a public right of way must maintain a twenty (20) foot side yard setback for the purposes of providing adequate sight distances, safety, air and light to abutting residences and for aesthetic considerations.
- A corner lot shall have only one front lot line as determined in accordance with the definition of front lot line. To determine the front yard of a house located on a corner lot, the front of the house should face the front lot line, which is the lot line of shortest length of the two lot lines adjacent to the street right-of-way line, see definition. The street the house faces shall be used for accuracy in 911 addressing purposes.
- The front, side, and waterside setback requirements for structures located on corner lots in residential districts shall not apply where the average setbacks on existing developed lots on the same block, and fronting the same street are less than the minimum required setback for that zoning district. In such cases the setback on said lot may be less than the required setback, but no less than the average of the existing setbacks on the existing developed lots.
- Accessory structures within 10 feet of the rear lot line of a corner lot shall maintain a side yard of twenty (20) feet minimum to ensure corner visibility and vehicular safety.

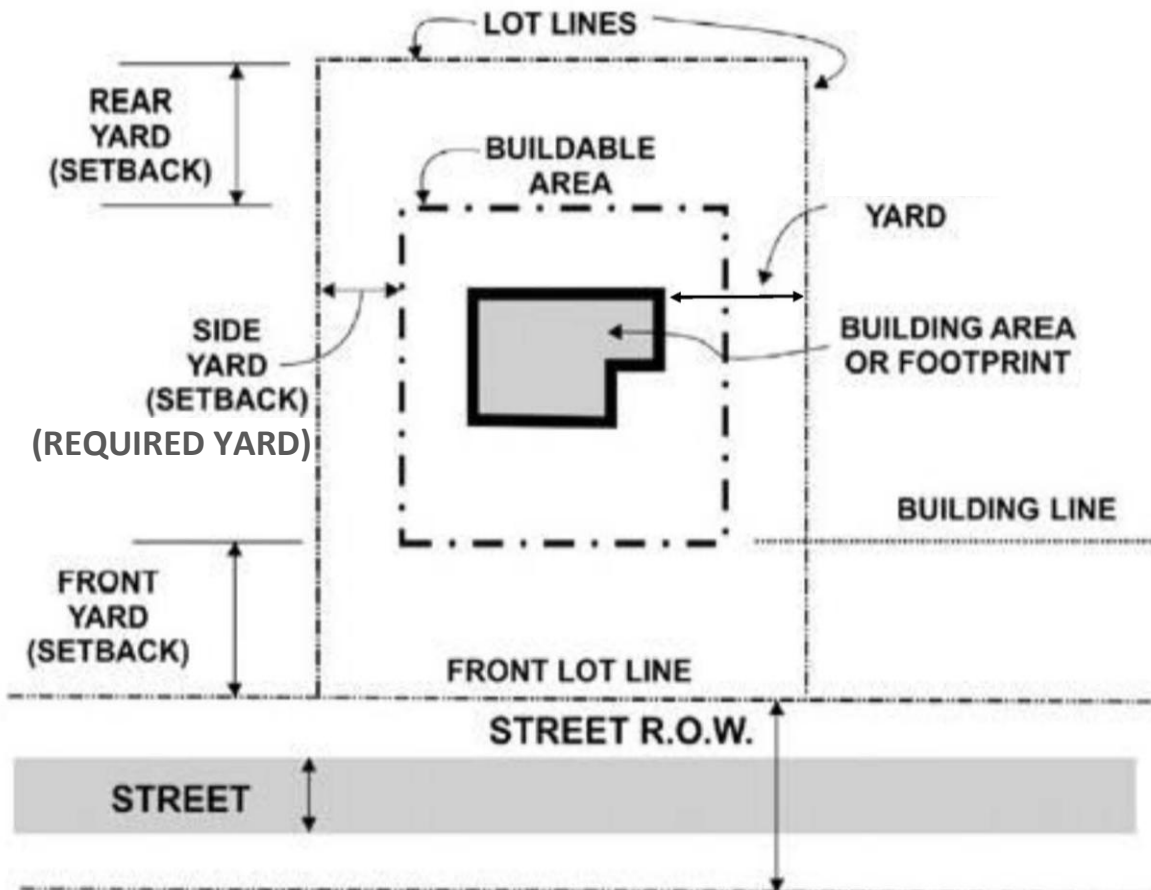
§ 5.6.1.2 Distance Between Multiple Buildings on a Lot

Excluding R-1 and R-2 zoning districts, in all other zoning districts where more than one building is permitted on one lot, the distance between multiple buildings on a lot shall

be a minimum of the maximum height limit of the building per the requirements of the zoning district, or meet the city's most recent adopted building and fire codes.

The following illustration in *Figure 5.1: Required Yard Space & Yard Setbacks on a Lot*, shows the difference between a yard and a required yard along with the buildable area of a lot and the building setback line.

FIGURE 5.1: Required Yard Space & Yard Setbacks on a Lot



Source: www.walnuttp.com

§ 5.6.2 Setback Standards Table

The following yard size requirements are listed for each zoning district. They are measured in U.S. Feet and are considered the minimum required distances.

TABLE 5.2: Setback Standards Table					
Zoning District	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard	Waterside Yard
R-1	35	30	10	25	25
R-2	35	30	10	35	25
R-3	35	30	10	35	25
RMH	35	30	10	25	25
CR	35	30	10	25	25
B-1	20	20	b	20	25
B-2	20	20	b	20	25
IM	50	50	c	30	50
Accessory Buildings/Structures	Not permitted	d	d	20	25

b- None, except when abutting a residential district or use, it shall be a minimum of twenty-five (25) feet.

c- None, except when abutting a residential district or use, it shall be a minimum of fifty (50) feet.

d- The accessory structure setback shall be the same as the rear and side yard setback of the zoning district in which the structure is located.

FIGURE 5.2: Yard Space on a Lot

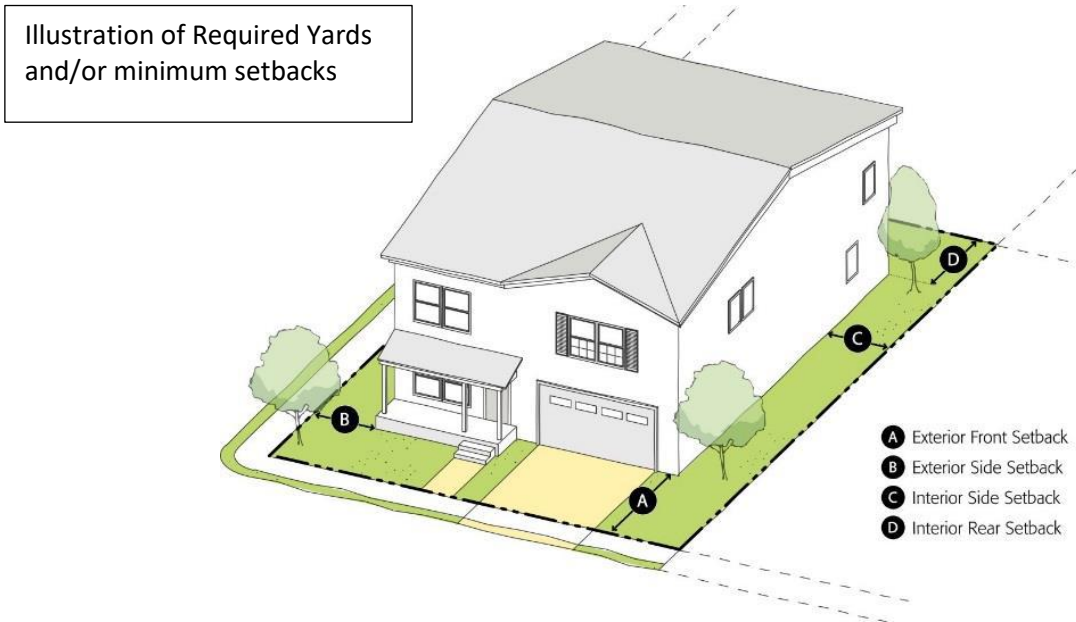


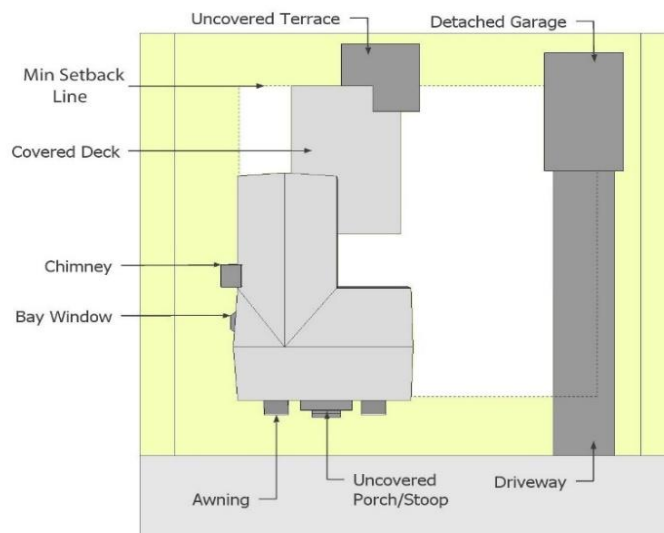
TABLE 5.3: Allowable Yard Encroachments

BUILDING/ARCHITECTUAL FEATURE	MAXIMUM ALLOWANCE DISTANCE
Open, uncovered, or unroofed porches, decks, patios, terraces, walkways, balconies, fire escapes, or stairways	6 Feet
Roof eaves and overhangs, or marquees	
Bay windows, chimneys, awnings, AC unit platforms	3 Feet
Window sills	1 Foot
Signs, projecting or free-standing	Allowed, See Sign Ordinance
Carports, attached or detached	Must be set back from side and rear lot lines by at least 5 feet
Flagpoles	May be located in any required minimum yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height
Lighting fixtures	May be located in any required setback area if less than 20 feet high
Fences or walls	See zoning district for required height
Accessory buildings and structures, driveways, swimming pools, and other than those listed above	May be located in a required minimum side or rear yard, subject to the requirements in Article regulating Accessory Uses and Structures
Vegetation and landscaping features such as retaining walls, fountains, ponds, and similar landscaping features	May be located in any required setback area

SECTION 5.7 ALLOWABLE YARD ENCROACHMENTS AND PROJECTIONS

Table 5.3 and Figure 5.3 provide the total amount of area a yard encroachment and/or projection can occupy in the setback. Every part of every required minimum yard shall remain open and unobstructed from the ground to the sky except as otherwise allowed in the table below. The yellow shaded areas of the following diagram indicate the required yard area and the dark gray shaded items are the building features which are permitted in the required yard setback areas, subject to the requirements of the city's most recent adopted Building Code.

FIGURE 5.3: Allowable Yard Encroachments Diagram





SECTION 5.8 PERFORMANCE STANDARDS FOR NON-RESIDENTIAL DISTRICTS

The following standards shall apply only to lots containing a non-residential use, which include all commercial and industrial uses.

- Lots shall be of sufficient size to accommodate the intended use, including adequate parking and loading facilities in addition to space required for the conduct of other operations of the business, and to otherwise comply with the provisions of this ordinance.
- Where a commercial district and/or use abuts any part of a residential district and/or use, a buffer zone of twenty-five (25) feet wide shall be required;
- Where an industrial district and/or use abuts any part of a residential district and/or use, a buffer zone of fifty (50) feet shall be required; and
- Where an industrial district and/or use abuts a commercial district and/or use, a buffer zone of twenty (20) feet shall be required. Said buffer zones shall be in addition to the yard requirements and shall be fenced or screened subject to the following regulations:
 - Wall or fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high in a residential district and eight (8) feet high in a non-residential district, and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.
 - Screen planting strip. If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained, by owner, in a clean and neat condition and in such manner as to accomplish its purpose continuously.
- No primary entrances or exits shall direct traffic into adjacent residential or business districts. Adequate parking as required in this Ordinance shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.
- Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten (10) percent.
- A landscaping plan shall be required for all commercial developments, any multi-family dwelling structure, and any residential or commercial lodging development. Such plan shall be submitted to the Planning Commission for review and approval before the issuance of a building permit and construction activities. The plan shall clearly show what existing trees will remain, as well as what shrubbery and other vegetation will be added to complete the final landscaping of the property. No trees greater than sixty (60) inches in circumference at breast height, or measuring up the tree trunk 4 ½ feet from the ground, (16" DBH, see Definition), shall not be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic; that it is diseased or weakened by age, storm, fire



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Article 5 - Lot Dimensions & Setback Requirements

or other injury; that it is absolutely necessary to construct proposed improvements without incurring significant additional costs, all of which must be determined and approved by a licensed and Certified Arborist; or that it is necessary for the installation of solar energy equipment. In such case, the developer's landscape plan shall indicate replacement trees that comply with the tree protection requirements of this Ordinance found in Article 6, Section 6.12: LANDSCAPING REQUIREMENTS.

- All new developments along Highway 43 shall maintain a minimum of five (5) feet of the required front yard setback as a landscaped, greenbelt area along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance consistent with the City's character and civic identity is presented as detailed in the developer's required landscape plan.

SECTION 5.9 ACCESSORY BUILDINGS & ACCESSORY DWELLING UNITS (ADUs)

An accessory building is a building and/or structure detached from a principal building located on the same lot and incidental and subordinate to the principal building or use. Accessory uses are those activities and land uses incidental to a primary use. The classic example of an accessory use is a shed that sits on the same lot as a house or a parking facility serving an office building on the same lot, or signage for the primary use of a site. For the purposes of this Ordinance, a cargo/shipping container shall have a different definition from an accessory building and have different zoning requirements, see Section 5.10 of this Article. All applications for accessory buildings and/or cargo/shipping containers must be reviewed and approved by the Creola Planning Commission before a building permit can be issued or before the structure can be placed on a lot.

These zoning regulations that manage accessory buildings and uses do not apply to a lot that is five (5) acres or more in total area. Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- Is customarily incidental to and is maintained and operated as a part of the principal use;
- Does not exceed thirty percent (30%) of the size of the principal structure on the lot;
- Shall not include kitchen facilities (see definition of kitchen);
- Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
- Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use;
- Must be compatible with the main structure and the general character of the surrounding neighborhood;
- Shall not be located on a lot by itself; No accessory building shall be placed on an undeveloped lot until construction of the principal building has occurred. **Note: If a building permit has been issued for a principal structure on a residential lot, the accessory building may be constructed.*



- No accessory building shall be used until a Certificate of Occupancy (CO) has been issued for the principal building by the Building Official;
- Where a carport is attached to the residential building, it shall be attached to the residential building in a substantial manner by a roof, and therefore, such requirements applicable to the residential building code shall apply;
- Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a common wall or a party wall, or such accessory building shall be attached to the main building in a substantial manner by a roof and therefore, such requirements applicable to the main building shall apply;
- A detached accessory building shall not be closer than twenty (20) feet to the residential building, nor closer than five (5) feet to any lot line or encroach into any existing drainage or utility easements;
- No detached carport or garage may: (1) be located forward of the building frontage of the residential building; or (2) be closer than twenty (20) feet to any right-of-way.

§ 5.9.1 Accessory Building/Structure Location & Setback Requirements

The following requirements only apply to detached accessory buildings in residential zoning districts only.

Detached accessory buildings/structures in residential zoning districts shall adhere to the following requirements:

1. Front yard - Detached accessory buildings shall not be located or extended in the front yard.
2. Side yard - Detached accessory buildings are permitted to be located in any side yard and shall be placed a minimum distance of at least twenty (20) feet from the principal structure and five (5) feet from a side or rear property line. This requirement does not apply to corner lots, see #5 below.
3. Rear yard - Detached accessory buildings are permitted to be located in a rear yard and shall be placed a minimum distance of at least twenty (20) feet from the principal structure and five (5) feet from a side or rear property line.
4. Waterside yard - Detached accessory buildings are permitted in any waterside yard and shall be placed a minimum distance of at least twenty (20) feet from the principal structure and ten feet (10) feet away from the waterside yard setback line.
5. Corner Lots - Detached accessory structures within 10 feet of the rear lot line of a corner lot shall be set back a minimum of twenty (20) feet.

§ 5.9.2 Maximum Accessory Building/Structure Height

Detached accessory buildings shall not exceed one (1) story or fifteen (15) feet in height except when located in a waterside yard, which shall not exceed a maximum of eight (8) feet in height to protect the viewshed of the waterfront.

§ 5.9.3 Accessory Dwelling Units (ADUs)



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An Accessory Dwelling Unit (ADU) is a secondary, self-contained residential unit located on the same lot as a primary single-family dwelling, and is subordinate to the primary dwelling. It provides independent living facilities, including areas for sleeping, cooking, and sanitation, and can be attached to the main house (such as a basement or garage apartment) or detached as a separate structure.

ADUs are typically smaller in size than the principal dwelling and are intended to provide flexible housing options, such as for extended family members or caregivers, while maintaining the residential character of the neighborhood. Any ADU permitted in the corporate limits of Creola must be built to the current adopted building code of the City of Creola.

In zoning terms, ADUs must comply with lot size, setback, height, parking, and occupancy regulations specified by the City of Creola's Zoning Ordinance and within the zoning district the ADU is located. ADUs are permitted in zoning districts where residential uses are permitted and must be on a lot of record that is a minimum of five (5) acres or more in size. A maximum of one (1) ADU is allowed per each lot of record and it must be a minimum size of more than 800 square feet, and not to exceed fifty percent (50%) of the size of the primary dwelling unit on the lot. The following regulations apply to all ADUs:

- The owner of the property must reside in either the primary residence or the ADU
- An ADU must use the same side street entrance as the primary residence and provide additional off-street parking
- The ADU cannot exceed 50% of the square footage of the habitable area of primary residence or 800 square feet, whichever is smaller
- The ADU must be designed to maintain the appearance of the primary residence
- No mobile homes or recreational vehicles are allowed as an ADU
- All setback requirements for the zoning district in which the ADU is located shall apply
- The ADU shall meet applicable health district standards for water and sewage disposal

SECTION 5.10 CARGO/SHIPPING CONTAINER REQUIREMENTS

A cargo and/or shipping container is any box-like container transported by truck or trailer to a designated location for the limited purpose of loading and unloading contents. Such containers are intended for the temporary or long-term storage of goods on residential properties and commercial properties. For the purposes of this Ordinance, such containers shall be referred to as cargo/shipping containers and shall have a different definition and regulations from a traditional accessory building, such as a shed. All applications for cargo/shipping containers must be reviewed and approved by the Creola Planning Commission before a building permit can be issued or before the structure can be placed on a lot.

§ 5.10.1 Use Requirements

These regulations apply to all shipping containers located in all zoning districts or placed on any lot within the City of Creola.

- Cargo/shipping containers are permitted within the city's corporate limits in all zoning districts.
- All applications for cargo/shipping containers require review and approval from the Creola Planning Commission before the issuance of a building permit.
- They may only be used for temporary or long-term storage purposes.



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- Cargo/shipping containers are only permitted on lots that are a minimum of five (5) acres or more.
- A maximum of two (2) shipping containers shall be allowed per lot of record providing the lot is at least five (5) acres in size and a primary structure used for residential purposes is existing on the lot.
- They are prohibited on vacant and/or undeveloped lots.
- They are only permitted in the rear yard of a lot-they must be located behind the principal structure on the lot. They are not allowed in the front or side yard areas.
- The lot must be large enough to accommodate the principal structure and the shipping container. The shipping container must meet the and maximum lot coverage requirements of the zoning district in which it is located and the same minimum yard setback standards as the principal structure which are established for each zoning district. If no definitive setbacks are required for a zoning district, the shipping container must be setback a minimum of twenty (20) feet from the principal structure, ten (10) feet from the rear and side property lines, and twenty-five (25) feet from the waterside yard property line.
- Shipping containers cannot be stacked on top of each other.
- They are required to be a solid, neutral color with no writing, logos, or commercial messages of any kind.
- Any request to place a shipping container on any lot within the City of Creola must present an application before the Planning Commission for review and approval before a permit can be issued.
- All shipping containers must adhere to and meet the currently adopted building code for the City of Creola.

SECTION 5.11 FENCING REQUIREMENTS

The purpose and intent of these fencing requirements is to establish development standards that are aesthetically complimentary to the neighborhood and surrounding area which enhance the neighborhood and provide for adequate air and light permeability onto lots, adequate buffering and screening of uses and activities between adjacent properties, and adequate obstruction and containment of noise. The following fence regulations only apply to the required yard area of a lot. For the purposes of this Ordinance, the required yard area shall be defined as the unoccupied space on the same lot with the principal building, situated between the property line and the building setback line on a lot. The required yard is also considered the required setback, and each zoning district listed in this Ordinance has a minimum required setback specific for each district, see Article 2: Definition of Terms and "Yards" diagram in Article 5 of this Ordinance. These fencing requirements do not apply to the general yard area outside of the required yard area and a building permit is not required.

1. Fences are permitted in every zoning district.
2. A building permit shall be obtained prior to construction of any fence in the required yard area.



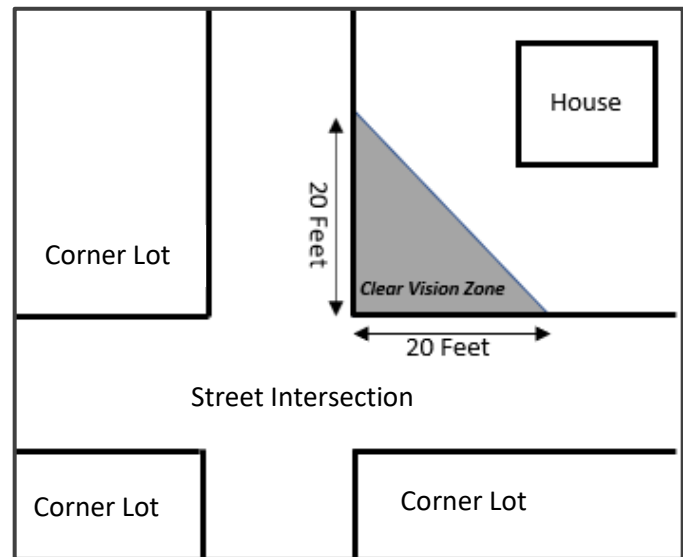
For the purposes of this Ordinance, the required yard area shall be defined as the unoccupied space on the same lot with the principal building, situated between the property line and the building setback line on a lot. The required yard is also considered the required setback, and each zoning district listed in this Ordinance has a minimum required setback specific for each district, see Article 2: Definition of Terms and “Yards” diagram in Article 5 of this Ordinance. These fencing requirements do not apply to the general yard area outside of the required yard area and a building permit is not required.

3. Fences may be permitted on the property lines or anywhere else on the lot provided that:
 - Fences shall not be constructed in a drainage easement, floodway, or other watercourse;
 - Fences or walls shall not block any local lot drainage; and
 - Fences do not interfere with vision clearance at intersections.
4. All fences, hedges, screen plantings and walls within the required yard areas shall comply with the following requirements which regulate height, location and design, except where special requirements are set forth for specific screening purposes elsewhere in this Ordinance or where modifications are required to meet the requirements of this Ordinance.
 - The finished side of a fence shall always face the exterior side of the lot. Support members, when located on one side of the fence, shall be on the interior side of the fence.
 - No fence, hedge, screen plantings, wall, or other obstruction in any zoning district shall be located in a manner on a lot that creates a blind corner.
5. Fencing Materials:
 - Permitted Materials: In all zoning districts, the following types fencing materials are permitted to be used for fence construction in the required yard provided that any material used enhances the residential area and provides aesthetic appeal to ensure property values are not compromised and the character and intent of the zoning district in which the fence is located is maintained:
 - > Chain link, coated or non-coated
 - > Wood
 - > Vinyl and/or PVC
 - > Wrought iron and/or aluminum
 - > Brick
 - > Stone
 - Prohibited Materials: In all zoning districts, the following fencing materials are expressly prohibited to be used for fence construction in the required yard and general yard area:
 - > corrugated metal
 - > solid sheets of plywood
 - > particleboard
 - > sheet metal
 - > razor or barbed wire is permitted in agricultural applications in the general yard area, but not in the required yard area.

§ 5.11.1 Front Yard Fences

1. Any type of chain link fencing (vinyl-coated included) is prohibited in a front yard in a residential zoning district or on a lot with a residential use.
2. **Maximum Height:** All walls and fences within a required front yard and required side yard on a corner lot shall not exceed four (4) feet in height. This requirement does not apply to the IM zoning district.

FIGURE 5.4: Intersection Visibility



3. **Visibility at Intersections:** To ensure vision clearance at an intersection is achieved and any front yard fence, wall, hedge, screening, and the like does not pose a safety threat for motorist, no fence, wall, hedge, screen, structure, vegetation, or planting shall be higher than two and a half (2 ½) feet on any corner lot in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty (20) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground, see *Figure 5.4*.
4. **Fences Used as Enclosures:** In all zoning districts except for the R-1 and R-2 districts, fences and walls may be permitted as needed to enclose garbage and trash receptacles and above ground components of a public utility system, provided that the Building Official determines the following:
 - The maximum height of any fence or wall used for the enclosure of such facilities and in no case shall exceed a height of eight (8) feet;
 - Such facilities may be located in the required front yard when it is not possible to locate the facilities anywhere else on the lot;
 - The area enclosed and the height of fences and walls are the minimum necessary to screen such facilities from view;
 - The encroachment of such walls and fences onto a required front yard is the minimum necessary;
 - The materials used, and the method of constructions for such fences, plantings and walls, meet all standards prescribed by the Building Official.

§ 5.11.2 Side and Rear Yard Fences

In all residential zoning districts or on lots used for residential uses, all walls or fences within the required side or required rear yards shall not exceed six (6) feet in height except for a required street



side yard or required street rear yard of a corner lot which shall be considered a front yard for these purposes and the height shall not exceed four (4) feet.

§ 5.11.3 Waterside Yard Fences

All fences and walls within the required waterside yard shall not exceed four (4) feet in height and shall be designed and constructed as an “open” fence that does not obstruct the view, but rather enhances it. “Open” means and includes all fence and wall sections which have an opacity of at twenty-five percent (25%), excluding vertical support posts in order to protect the viewshed of the waterfront.



ARTICLE 6:

Parking, Landscaping, & Lighting Standards

§ 6.1	PURPOSE
§ 6.2	GENERAL PROVISIONS
§ 6.3	REQUIRED PARKING SPACES
§ 6.4	PARKING SCHEDULE TABLE
§ 6.5	LOCATION OF PARKING SPACES
§ 6.6	SHARED PARKING REQUIREMENTS
§ 6.7	PARKING FOR RVs & COMMERCIAL VEHICLES
§ 6.8	PARKING STANDARDS & DIMENSIONS
§ 6.9	PARKING LOT ACCESS & DESIGN
§ 6.10	OFF-STREET STORAGE & LOADING
§ 6.11	CURB CUTS & VISION CLEARANCE
§ 6.12	LANDSCAPING REQUIREMENTS & TREE PROTECTION

SECTION 6.1 PURPOSE

The intent of this Article is to establish design criteria to preserve, protect, and enhance the economic vitality and character of the City of Creola, while maintaining the perception of the city as a pleasant, charming, and livable community. In order to reflect and preserve Creola's civic identity, design standards have been established to govern the future development of the City so that good planning practices are achieved, and so that new development will be consistent with the purpose and intent of Creola's Comprehensive Master Plan and this Ordinance, and to ensure the health, safety and welfare of local citizens are protected.

SECTION 6.2 GENERAL PROVISIONS

The following parking regulations shall apply to all zoning districts.

- The required number of permanent, off-street parking and loading spaces specified by this Article shall be provided for each use at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity, or before conversion from one type of use or occupancy to another.
- Any off-street parking or storage space shall have unobstructed vehicular access to a street or alley.
- Handicapped parking spaces must be provided and designed in accordance with the applicable provisions of the Americans with Disabilities Act (ADA).
- Off-street vehicle and/or vessel/trailer storage is permitted provided they are stored behind



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the front building line.

- Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.
- Parking areas for all developments must be so designed that emergency and other public service and/or safety vehicles can adequately and safely access and serve such developments.
- All new parking areas are subject to approval by the Planning Commission and the Fire Chief.
- Fire lanes may be required by the Fire Code.
- Overnight on-street parking is prohibited.
- Off-street parking existing on the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

SECTION 6.3 REQUIRED PARKING SPACES

The required number of parking spaces for each type of land use shall apply to any vehicle or vessel/trailer, or a combination of both, see Parking Schedule Table below. All required parking spaces for each use shall be located on the same lot as the principal use unless a special exception is granted for off-site parking accommodations. For the purposes of this Ordinance and to calculate the correct parking requirement, a dwelling unit shall be defined as any dwelling unit containing a kitchen, bedroom(s), and bathroom(s) that is designed and used exclusively or occupied as separate living quarters by an occupant. A garage, either attached or detached to a structure may be counted toward the minimum required parking space(s) for each use listed in the table below.

SECTION 6.4 PARKING SCHEDULE TABLE

The following parking requirement table lists the MINIMUM number of required parking spaces for the uses permitted in all of the zoning districts within the City of Creola.

USE	REQUIRED # OF PARKING SPACES
RESIDENTIAL USES	
• SINGLE FAMILY DWELLING STRUCTURES	Two (2) spaces for each home.
• TWO-FAMILY DWELLING STRUCTURES	Two (2) spaces for each dwelling unit.
• MULTI-FAMILY STRUCTURES	One and one-half (1.5) spaces for each unit.
GENERAL BUSINESS, RETAIL, & COMMERCIAL USES	One (1) space for every three hundred (300) square feet of gross floor area plus one (1) space for every two (2) employees working on site.
LODGING USES	One and one-quarter (1.25) parking spaces for each guest room plus additional spaces
• HOTELS, CONDOMINIUMS, MOTELS AND	

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OTHER TYPES OF LODGING	for accessory uses such as restaurants, lounges, offices, shops, etc., to be located within three hundred (300) feet the lot, plus one (1) space for every two (2) employees working on site.
BED & BREAKFASTS	Two (2) spaces per residential use plus one (1) space per guest bedroom.
PUBLIC ASSEMBLY & INSTITUTIONAL USES	One (1) space for every four (4) attached seats or one (1) space for every fifty (50) square feet of gross floor area where there are no attached seats, plus one (1) space for every two (2) employees working on site.
CHURCHES AND OTHER PLACE OF WORSHIP, THEATERS, AUDITORIUMS, COMMUNITY CENTERS, FUNERAL HOMES, AND OTHER SIMILAR PLACES OF ASSEMBLY:	One (1) space for every four (4) attached seats or one (1) space for every fifty (50) square feet of gross floor area where there are no attached seats, plus one (1) space for every two (2) employees working on site.
LIBRARIES, MUEUMS, AND OTHER PLACES OF AMUSEMENT OR ASSEMBLY WITHOUT FIXED SEATING ARRANGEMENTS:	One (1) space for every four (4) attached seats or one (1) space for every five hundred (500) square feet of gross floor area where there are no attached seats, plus one (1) space for every two (2) employees working on site.
SCHOOLS	One (1) space for each employee plus five (5) spaces per classroom.
RESTAURANTS & DINING USES	One (1) space for each four (4) seating accommodations, plus one (1) space for each two (2) employees on site; take-out restaurant, one (1) space for each three hundred (300) square feet, plus one (1) space for each two (2) employees working on site.
RECREATIONAL & ENTERTAINMENT USES	To be determined by Planning Commission during site plan review. To be based on occupancy, square footage, and/or acreage, whichever applies.
OUTDOOR RECREATION VENUES SUCH AS: PARKS, BALL FIELDS, COURTS, GOLF COURSES, SWIMMING POOLS AND OTHER SIMILAR USES	
INDOOR RECREATON/ENTERTAINMENT VENUES	One (1) space for each 200 square feet of floor area.
MARINA USES	One (1) space for each three hundred (200) square feet of enclosed floor space; one (1) space for each three (3) wet slips; and one (1) space for every three (3) dry slips plus one (1) space for every two (2) employees working on site.



BOAT LAUNCH USES	Ten (10) vehicle/trailer spaces for each launch. Boat Launches designed only for non-motorized boats shall require five (5) parking spaces for each launch.
RV PARK USES Management headquarters/office building	Four (4) parking spaces designated for check-in and visitors; two (2) designated for staff.
Individual RV space	One (1) parking space per RV space for standard passenger vehicle (tow vehicle); the minimum required space for one (1) recreational in order to accommodate both the RV unit and the tow vehicle.
HEALTH CARE FACILITIES	one (1) space for each 200 square feet of floor area used for offices and similar purposes plus one (1) space for every two (2) employees
INDUSTRIAL USES	
Self-storage & Warehouses	One (1) space for every storage unit
All other industrial/manufacturing not catering to retail trade	One (1) space for each employee on the maximum working shift, plus one (1) space for each company vehicle operating from the premises
Wholesale	One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for every 3 employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises

SECTION 6.5 LOCATION OF PARKING SPACES

§ 6.5.1 Parking spaces for all uses or structures shall be located on the same lot with the principal use. If parking is provided off-site, the location of the off-site parking must be within three hundred feet (300') of the principal use and a Lease or Letter of Agreement must be executed and accompany any site plan the Planning Commission reviews before approval can be granted to ensure the parking requirement is met.

- If the off-site parking area is located across a public street or right-of-way, a crosswalk per ALDOT standards must be installed if no existing crosswalk within close proximity is available before the off-site parking agreement can be approved by the Planning Commission.
- If the selected off-site parking location is the only use on the lot, then "Parking Lot"



must be a permitted use in the district in which the parking lot is located.

§ 6.5.2 Where required parking spaces are not located on the same lot as the principal use, a Lease or Letter of Agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses shall be properly drawn and executed by the parties concerned, approved as to form by the Municipal Attorney and shall be filed with the application for a building permit. Annual Business license renewal applications must include a copy of the current written agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses as originally approved.

SECTION 6.6 SHARED PARKING REQUIREMENTS

When land uses occupy the same lot or adjacent lots, the total number of off-street parking spaces required for each use may be combined and shared. Two (2) or more owner or operators of any commercial or non-residential use may share the required off-street parking spaces provided that each use sharing the parking area shall be:

- Located in the same zoning district;
- The hours of operation do not coincide with each other;
- The total number of parking spaces for each use is met.

A Shared Parking Agreement shall be required to accompany the site plan to be reviewed by the Planning Commission before approval can be granted for shared parking requests.

SECTION 6.7 PARKING FOR RECREATIONAL & COMMERCIAL VEHICLES

§ 6.7.1 **Recreational Vehicle (RV) Parking Requirements.** RV parking is permitted in all zoning districts, but must be located away from view from public rights-of-way and from neighboring properties to maximum extent practicable. RV's must be parked behind the front setback line, within the side yard of a lot.

§ 6.7.2 **Commercial Vehicle Parking Requirements.** Parking for commercial vehicles is permitted in all zoning districts, but must be located away from view from public rights-of-way and from neighboring properties to maximum extent practicable. Commercial vehicles must be parked behind the front setback line, within the side or rear yard of a lot.

SECTION 6.8 PARKING STANDARDS & DIMENSIONS

§ 6.8.1 **Parking Space Dimensions.** All individual off-street parking spaces shall have a minimum area of not less than one hundred eighty (180) square feet, or nine (9) feet in width by twenty (20) feet in length. The dimensions of all parallel and angled parking spaces are determined based on the angle of the space, see diagram below in Section 6.8.8. Each parking space shall be an all-weather surfaced area and located on-site, within the area of the lot. Parking spaces are prohibited on the public right-of-way, in alleyways, and in driveways, with the exception of



single and two-family uses where the driveway is allowed to be used as the parking space requirement. Unobstructed ingress and egress shall be provided to each parking space.

§ 6.8.2 Paving Standards. Parking spaces and parking areas for all non-residential uses may be paved with either pervious (porous) or impervious (hard surface) materials to standards established by the City of Creola's Subdivision Regulations. In efforts to achieve effective stormwater management practices, pervious materials are highly encouraged for parking spaces and areas in lieu of hard surface impervious materials such as asphalt and concrete.

Parking spaces and parking areas for all residential uses may be paved with either pervious (porous) or impervious (hard surface) materials to standards established by the City of Creola's Subdivision Regulations but shall not exceed a maximum of forty percent (40%) impervious surface materials for the entire area of the lot. Impervious surfaces include any hard surface that stormwater can run off of such as roof tops, covered porches and decks, and driveways.

Pervious materials not only provide an alternative to traditional paving methods, but also serve as a retention basin for storing rainwater during a storm event by allowing water to flow through their surface. While other non-porous materials direct water to storm-drains, these surfaces help ground water recharge by allowing water to flow into open spaces between the materials. These porous materials also filter pollutants and solids from the water as it percolates through the surface.

§ 6.8.3 Wheel Stops. Non-residential parking facilities without curbing shall provide wheel stops for all spaces not less than eighteen (18) inches from the end of the parking space. The stops shall be landscape timber, concrete or other approved material.

§ 6.8.4 Drainage. All non-residential parking areas shall provide internal parking lot drainage that shall be designed according to the stormwater standards of this Ordinance. Stormwater runoff from parking lots should not be discharged directly into the street; such runoff should be collected internally or discharged to an adjacent drainage way. Off-street parking facilities shall be sufficiently drained to prevent damage to adjacent property and streets and to prevent pollutants from draining onto the adjacent lots. Pervious surface materials are highly encouraged. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas must leave openings for the flow of water onto unpaved areas.

§ 6.8.5 Driveway Parking. Using the driveway to meet the off-street parking requirement is permitted only for single family and two-family uses only in any zoning district where said uses are permitted. All driveways for single family and two-family residential uses shall meet the following dimensions requirement:

- The driveway must have a minimum size of 10'W X 20'L or a total area of 200 square



feet unless the zoning district regulations dictate otherwise.

- A single car driveway width should be a minimum of 10' wide, anything less than 10 feet is too narrow to drive or park on comfortably. Twelve feet (12') is often used for added space to be able to get out of the vehicle without stepping on the lawn or landscape. If the driveway is surrounded by walls, then 14' wide is recommended to open the car doors and exit the vehicles without damaging the doors. These specifications will accommodate all cars large or small and full-size pick-up trucks & SUV's.
- Single car driveways should allow 20' of length per vehicle. Every 20 feet of driveway will accommodate all cars large or small and full-size pick-up trucks & SUV's. This will allow room to walk between vehicles and park far enough from the garage door to allow foot traffic.
- Double car driveways shall be a minimum of 20' wide and 20' in length.
- A 24' width is needed if the double car driveway is surrounded by walls on both sides to allow the car doors to open without banging the walls.
- Allow 10' for each additional desired car width.
- Single family and two-family driveways shall be long enough to ensure the driveway can accommodate the number of vehicles at the residence.
- On-street parking in the public right-of-way is prohibited.
- Vehicles are strictly prohibited from encroaching into the public sidewalk or street. The streets and sidewalks are owned by the City of Creola. Temporary and over-night parking is not allowed in the public sidewalk or on the public street.

§ 6.8.6 Interior Traffic Lanes and Parking Aisle Driveways. Traffic lanes within a development are typically adjacent to the public right-of-way and receive traffic from the public road via ingress and egress to the site. They support the circulation of traffic throughout the interior of a development, enabling the traffic to flow throughout the site. Parking aisle driveways provide direct access to parking spaces on either side or both sides of the drive via an extended driveway.

- All traffic lanes within a development shall be a minimum width of twenty (20) feet for all one-way drives, and a minimum of twenty-four (24) feet for all two-way drives.
- The minimum width of all parking aisle access driveways shall be determined based on the angle of the parking space, see table and diagram below.

§ 6.8.7 Parking Area Dimensions Table. The design and dimensions of the parking area shall be in accordance with the following table and illustrations:

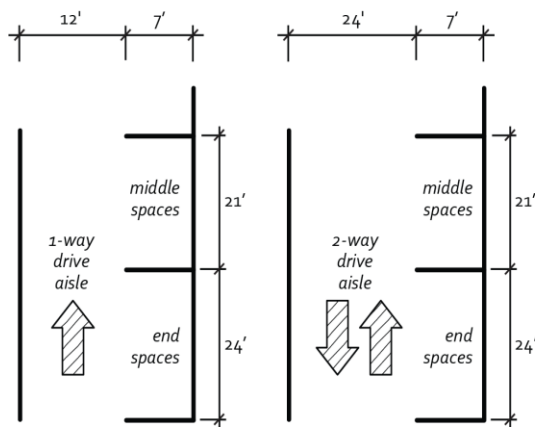
CREOLA ZONING ORDINANCE

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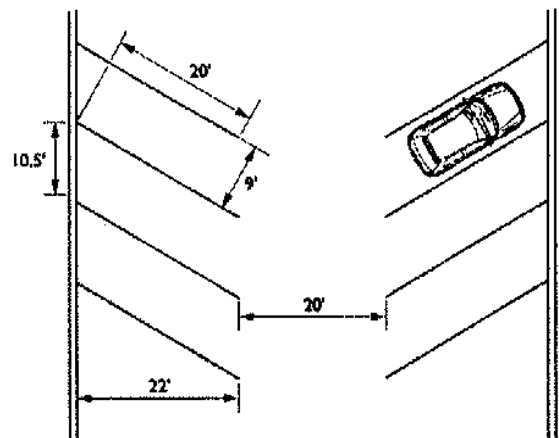
PARKING SPACE AND AISLE DIMENSIONS				
Angle of Parking (°)	Curb Length Per Car (feet)	Stall Depth (feet)	Stall Width (feet)	Access Driveway Width (feet)
0	23'	21' / 24'	7'	12' / 24'
30	10.5'	20' / 22'	9'	20'
45	12'	19.5'	9'	13'
60	15'	21'	9'	18'
90	9'	20'	9'	24'

§ 6.8.8 Parking Area Dimensions Diagram.

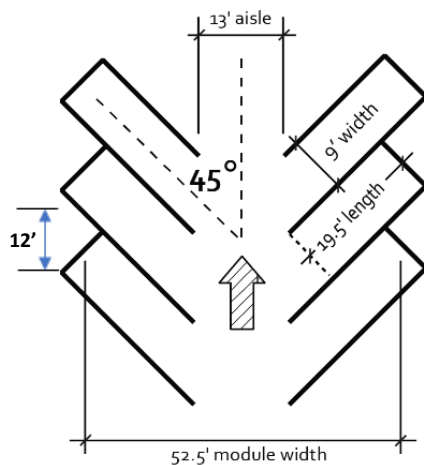
0° ANGLE PARALELL PARKING



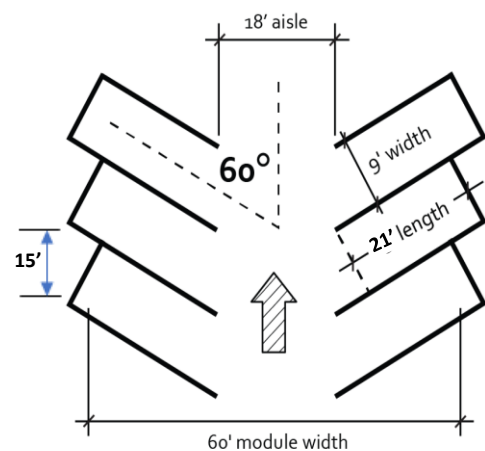
30° ANGLE PARKING

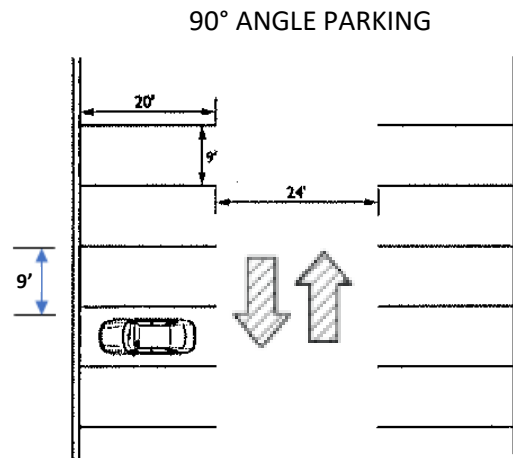


45° ANGLE PARKING



60° ANGLE PARKING





SECTION 6.9 PARKING LOT ACCESS & DESIGN

§ 6.9.1 Parking Plan Required. A parking plan shall be required for any parking area with a design capacity for six (6) or more vehicles and shall be submitted with the site plan for Planning Commission review. The following items are required to be shown on the parking plan:

- Number of spaces
- Dimensions
- Landscaping
- Lighting
- Drainage

§ 6.9.2 Parking Lot Access. Properly designed parking lot access provides for safe and efficient movement of vehicles into and out of the parking lot. Entrances should be located on major streets, align with interior traffic lanes and/or parking aisles, and should direct inbound traffic toward the destination. Exits should be located away from the destination point and discharge vehicles onto lower volume adjacent side streets if possible. Ingress and egress to a property must be a minimum of twenty (20) feet in width if one-way access is provided, or a minimum of twenty-four (24) feet in width if two-way access is provided.

§ 6.9.3 Parking Lot Circulation. Off-street parking lots should be designed to accommodate traffic volumes and pedestrian circulation based on the land use served. The use of islands, medians, curbing, and landscaping is encouraged to separate parking spaces from traffic and pedestrian circulation areas. Interior traffic lanes within a development shall be a minimum width of twenty (20) feet for all one-way drives, and a minimum of twenty-four (24) feet for all two-way drives.

§ 6.9.4 Landscaping & Screening Requirements for Parking Lots. The following standards shall be



required for all off-street parking areas accommodating six (6) or more parking spaces and around the building footprint area of all parking decks having two (2) or more parking levels:

- A minimum of ten percent (10%) of the total interior area intended for off-street parking shall be suitably landscaped with plants and vegetation.
- Such parking areas should be effectively screened from general public view by incorporating the natural landscape and topography.
- Interior portions of the parking area that contain twelve (12) or more parking spaces shall be broken by provision of landscaped islands for every twelve (12) spaces in order to mitigate the negative visual impact of long uninterrupted rows of cars;
- Each separate landscaped area must be a minimum of twenty-five (25) square feet;
- All interior portions of the parking area shall contain one (1) separate landscaped area for each twelve (12) parking spaces with a minimum of one (1) tree per landscaped area which shall be a minimum of six (6) feet in height.
- Shrubs shall be a minimum of thirty (30) inches in height immediately upon planting. Trees must be a minimum of six (6) feet in overall height immediately upon planting and have a minimum caliper of one and one-half (1-1/2) inches in diameter;
- Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;
- The owner, tenant and/or agent, if any, shall be jointly and severally responsible for maintaining all landscaping in satisfactory condition, replacing when necessary, and keeping all areas free of refuse and debris.
- Screenings: Screening may consist of one or any combination of the following.
 - Wood or masonry walls or fences
 - Landscaped earthen berms
 - Native plant materials of such size, branching density, spacing, and quantity to provide a minimum of 60% opacity while dormant.

§ 6.9.5 Lighting Requirements for Parking Lots. Exterior lighting for parking lots shall include but shall not be limited to all lights mounted on the exterior of building as well as freestanding or ground lights. All exterior lighting for parking lots shall be designed and installed to adhere to the following guidelines and standards:

- shall be designed, located, installed, and directed so that the filaments, light sources or lenses are shielded with opaque material in such a way that they will not be visible at property lines;
- all parking area lighting will be full cut-off type fixtures and shall not exceed fourteen (14) feet in height from the ground to the highest point on the fixture;
- Up-lighting and high pressure sodium light sources are prohibited;
- Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained within the target area;



- All building lighting for security or aesthetics should be full cut-off style or a shielded type, not allowing any upward distribution of light to minimize glare and prevent light trespass onto adjacent properties;
- Floodlighting is discouraged, and if used, must be shielded to prevent: (a) disability glare for drivers or pedestrians, (b) light trespass beyond the property line.
- Where a parking lot is adjacent to residential property, no direct light source shall be visible at the property line at ground level or above.

The purpose of parking lot lighting is to provide adequate visibility within the parking lot and to enhance the security and safety of the lot users. It should not cause interference to traffic on public thoroughfares or encroach on the visual privacy of adjacent residents. The intent of these standards is to provide guidelines to ensure that parking lot lighting in the City of Creola is adequate and to minimize its adverse impact upon adjacent residential uses.

SECTION 6.10 OFF-STREET STORAGE & LOADING

§ 6.10.1 Storage and Parking of RVs, Vessels, and Commercial Vehicles:

Commercial vehicles, boats, boat trailers, RVs, and travel trailers of all types, including camping and hauling, shall be stored on any lot in any zoning district provided the lot is occupied by a structure and the storage is in accordance with the following requirements:

- A maximum of one (1) commercial vehicle per structure shall be permitted to be stored outside provided it is parked behind the front building set back line; two or more commercial vehicles must be stored within an enclosed structure.
- A maximum of one (1) RV, travel trailer of any type, hauling trailer, and/or boat trailer are permitted for outdoor storage if stored behind the front building setback line;
- An RV or any type of travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in an RV Park authorized under this Ordinance;
- A junked vehicle, trailer, or vessel, or one that cannot be moved under its own power, shall not be permitted to be located on any lot within the corporate limits of Creola.

§ 6.10.2 Off-Street Loading:

In any zoning district, in connection with all buildings, or building group or part thereof hereafter erected and having a gross floor area of four-thousand (4,000) square feet or more, which is to be occupied by any commercial or non-residential use requiring the receipt or distribution of goods by trucks, there shall be provided

off-street loading or unloading berths as follows:

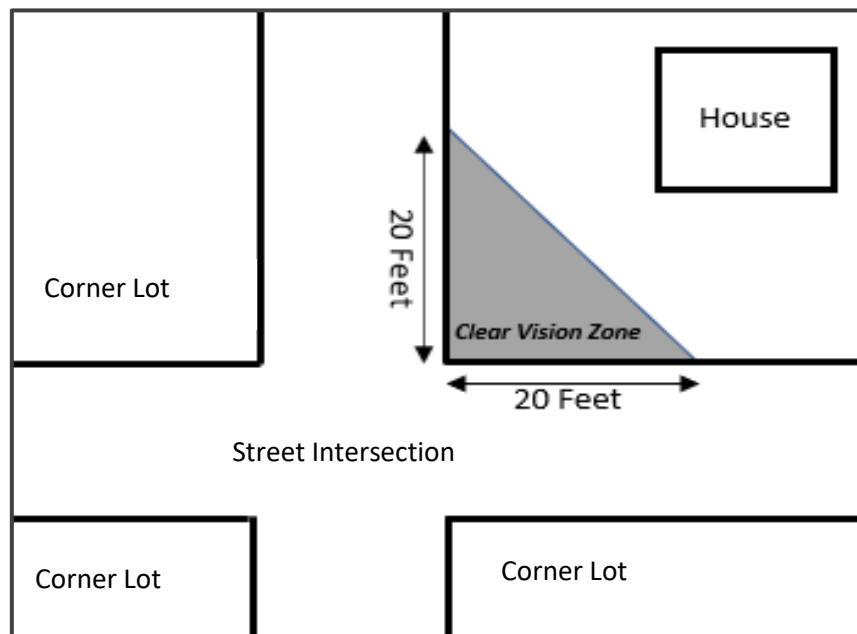
Gross Floor Area	Number of Berths
4,000 – 25,000 square feet	1 berth
25,001 – 40,000 square feet	2 berths
40,001 – 60,000 square feet	3 berths

For each additional 50,000 square feet 1 berth shall be required. The loading berth(s) required in each instance shall not be less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard except for a required front yard or water front yard; provided, however, that the loading berth(s) shall be screened from the street or public way.

SECTION 6.11 CURB CUTS & VISION CLEARANCE

- Curb cuts. No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than fifty (50) feet to other curb cuts or closer than fifty (50) feet to any intersection of two (2) streets measured along the curb line.
- Vision Clearance. In all zoning districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) and ten (10) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets, see *Figure 6.1* below.

FIGURE 6.1: Vision Clearance at Intersections





SECTION 6.12 LANDSCAPING REQUIREMENTS & TREE PROTECTION

Trees are an important component of the City of Creola's identity and character. In addition to naturally providing soil stabilization and flood control, they significantly increase property values and desirability. As such, certain trees are important to the City and shall be considered during the planning and design of new subdivisions and commercial developments.

§6.12.1 Applicability.

These requirements apply in the territorial limits of the subdivision regulations and to all new major residential subdivisions, multi-family housing development,s and new commercial developments. All applications for new major subdivisions and new commercial developments are required to submit a tree and landscape plan.

§6.12.2 Tree Protection Requirements.

1. No protected trees shall be damaged, removed, or altered until the preliminary plat proposed subdivision, or site plan for a new multi-family or commercial development has been approved by the planning commission, and the pre-construction requirements have been satisfied.
2. Clear cutting of undeveloped lots for all new commercial developments, multi-family housing developments, and major residential subdivisions is prohibited.

§6.12.3 Exemptions.

The following are exempted from compliance with the tree and landscape provisions of these regulations.

1. Utility easement for power lines, pipelines, drainage ditches, etc.
2. Public utility construction activities within the public rights-of-way.
3. Trees irreversibly diseased, damaged, or destroyed by natural causes or disaster.

§6.12.4 Protected Trees.

Heritage trees (see definition) equal to or in excess of sixty (60") inches in circumference at breast height, or at 4.5 feet measured up the trunk of the tree, (16" DBH) are hereby protected and cannot be cut or intentionally harmed without the expressed written permission of a licensed and practicing Arborist. The following is a list of Protected and/or Heritage Trees:

Protected Tree Species includes all of the following trees over sixteen inches (16") DBH (or 60" at breast height):

- Live Oak
- Southern Magnolia
- Long-Leaf Pine



§6.12.5 Heritage Tree Removal Procedure.

Any applicant/developer wishing to remove or relocate a heritage tree shall indicate the proposed actions on the subdivision plat or site plan. The plat and/or site plan must identify the location and type of heritage tree to be removed and the location and type of plantings for replacement. Heritage trees may be removed, subject to review and approval by a licensed and practicing Arborist, if the following apply to the new development:

1. The tree is in immediate threat to life, safety and welfare;
2. The tree is located in an area where a structure or improvement is to be placed in accordance with the proposed plan.
3. The tree is diseased, injured, or in danger of falling too close to an existing or proposed structure, interferes with the existing utility service, creates and unsafe vision clearance or conflicts with other Ordinances.
4. The tree shall be prior to or after construction in violation of federal, state or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for the financing of the construction.

§6.12.6 Replacement Trees.

The proper replacement of trees shall be required for the removal of all heritage trees. The developer is required to plant two (2) trees for every one (1) heritage tree removed. The replacement trees shall correspond to the tree removed. For example, a heritage live oak could be replaced by two live oak plantings. Replacement trees must be native non-invasive trees. The Landscape plan shall show the placement and species of the proper number of required new trees.

§6.12.7 Tree Inventory Requirements.

All reasonable steps shall be taken to preserve heritage trees. A written justification and land disturbance permit shall accompany the tree inventory for the removal of all heritage trees, along with written approval from a licensed, practicing Arborist.

The following items are required on the landscaping plan and a landscaping plan shall be submitted with the subdivision plat or site plan before the Planning Commission will review and act on the application:

1. Native trees in floodplains and wetlands shall be left in natural state unless otherwise directed or permitted by state or federal agencies;
2. Number and indication of all heritage trees to be removed;
3. Number and indication of all heritage trees to be preserved;
4. Areas of tree preservation in green or usable open space areas and/or buffer;

§6.12.8 Tree Density.

In efforts to effectively manage stormwater run-off and protect property values and desirability, tree density per lot requirements shall be met for all lots within new residential subdivisions and all



multi-family housing developments, see City of Creola Subdivision Regulations for requirements.

§6.12.9 Tree Planting Requirements.

The following standards shall apply to all trees planted as required as part of this Ordinance. Required and/or replacement trees shall be planted as part of any major residential subdivision unless existing trees meeting the following requirements are preserved.

1. All tree plantings shall be installed to current nursery industry standards.
2. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
3. All plantings that die or are destroyed must be replaced by developer or builder during the next suitable planting season.
4. Maintenance of new plantings after the initial warranty period is the responsibility of the property owner.

§6.12.10 Maintenance.

Maintenance is the responsibility of the developer and shall include the replacement of all dead trees. Dead trees shall be replaced within a time appropriate to the growing season of the species in question, not to exceed one year. The maintenance for the initial twelve (12) months will be the responsibility of the developer or burden of record.

§6.12.11 Tree Protection Requirements During Construction.

During construction and development, trees that are to be preserved shall be protected from activities that may injure or kill them. Before any land disturbance activities take place, including clearing, grading or construction, root protection fencing shall be installed. The root protection fencing must be a minimum of 6-foot high chain link or comparable sturdy fencing secured with 8-foot metal posts placed at the edge of the root protection zone. The root protection zone is the area at 1-foot radius from the center of the trunk per inch of tree diameter (e.g., a 12-inch diameter tree would require a 12-foot radius root protection zone or a 24-foot diameter root protection zone). The fencing must remain in place for the entire duration of the land disturbing project until final inspection has been completed.

CREOLA ZONING ORDINANCE

Article 6 - Parking, Landscaping, & Lighting Standards





ARTICLE 7:

Building Standards & Construction Guidelines

§ 7.1	BUILDING HEIGHT REQUIREMENTS
§ 7.2	MINIMUM SQUARE FOOTAGE
§ 7.3	WATER & SEWER CONNECTIONS
§ 7.4	REQUIRED CONSTRUCTION & ENGINEERING PLANS
§ 7.5	EROSION & SEDIMENT CONTROL PLAN
§ 7.6	DRAINAGE & STORMWATER MANAGEMENT PLAN
§ 7.7	UTILITY PLAN
§ 7.8	LOW IMPACT DEVELOPMENT (LID)
§ 7.9	BEST MANAGEMENT PRACTICES (BMPs)
§ 7.10	DEVELOPMENT IN ENVIRONMENTALLY SENSITIVE AREAS

SECTION 7.1 BUILDING HEIGHT REQUIREMENTS

No building shall hereafter be erected, constructed, or altered so as to exceed the height requirement specified in the regulations for the zoning district in which the development is to occur, except as otherwise provided herein. One story shall equal fifteen feet (15') in height. The maximum height limit for all zoning districts shall not apply to church steeples and/or spires, belfries, cupolas, chimneys, ventilators, skylights, water tanks, cornices, cellular, radio, and television transmitting and receiving antennas and/or towers, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning. See Lot Standards Table in Article 5 of this Ordinance for additional information on building height and other lot dimension requirements for all residential districts.

§ 7.1.1 Maximum Height Requirement for All Zoning Districts

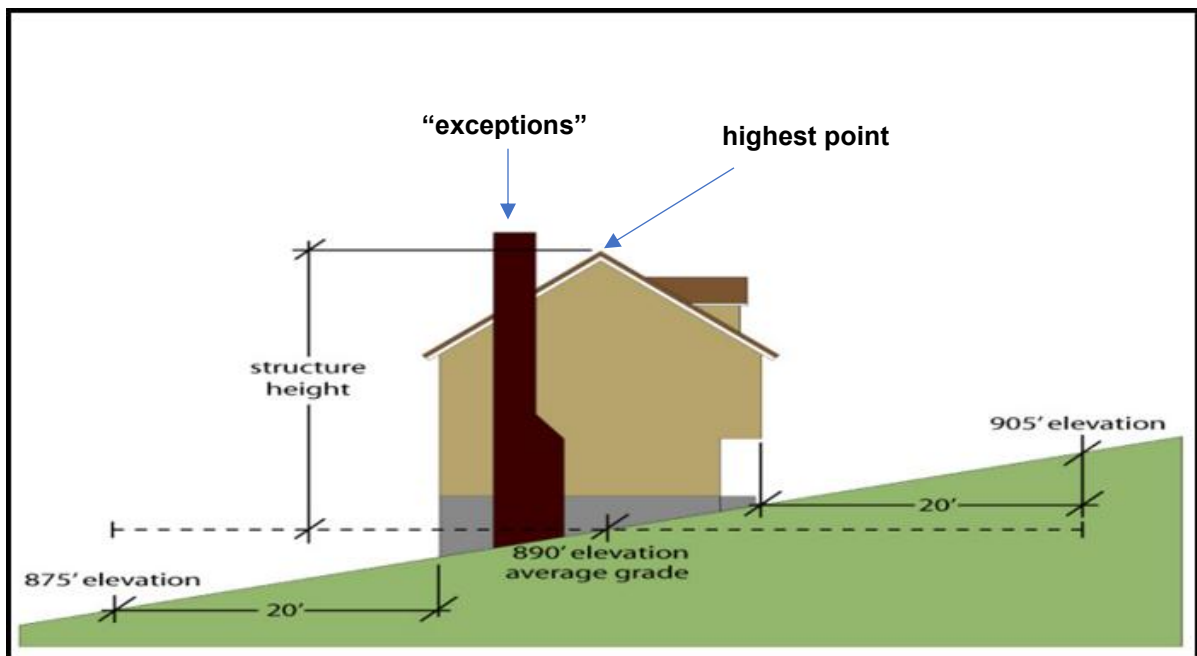
ZONING DISTRICT	MAXIMUM HEIGHT LIMIT	NUMBER OF STORIES
R-1	35 feet	2 ½
R-2	35 feet	2 ½
R-3	50 feet	3 ½
RMH	35 feet	1
B-1	50 feet	3 ½
B-2	60 feet	4
IM	60 feet	4
CR	35 feet	2 ½
Accessory Buildings	15 feet	1

§ 7.1.2 Accessory Building Maximum Height Requirements

Detached accessory buildings shall not exceed one (1) story or fifteen feet (15') in height.

§ 7.1.3 How Height Measurements Are Determined

- Building height shall be measured from the average finished grade to the highest point of the structure, see diagram. Mechanical equipment, chimneys, air conditioners, church spires/steeple, and other similar structures that are appurtenant to a building are considered "exceptions" and are exempt from height restrictions.
- For properties located in Special Flood Hazard Areas (SFHAs) which are established by FEMA's Flood Insurance Rate Maps (FIRMs), the building height shall be measured from the minimum base flood elevation (BFE) to the highest point of the structure.
- The City of Creola most recently adopted Building Code requires additional freeboard elevation in addition to the average finished grade elevation or base flood elevation (BFE) if located in special flood hazard areas. (See Building Code for freeboard).



§ 7.1.4 Height Exceptions

The maximum height restrictions allotted for each zoning district shall not apply to the following:

- Cellular towers;
- Public utility structures and similar facilities;
- HVAC and similar type mechanical equipment;
- Chimneys;

- Church spires and steeples;
- Other features which are considered pertinent and belonging to the principle structure.

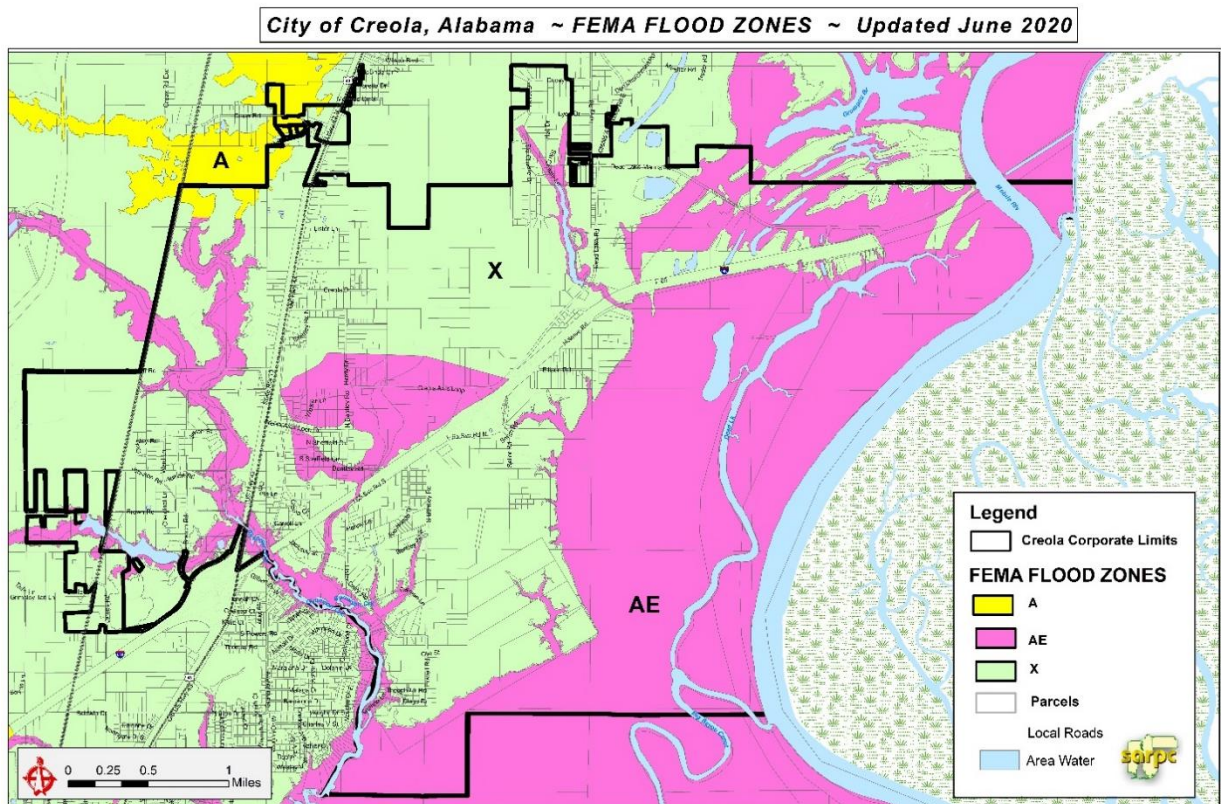
§ 7.1.5 FEMA Flood Zones

The Special Flood Hazard Area (SFHA) is defined by the Federal Emergency Management Agency (FEMA) as the land area covered by floodwaters of the base flood. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance may apply. The SFHA on FEMA's Flood Insurance Rate Maps (FIRMs) includes flood zones:

- | | | | |
|---------|------------|---------|---------|
| • A | • AE | • AR/AE | • VO |
| • AO | • A99 | • AR/AO | • V1-30 |
| • AH | • AR | • AR/AH | • VE |
| • A1-30 | • AR/A1-30 | • AR/A | • V |

§ 7.1.6 FEMA FLOOD INSURANCE RATE MAP (FIRM)

Certain low-lying areas within Creola's city limits and surrounding area are currently classified as A, AE, and X. The flood zone map below was updated in June of 2020 and shows the current FEMA flood zones within the corporate limits of Creola.



§ 7.1.7 Elevation Requirements in a Special Flood Hazard Area Zone (SFHA)

All lands located in a special flood hazard area shall adhere to the following provisions.



***Note:** A floodplain and/or flood zone is different than a floodway, see definitions below to clarify the two separate terms.

Floodplain/Flood zone. Land areas established by FEMA's Flood Insurance Rate Maps (FIRM) which lie within or adjacent to the 100-year flood elevation contour boundary.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

1. Land Within Floodways. Land within a designated floodway shall not be platted for residential occupancy or building sites.
2. Fill. Fill may not be used to raise land in the designated floodway. In other areas subject to flood, fill may be used provided that proposed fill does not restrict the flow of water and unduly increase flood heights, or unnaturally redirect stormwater to adjacent properties.
3. Development in Flood Prone Areas. Other flood prone areas not located within a floodway shall not be platted as lots unless the developer demonstrates to the satisfaction of the Building Official and Planning Commission, that the property in question is free from the danger of inundation by the base flood or that remedial measures have been taken to allow the watercourse to safely accommodate the base flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by a licensed professional engineer as needed to determine the flood susceptibility of the property.
4. Flood prone areas along existing watercourses shall be preserved and retained in their natural state within a common area or drainage easement, except where improvements are warranted as may be proposed by the applicant and approved by the Planning Commission.
5. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure; and shall be constructed with materials and utility equipment resistant to flood damage by methods and practices that minimize flood damage;
6. Elevated buildings. All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - The bottom of all openings shall be no higher than one foot above grade; and
 - Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.



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7. So as not to violate the lowest floor criteria of this article, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
8. All heating and air-conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
9. Manufactured Homes. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
10. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
11. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
12. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

SECTION 7.2 **MINIMUM SQUARE FOOTAGE REQUIREMENT**

The minimum amount of square footage required for any residential structure is six hundred (600) square feet per dwelling unit. Any dwelling structure less than 600 square feet is considered a Tiny Home, which has a different definition than a single-family, two-family, or multi-family dwelling unit. See definitions and specific zoning district requirements for Tiny Homes in this Ordinance.

SECTION 7.3 **WATER & SEWER CONNECTIONS**

- Structures, buildings or uses requiring the disposal of sewage shall be connected to the municipal water and sewer treatment and collection system.
- New or existing developments on individual lots in all zoning districts located two hundred fifty (250) feet from the property line to the front building line, have the option of using septic tank and well if lot is of sufficient size, instead of connecting to public water and sewer.
- New developments located two hundred forty nine (249) feet or less from the property line to the front building line, must connect to public water and sewer systems if public services are available.
- All new major subdivisions and two-family or multi-family developments shall connect to the public water and sewer systems.
- In areas where there are no public water and/or sewer facilities, septic tanks may be used in accordance with current regulations of the Alabama Department of Public Health and the Mobile County Health Department. A well test will be required for lots that do not have access to public water facilities.



SECTION 7.4 **REQUIRED CONSTRUCTION & ENGINEERING PLANS**

All applications for site plan review for new construction projects involving the installation of new drainage infrastructure and utilities must be accompanied by construction and/or engineering plans. Said plans shall be submitted with any application for a major subdivision as well. Such plans shall be prepared by a licensed engineer registered in the State of Alabama. No land disturbance permit for such project may proceed until the construction/engineering plans have been approved by the City Building Official, City Engineer, and the Planning Commission. The City Engineer shall determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design.

Installation of public utilities, including but not limited to water, sewer, power, telephone, television cable, and gas, shall be in accordance with the respective utility's standard specifications. Coordination with each utility shall be the responsibility of the Developer.

The required construction/engineering plans include the following and shall provide the following:

1. **EROSION CONTROL PLAN** - Erosion Control Plans showing plans and specifications that describe the measures and Best Management Practices which are proposed to control site erosion and soil stabilization methods implemented during and after construction as required by this Ordinance. This shall include a complete erosion control plan.
2. **DRAINAGE PLAN**- Drainage Plans showing plans and specifications that describe the measures proposed to manage and control stormwater runoff. This shall include an overall drainage plan prepared by a registered professional engineer, including proposed method of storm water detention and means of controlling erosion during construction. Any portion of the land in the proposed development subject to periodic inundation by storm drainage, overflow or ponding shall be clearly identified on the plan. Lands lying within the Special Flood Hazard Area (SFHA), shall be clearly identified on the plan. Storm-water detention facilities shall be shown in the plans and calculations provided.
3. **UTILITY PLAN** - Utility Plans showing detailed layouts, specifications, and feasible connections for the proposed water supply, sewage disposal and fire protection as applicable. This shall include an overall utility plan showing pipe sizes and the location of valves and fire hydrants. This includes the identification and location of fiber optic lines to ensure high-speed broadband services are supplied to new developments. Utility lines are required to be placed underground for all new developments.

SECTION 7.5 **EROSION & SEDIMENT CONTROL PLAN**

During construction, accelerated erosion will occur during storm water runoff with a proportionate increase in visible erosion, scour and siltation both within and outside of the construction site. The following provisions impose requirements on persons engaged in land disturbing activities which require planning and implementation of effective sedimentation controls for development sites. All developments must adhere to the design, implementation, maintenance, and inspection of adequate, effective Best Management Practices (BMP's) for the control and management of erosion and sedimentation.



- An Erosion and Sedimentation Control Plan is required for all land disturbing activities subject to the City of Creola's Land Disturbance Ordinance. An Erosion and Sedimentation Control Plan may also be required for new construction projects on a developed lot at the discretion of the Building Official. All of the erosion and sedimentation control measures as specified on the approved plans shall be in place prior to the city issuing a Land Disturbance Permit and the applicant commencing construction. Best Management Practices (BMPs) implemented pursuant to the requirements should be in accordance with the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas (www.swcc.state.al.us).

§7.5.1 During Construction Requirements. An Erosion and Sedimentation Control Plan shall be a part of the construction plans for all new construction projects and shall be filed with the City's Building Official and/or Engineer, or his/her designee prior to the commencement of any land-disturbing activity including but not limited to tree and brush cutting and/or clearing and root removal.

§7.5.2 Protection of Property and Trees. Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways and waterways, from damage by such activities. Additionally, tree protection measures during the construction phase must be implemented to ensure no protected tree is damaged or destroyed.

§7.5.3 More Restrictive Rules Shall Apply. Whenever there is a conflict between Federal, State, or Local Laws, Ordinances, Rules and Regulations, Orders, and Decrees the more restrictive provision shall apply.

§7.5.4 Erosion Control Objectives. The basic control objectives which should be considered in developing and implementing an erosion and sedimentation control plan are to.

- *Identify Critical Areas.* On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
- *Limit Exposed Areas.* All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one time. The removal of trees and clear cutting are restricted as a means of minimizing erosion and sedimentation.
- *Limit Time of Exposure.* All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time. Per ADEM requirements, any land area not actively worked for thirteen (13) days or more, and any area where construction activities have permanently cease, are to be immediately stabilized.
- *Control Surface Water.* Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- *Control Sedimentation.* All land-disturbing activities should be planned and conducted so as to minimize off-site sedimentation damage as per standards listed in the *Alabama*



Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas.

- *Management of Stormwater Runoff.* When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or channel stream, plans shall include low impact development (LID) measures listed in ADEM's *Low Impact Development (LID) Handbook for the State of Alabama* to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the ditch or stream channel. A list of required LID standards is listed in Section 16 of this Article.

§7.5.5 Erosion Control Design Mandatory Standards. No land-disturbing activity subject to these provisions and requirements shall be undertaken except in accordance with the following mandatory requirements.

1. No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless an undisturbed natural buffer zone is provided along the boundary with a minimum width of 25 feet to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse, or adjacent property. A minimum thirty (30) foot natural undisturbed buffer area is required when a federally classified wetland is located on property.
2. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within the shortest feasible time of feasible grading, be planted or otherwise provided with ground cover, devices, or structures.

§7.5.6 Design and Performance Standards. Erosion and sedimentation control measures, structures, and devices shall be so planned to best management practices, designed, and constructed as to provide control from the calculated peak rates of runoff from a 25-year storm event. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area. Persons engaged in planning, designing, installing and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or practices such as the Alabama Soil Conservation Service manual for standards and specifications for erosion control. All plans will be subject to review by the City Engineer.

§7.5.7 Permanent Downstream Protection of Stream Banks and Channels. Provision may be required for the permanent protection of on-site or adjacent bodies of water, stream banks, and/or channels from the erosive effects of increased velocity and volume of storm water runoff resulting from certain land-disturbing activities. These can include, but are not limited to, slope paving, rip rap, energy dissipaters, solid sodding, and grassing.



§7.5.8 Borrow and Waste Areas. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered a part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

§7.5.9 Access and Haul Roads. Temporary access and haul roads, other than public roads, constructed or used in connection with land-disturbing activity shall be considered a part of such activity. The developer shall create a construction entrance for all construction vehicles to access the subdivision during all phases of construction. The developer is responsible for any and all damage that occurs to existing streets or other existing public improvements and shall repair any such damages to the satisfaction of the Building Official.

§7.5.10 Operations in Lakes or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural water course shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

1. In any event, slopes left exposed shall within thirty (30) working days of completion of final grading be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.
2. Whenever land-disturbing activity is undertaken on a tract comprising more than one (1) acre, if more than one (1) contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on the portion of the tract upon which further active construction is not being undertaken, provided this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.

§7.5.11 Erosion Control Plan Requirements. The project Engineer shall submit an erosion and sediment control plan for review and approval to the Building Official, City Engineer, and Planning Commission. Said plan shall be prepared by a Qualified Credentialed Professional (QCP) such as a Professional Engineer (PE) or a Certified Professional in Erosion and Sediment Control (CPSSC), as required by ADEM, licensed in the State of Alabama. If the City determines, upon review of such plan that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan to be prepared. An Erosion Control Plan shall show the required items.

1. Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe



adequately the proposed development of the site and the measures planned to meet best management practices (BMP's). Plan content may vary to meet the needs of specific site conditions. Large and/or complex sites shall include the proposed stages of construction and the proposed erosion and sediment control measures proposed to be used in each different stage of construction.

2. Data on historical runoff, developed runoff, detention pond details, and method of discharge.
 3. Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs during development and documents providing for continued inspection and maintenance after completion of development and sale of all lots, such documents running as a covenant with the lands.
- An Operations and Maintenance (O&M) Agreement signed by the developer or owner for any required detention facilities or other storm water quantity and quality BMPs must be submitted with the proposed plans. The agreement must contain a long-term maintenance plan prepared by the design engineer for each BMP. The maintenance plan must include a description of the storm water conveyance system and its components, inspection priorities, schematics for each BMP, and inspection schedule for each water quantity and quality BMP. The O&M Agreement must be recorded prior to final plans approval. If the final configuration of the storm water system or BMPs differs from the original design on the approved plans, the O&M Agreement must be revised, finalized, and rerecorded. Failure to follow the O&M Agreement could result in enforcement action.
 - The long-term maintenance plan within the O&M Agreement contains the inspection priorities and schedule for the storm water BMPs. The owner is responsible for inspecting the storm water system and BMPs according to the schedule and submitting reports to the Building Official every three (3) years to document that inspections have been completed and necessary maintenance has been performed.
 - Prior to the full release of the performance bond for any new or substantially improved storm water facilities, an Alabama registered engineer shall submit to the Building Official certification that the proposed storm water management system and BMPs for the development are complete and functional in accordance with the approved plans and shall also provide as-built drawings for the storm water management systems and BMPs.

SECTION 7.6 DRAINAGE PLANS & STORMWATER MANAGEMENT

A storm water management plan is required for all new construction and/or subdivision projects involving the installation of new drainage infrastructure. Such plan shall be prepared by a licensed engineer registered in the State of Alabama and shall be submitted in conjunction with an application. All construction methods for drainage facilities shall be in accordance with the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas (www.swcc.state.al.us). No land disturbance or construction for such project may proceed until



the construction plans have been approved by the City Building Official, Engineer, and Planning Commission. The City Engineer shall determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design.

- **Stormwater Management Plan Submission Requirement.** A site plan shall be submitted with the drainage plan. Any site plan which does not make adequate provision for storm or flood water runoff channels or basins will not be approved. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans submitted shall bear the seal, original signature, name, address, telephone number, and certification of the project engineer, who shall be registered to practice as a Professional Engineer in the State of Alabama and who is qualified by reason of education and experience in the field of stormwater management.
- **Erosion Control Plan Required.** An erosion and sedimentation control plan shall be a part of the construction plans and shall be filed with the City Building Official, or his/her designee prior to the commencement of any land-disturbing activity including but not limited to tree cutting and root removal.

§7.6.1 Stormwater Drainage Plan Requirements. The Developer's Engineer shall submit detailed drainage plans to the City for review and approval. A Drainage Plan shall show adequate provision for storm and flood water control by channel, conduit or basins, which takes into account the ultimate or saturated development of the tributary area in which the proposed development site or subdivision is to be located. Said plans shall be prepared by a Professional Engineer licensed in the State of Alabama and shall contain at a minimum, the information listed in this section.

General

- The development site or subdivision shall have an adequate storm water drainage system.
- The developer shall install all drainage structures necessary to convey the water to the storm drainage system acceptable to the City.
- All open drainage ditches shall be designed and stabilized in a manner acceptable to the City Engineer.
- **List of items required on plan include, but not limited to:**
 1. Topography map of proposed developed areas;
 2. Existing and proposed contours at 2 foot intervals;
 3. Existing drainage system, including, but not limited to, pipes, culverts, inlets, ditches, and ponds;
 4. Proposed drainage system, including pipes, culverts, junction boxes, inlets, ditches, detention and retention facilities, and an outline of the on-site drainage areas for each inlet and ditch cross-section;
 5. Structure location, type and size, and the Inlet and Outlet Flow Line Elevation;
 6. Cross-section of each ditch section;
 7. Other pertinent information necessary for review of the drainage plans as may be required by the City Engineer;



8. Copy of notice of coverage and storm water pollution plan for coverage under the Alabama Department of Environmental Management (ADEM) for issuance of NPDES Permit, and permits from any other federal or state agency, where required;
9. A complete erosion and sedimentation control plan showing the requirements listed in these regulations;
10. All off project drainage, draining onto the subdivision, shall be shown on contour maps and/or construction plans showing the areas in acres the subdivision will have to accommodate;

§7.6.2 Stormwater Detention Facilities Requirement. Developments which produce an increase in the amount of storm water runoff will be required to construct stormwater management facilities. The applicant shall submit a design narrative and complete drainage calculations, including but not limited to, assumptions, maps, and computations for each inlet, pipe, or ditch section. The design data and calculations shall be prepared, sealed and submitted by a licensed, professional engineer in the State of Alabama. The design narrative shall summarize the assumptions, calculations, and results of the design. Adequate provision shall be made for the disposal of storm waters into existing channels, pipes, or body of water. The developer shall also include the method of maintenance for the detention pond after the development is completed.

1. Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational prior to the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain close to full storage capacity.
2. The City of Creola will not approve development of one site that causes adverse effect on adjacent property. In some cases, storm water retention or improvement of existing downstream drainage facilities may be required. The applicant is urged to contact the Building Official and City Engineer for a preliminary discussion on this matter prior to plan submittal.
3. The method of determining stormwater runoff rates shall be based on acceptable engineering practice and/or these standards.
4. All major construction site developments and/or subdivisions shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer makes necessary provisions to eliminate such flooding.
5. Low-lying lands along existing watercourses subject to flooding or overflowing during a storm event up to and including the 100-year storm shall be preserved and retained in their natural state within a common area, except where improvements are warranted as may be proposed by the applicant and approved by the Planning Commission.
6. Catch basins and drop inlets shall be constructed if deemed necessary by the City Engineer.
7. Post-development release rates shall not exceed pre-development rates. When feasible, the differential runoff should be less. Provisions shall be made to address 100-year storm events to ensure that detention facilities survive such events.



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8. Detention criteria shall consist of a maximum release rate equivalent to the pre-development flow from a 10-year storm event. The minimum detention capacity must be adequate to accommodate the volume of a 50-year post development storm event.
9. Drainage area and peak flow estimates must be provided for each drainage facility, as well as profiles for all new storm sewers and open ditches, with outlet velocities. Structural capabilities for all new culverts and storm sewer pipes shall be provided.
10. All outfall structures shall be sized so that the post development runoff from a 100-year storm may safely pass out of the detention facility.
11. All storm water detention areas must be shown on the plans and denoted on the approved site plan or record plat as a stormwater management areas that will be maintained without cost or expense to the City, and the details of the maintenance plan for such areas, including appropriate provision for assumption by the developer or his successors in interest of the financial responsibility for such maintenance, must be provided in form and substance satisfactory to the Planning Commission.
12. Where a development site is traversed by a natural waterbody, water course, drainage way, channel or stream, there shall be provided a storm water or drainage right-of-way of adequate width to accommodate normal runoff. A buffer area of not less than twenty-five (25) feet in uniform width must be established and maintained along such waterway. If a federally classified wetland is present on property being developed, a thirty (30) foot buffer area shall be required.

SECTION 7.7 UTILITY PLAN

The applicant is required to place all utilities underground as determined by the project engineer of the construction project. All existing and proposed utility facilities throughout the development shall be shown on the engineering and construction plans submitted with the site plan. The developer shall dedicate any and all easements for water and sanitary sewer lines which are installed on private property. Such easements shall be shown on the plan, shall be in the actual location of the installed line, and shall be dedicated for perpetual use by the City.

§7.7.1 Water System.

- Every new development shall connect to an existing public water supply system capable of providing both domestic water use and fire protection when the existing system borders the subdivision, or the system is reasonably available and the utility has submitted a statement that it is willing and able to provide service.
- The water distribution system shall be of suitable size and capacity to accommodate the required placement of fire hydrants per ISO Regulations.
- Water Mains. Water mains for both domestic use and fire protection shall be properly connected with a central water system or with an alternate water supply approved by the County Health Department. The lines shall be constructed in such a manner as to serve adequately all lots shown on the site plan.
- Water mains and fire hydrants shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk or other public improvement.



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- All costs for installation of the water distribution system and appurtenances shall be borne by the Developer.
- Fire Hydrants. Where public water is existing or is installed, fire hydrants shall be installed at a spacing not to exceed 1,000 feet along each street, and within 500 feet of all proposed lots. The water supply volumes and pressures shall be sufficient to adequately serve the entire development. The project engineer shall submit a written report and calculations that include recent flow rate tests of the existing water system that verify the adequacy of the fire protection being provided. A letter must be submitted from the local fire protection authority, indicating that the proposed volumes and pressures are sufficient.
- Upon completion of the project, the Developer shall furnish the Building Official with two (2) sets of as-built drawings showing lateral locations and water main offsets from a permanent reference datum, which is either the curb line or the front lot line.

§7.7.2 Sanitary Sewer System Requirements. The following standards are required for the installation of all new sanitary sewer systems.

1. Connection to a sanitary sewer system is required when public sewer is available to the site.
2. Where a public sanitary sewer system is within reasonable distance of the site, as determined by the Building Official and City Engineer, the developer shall install a sanitary sewer collection system which meets the requirements of the city and shall connect such system at his expense to the public sanitary sewer. Stub-outs shall be provided and shall extend the sewer line to the property line and points outside the pavement width.
3. The sanitary sewer system shall be separate and independent of any storm water drainage system.
4. Sanitary sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other public improvement.
5. Sanitary sewers shall be laid in all streets, service connections installed to property lines, and connections made to trunk line sewers. The costs of the public sanitary sewer system shall be the responsibility of the developer.
6. A qualified general contractor shall be employed by the developer to install the water and sewer lines. The installation shall be done under the inspection of the City Building Official and Engineer and shall conform exactly to the approved plans and specifications with no exception unless approved by the same. At the City's discretion, a professional representative may inspect the work.
7. The developer shall hold the contractor responsible until the completed project has been given final approval and acceptance by the City Engineer.

SECTION 7.8 LOW IMPACT DEVELOPMENT (LID) PRACTICES

The design and integration of the following low impact development (LID) techniques are intended to promote the health, safety, and general welfare of the community and are designed to work in a complimentary fashion with the required drainage plan for the proposed development. All site plans involving land disturbing activities require the following LID techniques to be shown on the plan and implemented into the project, when deemed applicable and feasible by the Building Official and Planning Commission. Design guidelines and project implementation are referenced in ADEM's Low Impact Development Handbook for the State of Alabama. The following illustrations are taken from

the handbook as well. See below for a list of suggested LID methods and techniques.

1. **Permeable Pavement Systems.** The benefits of permeable pavement systems are, among other items, flow attenuation, infiltration, and filtration of stormwater. There are many products and strategies that can be utilized and the Building Official and Planning Commission is open to the use of varied products in accordance with manufacture recommendations and suggestions listed in the Low Impact Development Handbook for the State of Alabama, see diagram. Consultation and approval with the Building Official and Planning Commission prior to design of the product to be utilized is required.



2. **Vegetated Swales.** Vegetated swales are highly effective and an inexpensive method in straining stormwater, providing limited quality treatments, while providing some moderate flow attenuation, see diagram. Typically, swales work best in smaller drainage areas where volumes are reduced, special consideration should be given in pervious soils, not recommended with high swell soils, should have low slopes, adjacent areas and layout should be considered in the design. Suggested characteristics where topography, soils, and slope permit vegetated open channels and spaces should be considered as a significant or a primary means of stormwater conveyance.



3. **Open and/or Natural Space.** The installation of this LID technique provides numerous active and passive recreation opportunities and benefits for wildlife corridors. This technique allows for the creative integration into a development proposal that is frequently linked with other natural or recreation systems that extend past the property lines of the proposed development. They are frequently utilized as linear parks and often include sensitive wetland

areas, steep slopes, gullies or other natural land forms, creeks, and unique wildlife habitat for protected species.

4. **Curb Cuts.** Curb cuts convey stormwater into vegetated areas such as roadside swales, parking lot islands, grassy fields, and yards. They are an easy and inexpensive retrofit that can be used in residential and commercial areas. They are highly effective at moving stormwater to landscaped areas and are often used to convey stormwater into another LID facility. They minimize erosion by creating diffuse flow into other stormwater control measures, reducing stormwater quantity in the receiving water body. They typically intercept perpendicular stormwater flow and redirect stormwater to vegetated areas that can hold, filter, and slow the rate of runoff.



5. **Wet Basins.** The potential benefits of wet basins are, among other items, allowing sedimentation to fall out of stormwater, attenuating flows, assisting in evapotranspiration, and improving the stormwater quality. Special design considerations are: groundwater elevations, large surface areas are encouraged, special attention should be given in pervious soil, surface area of the basin should take into account nutrient loading from lawns for example in order to treat and improve stormwater quality to the maximum extent possible, ensuring that an adequate base flow is provided to maintain water levels. They are not recommended to be constructed in an inline facility, utilize low slopes; however, the use of forebays are recommended. Upstream and downstream areas shall be considered in the design in accordance with the City's drainage standards.



6. **Site design for habitat, wetland, and waterbody conservation.** Proper site design that incorporates the natural features of the property can help to minimize erosion and reduce stress on natural water conveyance and attenuation systems by preserving a natural vegetated state of native plants, water courses, and flood prone areas.

This design method uses only native plants in the development process and take special consideration to restore portions of the site to predevelopment native ecological communities, water bodies or wetlands with more than 10% of the development footprint. An

example of such is a living shoreline that utilizes the placement of native plants and vegetation, stone, sand, and other organic materials which allow for proper, natural coastal process to occur, while creating a more stabilized and natural shoreline, see figure. This stormwater management practice is recommended in place of bulkhead or other hard surface construction adjacent to shorelines to minimize flooding and decrease erosion rates that occur on neighboring properties.

7. **Bioretention.** This technique removes pollutants in stormwater runoff through adsorption, filtration, sedimentation, volatilization, ion exchange, and biological decomposition. A Bioretention Cell (BRC) is a depression in the landscape that captures and stores runoff for a short time, while providing habitat for native vegetation that is both flood and drought tolerant. BRCs are stormwater control measures (SCMs) that are similar to the homeowner practice, of installing rain gardens, with the exception that BRCs have an underlying specialized soil media and are designed to meet a desired stormwater quantity treatment storage volume.

Peak runoff rates and runoff volumes can be reduced and groundwater can be recharged when bioretention is located in an area with the appropriate soil conditions to provide infiltration. Bioretention is normally designed for the water quality or "first flush" event, which is typically



Bioretention Median

the first 1" -1.5" of rainfall, to treat stormwater pollutants. Suggested characteristics are to be used as both a stormwater and aesthetic feature frequently throughout developments. Special attention should be given to plant and ground cover considerations given the volume and duration of the designed stormwater. This technique typically works best in small drainage areas with frequent use and distribution. Special attention is required in pervious soils and should be used in areas with high permeable soils, but not recommended in high swell soils.

8. **Greenways.** Greenways provide for beneficial use of Low Impact Developments for potentially active and passive recreation opportunities and wildlife corridors. This technique allows for the creative integration into a development proposal that is frequently linked with other natural or recreation systems that extend past the property lines of the proposed development. Typically, greenways are easier to integrate into a development proposal on larger acreages. They are frequently utilized as linear parks and often include sensitive



Greenway

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wetland areas, steep slopes, gullies or other natural land forms, creeks, and unique wildlife habitat for protected species.

9. **Grass Buffers.** The potential benefits of grass buffers are, among other items, their ability to filter stormwaters, providing limited quality treatments, while providing some moderate flow attenuation. They typically work best in smaller drainage areas where volumes are reduced. Special consideration should be given in pervious soils; however, this method is not recommended with high swell soils. Adjacent areas and layout should be considered in the design. Suggested characteristics where topography, soils, and slope permit vegetated open channels and spaces should be considered as a significant or a primary means of stormwater conveyance.



SECTION 7.9 BEST MANAGEMENT PRACTICES (BMPs)

All new construction should incorporate Best Management Practices (BMPs). A site can be planned and a home can be designed so that the natural setting is superbly preserved only to have the site significantly and unnecessarily damaged by poor construction practices and methods.

The structure and access to the structure must be in accordance with site plans and certifications prepared and sealed by a registered, certified Professional Engineer licensed in the State of Alabama. ***A signed statement of Best Management Practices used in design and construction plans by a Professional Engineer and/or Architect licensed in the State of Alabama should accompany the Site Plan.*** Site plans and certifications for any proposed structures must meet all local, state and federal regulatory agency guidelines and procedures.

SECTION 7.10 DEVELOPMENT IN ENVIRONMENTALLY SENSITIVE AREAS

During the planning phase of any construction project, it is imperative to verify if a project is located within an area identified as a regulated floodway or floodplain as defined by the Federal Emergency Management Agency (FEMA).

Most construction activities within a regulated floodway or floodplain require coordination with FEMA and the City's Floodplain Administrator (FPA). These activities include new building construction, existing building expansion, clearing land, placing fill, grading land, mining, dredging, drilling, placement of mobile homes, and more.



§7.10.1 Developing in the Special Flood Hazard Area (SFHA)

A Floodplain Development Permit is required prior to construction or development within any Special Flood Hazard Area (SFHA). In addition, the community will require a Letter of Map Revision (LOMR) from FEMA to change the FIRM for the community. This information is available at the City's Building Official's Office.

Certain sections of the LOMR permit are completed by the applicant and others are to be completed by the local FPA, who must sign-off on the LOMR Permit application prior to submittal to FEMA.

The FPA must also certify that all proper coordination with relevant regulatory agencies has taken place. This includes a review of possible impacts to threatened or endangered species or special habitats by the U.S. Fish and Wildlife Service and impacts to Waters of the U.S., including wetlands, by the U.S. Army Corps of Engineers.

Prior to the FPA signing of the Permit application, the FPA will review the application for completion and request additional information as needed. Also, the applicant must receive a Compliance Certificate from the FPA before construction or development can commence. This can be a lengthy process, and deficiencies in the permit application can substantially alter timelines and budgets for construction projects. It is important to coordinate with the City's FPA early in the process to avoid any unnecessary setbacks.

Currently, there are three (3) flood zones that lie within the corporate limits of Creola. They are zones A, AE, and X. Any lands lying within the AE flood zone require FEMA permitting in addition to the City's building permit and may also require the mandatory purchase of flood insurance.

The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2 percent annual chance (or 500-year flood), are labeled Zone X (see map below). FEMA's FIRMs are also updated and available online at: <https://msc.fema.gov/portal/home>. Lands lying within zone X do not require additional FEMA review and permitting; however, the acquisition of flood insurance within this flood zone is highly encouraged.

§7.10.2 Developing in Federally Classified Wetlands

Wetlands provide valuable habitat for plant and animal communities, and they serve as a natural filter for water flowing into water bodies and groundwater. They can also act as a buffer during storm events, helping to soak up heavy precipitation or rising water levels to prevent flooding and erosion. The Environmental Protection Agency (EPA) has several programs in place to safeguard wetlands in the United States. Wetlands are protected by Section 404 of the Clean Water Act and Section 10 of the Rivers & Harbors Act, which is why wetland permits are often referred to as Section 10/404 permits. Section 401 of the Clean Water Act also gives states the authority to issue a Water Quality Certification for any project that requires a federal permit, to ensure that the project will not violate state water quality standards. Federal permits are obtained through the Army Corps of Engineers (USACE).



§7.10.2.1 Determining if Wetlands Exist on Property

Before property can be developed, it must be properly demonstrated on the site plan that wetlands either do or do not exist on the property. The U.S. Fish & Wildlife Service's online Wetlands Mapper tool is a good resource to check with, but it does not confirm whether or not an area is definitely a wetland. Visit the site online at:

<https://www.fws.gov/wetlands/data/mapper.html>

§7.10.2.2 When a Wetland Survey is Required

Before a site plan can be approved, the Building Official and/or Planning Commission may request a wetland survey be conducted due to a site's proximity to a nearby waterbody and/or other factors. conduct the survey. For an area to be identified as a wetland, it must have the three following traits:

- Hydrophytic Vegetation: Plants that prefer to have their roots in wet soils;
- Hydric Soils: Soils that show evidence of being saturated for long portions of the growing season;
- Wetland Hydrology: Water conditions that demonstrate that an area stays inundated for long periods, such as high water tables, mud cracks, drainage patterns, and crayfish burrows.

If it is determined that wetlands are present on a proposed project site, the next step is to determine if the wetlands are jurisdictional, meaning the government has regulatory authority over what happens to the wetland. If they are determined to be jurisdictional, there are options a landowner has regarding development:

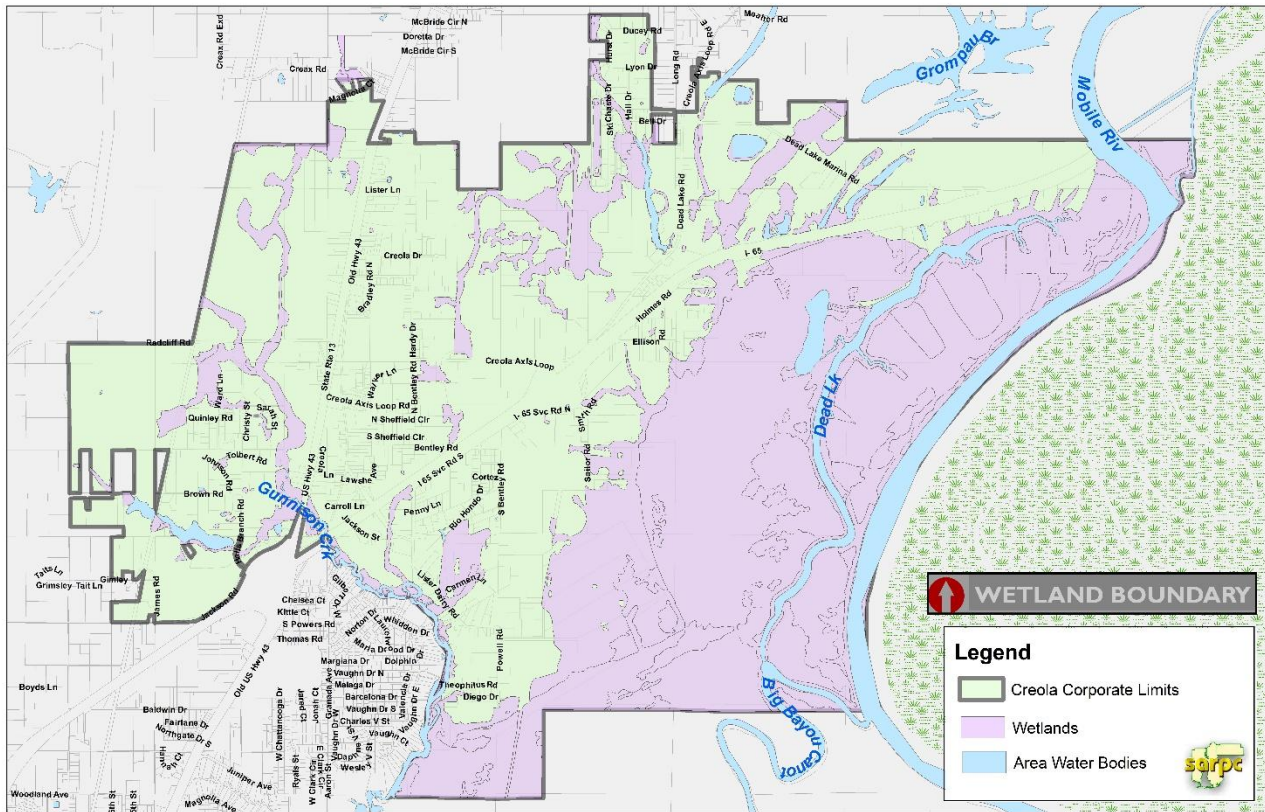
- AVOIDANCE- Don't build in the wetland and do not disturb the wetland area at all. A permit is not required for this action.
- MINIMIZATION- Design the project so as to impact the smallest portion of the wetland possible, a permit is required.
- MITIGATION- If impacts to an existing wetland cannot be avoided in order for the development to occur, the Corps will require the landowner to mitigate for those impacts when acquiring a wetlands permit. This can include building a new wetland somewhere else on the property (or on another nearby property that's in the same watershed) or buying credits with a mitigation bank. The regulatory project manager from the Corps will confirm the type of wetland present and assign a value to it and determine the size and type of mitigation required.

§7.10.2.3 Minimum Wetland Buffer Requirements

In addition to the requirements enforced by the USACE, the City requires a minimum protective buffer area and/or setback of thirty (30) feet between the wetland boundary and the project area boundary. See map below for wetland identification areas within Creola.

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ARTICLE 8:

Supplemental Regulations & Special Provisions

§ 8.1	HOME OCCUPATION & HOME OFFICE REQUIREMENTS
§ 8.2	NON-CONFORMING STANDARDS
§ 8.3	RV REGULATIONS & RV PARK STANDARDS
§ 8.4	AUTO REPAIR & GAS STATIONS
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§ 8.10	RESTRICTED ENTERTAINMENT ESTABLISHMENT DEVELOPMENT STANDARDS

SECTION 8.1 HOME OCCUPATION & HOME OFFICE REQUIREMENTS

Home occupations and Home Offices shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. Clients are received at the residence of the Home Occupation therefore, no Home Occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property.

§ 8.1.1 Definitions

For the purposes of this Ordinance, the definition of a Home Occupation and Home Office shall be:

“A business, profession, occupation, or trade that is generally of a non-residential nature, conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling. It is incidental and secondary to the primary residential use of the property; it does not involve any retail, wholesale, rental, or industrial sales or uses on the premises; and it shall not or ever adversely and/or perceptively affect the character of the residential property or any part of the surrounding residential area.”

- A Home Occupation: (See definition) Receives clients and/or customers at the residence for the purposes of offering and supplying a service and/or product on the premises and/or involve the storage of materials related to the occupation such as recreational items to be



rented. Any materials used in the home occupation must be completely screened from public view.

- A Home Office: *(See definition)* **Does not** receive clients and/or customers at the residence or involve the storage of materials related to the occupation such as recreational items to be rented but maintains a home office within the residence for the purposes of all business-related activities necessary for the operation of the service and/or activity offered by the business. Any business-related services or activities involving the public and/or patrons of the business must be conducted off-site from the residence and are not, in any way, permitted on the premises.
- Applications for a Home Occupation and/or Home Office require a business license. A Home Office use is permitted as a “Use by Right” in all zoning districts, and a business license for a Home Office is issued by the City of Creola. The application is not required to be reviewed and approved by the Creola Planning Commission. A Home Occupation use is permitted as a “Special Exception use” in the R-1, R-2, and R-3 zoning districts and as a “Use by Right” in all other zoning districts. An application for a Home Occupation is reviewed by the Planning Commission as well as additional review and approval from the Board of Adjustment at a public hearing before the issuance of a business license for a Home Occupation.

§ 8.1.2 General Provisions

All Home Occupations shall meet the following criteria.

- If at any time the approved and licensed Home Occupation alters, exceeds, increases, or expands the approved and licensed Home Occupation activity, the City of Creola will revoke the Home Occupation license and all operations will cease at that time.
- The Building Official or his/her designee, shall be permitted upon reasonable request to enter and inspect the premises of an approved Home Occupation at any time to verify compliance with these regulations.
- If it is determined the Home Occupation is causing a public nuisance or creating unsafe conditions of any kind, the City of Creola will revoke the Home Occupation license and all operations will cease at that time.
- No more than one (1) Home Occupation license shall be approved in any residential dwelling unit.
- Home Occupations are not transferrable from one property owner to another. Upon sale of property, the existing Home Occupation shall cease operation. New owners wishing to conduct the same or a different Home Occupation must petition the City for a new Home Occupation license.
- Any Home-based businesses offering child or adult day- or nighttime-care services to more than two (2) persons shall not be considered a Home Occupation under this Section, but shall be regulated as a general business and shall not be permitted in any residential district.



- A copy of any additional Federal or State permits that may be required for the Home Occupation activity or service, such as Day Care uses, must be submitted with the Home Occupation application before the Planning Commission can approve and the license can be issued.

§ 8.1.3 Home Occupation/Office Regulations

1. The Home Occupation and/or Office shall be confined entirely to the principal building or to an accessory building or outside storage with the twenty (20) percent of gross floor area applying.
2. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
3. No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the Home Occupation. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its existing residential character or from the character of the neighborhood.
4. No chemical, mechanical or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be permitted.
5. No display of products shall be visible from the street.
6. No merchandise shall be sold or distributed to customers on the premises.
7. There shall be no outside display materials, goods, supplies, or equipment used in the Home Occupation on the premises. Outside storage of materials, goods, supplies or equipment must be completely screened from public view.
8. Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.
9. The activity carried on as a home occupation shall be limited to the hours between 8:00 a.m. and 5:00 p.m.
10. One professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed one and one-half (1 ½) square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be directly illuminated.
11. Services providing hair cutting and styling are limited to one (1) chair and may only receive one (1) client and/or customer at a time.
12. No more than two (2) business or commercial vehicles shall be parked at the premises at any time – including but not limited to cars, vans, trucks, boats, and utility and boat trailers. The required off-street parking shall be provided on the premises, as directed by the parking regulations of this Ordinance. No parking of commercial or residential vehicles, vessels, and/or trailers shall be permitted on the street or in the required front yard. All must be located behind the front building setback line of the property.



13. The operation of a Home Occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
14. Deliveries and shipments by means of tractor-trailers are strictly prohibited.
15. Repair, manufacturing and processing uses, including building, repairing or servicing vehicles, trailers, boats; or other repair or mechanical fabrication shall be prohibited as a Home Occupation.
16. Customary home occupations shall not include the following:
 - Uses which do not meet the provisions listed above;
 - Automobile and/or body and fender repairing;
 - Barber shops and beauty parlors with more than one (1) chair;
 - Lodging uses including boarding houses and Bed & Breakfasts; (these uses are not considered a Home Occupation but rather a commercial use and require business licenses)
 - Food handling on a large-scale basis, processing or packing;
 - Repair, manufacturing and processing uses;
 - Restaurants and/or any type of dining establishment;
 - Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals.
 - Uses and / or activities not specifically listed here shall be approved or prohibited by the Planning Commission upon review of a Home Occupation application.

§ 8.1.4 Application Procedures

1. Any person who seeks a Home Occupation and/or Home Office permit must submit the required application and attachments to the City of Creola.
2. The Planning Commission shall review the application for Home Occupation at their regularly scheduled monthly planning commission meeting. The application must be approved by the Planning Commission and/or Board of Adjustment before payment will be accepted and a license can be issued by the City.
3. A Home Office permit does not require Planning Commission review and approval and can be obtained administratively from the City of Creola.
4. Each applicant for Home Occupation approval shall submit a deed or current tax record to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for Home Occupation approval.
5. If an applicant fails to provide required documentation, or provides insufficient information to determine compliance with this Section, the application shall be denied.



6. A Home Occupation license is valid for one (1) year. If the scope of work changes in any way during the duration of the approved license, the applicant must submit a new application for review and approval.

SECTION 8.2 NON-CONFORMITIES & GRANDFATHERING PURPOSE AND INTENT

It is the purpose of this Article to provide for the regulation of nonconforming buildings, structures, lots of record, and uses, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue, expand, or be modified; and the circumstances under which a legal nonconformity shall be terminated. It is necessary and consistent with the regulations prescribed by this Ordinance that nonconformities shall not be permitted to continue without restriction to ensure orderly development, property values, and property rights are protected and not subject to adverse effects.

It is the intent of this Ordinance that legal nonconformities be allowed to continue in accordance with the requirements of this Article, but not to be increased, expanded, or enlarged, which would result in an increase in the nonconformity. It is also the intent of this Ordinance that any illegal nonconformity shall not be allowed to continue. Any building, structure, lot of record, or use that was not lawfully permitted shall be considered in violation of this Ordinance and will be subject to the fines and penalties set forth in this Ordinance.

§ 8.2.1 Non-conforming Defined

Nonconformities are existing buildings, structures, lots, and land uses (activity that defines how the land is being used), that were previously legally allowed and lawfully permitted prior to the adoption of this Ordinance, but are no longer in compliance with the provisions of the currently adopted zoning ordinance and subsequent amendments. Nonconformities do not conform to the current zoning regulations of the zoning district in which they are located.

A building structure, lot, or land use in existence at the time a new zoning ordinance is adopted, but does not comply with the new zoning ordinance is considered "legal nonconforming" and cannot be declared "illegal nonconforming" or in violation of the new ordinance. Legal nonconforming properties have rights and are allowed to continue on indefinitely with restrictions set forth in the ordinance. Nonconforming rights only apply to a building, structure, lot, or use as it existed at the time of the adoption of the new zoning ordinance or subsequent amendment(s.) The restrictions are as follows:

- The nonconformity may not be increased or expanded.
- The nonconforming portion of a structure may not be expanded,
- a nonconforming use may not be extended to other areas of the property.



§ 8.2.2 General Provisions Regarding Non-conformities

Any building, structure, lot, or use of land existing at the time of the enactment of this Ordinance and amendments thereto and not in conformance with its use regulations and provisions may be continued subject to the following provisions:

- Damaged and/or Destroyed-Any building that is damaged and/or destroyed more than 50% of the Fair Market Value, must conform to the requirements of this Ordinance when rebuilding the structure.
- Alterations- No nonconformity shall be enlarged upon, expanded, or extended unless such alteration is in full compliance with all requirements of this Ordinance, except as noted in this Article. Normal maintenance and incidental repair of nonconformity shall be permitted, provided that this does not violate any other section of the Article.
- Unsafe Structures- Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition if repairable, or demolition if determined to not be repairable.
- Maintenance- Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, and/or internal renovations, provided the total value of such activities does not exceed 50% of the appraised value of the structure as determined by the County Tax Assessor.
- Relocation- No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- Accessory Uses & Structures- Regardless of any other provision of this Article, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.
- Change in use- A nonconforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.
- Discontinuance- A nonconforming use which became such upon the adoption of this Ordinance and which has been discontinued for a continuous period of one (1) year shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.
- Adjacent land- The presence of a nonconforming use in a zoning district shall not be legal grounds for the granting of variances for other surrounding properties by the zoning board of adjustment.

§ 8.2.3 Terms Related to Non-Conformities

- **ILLEGAL NONCONFORMING**

Uses, buildings, structures, and lots that were illegally established and not lawfully permitted prior to the adoption of this Ordinance. Any illegal nonconformity shall remain illegal and be subject to penalties, remedies, and fines that are pursued and set forth in this Ordinance.

- **LEGAL CONFORMING**

A project meets all zoning district requirements including, but not limited to: use, area, setback, height, density, and parking according to the most recently adopted zoning ordinance, and has been legally established and/or permitted. A proposed use that is allowed and permitted in the zoning district in which the lot is located, the use, building, or structure may be expanded, increased in accordance with all other requirements, within the buildable area defined by this Ordinance, provided that a building permit has been issued and all local building codes have been



met.

- **LEGAL NONCONFORMING**

Any land use activity or physical design of a building, structure, or lot of record that was legally established and/or permitted prior to the effective date of a new Ordinance, and was conforming to the zoning requirements of the previous Ordinance, but is currently not in full compliance with the regulations of the new Ordinance. Legal Nonconformities shall be permitted to continue indefinitely subject to the provisions of this Article.

The municipal code recognizes the following categories of legal nonconformities:

- ***Nonconforming buildings, structures, and/or development site.*** These are buildings and/or structures and/or development sites that were legal at the time they were established or constructed, but now do not fully comply with the standards of the new Ordinance because of their physical design concerning minimum yard setbacks, height or area limitations, and other requirements. A building or structure nonconforming only as to height, area, yards, or bulk requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase the degree or nonconformity in any respect.

*****NOTE: Nonconforming Manufactured Homes:*** *If a nonconforming manufactured home has to be removed in case of an emergency situation only (hurricane or flooding), said unit may be returned to its original location. Manufactured homes removed for any other purpose shall not be re-established; and an existing manufactured homes shall not be increased, enlarged, added on to, or replaced with a new unit.*

- ***Nonconforming lots of record.*** Any legally recorded lot which at the time was recorded in full compliance of all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Ordinance concerning minimum lot area, width, depth, access, street frontage, or other requirements of the zoning ordinance.
- ***Nonconforming uses of land.*** These are activities and/or uses that are occurring on the land in which define how the land is currently being used, which were established and permitted prior to the adoption of this Ordinance.
- ***Nonconforming uses of buildings and structures.*** These are uses occurring inside a building and/or structure that were established prior to the adoption of this Ordinance.
- ***Nonconforming site features.*** This is a general category that covers all other nonconformities on the parcel to the parking, landscaping, signage or other requirements of the zoning ordinance.

§ 8.2.4 Authority to Continue as a Non-Conformity

Except as otherwise provided in this Article, any nonconforming lot, use, building or structure lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful. A nonconforming building or structure and related use shall not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

A. Nonconforming Developed Lot of Record

When the use occurring on the land complies with the requirements of the zoning district in which the use is located, but the lot has been developed in a manner that does not comply with the lot area, yard, and setback requirements at the time of adoption of this Ordinance, or any subsequent amendment, it shall be considered a nonconforming developed lot of record.



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B. Nonconforming Vacant Lots of Record

When a vacant or undeveloped lot exists that does not consist of sufficient land to comply with the lot area, yard, and setback requirements at the time of adoption of this Ordinance or any subsequent amendment, it shall be considered a nonconforming vacant lot of record.

Subject to the provisions of this Article, a nonconforming vacant lot of record may be used for any principal use permitted in the zone in which the lot is located, provided other requirements of this Ordinance are met and the steps below are followed to obtain a variance from the Board of Adjustment.

- **Appeal to Build on Nonconforming Vacant Lot of Record**

A nonconforming vacant lot may be used as a building site for any use permitted in the zoning district in which the lot is located provided:

- a. Other requirements of this Ordinance are complied with; or
- b. Application is made to the Zoning Board of Adjustment for a variance from applicable requirements that cannot be met.
- c. An area variance for a nonconforming vacant lot of record shall conform, as closely as possible to the lot area, yard and building setback and other requirements of the zoning district the lot is located in.
- d. No more than one principal use and building shall be allowed on a nonconforming vacant lot of record.

C. Nonconforming Lots, Buildings, and Structures

A lot, building, or structure nonconforming only as to height, area, yards, or bulk requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase, expand, or enlarge the degree or nonconformity in any respect. A nonconforming building or structure and related use shall not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

D. Nonconforming Uses of Buildings and Structures

When a building or structure and related uses exist at the time of adoption of this Ordinance, or any subsequent amendment, that does not comply with these regulations, that building or structure and related use shall be allowed to continue subject to the following conditions:

- The expansion shall be limited to within the existing building or structure.
- A nonconforming use shall not be expanded or relocated, in whole or part, to a non-contiguous part of a building or structure.
- All required on-site improvements, such as parking, loading and buffer areas shall be provided before the use is expanded within the building.

§ 8.2.5 Discontinuance of Non-Conformities

The following explains the circumstances under which a legal nonconformity shall be terminated, losing its nonconforming status and coming in to compliance with the currently adopted zoning ordinance.

A. Discontinuance of Use Due to Vacant, Abandoned, and/or Idle Buildings/Structures

In the event that a building, structure, or premise occupied by a nonconforming use becomes and remains vacant, abandoned, or idle for a period of twelve (12) months, or the use has been discontinued for a period of twelve (12) months, the use shall thereafter conform to the



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use regulations of the district in which such building, structure, or premise is located, regardless of the intent of the owner or occupant, and regardless of the status of the building or structure. The nonconformity shall not be re-established if such building or structure and related use has been legally abandoned, or has been changed to, or replaced by a conforming use.

B. Destruction of Nonconforming Buildings & Structures and Related Uses (50% Rule)

- A building, structure, or manufactured/modular home which has been damaged by any cause whatever to the extent of more than fifty (50) percent of the County tax-assessed value of the building shall be allowed to be repaired and restored, provided it is in conformity with the regulations contained in this Ordinance. In this event, the nonconforming status and rights of the affected building or structure and related use shall be terminated and said building and structure and related use must comply with the regulations set forth in this Ordinance.
- If a building, structure, or manufactured/modular home is damaged by less than fifty (50) percent of the County tax-assessed or appraised value, it may be repaired and used as before the time of damage, provided that such repairs or reconstruction are substantially completed within six (6) months of the time of such damage.

C. Modification of Nonconforming Site Features

A development site that is nonconforming by physical design (i.e., insufficient parking, landscaping, setbacks, etc.), may be utilized for any land use which is permitted in the zoning district in which it is located. However, any permits for new construction, additional floor area, or the replacement of any structure on the development site, shall be contingent upon bringing the entire site into conformity with all requirements of this Ordinance.

D. Relocation & Rebuilding of Nonconforming Buildings and/or Structures

If a use, building, or structure is rebuilt on the existing site or relocated to another location, the lot, use, building, or structure shall comply with all zoning and applicable development regulations after it is rebuilt or relocated.

§ 8.2.6 Protection of Previously Approved Plans

Nothing in this Ordinance shall be interpreted as requiring a change in existing approved plans, construction, use, or occupancy of land, buildings or structures on which construction was lawfully begun, and legally permitted, and has been diligently continued prior to the adoption this Ordinance or any subsequent amendment that would make said plans, use, building, structure, or occupancy nonconforming.

- Construction shall mean the erection and fastening of building materials in a permanent manner in accordance with approved plans.
- Where demolition and removal of an existing building has begun in preparation for rebuilding, or where excavation has begun for building, construction shall be deemed to have begun provided the work is diligently continued and completed within the time required by the building permit.
- The storage of building materials or location of a temporary office on a lot shall not be deemed as having begun construction.



§ 8.2.7 Enforcement of Non-Conformities

1. The Building Official shall conduct a survey of all nonconforming uses of land or structures at least two (2) times a year to determine where they exist and whether or not they have been discontinued.
2. The Building Official shall maintain an accurate and up-to-date record of all nonconforming uses, buildings, structures, and land and dates of their discontinuance.
3. The question as to whether a nonconforming use, building, structure, or lot exists shall be a question of fact. In case of doubt or challenge raised, the determination shall be made by the Building Official.

SECTION 8.3 RV REGULATIONS & RV PARK STANDARDS

The following regulations shall apply to all developments that provide for the accommodation of temporary, transient recreational vehicles, travel trailers, campers, and similar transient residential vehicles used for temporary human habitation purposes.

The development of all new RV Parks is subject to the development standards found in the adopted, State of Alabama NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds (2013 edition) to ensure adequate fire protection and prevention.

All recreational vehicle parks shall be permitted with Planning Commission Approval in the Industrial/Manufacturing (IM) zoning district and the Conservation Recreational (CR) zoning district.

All recreational vehicle park applications are considered a subdivision and are subject to the City of Creola Subdivision Regulations in addition to site plan review and approval by the City of Creola Planning Commission to ensure all zoning requirements are met. All plans for RV parks are to include, with their application, site and storm drainage plans as prepared by licensed engineers, including (but not limited to) geotechnical information, structural make-up of all roadways/RV parking pads and surface finish/landscaping of entire site.

§ 8.3.1 Regulations for Recreational Vehicles (RVs)

1. No recreational vehicle (RV) shall be used as a residence.
2. No RV shall be allowed either temporarily or permanently on a vacant and/or undeveloped lot unless a temporary permit is acquired for a maximum of six (6) months from the date the building permit is issued. Applications for temporary permits require Planning Commission review and approval, see Section 8.5.
3. Any occupied recreational vehicle or other similar transient residential vehicle that is being used for habitable purposes, must be located inside an RV Park.
4. Unoccupied recreational vehicles may be parked and/or stored at an owner's residence or business provided it is located behind the front building setback line. Said RV shall not be occupied and/or hooked up to water and sewer facilities. If stored on a commercial lot, owner of said lot must have a current business license on file with the City of Creola.



§ 8.3.2 Regulations for Recreational Vehicle (RV) Parks

1. LOCATION: Recreational vehicle parks are permitted in the Industrial/Manufacturing (IM) zoning district and the Conservation Recreational (CR) district.
2. ACCESS: No recreational vehicle park shall be located without direct access to a major street, with a minimum lot width of fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
3. SCREENING/BUFFERS: A screening buffer shall be required to provided adequate screening from adjoining properties. Buffers and fencing shall be in accordance to the requirements set forth in this Zoning Ordinance. All new developments adjacent to a wetland or a waterway must set back from the wetland or waterway boundary a minimum of twenty-five feet (25') to provide a wetland protection buffer area to ensure the wetland area is not compromised.
4. MINIMUM RV PARK SIZE: The minimum lot area for a recreational vehicle park shall be two (2) acres.
5. MAXIMUM DENSITY: The maximum density shall not exceed nine (9) recreational vehicle sites per acre.
6. USES PERMITTED: The use of spaces in recreational vehicle parks shall be limited to recreational vehicles, travel trailers, campers, and similar transient residential vehicles used for temporary human habitation purposes only. Manufactured homes are prohibited.
7. OCCUPANCY TIME LIMITS: Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only and an occupant of such space shall not remain in the same park for a period exceeding ninety (90) days. After such time period has expired, the RV must check out of the RV park and will not be permitted to check in again for a period of fourteen (14) days.
 - a. Short Term Occupancy of Recreational Vehicle. Short term occupancy of a recreational vehicle in an RV Park may be permitted with the approval from the Planning Commission. Temporary Occupancy shall mean a maximum of three (3) months or ninety (90) consecutive calendar days per calendar year.
 - b. Long Term Occupancy of Recreational Vehicle. Long term occupancy of a recreational vehicle in an RV Park may be permitted with the approval from the Board of Adjustment as a Special Exception. The duration of the occupancy shall be determined by the Planning Commission but shall not exceed one (1) calendar year or three hundred sixty-five (365) calendar days per calendar year. Long term occupancy is primarily intended for transient workers not for permanent housing.
8. REQUIRED FACILITIES: Management headquarters/office, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operations of a recreational vehicle park are required for every new and permitted as accessory uses in any district in which trailer parks are allowed, provided:
 - Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.
 - Such establishments shall be restricted in their use to occupants of the park.
 - Such establishments shall present no visible evidence of their commercial



character which would attract customers other than the occupants of the park.

- Such establishments shall be used in compliance with local regulations determined by the park management.
 - Minimum sanitary facilities shall include one (1) toilet, one (1) shower, and one (1) lavatory basin per twenty-five (25) camp sites in the park.
 - No space shall be so located that any part intended for occupancy for sleeping purposes shall be within thirty (30) feet of the right-of-way line of any major, or collector street, or of any minor street.
 - In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the County Health Department before a building permit shall be issued by the Building Official.
9. INTERNAL DRIVES & ACCESS ROADS WITHIN RV PARK: The internal roadways for RV parks and campgrounds shall be built by the developer and, at a minimum, shall provide safe travel for the residents and emergency responders. The internal roadways must be a minimum of 24 feet wide for two-way streets and 20 feet wide for one-way streets. The internal roadways, recreational vehicle pads, and standard vehicle parking must be improved with a suitable asphalt or concrete surface approved by the City Building Official. While reinforced concrete surfaces are permitted, the minimum surface finish of any drivable area shall be compacted gravel. The internal roadways shall be maintained by the developer/owner and will not be accepted or maintained by City of Creola. The following note shall be placed on the Final Site Plan: The internal rights-of-way, roads, easements, and drainage facilities are private and will be maintained by the developer / owner. The internal rights-of-way, roads, easements, and drainage facilities will not be maintained by the City of Creola.
10. TRAFFIC STUDY: A traffic study shall be performed in accordance with the city's subdivision regulations for (a) developments containing 50 or more sites / units or (b) phases that increase the overall number of sites / units to 50 or more.
11. STORMWATER MANAGEMENT: RV parks and campgrounds shall meet the stormwater requirements of the City's Subdivision Regulations.
12. UTILITIES: Utilities shall be provided for the proposed development in accordance with State of Alabama NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds (2013 edition). The applicant shall provide written proof from the appropriate utility companies that the proposed utilities are adequate for the development. Electrical amperage to each RV site is required and utility service will be underground (I.E. 30 amp or 50 amp).
13. SETBACKS: RV parks and campgrounds located within zoned districts of the County shall meet the applicable setbacks in the Conservation Recreational (CR) Zoning district, with a minimum thirty-foot (30') building setback shall be required from any exterior property line, development phase boundary line, or jurisdictional wetland. No recreational vehicle sites, buildings, or other non-stormwater structures shall be constructed within the required thirty-foot setback; and,



Structures constructed or located on recreational vehicle parks and campground sites / units must be separated from each other by at least ten (10) feet.

14. PARKING: Parking spaces shall be provided within the recreational vehicle park to accommodate employee and guest parking at the management headquarters/office building as well as at each RV space. The minimum dimension of an off-street parking space is 9' x 20'. All parking must include designs for both standard and ADA parking. To maintain unobstructed vehicle travel through the interior of the park, no parking along the roadways shall be allowed, see *Parking Schedule Table* in Article 6 of this Ordinance.
 - RV SPACE: Each recreational vehicle space shall provide the minimum required space for one (1) recreational vehicle and the minimum required off-street parking area for one (1) standard passenger vehicle in order to accommodate both the RV unit and the tow vehicle.
 - MANAGEMENT HEADQUARTERS/OFFICE BUILDING: The minimum required number of parking spaces for the management headquarters/office building is four (4) parking spaces designated for check-in and visitors and two (2) designated for staff.
15. LANDSCAPING PLAN: A landscaping plan for all new RV Parks is required per the standards listed in Article of this Zoning Ordinance.
16. OPEN SPACE: A minimum of twenty-five percent (25%) of each RV park shall be set aside and maintained as landscaped, usable open space for the recreational use of park occupants. Such space and location shall be accessible and usable by all residents of the park for passive or active recreation. Parking spaces, driveways, access roads, drainage facilities, and parking pads are not considered to be usable open space. This open space is to be used for: accessory uses, parks, recreation facilities, sidewalks clubhouse, pool and similar. Required ten-foot setbacks on each side of RV parking pads may be included as part of the 25 percent landscaped open space requirement.
17. LOCAL, STATE & FEDERAL PERMITS: A copy of all applicable, required permits from local, state, and federal regulatory agencies is required for all RV Park development applications.

§ 8.3.2.1 RV Park Space Standards

In addition to the RV Park general setbacks, each individual RV space shall have a setback around the RV space of a minimum ten (10) foot-wide setback on each side, or otherwise able to accommodate both the RV unit and the tow vehicle.

- Each RV space shall have an area of not less than sixty (60) ft.in length, twenty-five (25) feet in width for a total of each space not less than 1,500 square feet in total area.
- There shall be a minimum distance of ten (10) feet between each RV space, which shall be left with natural ground cover and vegetation or landscaped.
- Recreational Vehicle Lots (Setbacks):
 - Front Yard: 10 feet
 - Rear Yard: 8 feet



Side Yard: 10 feet

- Each recreational vehicle site shall provide the minimum required space for one (1) recreational vehicle and the minimum required off-street parking area for one (1) standard passenger vehicle.
- Each RV space shall be served with electricity, public/private water supply system capable of providing domestic water use and fire protection, sanitary sewer facilities meeting all requirements of the City of Creola.
- Each RV parking space shall be constructed to support the weight of the RV and associated vehicles.

SECTION 8.4 AUTO REPAIR & GAS STATION STANDARDS

Within the zoning districts where automobile repair garages, autobody shops, and gas stations are permitted, the following requirements shall apply:

1. **Location-** The property on which an automobile repair, autobody shop, and/or gas station is located shall not be within one hundred (100) feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children, elderly or dependents.
2. **Site Requirements for gas stations-** gas station shall have a minimum frontage on the primary street of one hundred (100) feet and a minimum lot area of fifteen thousand (15,000) square feet. All buildings shall be setback forty (40) feet from all street right-of-way lines, fifty (50) feet for major arterials, and all canopies shall be setback fifteen (15) feet from all street right-of-way lines. Automobile repair and autobody repair uses are not permissible at gas stations.
3. **Site Requirements for auto repair garages and autobody shops-**
 - All repairs shall be carried on within an enclosed building.
 - All permitted mechanical repair and/or autobody work, oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50) feet to an abutting lot line.
 - All storage of vehicles shall be properly screened from public view by means of a solid fence or wall not less than six (6) feet nor more than eight (8) feet in height plus a hedge or shrubbery screen shall be erected along all adjacent property lines facing any adjacent lot.
 - The storage of vehicles shall not exceed a period in excess of thirty (30) days.
4. **Access to Site-**
 - Vehicular entrances and/or exits at a gas station shall contain an access width along the curb line of the street not to exceed forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.
 - A maximum of two (2) driveways are allowed and shall be a distance of at least twenty (20) feet from each other.
 - Entrances and exits for vehicles to and from the site shall not be closer than twenty (20) feet to an intersection of street right-of-way lines.



5. **Gasoline Pump Islands**- All gasoline pump islands shall be setback at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, they shall also be at least fifteen (15) feet from the right-of-way. However, the pumps shall be at least twenty (20) feet from the front lot line and a minimum of thirty (30) feet from any other lot line.
6. **Off-Street Parking**- A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication or wash bay.
7. **Other Site Improvements**- In addition to the above requirements, the following additional site improvements shall be adhered to:
 - A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height plus a hedge or shrubbery screen shall be erected along all adjacent property lines facing any adjacent lot.
 - Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
 - Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
 - All driving, parking storage, and service areas shall be properly paved and landscaped.
8. **Storage of Flammable Products**- Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases shall be restricted to the requirements set forth in state regulations.

SECTION 8.5 TEMPORARY BUILDINGS, USES, AND PERMITS

1. All Temporary buildings and/or structures require a Temporary Use Permit obtained through the City's Building Department accompanied by an application fee.
2. The Temporary Use Permit for the temporary building and/or structure is valid for 180 days. If the temporary building and/or structure will be used for longer than 180 days, then the property owner must apply for another Temporary Use Permit.
3. A temporary use permit used in conjunction with Residential Healthcare/Caretaker Support is considered a Special Exception Use and the applicant must appear before the zoning Board of Adjustments at a public hearing.
4. A temporary use permit use in conjunction with Construction Support is issued through the Building Official's Office and does not require Planning Commission review. However, Planning Commission approval is required for all other temporary uses and structures before the issuance of a Temporary Use Permit. All applications for a Temporary Use Permit must provide the following:
 - Physical address for the location of the temporary building or structure
 - Site plan showing where temporary building or structure will be located on the lot, setback requirements of the zoning district for the site, and any



- easements on the property
 - Letter of Authorization from the property owner giving permission for the temporary building or structure
 - Temporary building or structure shall not be located in any right-of-way.
5. The Temporary Building and/or structure shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as otherwise provided by these regulations.
6. A recreational vehicle (RV) shall be permitted for use as a temporary structure for a time period not to exceed six (6) months from the date a building permit is issued, and is for new construction purposes, providing the construction plans have been reviewed by the Building Official and Planning Commission if applicable, and a building permit has been issued.
7. Termination of Use- occupancy or use of the Temporary Building and/or structure shall terminate with the expiration of permit, completion of construction, abandonment or revocation of the related use permit and thereafter shall be removed from subject property.
8. The following temporary uses shall be permitted as specified by these regulations:
- Construction Support. Temporary buildings or manufactured type trailers used in conjunction with construction work only, may be permitted in any district and shall be removed immediately upon completion of construction.
 - Business Support. Construction office on or adjacent to any site on which a building or construction project is being diligently pursued for which a major use permit has been granted.
 - Seasonal Support- Christmas Tree/Seasonal Sale Lot – A temporary use permit may be issued for the display and open lot sales of Christmas trees and/or seasonal promotions in a non-residential district only, for a maximum of sixty (60) days.
 - Special Event Support- Tent Events/Religious Gatherings – A temporary use permit is required for any tent event or other temporary structure to house an event, gathering, and/or meeting. Such permit shall be valid for not more than thirty (30) days and is subject to renewal prior to the termination date. Tents used in all zoning districts shall be temporary in nature, as for the protection of the public, surplus, or sale goods, or as temporary uses incidental to an established principal use. No tent shall be used, erected or maintained as living quarters.
 - Residential Support. A dwelling for temporary health care on a lot where a principal single family dwelling unit exist and is permitted subject to the requirements set forth in this Ordinance. To be used exclusively for temporary occupancy by either:
 - (a) the person requiring healthcare support;
 - (b) providers of healthcare services which are required by an occupant of the main dwelling; or
 - (c) relatives of an occupant of the principal dwelling unit who require physical care and/or supervision.



SECTION 8.6 **PROTECTIVE BUFFER REQUIREMENTS**

The purpose of this buffer requirement is to ensure the quality of life for residents living adjacent to a non-residentially used lot is not disrupted or compromised in any way because of the activities occurring on the adjacent lot being used for any non-residential activity. Protective buffers provide a privacy barrier between properties that help reduce noise, light, glare, litter, and other invasive activities and intrusions that could potentially disturb the residential atmosphere of the area. instances where a multi-family, commercial or any other non-residential district or lot abuts any residential district or lot, a protection buffer is required in order to maintain the integrity and protect the quality of life of these residential districts. The following districts and land uses shall comply with the following minimum standards:

1. Protection Buffer Between Different Zoning Districts:

There shall be provided a protection buffer not less than twenty (20) feet in width between any two different zoning districts. Any required yard shall be counted as part of such protection buffer strip. A buffer is not required between any R-1 and R-2 zoned properties.

2. Protection Buffer Between Different Land Uses:

In efforts to protect residential property, if any non-residential use is established adjacent to any property being used for residential purposes, there shall be provided a protection buffer not less than six (6) feet width. Any required yard shall be counted as part of such protection buffer strip.

3. Protection Buffers Fronting Public Streets and Rights-of-Way:

Any lot being used for a non-residential use where the operations of the use are not entirely enclosed within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall provide a protection buffer on the portion of the property facing a public street or right-of-way, and/or on the portion of said property that is adjacent to a residential lot, in order to provide concealment to adjoining residential lots that are fronting along the same street.

SECTION 8.7 **TELE-COMMUNICATION TOWERS (CELL TOWERS)**

**Note: Nothing in this section of this Ordinance shall be construed to apply to the attachments, equipment, facilities, or business activities of an electric utility that is regulated by the Alabama Public Service Commission. This Ordinance also does not apply to the attachments, equipment, facilities, or business activities of such electric utility's parents, affiliates, or subsidiaries when they are actin in support of the electric utility.*

The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The purpose and intent of these standards are to:

- Achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities;



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- Encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities;
- Ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and
- Discourage the proliferation of towers throughout the City of Creola.

§ 8.7.1 Definitions.

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.

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 structures.

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

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-supporting/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also *tower*)

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.

Concealment techniques. Design techniques 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 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 the 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").

FAA. Federal Aviation Administration.



FCC. Federal Communications Commission.

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 structure, including if said highest point is an antenna placed on a structure or tower.

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*)

§ 8.7.2 Procedures and Requirements.

1. *Where permitted.* Wireless telecommunications facilities shall be permitted by special exception in all zoning districts. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right.
2. *Height.*
 - a. Antennas located on alternative support structures shall not exceed 15 feet in height above the existing structure on which they are placed.
 - b. Tower height shall be limited to 180 ft.
3. *Setbacks.* Towers (but not guys and accessory structures) may be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property. Where a tower is permitted in a zoning district adjacent to any residential district the required setback from all residentially zoned property lines shall be a distance equal to the height of the tower.
4. *Co-location.*
 - a. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.
 - b. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
 - c. Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas. Guyed structures and self supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas..
5. *Aesthetics.* The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.



1. Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area.
 - (a) 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.
 - (b) No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
 - (c) 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 types of concealment techniques (see *Concealment techniques*).
2. *Accessory structures.*
 - (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 prohibited.
3. *Non vegetative screening.*
 - (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 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 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.
- (c) Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from screening requirements.

4. *Landscaping.*

- (a) Landscaping will be required to reduce the visual impact of the compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.
- (b) The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least five (5) feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
- (c) A row of trees a minimum of eight (8) feet tall and a maximum of 10 feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line.
- (d) All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

f. *Lighting.*



1. 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 upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
 2. Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself, and shall be directed away from any adjacent property.
- g. *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.
- h. *Safety.*
1. *Radio frequency.* The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
 2. *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 the co-locations requirements of this ordinance, wind loading and other structural standards contained in the building Code as adopted by the City of Creola and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 22-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.
 3. *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.
- i. *Obsolete towers.* In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Building Official. 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 to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility.

SECTION 8.8 MANUFACTURED HOMES & FACTORY BUILT HOUSING

Manufactured and modular homes are factory-built housing units. These types of housing units are permitted in the City of Creola and must meet the following requirements.

***NOTE:** Any stand alone manufactured home that's located outside a manufactured home park, existing at the time of the adoption of this Ordinance and amendments thereto, shall be considered legal non-conforming and can remain in place under the provisions of the non-conforming protection provisions, provided the non-conforming thresholds are not exceeded. Any existing, stand alone manufactured home that is not located inside a manufactured home park and is moved from its initial location, may be replaced provided the new structure complies with all the requirements for manufactured homes listed in this section.

****NOTE:** if an existing structure cannot comply with the new zoning requirements, they can apply for an AREA VARIANCE through the Board of Adjustment; provided the new structure is five years old or newer from the date of the application.

*****NOTE:** Any Manufactured Home Park existing and operating under a current business license with the City of Creola at the time of the adoption of this Ordinance and amendments thereto, is considered legal non-conforming and may remain in place provided the non-conforming thresholds are not exceeded. New manufactured home parks are not permitted in any zoning district in the City of Creola; Stand-alone Manufactured Homes and Modular Homes are permitted in the Residential-Manufactured Home (RMH) zoning district.

§ 8.8.1 Manufactured Homes and Modular Homes Defined

- **Manufactured Home:** A factory-built, pre-fabricated, residential structure that was manufactured off site and transported to the building site and assembled on a permanent foundation. Must be built to the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD Code and cannot be attached to a chassis or have towing capabilities. A Manufactured Home bears a RED HUD Seal affixed to the rear of each section of the home. For the purposes of this Ordinance, the term "Manufactured Home " shall not have the same definition as a Single-Family Dwelling Unit.
- **Modular Home:** A factory-built, transportable building consisting of units designed to be fully constructed and used for residential habitable purposes at a building site on a permanent foundation into a permanent structure according to local and state codes. A modular home is built to the International Residential Building Code 2006. A modular home bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission (International



Building Code) Alabama Code 24-4A. The Insignia is placed on the electrical panel door of a residential modular home. For the purposes of this Ordinance, the term “Modular Home” shall not have the same meaning as a Single-Family dwelling unit.

§ 8.8.2 Manufactured & Modular Home General Requirements

1. Factory-built homes must meet HUD standards (U.S.C. 5401) and must have the HUD Stamp Certification permanently attached to the unit. No factory-built housing unit shall be installed, erected or permitted without meeting these requirements.
2. Factory-built homes shall be installed according to the current regulations of the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing Code of Alabama.
3. Stand-alone Factory-built homes shall be located only within the Residential-Manufactured Home (RMH) zoning district.
4. Factory-built homes are subject to all the requirements of the zoning district in which it is located and all other regulations of this Ordinance.
5. Applications for a factory-built home shall be reviewed for compliance with this Ordinance by the Planning Commission before a building permit can be issued
6. Age of Manufactured Home/Factory-Built Home shall not exceed five (5) years.

§ 8.8.3 Factory-Built Home General Provisions

It is intended that factory-built homes shall have the outward appearance comparable to stick-built homes in the surrounding residential area.

The Planning Commission shall review all applications for factory-built homes. Approval is contingent upon the finding that the factory-built home is substantially similar in size, shape, width, roof pitch, eave overhangs, siding material, roof material, foundation enclosure and general aesthetic appearance to traditional stick-built homes in the surrounding residential area. The type of material and method used for underpinning shall be consistent to the underpinning for stick-built homes in adjacent or nearby locations.

§ 8.8.4 Stand-Alone Manufactured/Modular Home — Construction & Appearance Standards

In zoning districts where stand-alone manufactured homes and modular homes are permitted, the following minimum standards shall apply, as well as the present minimum regulations established by the State Board of Public Health.



These standards ensure manufactured homes are permanent, long-term housing assets that contribute positively to neighborhood character and property values, while preserving housing affordability and consumer protections provided under HUD Code.

1. Location

Manufactured homes and modular homes are permitted in the RMH Zoning District as a use permitted with Planning Commission Approval (P), as established in this Ordinance.

2. Orientation of Structure on the Lot

A manufactured home and/or modular home must be placed on a single lot of record. The front of the manufactured or modular home or the longest wall of the structure must face the front lot line of the lot (see definition of Lot Line, Front).

Manufactured homes or modular homes shall not be oriented and installed sideways on a property and must meet all minimum required yard setbacks.

All stand-alone manufactured or modular homes permitted within residential zoning districts shall comply with the following **building material and construction requirements** to ensure architectural compatibility with surrounding site-built dwellings:

3. Foundation & Set-Up

A manufactured and/or modular home must be permanently installed on a **permanent foundation per HUD's definition of permanent foundation**: permanent foundations must be constructed of durable materials such as concrete, mortared masonry, or treated wood, and be site-built. It shall have attachment points to anchor and stabilize the manufactured home of factory-built structure to transfer all loads to the underlying soil or rock. It shall be structurally developed by a licensed professional engineer to ensure proper construction standards are used when installing this type of housing structure on a lot. See Article 8, Section 8.8 of this Ordinance for more information.

- Must be placed on a **permanent masonry or poured-concrete foundation** meeting the HUD and Alabama Manufactured Housing Commission (AMHC) standards.
- Support structures, piers, and wheels shall be **fully enclosed** with brick, stone, stucco, or fiber-cement siding skirting **consistent with the home's primary exterior materials**. **NO ALUMINUM OR FIBERGLASS SKIRTING IS PERMITTED**
- Finished floor elevation shall be **no more than 30 inches** above grade, unless required for floodplain compliance.

4. Exterior Materials & Skirting

Exterior wall materials shall be Fiber-cement siding, vinyl siding, wood siding, brick veneer, or stucco

*Metal siding is prohibited unless residential-grade and visually compatible with adjacent structures.

Skirting materials shall be brick, stone, stucco, or fiber-cement siding skirting consistent



with the home's primary exterior materials. NO ALUMINUM OR FIBERGLASS SKIRTING IS PERMITTED

5. Roof Pitch & Materials

- Minimum roof pitch: **4:12** (preferred **5:12 or greater**)
- Fully **pitched roof** with:
 - > Residential **architectural asphalt shingles**
 - > Standing-seam metal
 - > Tile or similar residential roofing system**Flat or shallow-pitch roofs are prohibited.*

6. Eaves, Soffits & Overhangs

- Minimum **12-inch eave overhang** on all sides with enclosed soffits to match site-built home aesthetics.
- Gutters encouraged for stormwater control.

7. Entrances & Porches

- A **site-built, covered front porch** of **at least 40 sq. ft.** that is architecturally integrated into the structure is permitted or may extend five (5) feet into the front yard setback.
- Porch foundations shall match the perimeter foundation material.

8. Orientation & Streetscape

- The **longest side** of the home must face the primary street and front lot line.
- Front door oriented to the street with a clear path of access.

9. Windows & Doors

- Residential-style windows: **minimum 6 square feet** each
- **Horizontal sliding or double-hung** preferred
- **Shutters** or trim required on street-facing elevations

10. Undercarriage

No visible chassis, axles, towing devices, or underpinnings after installation



11. Drainage

All manufactured and modular homes must provide proper drainage that are compliant with the City of Creola's Subdivision Regulations and approved by the City Engineer to ensure stormwater management practices and requirements are achieved.

12. Water Supply

Sufficient capacity and adequate pressure supply per adopted fire code for pure water for drinking and fire protection purposes shall be supplied by pipes to all manufactured and modular homes.

13. Utility Requirements

Each manufactured and modular home shall be connected to the public and/or private water system and to the public and/or private sewage disposal system if available. The design and specifications of the utility systems shall meet City specifications and shall be approved by the appointed City Engineer. If the public utility system is not available, a private central system shall be required until such time as the public systems become available. The design and specifications of such systems shall be installed under inspection of the utility provider, City Engineer, and the City's Building Department.

14. Refuse Disposal

Garbage and trash disposal shall be in compliance with applicable City ordinances.

15. Tie-downs and Anchors

It shall be unlawful for any persons to place, maintain, or occupy any manufactured home unless such manufactured home is equipped with tie-downs and anchors meeting or exceeding standards of the most recently adopted Building Code

§ 8.8.4.1 Minimum Lot Area & Site Requirements

1. Minimum Area Required:
2. Maximum Height Requirement:
 - One (1) story of fifteen (15) feet
3. Minimum Space Width:
 - 40 feet
4. Minimum Front Yard:
 - 30 feet
5. Minimum Rear Yard:
 - 20 feet



6. Minimum Side Yard:

- 15 feet

7. Parking:

- Each manufactured home space shall be provided with two (2) off-street parking spaces which are a minimum of 9' x 20'

8. Other Space Requirements:

- Each home space shall be equipped with a pad ten (10) feet wide by forty-five (45) feet long (10 X 45) of six (6) inches of compacted gravel or other similar material
- Each manufactured home space shall be furnished with utility connections to public water, sewer and electricity.
- The ground surface shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.

CREOLA ZONING ORDINANCE

Article 8 - Supplemental Regulations & Special Provisions



NON-COMPLIANT



COMPLIANT



§ 8.9 APARTMENTS & OTHER MULTI-FAMILY HOUSING REQUIREMENTS

Multi-family housing, because of increased densities, often generates large, bulky buildings and large parking areas. This type of development can be incompatible with surrounding uses. If these developments are not properly designed the large buildings and parking areas can dominate the site and leave only small remnants of open space that does not adequately provide for proper storm water drainage as well as the recreational needs of the residents.

§ 8.9.1 Multi-Family Housing Requirements

Within the zoning districts that permit apartments, townhouses and condominiums the following requirements shall apply:

- **Location:** Multi-family residential sites shall be located on Major or Collector Roads. These sites shall be consistent with the Comprehensive Plan and shall only be permitted where multi-family residential land use is indicated on the adopted land use map in the plan.
- **Layout:** The front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer



to the side, front or rear of any other building than thirty (30) feet.

- **Design:** Orient multi-family buildings to the adjacent public streets by providing large windows, porches, balconies and entryways or other entry features on the street side of the buildings. Avoid the creation of blank street-facing walls that create unattractive streetscapes.
- **Density:** No more than thirty-five (35) percent of the lot area shall be occupied with buildings. No more than eight (8) continuous apartments, townhomes or condominiums per floor shall be built in a row with approximately the same front line.
- **Yards:** No side yard is required except that on corner and interior lots the end of the building in any grouping shall conform to the side yard requirements of the district.
- **Parking:** Off street parking shall be designed in a way to minimize the visual prominence of vehicles and to minimize the potential pedestrian conflicts. Parking areas visible from the public street rights-of-way and adjacent properties shall be screened from view with landscape elements, low profile walls or berms, or other types of visual barriers and screens. To such extent as practicable, off-street parking facilities shall be located under habitable floors of buildings or grouped in bays, either adjacent to streets or in the interior of blocks, and no off-street parking shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve.
- **Landscaping:** Landscaping and walkways shall be located between buildings and paved parking areas. Avoid parking vehicles directly against a building or structure. Shade trees shall be designed into all parking areas to provide for natural shading and provide for proper aesthetics. Other requirements are as follows:
 - i. Adequate landscape screens shall be provided along the perimeter of all multi-family developments. Where multi-family developments are located adjacent to single family residential, a dense landscape screen shall be provided.
 - ii. On perimeter streets, sidewalks, streetscape plantings shall be provided. These screens shall include street trees and landscaping where necessary to screen parking and other areas.
 - iii. Dense landscaping and/or architectural elements shall be provided to



screen unattractive views and features, such as outdoor storage areas, trash enclosures, mechanical equipment and other similar equipment.

- iv. Exterior storage of boats and/or recreational vehicles and trailers shall be fully enclosed or sufficiently screened when visible from public street or adjacent properties.
 - v. Retain existing mature trees within the new project design and landscaped areas where possible. Extra effort should be made to retain existing trees and vegetation adjacent to single family residential areas.
- **Open Space:** The open space provided in multi-family residential developments shall address both active and passive outdoor open space uses. Open space shall be designed to enhance the overall appearance and compatibility of the development. Include sufficient open spaces in the form of squares, greens and parks. A minimum of 25% of open space shall be provided in all multi-family developments. Storm water retention areas are not included in this 25% open space requirement, unless it is properly designed and determined to be acceptable open space by the Planning Commission.
 - **Utilities:** All utility lines including electric, telephone, gas and cable television lines shall be placed underground in each development. Wall-mounted or ground-mounted utility equipment such as transformers, electric and gas meters, electrical panels, junction boxes and transformers shall be screened by walls, berms, fences and/or landscaping.
 - **Accessory Structures and Elements:** Multi-family developments with 50 or more dwelling units shall provide a recreation facility and/or swimming pool. The design of accessory structures and elements shall be consistent with the predominate architectural theme of the residential buildings with regard to roof pitch, exterior materials and colors. Accessory structures and amenities, such as community rooms, recreation facilities, swimming pools, mail rooms/kiosks, laundry rooms, garages and carports shall be centrally located and easily accessible by residents.
 - **Trash Receptacles:** Trash and garbage storage areas shall be located convenient to all residents. These enclosures shall be sufficient to accommodate both waste disposal and recycling containers. Trash and garbage storage areas shall be enclosed by solid, durable and attractive walls with solid screen doors. The materials shall be similar in color to the residential buildings. These enclosures shall be screened with appropriate landscaping. They shall be situated to minimize views from public streets



and to avoid impacting adjoining properties.

- **Lighting:** All exterior lighting shall be architecturally integrated with the building style, materials, and colors. Parking areas, entry drives, and pedestrian walks shall be illuminated to allow for proper vehicular movements and promote pedestrian safety and security. All lights shall be pedestrian in scale and spaced for proper energy efficiency. This lighting shall be inward directed and not impact adjacent properties. Light standards shall be no taller than 16 feet in height. The use of building lights to illuminate parking areas is prohibited.
- All multi-family developments shall be in compliance with applicable City ordinances and/or health department regulations for public or private water and sanitary sewer systems.

§ 8.10 RESTRICTED ENTERTAINMENT ESTABLISHMENT DEVELOPMENT STANDARDS & REQUIREMENTS

§ 8.10.1— Purpose and Intent

The purpose of this Section is to provide reasonable regulations for Restricted Entertainment Uses in order to protect the health, safety, and welfare of the public; ensure land-use compatibility; and maintain the family-oriented character of the City of Creola. These standards are intended to:

1. Prevent adverse secondary impacts on nearby residential neighborhoods, schools, churches, and parks;
2. Provide clear land-use expectations for business owners and property owners; and
3. Ensure lawful access to constitutionally protected materials while maintaining compatibility with surrounding uses.

§ 8.10.2— Definitions

Restricted Entertainment Establishment:

A commercial establishment whose **primary purpose** is to provide products, services, entertainment, or activities that are **characterized by an emphasis on adult content**, including material, performances, or services that depict, describe, or relate to specified anatomical areas or specified sexual activities. These businesses are intended for **patrons 18 years of age or older** and typically require age-restricted entry. For the purposes of this Ordinance, Tattoo Parlors and Body Piercing establishments shall be considered Restricted Entertainment Establishments and shall comply with all requirements and zoning applicable to a Restricted Entertainment Establishment.



Adult-themed commercial businesses may include, but are not limited to:

- Tattoo Parlor
- Body Piercing Studio/Establishment
- **Adult novelty or adult retail stores** selling items such as adult toys, explicit videos, adult magazines, lingerie marketed for sexual purposes, or other adult-oriented merchandise.
- **Adult entertainment venues**, including exotic dance clubs, gentlemen's clubs, or facilities featuring nude, semi-nude, or erotic performances.
- **Adult theaters or video arcades** showing films, visual materials, or live performances emphasizing adult content.
- **Adult-oriented massage or body-rub establishments** that provide services with an erotic or sexual emphasis.
- **Adult cabarets**, bars, or lounges where adult-oriented performances or activities occur.
- **Adult modeling studios** providing opportunities for photography or viewing of nude or semi-nude individuals.

This term **does not include** standard commercial businesses such as traditional retail stores, theaters, fitness centers, art studios, medical massage therapy clinics, or educational venues that may contain incidental or non-sexual adult material.

§ 8.10.3— Permitted Zoning Districts

Restricted Entertainment Establishments shall be permitted only as a Special Exception use within the industrial manufacturing zoning district (IM), subject to Planning Commission review and Board of Adjustment approval.

§ 8.10.4— Location Standards

Restricted Entertainment Establishments shall not be located:

1. Within 2,000 linear feet of any:

- * Residential zoning district
- * School or childcare facility
- * Public park or playground
- * Church or place of worship
- * Public library
- * Youth-oriented community center

2. Within 2,000 feet of another Restricted Entertainment Establishment

Distances shall be measured from property line to property line in a straight line.



§ 8.10.5— Operational Standards

1. No exterior display, signage, window treatment, or lighting shall depict or describe sexual activities or anatomical areas in a graphic or explicit manner.
2. All activities and display areas shall be fully enclosed within the building.
3. Hours of operation may be conditioned through the Special Exception approval process.
4. Adequate parking, security, and access requirements may be imposed by the City based on site-specific considerations.

§ 8.10.6— Amortization of Nonconforming Uses

Any existing business classified as a Restricted Entertainment Establishment at the time of adoption of this Ordinance shall become a legal nonconforming use and shall be subject to the City's nonconforming provisions, including eventual amortization if deemed appropriate under Alabama law.



ARTICLE 9:

Sign Regulations

§ 9.1	PURPOSE & INTENT
§ 9.2	GENERAL PROVISIONS
§ 9.3	GENERAL REQUIREMENTS
§ 9.4	NONCONFORMING SIGNS
§ 9.5	EXEMPT SIGNS
§ 9.6	PROHIBITED & ILLEGAL SIGNS
§ 9.7	INCIDENTAL SIGNS
§ 9.8	PERMITTED SIGNS
§ 9.9	REQUIREMENTS FOR GENERAL BUSINESS & OTHER SIGNS
§ 9.10	MAINTENANCE & REMOVAL OF SIGNS
§ 9.11	TRAFFIC CONTROL SIGNS
§ 9.12	ADMINISTRATION

SECTION 9.1 INTENT & PURPOSE

It is the purpose of these sign regulations to promote the safety and welfare of the residents of the City of Creola so that signs do not become a hazard or a nuisance and, therefore, to establish regulations for the control of all signs designed or intended to be seen by, or attract the attention of, the public which may be erected, displayed, maintained or altered in the City. Further, it is the intent of this Ordinance:

- A. To allow expression of commercial and non-commercial speech in a reasonable manner consistent with the rights of others;
- B. To provide a pleasing overall environmental setting and good community appearance deemed vital to the continued economic attractiveness of the community;
- C. To enhance a productive, enterprising, responsible community atmosphere through the use of effective visual communication;
- D. This Ordinance supersedes all other duly approved and enacted previous sign Ordinances and no sign will be deemed compliant by virtue of a claim of 'grandfathering.'

SECTION 9.2 GENERAL PROVISIONS

- A. No sign, other than an official sign and an officially approved directional sign, is allowed in the public right-of-way or shall project into a public right-of-way, or shall be attached to private property placed in a public right-of-way, except as expressly provided in this Ordinance.
- B. No sign shall be erected, displayed, maintained or altered in the City unless it is in compliance with this Ordinance.
- C. Signs are Accessory Uses Only: Signs shall be permitted only as accessory uses to buildings or



structures, with the exception of construction signs for property under development and real estate signs.

- D. Permit Required: It shall be unlawful for any person to erect, display, alter or relocate any sign unless such sign is in compliance with this Ordinance, and a permit for such sign has been issued by the Building Official, and the permit fee required by this Ordinance has been paid, except for any sign for which a permit is not required under this Ordinance. The signs that do not require a permit are listed in the EXEMPT SIGNS section of this Article.
- E. Compliance Review Required: The Building Official shall not issue a sign permit until satisfactory completion of the review process by the Planning Commission as required under this Ordinance.
- F. Maintenance: The owner of any sign shall maintain same, in good repair, in a safe manner and in a permitted location, together with all sign supports, braces, anchors and messages, all in accordance with this Ordinance. Vegetation around signs shall be cut and landscaping maintained.
- G. Required Signs: The street address (building number) of each of the premises in the City shall be displayed in a legible manner in a location visible from the public rights-of-way.

SECTION 9.3

GENERAL REQUIREMENTS

- A. Building Code: All signs must comply with the building code and all other applicable codes and Ordinances of the City of Creola; as such codes and Ordinances are in effect.
- B. Electrical Code: Any sign that may require electrical wiring or connections shall comply with the electrical code and all other applicable codes and Ordinances of the City, as such codes and Ordinances are in effect. All electrical devices used in signs must be inspected by Underwriters Laboratories (i.e., "UL Listed").
- C. Sign Height: No freestanding/ground sign, feather flag shall, or any projecting outdoor advertising sign shall exceed eight (8) feet above the level of a sidewalk or other pedestrian thoroughfare, nor shall be less than fifteen (15) feet above the level of a public driveway, alley or street. Air dancers may not exceed twenty (20) feet in height.
- D. Obstruction to Passage: No sign shall be erected, displayed or maintained so as to obstruct or interfere with any fire escape, any required exit way, window, door opening or any other means of egress, or of any opening required for ventilation required by the building code.
- E. Signs in Public Rights-of-Way: No sign, other than an official sign and officially approved directional signs, shall be placed in public rights-of-way or shall project into a public right-of-way, or shall be attached to private property placed in a public right-of-way, except as expressly provided in this Ordinance. Any sign so placed or located, except in conformance with this Ordinance, shall be confiscated and destroyed. In addition to other remedies, the City shall have the right to recover from the owner of such sign or the person placing such sign the full costs of removal and disposal of such sign.
- F. Illumination, Lighting and Glare: Signs may be illuminated through the use of direct or indirect illumination, backlighting, internal illumination, neon tube illumination or a combination of the aforementioned. Neon must comply with the City's Building Code and the neon may not extend more than eight (8) inches from any side or face. Any device that illuminates a sign shall be placed and shielded so that the direct light shall not cause direct glare into the windows of any adjacent property or be cast into the eyes of passing motorist. Flashing lights, messages or images are not permitted. A flashing sign contains a sequential flashing light



source where the period of time of illumination is generally equal to the period of non-illumination, and is used solely to attract attention in a non-informative way. There must be a minimum five (5) second period for each change of color, message or lighting for all illuminated signs.

- G. No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection.
- H. No sign shall be larger than seventy-five (75) square feet, except where the name of a building or firm is to be attached across the front of a building.
- I. A sign permit shall be null and void if the sign for which the permit was issued has not been completed and erected within a period of six (6) months from the date of issuance of the permit.

SECTION 9.4 **NONCONFORMING SIGNS**

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

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

SECTION 9.5 **EXEMPT SIGNS**

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

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1. Official traffic signs or sign structures, or municipal information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency.
2. Changing the copy on a bulletin board, poster board, display encasement, marquee, or changeable copy type sign.
3. Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One such sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.
4. Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation and not for the sole purpose of advertising, except where a vehicle is offered for sale.
5. Weather flags for providing information on weather conditions; one (1) set for each premises.
6. Real estate signs, temporary in nature, non-illuminated, not exceeding six and one-half (6 ½) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage.
7. Temporary decorative flags, bunting, banners, pennants, streamers, and signs for recognizing holidays, conventions, grand openings, and other commemorative occasions authorized by the Building Inspector for City-wide celebration. Said temporary decorations and signs shall be removed as soon as the commemorative occasion is over; otherwise temporary decorations and signs shall be subject to the requirements of Section 10.7.7.5, Note 5, of this ordinance.
8. Political signs, are exempt from the permit requirements of this Ordinance but are subject to the following regulatory controls:
 - a. Political signs shall not be erected, constructed, posted or painted on any public right-of-way, utility pole, tree, bench, fence, awning, stand pipe, nor attached to any City, County, State or Federal roadway marker, directional sign or informational sign.
 - b. Political signs shall not be attached to any existing identification announcement or pricing signs for any business or commercial establishment
 - c. Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.
 - d. Political signs may be placed on private property in any zoning district within the jurisdiction of the City.
 - e. Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height



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



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

SECTION 9.6 **PROHIBITED & ILLEGAL SIGNS**

The following signs are prohibited in all use districts:

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

SECTION 9.7 **INCIDENTAL SIGNS**

An incidental sign is defined as: a sign, other than an official sign, containing no commercial message, providing only information or direction for the convenience and necessity of the public. It shall be unlawful to erect, display or permit the display of, or maintain any incidental sign unless such sign is expressly permitted by this Ordinance, subject to all of the limitations and provisions stated herein and a permit has been issued. Should an incidental sign exceed the permitted display area, it shall be considered a general business sign and shall be subject to every requirement of this Ordinance governing such signs. Permitted incidental signs are limited to the following types and conditions:

1. Air Dancers: Each property on which a business or businesses are located are allowed one (1) air dancer, not to exceed twenty (20) feet in height. Air dancers must be located on the business property, not on the public right-of-way; and are only allowed to be used during normal business hours, and in no case from the hours of 10:00 p.m. to 6:00 a.m.

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2. Bulletin Board, commercial and noncommercial: Not to exceed one (1) single or double faced sign per premises, display area not to exceed thirty-two (32) square feet per side and height not to exceed eight (8) feet above the ground directly below the bulletin board.
3. Gasoline Service Station Price Sign: Height of sign shall not exceed sixteen (16) feet in height at the top of the sign and the bottom of a sign may not exceed twelve (12) feet above ground, measured from the average elevation of the nearest road centerline. Shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the building. Not to exceed one per service station. The sign may be single faced or double faced and may not exceed more than thirty-two (32) square feet per face exclusive of frame. Sign frame may not exceed thirty (30) square feet.
4. Official Flag or Official Sign: Any official governmental, traffic, directional, regulatory or informational sign or flag placed by a duly authorized public official, or notice issued by any court officer or order, or officer in performance of a public duty; an official historical marker; any sign or flag erected by any governmental agency for identification purposes at any office, institutional, recreational, or other publicly owned or leased site. Governmental flags may be displayed on all properties.
5. Non-Official Flag: Non-official flags may be flown on all residential and commercial properties, but does not include pennants. Each business is allowed one (1) 'Open' flag and two (2) additional non-official flags and/or feather flags. The height of feather flags may not exceed sixteen (16) feet.
6. Product Sign: Only those signs attached to pump or machine advertising only those products dispensed therefrom.
7. Professional/Home Occupation Business Sign: One sign not more than one and one-half (1.5) square feet in area fastened directly to the building.
8. Residential Identification Sign: Not to exceed one (1) sign per residence, display area not to exceed sixteen (16) square feet including graphics.
9. Apartment and Multi-Family Dwellings Identification Sign: Not to exceed one (1) attached and one (1) on premise ground sign per condominium complex. Sign limited in content to name of condominium, graphics, name of rental agent (not to exceed 20% of sign face), address of premises, and not to exceed: for a condominium complex with less than ten (10) units, sixteen (16) square feet; for a condominium complex with ten (10) or more units, thirty-two (32) square feet. Signs of danger or of a cautionary nature are allowed and are limited to three (3) square feet in area. All condominium signs are limited to: 1) Wall or ground sign; 2) No more than one (1) sign per complex; 3) Illumination only from a concealed light source which does not blink, flash or pulsate.
10. Identification Marker: A single on premise ground sign, display area not to exceed: (a) for less than ten (10) lots, sixteen (16) square feet; (b) for ten (10) or more lots, thirty-two (32) square feet, and subject to all other applicable requirements of this Ordinance regarding ground signs, may be permitted at each entrance from a public street, only if authorized by the City Council and only as indicated on the approved subdivision plat or site plan.
11. Security Sign: Not to exceed one (1) sign on each side of house/building and the display area not to exceed one (1) square foot each.



12. Utility Sign: Signs identifying a utility may have an aggregate display area of one (1) square foot.

SECTION 9.8

PERMITTED SIGNS

Permitted general business signs are limited to the types and conditions listed in Table below. All permitted general business signs are included in the total allowable aggregate area for signage. Wherever more than one of the following may pertain to any particular situation, the more or most restrictive shall apply. Unless otherwise specified in this ordinance, requirements for signs permitted in each district are as follows:

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

SECTION 9.9

REQUIREMENTS FOR GENERAL BUSINESS & OTHER SIGNS

It shall be unlawful to erect, display or permit the display of, or maintain any general business sign unless such sign is expressly permitted and fee paid as required by this Ordinance, subject to all of the limitations and provisions stated herein. A business façade, attached, ground, window or off-premise sign may advertise goods and services provided by the business. See Table below.

Zoning District	Type of Use	Maximum Area/Face	Maximum Number of Faces	Maximum Height	Maximum Number of Signs Permitted
R-1	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-2	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-3	High Density Multi-Family Residential	6 sq. ft.	1	6 ft.	1 per premises
B-1	Neighborhood Professional Business	35 sq. ft. per premises	2	10 ft.	1 per street frontage
B-2	General Business	75 sq. ft. per premises	2	21 ft.	1 per street frontage; 2 if the premises frontage

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					is greater than one thousand (1,000) linear feet.
IM	Industrial/Manufacturing	75 sq. ft. per premises	2	21 ft.	1 per street frontage
CR	Conservation Recreational	35 sq. ft. per premises	1	10 ft.	1 per street frontage

SECTION 9.10

MAINTENANCE & REMOVAL OF SIGNS

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

SECTION 9.11

TRAFFIC CONTROL DEVICES ON PRIVATE PROPERTY

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

- **Savings Clause.** If any section, clause, provision, or portion of this Ordinance shall be held to



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

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

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

****NOTES**

- 1) A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, mobile home park, and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground within the confines of the development and the height no greater than ten (10) feet for no more than one (1) sign, either single or double faced, per street frontage. Permits shall be issued for a period of one (1) year. An additional one (1) year permit may be issued if the Building Inspector has determined that the promotion of the development is active and the temporary sign meets the maintenance requirements of this ordinance. The temporary sign will be removed when a permitted permanent sign is erected.
- 2) A temporary sign will be permitted on each premises for a new business or a business starting a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground to a height not to exceed ten (10) feet. Said sign may be single or double faced.
- 3) Temporary decorative signs, flags, pennants, banners, streamers, bunting, flying paraphernalia, and tethered inflatable signs may be permitted to a premises owner for no more than fourteen (14) continuous calendar days in any six (6) month period.
- 4) A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, City, village, historic or religious place, shrine, public building or facility, school, hospital, healthcare facility, public meeting or public event when authorized by the City of Creola.
- 5) All existing off-premise signs and billboards are hereby grandfathered and protected.



At such time as any existing off-premise sign or billboard is removed or destroyed, any replacement signs or billboard shall be in conformance with the provisions of this Ordinance. No new off-premise signs or billboards will be permitted in any zone, nor shall a permit be issued for any permitted on-premises sign for any premises on which there exists a grandfathered off-premises sign or billboard unless the off-premises sign or billboard is first permanently removed.

SECTION 9.12 ADMINISTRATION

- A. Responsibility: The Building Official shall be responsible for receiving applications and fees for sign permits, for conducting staff review of such applications and for issuing sign permits when all required procedures are satisfactorily completed and fees paid.
- B. Application Procedure: Application for a sign permit shall be made upon the form provided by the City and shall contain, or have attached thereto, the following information:
 - 1. Name, address and telephone number of applicant.
 - 2. Name, address and telephone number of person or company who shall erect the sign. If the sign will be erected by a company, the company must have a Creola business license.
 - 3. Address of building or property upon which sign is proposed to be erected.
 - 4. Written consent, of the owner of the property on which the sign is to be located for erection or placement of sign.
 - 5. Letter from property owner as required for off-premises sign.
 - 6. Copy of the approved Master Sign Plan, if applicable.
 - 7. Scaled drawing or photograph of building elevation, showing the actual size and location of the proposed sign in proportion to and in relation to the existing building or the building to be constructed.
 - 8. Information regarding method of construction and placement of sign. Description or samples of sign materials and colors.
 - 9. Other information the Building Official may reasonably require to demonstrate full compliance with all applicable provisions of the City Code.
- C. Fees, non-refundable: Each sign permit application (requiring a permit fee) shall be accompanied by a check made payable to the City of Creola, Alabama, or acceptable credit card, or cash in an appropriate amount, as established by resolution of the City Council. This fee shall defray the cost of processing sign permit applications and shall be charged in addition to any building permit fee, electrical permit fee or any other fee associated with the approval of a proposed or existing development. Incidental and temporary signs require a sign permit but no permit fee.
- D. Compliance Review: The Planning Commission shall, in public meeting, review all sign permit applications as to compliance with the provisions of this Ordinance. Because signs are so nearly a part of the buildings to which they are attached or pertain, the Planning Commission shall



assure, through the review process that signs are appropriately fit to, and are properly secured to the buildings or other structure to which they are to be attached. The Planning Commission shall report its approval or denial of the application to the Building Official (or authorized designee), who shall not issue a sign permit without approval of the application by the Planning Commission.

- E. Compliance Review-Time Limitation: If within forty-five (45) days (or such longer period of time as may be agreed upon by the applicant and the Planning Commission) of the applicant's submittal to the Building Official of a completed application for a sign permit, including all required information and materials, the report of the Planning Commission is not submitted to the Building Official, the application shall be considered approved by the Planning Commission as submitted, and the Building Official shall issue a sign permit if all other requirements of this Ordinance have been satisfied and the appropriate fee paid.
- F. Master Sign Plan Required: A development site containing an existing or proposed office park, shopping center, building or group of buildings that contains multiple businesses, institutions or other arrangement of multiple nonresidential users shall have a master sign plan, subject to approval by the Planning Commission, prior to application for any sign within its boundaries. All sign permit applications pertaining to such development sites shall be reviewed in light of such approved plans. Sign permit applications reviewed under authority of a master sign plan shall be subject to the following:
- All general business signs existing prior to submission of the master sign plan, whether or not such signs conform to the provisions of this Ordinance, shall be counted toward the permitted aggregate display area of general business signs.
- G. Variance: The Board of Adjustment may authorize, on application in specific cases, a variance from the provisions of this Ordinance such as will not be contrary to the public interest, where owing to special conditions applying to the premises in question and not applicable generally to other buildings or structures, a literal enforcement of such provisions will result in unnecessary hardship, but where the spirit of the Ordinance shall be observed and substantial justice done. Such special conditions shall be limited to those which the Board of Adjustment finds that the granting of the application for a variance is necessary, that it does not merely serve as a convenience to the applicant, and that the condition from which relief is sought would result in peculiar, extraordinary and practical difficulties to the property upon which the sign would be erected or displayed.
- H. Appeals: Any decision of the Building Official or Board of Adjustments authorized by this Ordinance may be appealed to the City Council. Appeals shall be filed in writing with the City Clerk within fifteen (15) business days of the decision. Appeals shall be considered at the next City Council meeting, provided the applicant has furnished the City Council with all information and materials needed by the City Council to consider the appeal at least seven days in advance of such meeting.

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Article 9 - Sign Regulations



- I. Inspection: The Building Official shall be responsible for inspection of all signs to determine compliance with the provisions of this Ordinance.
- J. Time Limitation, Sign Permit: If the work authorized under a sign permit has not been completed within ninety (90) days following the date of issuance, such permit shall become null and void and any partial construction removed by the permittee.
- K. Transfer of Ownership: Sign permits may be transferred for on premise signs with change of ownership of business provided there are no changes to the sign. Any dismantling, removing, or alteration of the sign will require a new application and permit.
- L. Revocation: The Building Official is authorized and empowered to revoke any sign permit upon failure of the permit holder to comply with any provision of this Ordinance.
- M. Removal of Unsafe Signs: The Building Official shall require any sign that is an immediate danger to persons or property to be removed by the owner of the property upon which the sign is located within ten (10) days of written notice to such owner. The Building Official shall require any sign that is not an immediate danger to persons or property, but otherwise impinges upon the public health, safety, or general welfare, or is, in the opinion of the Building Official, structurally unsound or unsafe in any way, to be removed, repaired, replaced, or secured, in compliance with the provisions of this Ordinance, by the owner of the property upon which the sign is located, within thirty (30) days of written notice to such owner.
- N. Removal of Prohibited and Non-permitted Signs: The Building Official shall immediately remove and dispose of any prohibited or un-permitted sign on public rights-of-way.
- O. Sign Inspection: The Building Official shall conduct a final inspection upon completion of approved work for the purpose of verifying that the sign is in compliance with the requirements of the permit and all other provisions of this Ordinance. Failure to make any and all necessary corrections within ten (10) days of inspection by the Building Official and obtain a satisfactory inspection result shall render the permit invalid and the applicant shall be required to reapply for a permit or remove the sign or sign structure within ten (10) days.
- P. Enforcement: If a violation of any provision of this Ordinance, specified in a written notice from the Building Official to the owner of the business to which the sign is permitted and/or to the owner of the property upon which the sign is located, is not remedied by the time specified in the notice, the Building Official shall use all available means to remedy the situation and may direct the City Attorney to bring a civil action to remedy the violation. The owner of the business to which such sign is permitted and/or the owner of the property upon which the sign is located shall pay any reasonable expenses incident to such removal.
- Q. Penalties: Each and every violation of the provisions of this Ordinance shall be punishable by a fine not exceeding \$500.00, at the discretion of the court trying the case. Each and every day the violation continues shall be construed as a separate offense.



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ARTICLE 10:

Development Process & Review Bodies

§ 10.1	APPLICATIONS FOR DEVELOPMENT-WHEN A SITE PLAN IS REQUIRED
§ 10.2	APPLICATION SUBMISSION DEADLINES
§ 10.3	BUILDING PERMIT REQUIRED BEFORE CONSTRUCTION
§ 10.4	APPLICATION & DEVELOPMENT REVIEW PROCESS
§ 10.5	PRE-APPLICATION MEETING WITH APPLICATION REVIEW COMMITTEE
§ 10.6	COMPLETE APPLICATION PACKET CONTENTS
§ 10.7	APPLICATIONS REVIEWED BY PLANNING COMMISSION & OTHER BOARDS
§ 10.8	APPLICATIONS REQUIRING SITE PLAN REVIEW
§ 10.9	REQUIRED SITE PLAN CONTENT & PURPOSE
§ 10.10	ACQUIRING A BUILDING PERMIT & OTHER DEVELOPMENT PERMITS
§ 10.11	THE BUILDING OFFICIAL DUTIES & RESPONSIBILITIES
§ 10.12	THE PLANNING COMMISSION DUTIES & RESPONSIBILITIES
§ 10.13	THE BOARD OF ADJUSTMENT DUTIES & RESPONSIBILITIES
§ 10.14	ZONING AMENDMENTS, HEARINGS, AND APPEAL PROCEDURES
§ 10.15	ANNEXATION PROCESS & ZONING CLASSIFICATION
§ 10.16	REVERSIONARY CLAUSE

SECTION 10.1 **APPLICATIONS FOR DEVELOPMENT- WHEN A SITE PLAN IS REQUIRED**

All applications for development, permits, licenses, signs, zoning amendments, hearings, and/or appeals are available at City Hall and the City's website at: www.cityofcreola.org

The following is a list of all applications for development within the city. All application packets must be considered complete and submitted within the required timeline in order to be placed on the Planning Commission agenda. The following applications are heard and reviewed by the Planning Commission and when required, by the Board of Adjustment and the City Council.

I. APPLICATIONS REVIEWED BY PLANNING COMMISSION:

- **SITE PLAN REVIEW-** The Planning Commission reviews all site plans for the following types of development:
 1. New Construction of Residential Structures that are:
 - Two-Family Dwellings
 - Multi-Family Dwellings
 (Single-Family Dwellings are reviewed and approved by Building Official's Office)
 2. New Construction of Commercial, Industrial, or Non-Residential Structures
 3. Change in Use of Existing Commercial, Industrial, or Non-Residential Structures



4. Change in Ownership of Existing Commercial, Industrial, or Non-Residential Structures
 5. Any construction project that increases the exterior building footprint of the existing structure (excluding Single-Family Dwellings).
 6. Any construction project that creates a **PUBLIC** street, park, square, open space, way, building, structure, or utility (per Code of Alabama 11-52-11).
- **SUBDIVISION OF LAND**
 1. MINOR SUBDIVISION- The creation of new lots or the combining of lots with no improvements (see definition).
 2. MAJOR SUBDIVISION- The creation of new lots or the combining of lots with the creation of new streets, storm drains, and other improvements (see definition).
 - **OTHER APPLICATIONS, LICENSE & PERMITS**-The Planning Commission shall review all applications for the following before a permit or license can be issued by the City of Creola or before a recommendation can be made to the City Council.
 - > SIGN PERMIT
 - > HOME OCCUPATION LICENSE
 - > LAND USE PERMIT
 - > TEMPORARY BUILDING
 - > RE-ZONING APPLICATION
 - > ZONING AMENDMENT
 - > PETITION FOR ANNEXATION
- II. **BOARD OF ADJUSTMENT APPLICATIONS**- The Board of Adjustment, also referred to as the Zoning Board of Adjustment shall hear and act upon the following applications when required by the Zoning Ordinance:
- > AREA VARIANCE
 - > ADMINISTRATIVE APPEAL
 - > SPECIAL EXCEPTION USE
- III. **CITY COUNCIL APPLICATIONS**- The City Council will hear and act upon the following applications after the Planning Commission has reviewed the application and made a recommendation to Council on said application:
- > RE-ZONING APPLICATION
 - > ZONING AMENDMENT
 - > PETITION FOR ANNEXATION

SECTION 10.2

APPLICATION SUBMISSION DEADLINES

All applications requiring Planning Commission review must be submitted to the City of Creola's Building Official's Office no later than fifteen (15) days prior to the next regularly scheduled Planning Commission meeting. All applications for major construction projects that require new roads and drainage, and subdivision plats for Major Subdivisions, or any plans that require additional professional review, must be submitted no later than thirty (30) days prior to the regularly scheduled



Planning Commission meeting. If an application is submitted after the fifteen-day deadline, and does not require the review of the Planning Commission, it may be accepted for the agenda at the discretion of the City Clerk.

Planning Commission meetings are held each month on the third Tuesday of the month at Creola City Hall. See *Appendix C* for Planning Commission Application Submission Deadline Schedule.

SECTION 10.3 BUILDING PERMIT REQUIRED BEFORE CONSTRUCTION

When any type of new development is proposed by an individual, a building permit is required before the development or the erection of any type of structure can occur. It shall be considered unlawful to commence with the excavation for or the construction of any building or other structure, including accessory structures, until the Building Official has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this Ordinance. If any structure is erected without first acquiring a building permit, the individual responsible for said un-permitted construction, will be required to remove said structure and may be penalized and fined daily per the statutes of this Ordinance established by the City Council.

The Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration, be accompanied by a site plan drawn to scale and showing sufficient detail to enable the Building Official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance. A list of required items to be shown on the site plan is listed in Section 10.9.2 of this Article.

The Building Official and the Application Review Committee (ARC) reviews the site plan for accuracy and compliance before the site plan is presented to the Planning Commission at the regularly scheduled monthly meeting. When applicable, the Planning Commission must approve any site plan before the Building Official can issue a building permit for the proposed development. The applicant must be present at the Planning Commission meeting in order for the application to be reviewed and acted on.

If the proposed excavation, construction, moving or alteration as set forth in the application are in conformity with the provisions of this Ordinance and the Planning Commission approves the application, the Building Official shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval.

Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance. Application for the building permit shall be made to the Building Official on forms provided for that purpose.

SECTION 10.4 APPLICATION & DEVELOPMENT REVIEW PROCESS

The applicant must apply for and obtain approval of such proposed development in accordance with the following procedures:



1. Obtain Application Packet from City Hall or City website.
2. Pay application fees
3. Schedule a Pre-Application meeting with the Building Official and Application Review Committee (ARC).
4. Complete application packet and submit to City Hall by cut-off date listed on the Planning Commission Application Submission Schedule. All applications requiring Planning Commission review must be submitted to the City of Creola's Building Official's Office no later than fifteen (15) days prior to the next regularly scheduled Planning Commission meeting. All applications for major construction projects that require new roads and drainage, and subdivision plats for Major Subdivisions, or any plans that require additional professional review, must be submitted no later than thirty (30) days prior to the regularly scheduled Planning Commission meeting.
5. Once received, the ARC will convene to review the completed application packet. City staff will notify applicant if site plan packet has any discrepancies with the Zoning Ordinance to give the applicant sufficient time to make corrections and address issues prior to the Planning Commission meeting.
6. **Resubmittal of Revised Plans:**

In order to establish a fair and reasonable timeline for both the applicant and the City, the resubmittal period for revised plans shall be structured to balance the need to provide applicants sufficient time to prepare meaningful revisions, while maintaining flexibility and ensuring the continued efficiency of the review process so that projects progress in a timely manner and do not result in unnecessary delays or administrative backlog.

The applicant shall submit all required revisions to a site plan within thirty (30) calendar days from the date of receipt of written review comments from the City and the Application Review Commission (ARC), unless otherwise authorized by the Building Official. Failure to resubmit within this timeframe may result in the application being deemed inactive or withdrawn.

Upon written request, the applicant may be granted an extension by the Building Official to exceed the initial thirty (30) day period in order to address outstanding comments; however, in no case shall the total time for resubmittal exceed ninety (90) calendar days from the date of the most recent review comments. The Building Official shall not have the authority to grant extensions beyond this ninety (90) day period.

Any application requiring revisions that remains inactive for more than ninety (90) calendar days from the date of the most recent review comments issued by the City and the ARC shall expire. If the applicant fails to submit the required revisions within this timeframe, the application shall be considered withdrawn and shall require submission of a new application for further consideration by the Planning Commission.

7. If the corrections and/or issues are addressed by the applicant in the allotted time frame, the applicant shall appear at the next scheduled Planning Commission meeting to discuss application.

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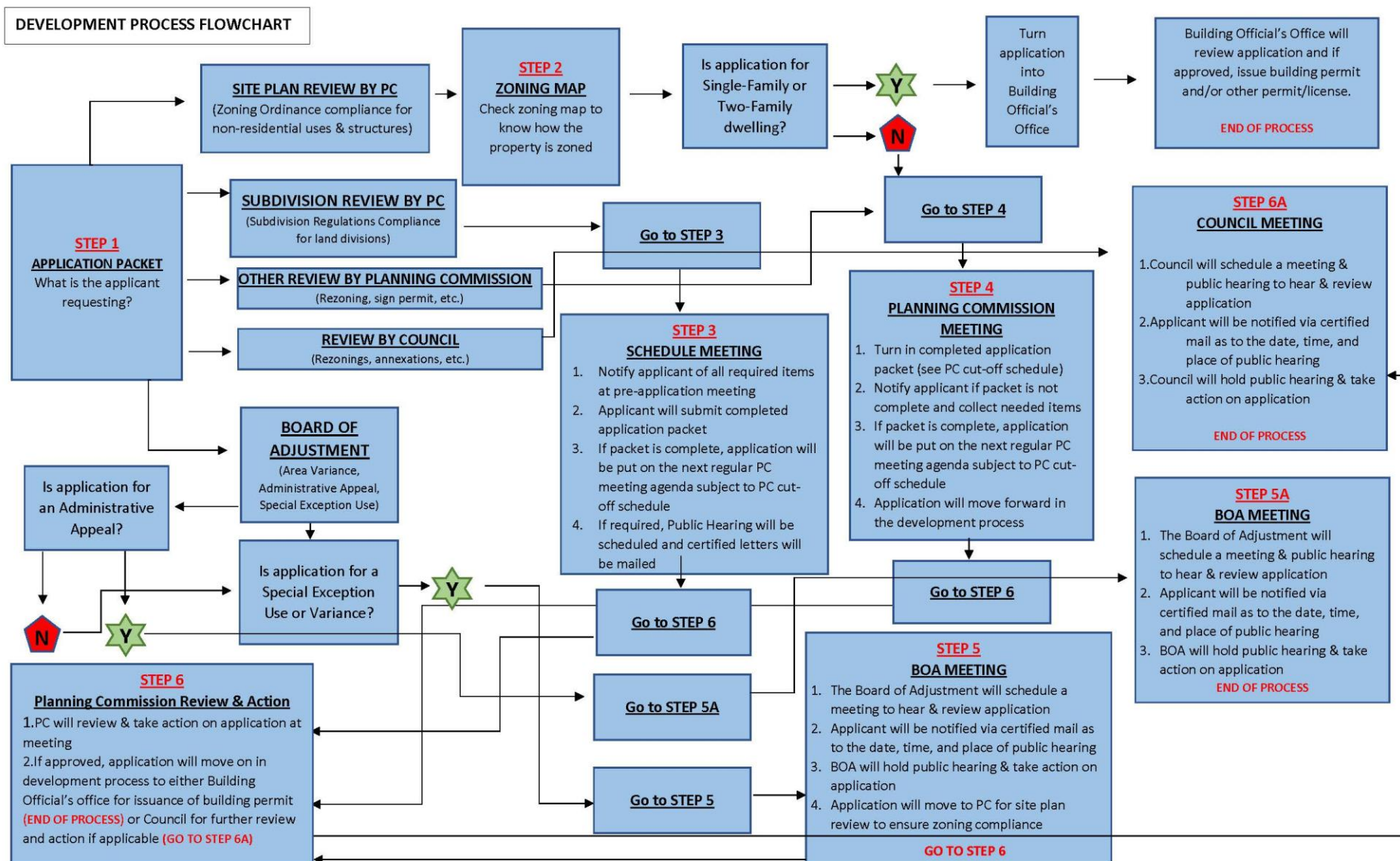


8. At the Planning Commission meeting, the Planning Commission will vote to either approve, approve with conditions, or deny the application.
9. If approved or approved with conditions, a building permit and/or business license can be issued and applicant is authorized to begin construction process.
10. An approved site plan that has been signed and dated by the Planning Commission Chair, is valid for **180 calendar days or six (6) months, whichever occurs first.** After that time period, if no site clearing or construction has begun, the site plan and the approved building permit will become null and void. The applicant will have to go through the development process again and resubmit a site plan for review and approval before a new building permit can be issued.

The following diagram is a flowchart illustrating how the development and review process occurs from the point of when the developer obtains an application through to the point when the developer acquires a building permit.

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SECTION 10.5 **PRE-APPLICATION MEETING**

When any type of new development is proposed within the corporate limits of the city, the applicant or authorized agent is required to consult early and informally with the Building Official, the ARC, and any other city, county, or utility representative if necessary in a pre-application meeting.

§ 10.5.1 **Purpose of Pre-Application Meeting**

The purpose of the pre-application meeting is to enable the applicant to become familiar with the zoning ordinance and any other requirements which might affect the proposed development, and to also be advised of the review procedures and timelines of the development process. The pre-application meeting is an informative and educative meeting only and will not have deciding power or precedence on any proposed development. In this way, the applicant can discuss the details of the development and any discrepancies with the Ordinance before the applicant invests costly resources in the project.

§ 10.5.2 **Required Items for Pre-Application Meeting**

The applicant shall present a lot layout sketch plan, drawn to scale. The information submitted shall include:

- The location of the proposed development in relation to the surrounding area;
- The location of the proposed development on the lot and other features of the lot such as general square footage and dimensions;
- The zoning district and the proposed use of the new development;
- Existing features such as adjacent streets and lots, drainage facilities, waterways, wetlands and other natural and built features;
- A general estimate of the number of trees and amount of vegetation on the lot;
- The general topography of the site.

Upon completing the pre-application meeting, the applicant may proceed to prepare the site plan for the formal submission and review process with the Planning Commission. The application packet must be completed in its entirety and submitted within the established timeline in order to be placed on the agenda of the Planning Commission.

SECTION 10.6 **COMPLETE APPLICATION PACKET CONTENTS**

Before the Planning Commission shall review a site plan, the applicant or authorized agent shall provide a completed application packet which contains the following:

1. A completed Site Plan application.
2. Receipt of the required application fee according to the current schedule of fees established by the City Council for the particular category of application;
3. Copy of deed to the subject property;
4. Completed Authorized Agent form, if applicant is not acting in own behalf;

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6. Complete a Pre-Application and Sketch Plan meeting;
7. Site Plan Checklist from Appendix A of this Ordinance;
8. Three (3) paper copies of the Site Plan;
9. One (1) digital copy in PDF format of Site Plan, and accompanying documents;
10. Submit to the Building Official at least fifteen (15) -thirty (30) days prior to the regularly scheduled meeting of the Planning Commission depending on the type of application;
11. Land disturbance permit, if applicable;
12. All other required federal and state permits, if applicable i.e. FEMA permit if building in flood zone, Corps of Engineers permit if building in or around wetlands.

SECTION 10.7 APPLICATION REVIEW BOARDS

REVIW BODY	BUILDING OFFICIAL	PLANNING COMMISSION	APPLICATION REVIEW COMMITTEE	BOARD OF ADJUSTMENT	CITY COUNCIL
APPLICATION					
SINGLE-FAMILY HOME	✓				
TWO-FAMILIY HOME	✓	✓	✓		
MULTI-FAMILY STRUCTURE	✓	✓	✓		
NON-RESIDENTIAL STRUCTURES	✓	✓	✓		
SUBDIVISIONS	✓	✓	✓		
SUBDIVISION WAIVERS		✓			
ZONING AREA VARIANCE				✓	
ZONING SPECIAL EXCEPTION USE		✓		✓	
ZONING APPEAL				✓	
SIGN PERMIT & TEMPORARY USE PERMIT	✓	✓			
LAND DISTURBANCE PERMIT	✓				
HOME OCCUPATION LICENSE		✓			
ZONING AMENDMENT/REZONING		✓			✓
ANNEXATION		✓			✓

SECTION 10.8

APPLICATIONS REQUIRING SITE PLAN REVIEW

The Building Official is authorized to issue building permits for single-family residences without referral to the Planning commission but shall not issue any building permit for structures other than single-family residences without the prior approval of the Planning Commission in the manner herein after described.

The following applications shall be submitted to the City of Creola Planning Commission for review with compliance of this Ordinance:

1. New Construction of Residential Structures
 - Two-Family Dwellings
 - Multi-Family Dwellings
2. New Construction of Commercial, Industrial, or Non-Residential Structures
3. Change in Use of Existing Commercial, Industrial, or Non-Residential Structures
4. Change in Ownership of Existing Commercial, Industrial, or Non-Residential Structures
5. Any construction project that increases the exterior building footprint of the existing structure (excluding Single-Family Dwelling).
6. Any construction project that creates a **PUBLIC** street, park, square, open space, way, building, structure, or utility (per Code of Alabama 11-52-11).

SECTION 10.9

REQUIRED SITE PLAN CONTENT & PURPOSE

§ 10.9.1 Purpose of Site Plan Review by Planning Commission

The purpose of the site plan review process is to provide the Planning Commission with the proposed construction plans and specifications in compliance with the requirements of this Ordinance. This will enable the Planning Commission to hear and consider input from the applicant as well as other officials and agencies concerned so they can acquire all relevant information needed in order to properly act on the proposed site plan. The applicant or authorized agent must be present at the Planning Commission meeting the site plan is being presented to address questions and concerns from the Planning Commission.

11. If the Planning Commission approves the site plan, the Building Official can proceed with the issuance of the building permit and construction can begin.
 - An approved site plan is valid for **six (6) months.** After that time period, if no site clearing or construction has begun, the site plan and the approved building permit will become null and void. The applicant will have to go through the development process again and resubmit a site plan for review and approval before a new building permit can be issued.
 - If a site plan is denied for any reason, the applicant shall not submit another site plan for a period of twelve (12) months **unless** the applicant can demonstrate significant changes have been made to the plan and it is compliant with the zoning ordinance.

§ 10.9.2 Site Plan Contents

The following is a list of required items that must be clearly and accurately demonstrated on the Site Plan. A Site Plan shall be prepared, signed and sealed by a certified professional architect,

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landscape architect, surveyor or an engineer, currently licensed in the State of Alabama, and shall be drawn to a scale of not smaller than 1 inch = 100 feet.

APPLICANT & GENERAL INFORMATION:

1. Name and address of land owner of record, applicant, or authorized representative (form required for authorized agent);
2. Current Title Policy, Title Opinion, Title Report, (within 60 days) or deed to verify ownership of land;
3. Name, address, phone number, seal, and registration number of the Licensed Professional Surveyor or Engineer who prepared the plat, registered in the State of Alabama;
4. Name of proposed development, if applicable;

SURVEY DATA:

5. Certified boundary survey of entire property and indicating adjacent properties, showing exact boundaries with total square footage of property, all existing parcels, indicating preliminary distances and bearings;
6. Date of survey;
7. Existing and proposed lot lines showing total length in feet;
8. Parcel number(s) & Lot number (s);
9. Legal Description;
10. North Arrow (pointing north);
11. Graphic Scale (not less than 1"= 100');
12. Legend;
13. Names and locations of all existing streets, rights-of-way, alleys, and easements within and adjacent to proposed development, including dimension of each and the purpose of the easements;
14. Vicinity map showing the relative location of the proposed development in relation to the adjacent street(s) and area;

SITE DATA:

15. Required front, rear, side, and waterside (if applicable) yard setbacks, and building setback lines per zoning district requirements;
16. Location of all existing and proposed buildings and/or structures, indicating building height & orientation on site and proposed use of new building (number of dwelling units, if applicable);
17. Location of trash receptacles and required screening, if applicable;
18. Details and location of any proposed fencing and/or retaining walls to be constructed;
19. Location and type of protection buffers between site and adjacent properties, if applicable;
20. Indication of the proposed use of property and zoning classification;
21. Number of required parking spaces & location of parking lots (if applicable) and parking spaces, including dimensions;
22. Location and dimensions of all ingress and egress access points to the site;
23. Location, dimensions, and type of all proposed signs on property, if applicable, including total number of signs requested & location of any existing signs on property;
24. Indication of all lighting facilities on property and lighting details;

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25. Minimum finished floor elevations of lot;
26. Location of off-street loading and unloading areas, if applicable;

INFRASTRUCTURE & UTILITY DATA:

27. Location of proposed public utility layouts (sanitary sewers, water, drainage structures, gas, and electricity), including pipe sizes, and location of valves, indicating feasible tie-in connection locations; showing facilities within and adjacent to the proposed development; confirmation that all new utilities will be installed underground;
28. Storm water drainage and detention details;
29. Erosion and sedimentation measures implemented during and after construction, to include protection measures to be installed around natural and/or man-made drainage ways and adjacent properties;

ENVIRONMENTAL DATA:

30. Location and type of required landscaping, if applicable;
31. Topography using contours at vertical intervals of not more than two (2) feet based on USGS-MSL datum;
32. Location and dimension of all water courses and/or water bodies on or within 100 feet of property, showing the required twenty-five foot (25'), if applicable;
33. Location of wooded areas, marshes, cultural and/or any known or recorded historical artifacts, and any other conditions affecting the site;
34. Location of all federally classified wetlands, as determined by U.S. Army Corps of Engineers, indicating required thirty foot (30') buffer;
35. Indication of flood zone(s) property is located within, including location and extent of all land subject to flooding by the overflow or ponding of storm water within the one hundred (100) year floodplain. Special flood hazard areas and/or coastal high hazard areas must be drawn on site plan as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, including a statement to that effect;
36. Tree inventory indicating all trees to be removed and replaced;
37. Tree protection methods used during construction;

SIGNATURE BLOCKS & GENERAL NOTES:

38. List of all utility providers to the site;
39. Signature block of all required signatures for approval or approval letter from the following as to verify availability and capacity of services to site:
 - Building Official
 - Chairman of the Creola Planning Commission
 - City Engineer, if applicable
 - Creola Water & Sewer Authority
 - Fire Chief
40. Any other special survey notes about the property;
41. Attached copy of all required state and federal permits, if applicable.

SECTION 10.10 ACQUIRING A BUILDING PERMIT & OTHER PERMITS

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Official of the City of Creola has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this Ordinance. Application for the building permit shall be made to the Building Official's office on forms provided for that purpose. Some applications may require the review and approval from the City of Creola Planning Commission and/or the Board of Adjustment before a building permit can be issued.

§ 10.10.1 Review of Building Permit Requests and Applications

It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a site plan or subdivision plat drawn to scale and showing sufficient detail to enable the Building Official and other review boards, if applicable, to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

- The actual shape, proportion and dimensions of the lot to be built upon;
- The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot;
- The existing and intended use of all such buildings or other structures;
- The provisions for proper storm water drainage and retention;
- The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

§ 10.10.2 Approval of Building Permit Applications

After proper review procedures have been satisfied, if the proposed excavation, construction, moving, or alteration as set forth in the application is determined to be in conformity with the provisions of this Ordinance and other applicable codes and Ordinances, the Building Official of the City shall issue a building permit accordingly.

§ 10.10.3 Denial of Building Permit Applications

If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance. If the applicant disagrees with the denial of a building permit, they may, upon notification in writing by the Building Official of a building permit denial, contact the City Clerk and request a hearing for an Administrative Appeal to be heard before the Board of Adjustment.

§ 10.10.4 **Expiration of Building Permit**

A building permit shall expire by the date according to the most recently adopted building code from the date of issuance if no construction work has been done above the foundation wall or other foundation support structure(s). Permits shall be renewable for 90-day periods subject to the provisions of all ordinances in force at the time of said renewal.

§ 10.10.5 **Certificate of Occupancy**

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Official of the City has issued a Certificate of Occupancy (CO), stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.

Within three (3) days after the owner or his agent has notified the Building Official that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a Certificate of Occupancy (CO) if the building or premises or part thereof is found to conform with the provisions of this Ordinance.

If such certificate is refused, the Building Official shall notify the applicant in writing of the refusal and the cause or causes therefore. The applicant, upon notification in writing by the Building Official of a certificate of occupancy denial, may contact the City Clerk and request a hearing for an Administrative Appeal to be heard before the Board of Adjustment.

SECTION 10.11 **POWERS & DUTIES OF THE BUILDING OFFICIAL**

The Building Official of the City of Creola shall be designated by the City Council and shall be responsible for the responsibilities and duties as follows:

1. The Building Official is authorized and empowered on behalf and in the name of the Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, and issuing Certificates of Zoning Compliance and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance.
2. Interpret the meaning of this Ordinance in the course of enforcement. In the event the Building Official has to interpret any part of this Ordinance, he shall keep written record of the interpretation for consistency in like matters.
3. The Building Official does not have the authority to take final action on applications or matters involving variances, nonconforming uses or other exceptions which this Ordinance has reserved for public hearings before the Board of Adjustment, the Planning Commission and/or the City Council.
4. The Building Official shall keep records of all and any permits, the Certificates of Occupancy issued, maps, site plans, subdivision plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made as a public record.

SECTION 10.12 POWERS & DUTIES OF THE PLANNING COMMISSION

The Planning Commission bears the major responsibility of the preparation, adoption, and maintenance of the City's Comprehensive Plan. It is an essential advisory body to the City Council in relation to development issues, and to the implementation of the Comprehensive Plan through the administration of the zoning ordinance and subdivision regulations. The Commission holds sole decision making responsibilities for the subdivision of lands within the corporate limits of the City as well as the Extra Territorial Jurisdiction (ETJ).

The Planning Commission of the City of Creola, Alabama is established according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended.

§ 10.12.1 Membership

The Planning Commission shall consist of nine (9) members;

- The mayor, or a person representing and appointed by the Mayor,
- One (1) Administrative Official (middle or upper-level manager) of the municipality, appointed by the Mayor,
- One (1) member of City Council, appointed by the City Council, and
- Six (6) citizens, appointed by the Mayor.

The Mayor and Council member serve terms that correspond to the terms of the elected office. The Administrative Official serves a term that coincides with that of the Mayor. The citizen appointees serve a term of six (6) years with no limitation upon reappointment.

§ 10.12.2 Rules of Procedure

The Planning Commission shall observe the following procedures:

1. The Commission is charged with the responsibility to review, apply and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion therefore which are adopted.
2. The Planning Commission shall hear and act on zoning applications for uses "requiring Planning Commission Review" and/or "Special Exception" uses as herein specified.
3. The Commission shall hear and make recommendations to the City Council on all matters relating to zoning amendments and rezoning.
4. The Commission shall require and review site plans for all residential projects involving the construction of two-family and multi-family dwelling units, and all other non-residential structures, unless otherwise specified in a specific zoning district.
5. The Commission shall hear and recommend to the City Council on all matters of annexation.
6. Create, administer, and enforce the Subdivision Regulations.
7. Create and routinely update the Comprehensive Plan and ensure development is occurring based on the adopted Future Land Use map, as well as make recommendations to Council based on the Goals and Recommendations of the adopted Comprehensive Plan.
8. Read, review, and carefully consider development applications and all reports

prepared by staff, applicants, and others relating to issues coming before the Commission to ensure compliance with the zoning ordinance.

Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

SECTION 10.13 POWERS & DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment (BOA), which is also referred to as the Board of Zoning Adjustment (BZA), is generally described as the “relief valve” for the strict requirements of the zoning ordinance. This appellate board holds the power to waive and/or modify the zoning regulations in situations where the literal enforcement of the regulations would virtually render the property useless. The Board is the mechanism that provides relief to the zoning regulations when, for no reasons of his/her doing, and because of the unique conditions existing on the land, the property owner is not able to meet the requirements of the zoning regulations.

§ 10.13.1 Membership

The Board of Adjustment consists of five (5) members and two (2) supernumerary members appointed by the City Council of Creola. Such members are appointed for three (3) years and shall be eligible for re-appointment. While the supernumeraries hold the “extra” or “fill-in” positions of the Board, they are encouraged to attend all BOA meeting in order to familiarize themselves with the process and procedures of the BOA.

No members may hold any other public office or position, except that one member shall be a member of the Planning Commission. This is highly encouraged due to the Planning Commissioner’s knowledge and experience in working with the zoning ordinance.

§ 10.13.2 Rules of Procedure

The Board of Adjustment shall observe the following procedures:

1. The Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.
2. The Board shall elect one (1) of its members, other than a member of the Planning Commission, as Chairman, who shall serve for one (1) year or until he is re-elected or his successor is elected.
3. The Board shall appoint a Secretary.
4. The Board meets on an as needed basis. The meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.
5. All meetings of the Board shall be open to the public.
6. All meetings of the Board require a public hearing.
7. The Board shall keep minutes of its proceedings, showing the vote of such member upon each question, or if absent or failing to vote, indicating such fact, and shall keep

records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

§ 10.13.3 Powers and Duties of the BOA

The Board of Adjustment shall hear and act upon the following three (3) instances of the zoning ordinance, relating only to zoning issues. The Board's powers are related solely to the City's zoning ordinance and are narrowly defined.

The Board shall have the following duties and powers:

1. Administrative Appeal: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by Building Official, Planning Commission, or any administrative official, in the enforcement of this Ordinance.
2. Special Exception Uses: To hear and decide if uses listed in each zoning district as "Special Exception" are appropriate and if the use should be permitted. The Planning Commission shall hear the application first, and then make a recommendation to the BOA of their findings.
3. Variances: A variance is a means for property owners to use their property in a manner that would not normally be allowed under the terms of the zoning ordinance. Its purpose is to give relief to those owners who, due to unique conditions, would face an unnecessary hardship in using the property in full compliance with the Ordinance. The land owner must prove that using the property in compliance with the Zoning Ordinance would create an unnecessary hardship beyond their control. If granted, the variance is tied to the land in perpetuity.

There are two types of variance.

- An area variance provides relief from the strict application of the dimensional requirements of the zoning ordinance. These requirements relate to setbacks from property lines, site coverage and floor area ratios, minimum lot sizes, height of buildings, location of accessory structures, and parking standards. Thus, an area variance modifies the site development standards in the Ordinance.
- A use variance allows property to be used for a use or activity that otherwise would not be permitted in a specific zoning district. It is, therefore, much broader in scope and impact than a dimensional variance. It is also potentially more damaging to the integrity of the Ordinance because this action has the same effect as the re-zoning of property. For the purpose of this Ordinance, **a use variance is not allowed and shall not be granted by the Board of Adjustment.** Rather, the proper action to take in this instance is for the land owner to file an application for the rezoning of their property.

**** Proving a Hardship:** By its nature, a zoning ordinance places a hardship on many property owners because it places restrictions on the use of property. To qualify for a variance, any such

hardship must be proved to be unnecessary, virtually unique. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- b. The application of the Ordinance to this particular piece of property would create an unnecessary hardship;
- c. Such conditions are peculiar to the particular piece of property involved;
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,
- e. The hardship cannot be granted based upon monetary reasons the property owner would incur if not permitted to use the property in the way so desired.

SECTION 10.14 AMENDMENTS, HEARINGS, AND APPEAL PROCEDURES

The City Council may, from time to time, after examination, review and hold public hearing thereon, amend, supplement or change the regulations and zoning Districts herein or subsequently established.

§ 10.14.1 Zoning Amendments

Proposals for zoning amendments, whether initiated by the City Council, the Planning and Zoning Commission, or any person, firm or corporation, shall be treated in accordance with the following procedure:

1. An application must be submitted on appropriate forms and in writing at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission and, if applicable, must be accompanied by a sketch plan of the proposed use included in any petition for a zoning amendment.
2. The application shall be sent to the Commission for review and recommendation, and said Commission shall have forty-five (45) days within which to submit a recommendation to the City Council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.
1. Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper legal notice published in a newspaper of general circulation in the jurisdiction, at least fifteen (15) days prior to the said public hearing. If there is no such newspaper, then by posting of said proposed notice in four (4) conspicuous places within the municipality. In addition, city staff will notify applicant and all property owners adjacent to property proposed to be rezoned via

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certified mail as their names and addresses appear upon the plats of the Mobile County Tax Assessor's Office of the date and time of public hearing to consider the rezoning. Such notices shall be sent at least ten (10) days prior to the date of the public hearing.

The subject property is to be posted with a notification of zoning change sign by the City Building Official fifteen (15) days before the Planning commission meeting stating the property's present zoning, proposed zoning, and the date, time, and place of the public hearing. The posting shall remain in place until such time as the City Council makes its final determination.

3. The Planning Commission shall post property proposed to be rezoned with a notice at least fifteen (15) days before the public hearing. The posted notice shall set forth the property's present zoning, proposed zoning, the date, time and place of the public hearing. Such notice is to remain in place until final determination by the City Council.
4. The Council shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within forty-five (45) days from the date of the public hearing.
5. Any petition for a zoning amendment may be withdrawn prior to action thereon by the Council or Planning Commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the City Clerk.
6. A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more than once every twelve (12) months.

§ 10.14.2 Procedure for Requesting a Hearing for an Appeal

1. An application specifying the reason(s) for an appeal from a decision rendered in writing by the Building Inspector must be filed within thirty (30) days after such written decision has been served upon the applicant.
2. Service by first class mail to the address given on the application shall be deemed sufficient. Applicants shall be advised of this appeal deadline in the written decisions upon their applications.
3. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Enforcement Officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; locations and size of existing and proposed

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structures; yard dimensions and the use of structures; easements (private and public) water course, and if existing and proposed, fence, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.

4. The Board of Adjustment shall schedule a meeting to hear an appeal within forty-five (45) days after the date of receipt of an application. Public notice of the hearing shall be given by all of the following methods:
 - a. A printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision.
 - b. Notice by registered mail to the owners of all abutting property on the same side of the street, across the street, and to the rear of the affected property.
5. The Board of Adjustment shall render a decision on any appeal or other matters before it within forty-five (45) days from the date of the public hearing on it. Decisions of the Board of Adjustment shall become effective immediately if rendered in the presence of one (1) or more of the applicants or their representatives. If a decision is rendered in the absence of any of the applicants or their representatives, the decision shall become effective upon service of written notice of the decision upon the applicants by first class mail to the applicants addresses as indicated upon their application. The applicants shall be deemed to have been served three (3) days after mailing of the notice to them. When an applicant receives an adverse decision from the Board of Adjustment, he or she shall be advised of the fifteen (15) day time limit for taking an appeal to Circuit Court.
6. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board or by a court of record on notice to the official from whom the appeal is taken and on due cause shown.
7. In exercising the powers granted to the Board of Adjustment said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning

Enforcement Officer and may issue or direct the issuance of a zoning compliance permit. A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the appellant in respect to any matter upon which the Board can legally act.

§ 10.14.3 Limitation, Withdrawal, Citizen Appeals

1. A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than once every twelve (12) months on the same variance.
2. Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the discretion of the person initiating such a request upon written notice to the Secretary of the Board.
3. Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may, within fifteen (15) days thereafter appeal to the circuit court by filing with such board a written notice of appeal specifying the judgment or decision from which appeal is taken.

SECTION 10.15 ANNEXATION PROCESS & ZONING CLASSIFICATION

Applications for annexation shall be heard and reviewed by the Planning Commission. The Planning Commission will review the Future Land Use map of the Comprehensive Plan and make a recommendation to City Council of their findings. The Planning Commission will also recommend to Council what they determine the most appropriate zoning classification should be unless the property owner requests the property to be zoned a specific classification at time of annexation. Otherwise, any land annexed to the City of Creola, hereafter by default, shall be zoned R-1 (Single-family Residential), unless otherwise classified by the Planning Commission and the City Council at the time of annexation, or if the applicant requests a different zoning classification at time of annexation.

SECTION 10.16 REVERSIONARY CLAUSE

Any parcel or parcels of land rezoned to another zoning classification under the amendment authority of this Ordinance, shall revert back to the prior zoning classification after one (1) year from the date of approval of the rezoning if, by that time, said land is not actually being used for a permitted use in the classification to which it was rezoned, provided that an extension of such time not to exceed six (6) months, may be granted by the Building Official under special circumstances upon written request by the applicant.

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ARTICLE 11:

Violations, Penalties, and Remedies

§ 11.1	VIOLETIONS
§ 11.2	DAILY FINES & PENALTIES
§ 11.3	REMEDIES

SECTION 11.1 VIOLATIONS

Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. Whenever the Building Official has declared a structure to be in violation of the provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from the issuance of a notice from the Building Official to vacate such premises, accomplish such vacation of such structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance.

SECTION 11.2 DAILY FINES & PENALTIES

Any person(s) violating any of the provision of this Ordinance shall, upon conviction, be punished within the limits of, as provided by the General Code of the City of Creola. Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined **DAILY**, upon conviction, a fine of not less than Fifty Dollars (\$50.00) nor to exceed more than Five Hundred Dollars (\$500.00) and cost of court for each offense each day. Each day a zoning violation continues, a separate citation will be issued, and such violation shall constitute a separate offense.

SECTION 11.3 REMEDIES

In case any building, sign or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Official of the City, or the City, or the City on behalf of the Building Official, or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building structure or land.

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Article 11 - Violations, Penalties, & Remedies



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ARTICLE 12:

Ordinance Adoption & Effective Date

This Zoning Ordinance is approved and adopted by the City Council of the City of Creola. It shall take effect and be in force from and after the date of adoption and publication as required by law.

This Ordinance shall be adopted and effective on August 10, 2023.

Signed: Honorable Don Nelson, Mayor

Attested: Ms. Marcy Brown, City Clerk

APPENDIX A

*APPLICATION SUBMISSION SCHEDULE
APPLICATIONS
CHECK LISTS*



2026-2027
CREOLA PLANNING COMMISSION

Monthly Meeting Schedule
&
Application Submission Deadline Dates

All applications requiring Planning Commission review must be submitted to the City of Creola's Building Official's Office no later than fifteen (15) days prior to the next regularly scheduled Planning Commission meeting. All applications for Major Developments and Subdivisions that require professional review must be submitted no later than thirty (30) days prior to the regularly scheduled Planning Commission meeting.

Planning Commission meetings are held each month on the third (3rd) Tuesday at 6:00pm at the Creola Sail Center, 9618 Old Highway 43, Creola, AL 36525.

PLANNING COMMISSION MEETING DATE	APPLICATIONS DUE 15 DAYS PRIOR	APPLICATIONS DUE 30 DAYS PRIOR
MAY 19, 2026	MAY 4, 2026	APRIL 19, 2026
JUNE 16, 2026	JUNE 1, 2026	MAY 17, 2026
JULY 21, 2026	JULY 6, 2026	JUNE 21, 2026
AUGUST 18, 2026	AUGUST 3, 2026	JULY 19, 2026
SEPTEMBER 15, 2026	AUGUST 31, 2026	AUGUST 16, 2026
OCTOBER 20, 2026	OCTOBER 5, 2026	SEPTEMBER 20, 2026

NOVEMBER 17, 2026	NOVEMBER 2, 2026	OCTOBER 18, 2026
DECEMBER 15, 2026	NOVEMBER 30, 2026	NOVEMBER 15, 2026
JANUARY 19, 2027	JANUARY 4, 2027	DECEMBER 20, 2026
FEBRUARY 16, 2027	FEBRUARY 1, 2027	JANUARY 17, 2027
MARCH 16, 2027	MARCH 1, 2027	FEBRUARY 14, 2027
APRIL 20, 2027	APRIL 5, 2027	MARCH 21, 2027
MAY 18, 2027	MAY 3, 2027	APRIL 18, 2027
JUNE 15, 2027	MAY 31, 2027	MAY 16, 2027
JULY 20, 2027	JULY 5, 2027	JUNE 20, 2027
AUGUST 17, 2027	AUGUST 2, 2027	JULY 18, 2027
SEPTEMBER 21, 2027	SEPTEMBER 6, 2027	AUGUST 22, 2027
OCTOBER 19, 2027	OCTOBER 4, 2027	SEPTEMBER 19, 2027
NOVEMBER 16, 2027	NOVEMBER 1, 2027	OCTOBER 17, 2027
DECEMBER 21, 2027	DECEMBER 6, 2027	NOVEMBER 21, 2027





ADJOINING PROPERTY OWNERS

CITY OF CREOLA PLANNING COMMISSION

9615 Old Hwy 43

P.O. Box 490

Creola, AL 36525-0490

251-675-8148

www.cityofcreola.org

Note: The applicant must provide the names and addresses of the OWNERS of all properties adjoining the subject property, as listed in the records of the Mobile County Tax Assessor. These names and addresses must be listed below (attach additional sheets if necessary).

Tax Parcel # _____
Owner's
Name:

Address: _____

Tax Parcel # _____
Owner's Name:

Address: _____

Tax Parcel # _____
Owner's Name:

Address: _____

Tax Parcel # _____
Owner's Name:

Address: _____

Tax Parcel # _____
Owner's Name:

Address: _____

Tax Parcel # _____
Owner's Name:

Address: _____

Tax Parcel # _____
Owner's Name:

Tax Parcel # _____
Owner's Name:

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

Address: _____

Tax Parcel # _____
Owner's Name: _____

Address: _____

I certify that the adjoining property owners listed above accurately represents the most current information available according to the Mobile County Courthouse Tax Assessor's Office.

<i>Applicant's Signature:</i>	<i>Date:</i>
<i>Applicant's Name (Please print):</i>	

CITY OF CREOLA
AUTHORIZATION TO ACT AS APPLICANT

I, _____, being owner of the property which is the subject of this application hereby authorize _____, to act as my representative with the City of Creola's (Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed on the attached application form.

Property Owner's Signature: _____

Date: _____

Property Owner's Mailing Address: _____

Phone# _____

Authorized Agent's Mailing Address: _____

Phone# _____

STATE OF ALABAMA

COUNTY OF MOBILE

I, _____, a Notary Public in and for said County and State, hereby certify that _____, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this _____ day of _____, _____

Notary Public

My Commission Expires: _____



APPLICATION FOR SITE PLAN REVIEW

City of Creola, ALABAMA
9615 Old Hwy 43
P.O. Box 490
Creola, AL 36525-0490

www.cityofcreola.org
Phone: (251) 675-8142

Application Submittal Date: _____

Planning Commission Meeting Date: _____

APPLICANT NAME _____

ADDRESS _____

DAYTIME TELEPHONE _____

EMAIL ADDRESS _____

A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION.

If the applicant is not the owner, then a letter allowing the applicant to act as an "authorized agent" must be on file. All associated fees will be charged to the applicant unless otherwise arranged.

Current Use: _____ Proposed

Use: _____

Current Zoning: _____ Gross Acreage of Subject Property: _____

Number of Individual Units: _____ General Location: _____

Tax Parcel I.D. _____

REQUESTED TYPE OF REVIEW:

☐ Change of Ownership ☐ Change of Use ☐ Change in Building Footprint/Business Expansion
☐ New Non-Residential Development ☐ New Residential Development

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I understand that any development approval(s) granted pursuant to this application shall be subject to all applicable regulations of the City of Creola, and that such approval(s) shall expire unless construction has commenced within one (1) year following date of approval.

APPLICANT/AGENT NAME (please print):

DATE:

APPLICANT'S/AGENT'S SIGNATURE:

Site Plan Review Fee: \$ _____ Paid By: Cash, Card, or Check # _____

Date: _____ Received by: _____ Date: _____

DOCUMENTATION:

Three (3) paper copies sized 24" x 36" and one (1) digital copy in pdf format of all documentation attached to application is required. Documentation larger than 11 x 17 inches cannot be reproduced at City Hall and may delay action if not provided (11 copies required) with the application.

APPLICATION SUBMITAL: The Planning Commission meets the 3rd Tuesday of each month at 6:00 P.M. at Creola City Hall. Completed application packet and all other required documentation must be submitted 15 days (30 days if major subdivision) prior to the regularly scheduled Planning Commission meeting of the month in order to be placed on the agenda. Applications submitted less than 15 days (or 30 days if major subdivision) before a Planning Commission meeting will be placed on the following agenda.

DATE RECEIVED BY THE CITY OF CREOLA

Date: _____ By: _____

SKETCH PLAN CHECK LIST

(New Business in Existing Building)

This checklist must be complete and accompany any Sketch Plan for a new business in an existing building that is submitted to the Creola Planning Commission for review along with the application for Site Plan Review and receipt of all applicable fees paid.

Please fill out each box on the table below under the "Submitted" section. Answer each required item with either YES, NO, or N/A.

The Planning Commission will not accept and review incomplete applications.

Certain requirements on this Check List are considered minimum standards and additional information may be required if requested by the Creola Planning Commission before final approval decision is made.

The following list of items are required and shall be included ON THE SKETCH PLAN and shall meet the minimum standards set forth in this Zoning Ordinance.

***** ALL DIMENSIONS MUST BE SHOWN ON SKETCH PLAN*****

SUBMITTED			ITEM	COMPLIANT (office use only)		
YES	NO	N/A		YES	NO	N/A
APPLICANT & GENERAL INFORMATION:						
			1. Name and address of land owner of record, applicant, or authorized representative (form required for authorized agent);			
			2. Current Title Policy, Title Opinion, Title Report, (within 60 days) or deed to verify ownership of land and/or copy of Lease Agreement;			
			3. Property Address;			
			4. Boundary of entire property showing all boundaries with all existing parcel lines indicating preliminary distances;			
			5. North Arrow (pointing north);			
			6. Parcel number(s);			
SITE DATA:						
			7. Total number of lots indicating lot numbers;			
			8. Existing lot lines showing total length in feet;			
			9. Total square footage of each lot;			
			10. Location of existing adjacent streets to the development;			
			11. Indication of the proposed use of property and zoning classification;			
			12. Location of all existing and proposed buildings and/or structures, indicating proposed use and distances between buildings if applicable;			
SUBMITTED			ITEM	COMPLIANT (office use only)		

YES	NO	N/A		YES	NO	N/A
INFRASTRUCTURE & UTILITY DATA:						
			13. Names and locations of all existing streets, rights-of-way, alleys, and easements within and adjacent to proposed subdivision, including dimension of each and the purpose of the easements;			
			14. Lot frontage on public streets (showing width in linear feet) and proposed access thereto-means of ingress and egress to and from the property with dimensions of each, to include traffic flow diagrams;			
			15. Number and location of required off-street parking spaces, including handicapped, indicating dimensions of each space;			
			16. Off-street loading and unloading areas (non-residential uses only);			
			17. Location, dimensions, and total number of all on-premise signs, including type of sign;			
			18. Location of lighting on property indicating direction of where light will be shining;			
			19. Location of dumpster pad on property indicating required screening (non-residential uses only);			
			20. Location, dimension, and type of protection buffer and/or fence if applicable;			
			21. Landscape plan, if applicable;			
ENVIRONMENTAL DATA:						
			22. Flood Zone Designation-Location and extent of all land subject to flooding by the overflow or ponding of storm water within the one hundred (100) year floodplain. Special flood hazard areas and/or coastal high hazard areas must be drawn on Plan as indicated on the latest Flood Insurance Rate Map (FIRM) for the area including a statement to that effect;			
OTHER:						
			23. List of all utility providers to the site;			
			24. Attached copy of all required state and federal permits, if applicable.			

SITE PLAN CHECK LIST

(New Construction Only)

This checklist must be complete and accompany any Site Plan for new construction submitted to the Creola Planning Commission for review along with the application for Site Plan Review and receipt of all applicable fees paid.

Please fill out each box on the table below under the "Submitted" section. Answer each required item with either YES, NO, or N/A.

The Planning Commission will not accept and review incomplete applications.

*Certain requirements on this Check List are considered **minimum standards** and additional information may be required if requested by the Creola Planning Commission before final approval decision is made.*

The Site Plan shall be prepared, signed, and sealed by a licensed and certified Land Surveyor or Professional Engineer registered in the State of Alabama. It shall be drawn to a scale of **no less than one inch (1") equals one hundred feet (100')**.

The following list of items are required and shall be included **ON THE SITE PLAN** and shall meet the minimum standards set forth in this Zoning Ordinance.

***** ALL DIMENSIONS MUST BE SHOWN ON SITE PLAN*****

SUBMITTED			ITEM	COMPLIANT (office use only)		
YES	NO	N/A		YES	NO	N/A
APPLICANT & GENERAL INFORMATION:						
			1. Name and address of land owner of record, applicant, or authorized representative (form required for authorized agent);			
			2. Current Title Policy, Title Opinion, Title Report, (within 60 days) or deed to verify ownership of land;			
			3. Name, address, phone number, seal, and registration number of the Licensed Professional Surveyor or Engineer who prepared the Site Plan, registered in the State of Alabama;			
			4. Name of proposed development and phase number, if applicable;			
			5. Property Address;			
SURVEY DATA:						
			6. Boundary survey of entire property showing exact boundaries with all existing parcel lines indicating preliminary distances and bearings;			
			7. Date of survey;			
			8. North Arrow (pointing north);			
			9. Graphic Scale (not less than 1"= 100');			
			10. Legend;			
			11. Parcel number(s);			
			12. Legal Description;			

SUBMITTED			ITEM	COMPLIANT (office use only)		
YES	NO	N/A		YES	NO	N/A
			13. Vicinity map showing the relative location of the proposed development, indicating not drawn to scale, in relation to the adjacent street(s) and area;			
SITE DATA:						
			14. Total acreage of land to be developed;			
			15. Total number of lots indicating lot numbers;			
			16. Existing lot lines showing total length in feet;			
			17. Total square footage of each lot;			
			18. Location of existing adjacent streets to the development;			
			19. Minimum lot size;			
			20. Maximum lot size;			
			21. Gross density per acre;			
			22. Number of dwelling units and/or commercial structures;			
			23. Proposed minimum building setback lines according to the zoning district showing distances in linear feet from proposed structure(s) to property lines for front, rear, sides, and waterside yard setbacks);			
			24. Indication of the proposed use of property and zoning classification;			
			25. Location of all existing and proposed buildings and/or structures, indicating proposed use and distances between buildings if applicable;			
			26. Proposed location of all land dedicated for open space and usable common area(s), including assigned lot number and Note indicating that common areas are not intended to be buildable lots for conversion to residential use;			
			27. Proposed location of all land dedicated for the purpose of detention and/or retention facilities, clearly identifying and labeling all maintenance and access easements for the facilities, and with a Note indicating ownership and responsible entity of maintenance of the common areas and detention/retention facilities;			
			28. Location and dimension of all water courses and/or water bodies on or within 100 feet of property, showing the required twenty-five foot (25') water body protection buffer;			
			29. Location of all jurisdictional boundaries, railroads, and transmission lines;			
			30. Location of all proposed street lights and street signs;			
			31. Location of concrete and/or official monuments;			
INFRASTRUCTURE & UTILITY DATA:						
			32. Names and locations of all existing streets, rights-of-way, alleys, and easements within and adjacent to proposed subdivision, including dimension of each and the purpose of the easements;			
			33. Location of all proposed streets, rights-of-way, alleys, and easements including dimension of each (distance in linear feet) and the purpose of the easements;			
			34. Lot frontage on public streets (showing width in linear feet) and proposed access thereto-means of ingress and egress to and from the property with dimensions of each, to include traffic flow diagrams;			
			35. Location and dimensions of all proposed sidewalks and ramp downs;			

			36. Location of existing public utilities, sanitary sewers, drainage structures, including facilities within and adjacent to the proposed subdivision;			
SUBMITTED			ITEM	COMPLIANT (office use only)		
YES	NO	N/A		YES	NO	N/A
			37. Location of proposed public utility layouts (sanitary sewers, water, drainage structures, gas, and electricity), including pipe sizes, and location of valves, indicating feasible tie-in connection locations; showing facilities within and adjacent to the proposed subdivision; <u>confirmation that all new utilities will be installed underground;</u>			
			38. Location of all proposed fire hydrants;			
			39. Any and all off-site improvements i.e. turn lanes, traffic signals, etc.;			
			40. Number and location of required off-street parking spaces, including handicapped, indicating dimensions of each space;			
			41. Off-street loading and unloading areas (non-residential uses only);			
			42. Location, dimensions, and total number of all on-premise signs, including type of sign;			
			43. Location of lighting on property indicating direction of where light will be shining;			
			44. Location of dumpster pad on property indicating required screening (non-residential uses only);			
			45. Location, dimension, and type of protection buffer and/or fence if applicable;			
			46. Landscape plan, if applicable;			
ENVIRONMENTAL DATA:						
			47. Topography using contours at vertical intervals of not more than two (2) feet based on USGS-MSL datum.			
			48. Location of wooded areas, marshes, cultural and/or any known or recorded historical artifacts, and any other conditions affecting the site;			
			49. Location of all federally classified wetlands, as determined by U.S. Army Corps of Engineers, indicating required thirty foot (30') wetland protection buffer;			
			50. Flood Zone Designation-Location and extent of all land subject to flooding by the overflow or ponding of storm water within the one hundred (100) year floodplain. Special flood hazard areas and/or coastal high hazard areas must be drawn on Plan as indicated on the latest Flood Insurance Rate Map (FIRM) for the area including a statement to that effect;			
			51. Erosion control measures to be used during construction of the development;			
			52. Tree inventory indicating all trees to be removed and replaced;			
			53. Tree protection methods used during construction;			

SIGNATURE BLOCKS & GENERAL NOTES:									
			54. List of all utility providers to the site;						
			55. Signature block of all required signatures of approval from the following as to verify availability and capacity of services to site: — City Building Official — Chair of the Creola Planning Commission — City Engineer, if applicable — Water Utility — Sewer Utility — Fire Chief — State and/or County Health Department, if applicable						
SUBMITTED			ITEM				COMPLIANT (office use only)		
YES	NO	N/A					YES	NO	N/A
			56. Any other special survey notes about the property;						
			57. Attached copy of all required state and federal permits, if applicable.						
General Notes, at a minimum, should include the following: — All utilities will be constructed underground; — For corner lots the building orientation will dictate the location of front, rear, interior side and corner yard setbacks; — Statement that common, open space areas are not intended to be buildable lots for conversion to residential use; — Traffic Data and Traffic Study – Applications for high density development, creating (50) “lots, spaces, tracts, etc.” or more, or any phased project, shall require a traffic impact analysis which shall include trip generation data showing the projected average daily traffic (ADT) in a 24-hour period and projected peak-hour traffic generated by the development in the subdivision application. Peak hour traffic shall generally be the hours between 7 A.M. and 9 A.M. for morning and 4 P.M. and 6 P.M. for the evening and include the consecutive 60 minute segment in which traffic counts are projected to occur. A traffic study shall be required for all applications that will generate an average daily traffic (ADT) count of 1,000 trips or more, or which will generate 50 trips or more during any peak hour period. An agent selected by the City of Creola and paid for by the applicant shall perform the traffic study. The traffic study shall be used to determine what on-site and off-site street or traffic improvements may be necessary due to the development. The results and any corrective measures necessary shall be included as part of, and in addition to, the requirements for a Site Plan application. — REQUIRED CONSTRUCTION PLANS. The following plans must be included with any application for a new construction development and shall be signed and stamped by the registered professional engineer of record. See Article 6 of these Regulations for list of required items for each plan. 1. Street Plan 2. Drainage Plan 3. Erosion Control Plan 4. Utility Plan									

APPENDIX B

SCHEDULE OF FEES



SECTION B.1 PLANNING COMMISSION FEES

In order to defray the City's costs in the course of site plan review and costs of revisions to maps and regulations, there shall be paid to the City upon submission of application, the following fees:

- Sketch Plan Review (applicable to all applications).....no cost
- Site Plan (No professional engineering review).....\$100.00
- Site Plan (With professional engineering review).....\$ 250.00
The applicant shall be responsible for all costs incurred for any professional review and engineering services that may be required, including plans, tests, inspections, and specifications in conformity with these regulations, in addition to post-construction inspections as necessary to ensure the public improvements were installed as proposed on the site plan and in conformity with this Ordinance.
- Rezoning.....\$200.00
- Annexation.....\$100.00
- Advertising & Postage.....current rate

SECTION B.2 BOARD OF ADJUSTMENT FEES

Fees for appeals, special exceptions, and variance to the Board of Adjustment are established as follows:

- Variance\$50.00
- Administrative Appeal\$50.00
- Special Exception\$50.00
- Advertising & Postage current rate

SECTION B.3 ADVERTISING & POSTAGE FEES

All costs for legal advertisement of the request and postage for certified letters of notification to adjacent property owners and parties in interest shall be paid by the applicant at the current rates set by the publishing agency and the United States Postal Service.

SECTION B.4 AMENDMENT FEES

- Each Zoning Amendment or Amendment to Site Plan.....\$50.00 per Amendment

SECTION B.5 PERMIT FEES

- Land Disturbance Permit.....\$20.00
- Sign Permit.....\$0.40 per square foot per face but not less than \$25.00

APPENDIX C

OFFICIAL FORMS

CITY OF CREOLA
AUTHORIZATION TO ACT AS APPLICANT

I, _____, being owner of the property which is the subject of this application hereby authorize _____, to act as my representative with the City of Creola's (Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed on the attached application form.

Property Owner's Signature: _____

Date: _____

Property Owner's Mailing Address: _____

Phone# _____

Authorized Agent's Mailing Address: _____

Phone# _____

STATE OF

ALABAMA

COUNTY OF

MOBILE

I, _____, a Notary Public in and for said County and State, hereby certify that

_____, whose name is signed to the foregoing document, and who is known

to me or acknowledged before me on this day, that being informed of the contents of said

document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this _____ day of _____, _____

Notary Public

My Commission Expires: _____



CERTIFICATION BY SURVEYOR

STATE OF ALABAMA)
CITY OF CREOLA)
COUNTY OF MOBILE)

This to certify that I, _____, Registered Land Surveyor have surveyed and subdivided the property shown or with legal description hereon which is a correct representation of said survey and subdivision. All distances, bearing angles, radii, curves, and other dimensions thereof are true and correct to the accuracy required by the Creola Planning Commission and that from iron pins and monuments have been placed as shown hereon. I further certify that all regulations enacted by the Creola Planning Commission relative to plats and subdivisions have been complied with, in the preparation of this plat.

Given under my hand and seal this at _____, Alabama this
day of _____, _____.

Surveyor



CERTIFICATION OF OWNERSHIP AND DEDICAITON

STATE OF ALABAMA)
CITY OF CREOLA)
COUNTY OF MOBILE)

This is to certify that I (we) the undersigned is (are) the owner(s) of the land shown and deccribed in the Plat, and that I (we) has (have) caused the same to be surveyed and subdivided as indicated hereon, for the uses and purposes herein set forth and do hereby acknowledge and adopt the same under the design and title hereon indicated; and grant all easements and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted, together with such restrictions and covenants noted below or attached in a separate legal document.

Dated this _____ day of _____, 20_____.

Owner

Owner



CERTIFICATION OF NOTARY PUBLIC

STATE OF ALABAMA)
CITY OF CREOLA)
COUNTY OF MOBILE)

I, _____, a Notary Public in and for the County of _____ in the State of Alabama do certify that whose name(s) is (are) subscribed to the Certification of Ownership and Dedication, appeared before me this day in person and acknowledge that he (they) signed, sealed and delivered said instrument at his (their) free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 20____.

Notary Public



**CERTIFICATION BY MOBILE COUNTY DEPARTMENT OF
PUBLIC HEALTH**

STATE OF ALABAMA)
CITY OF CREOLA)
COUNTY OF MOBILE)

I, _____, do hereby certify that the plans and specifications of the required improvements covering a sanitary sewerage system and/or sewer lines and domestic water supply system and/or distribution lines have been examined by me and found to comply with the requirements as set forth in the regulations of the Alabama State Department of Public Health; and are hereby APPROVED as shown.

Dated this _____ day of _____, 20_____.

County Health Officer or his
Authorized Representative



CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

STATE OF ALABAMA)
CITY OF CREOLA)
COUNTY OF MOBILE)

I, _____, Engineer for the City of Creola, Alabama,
do hereby certify that the attached final plat has been examined by me and also that the subdivider's
plans and specifications comply with the requirements set forth in the Creola Subdivision
Regulations.

I further certify that the streets, utilities, and other improvements have been installed; or the
required bond is posted with the City of Creola securing to the Town the installation of such
improvements in the amount of _____, which is
equal to the estimated cost of such required improvements plus fifty percent (50%) thereof.

Dated this _____ day of _____, 20_____.

Creola Engineer



CERTIFICATION OF APPROVAL FOR RECORDING

STATE OF ALABAMA)
CITY OF CREOLA)
COUNTY OF MOBILE)

I hereby certify that the subdivision plat shown hereon has been found to comply with the Creola Subdivision Regulations with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and written upon said plat and that it has been APPROVED for recording in the office of the Mobile County Judge of Probate.

Dated this _____ day of _____, 20_____.

Planning Commission Chairman, or his
Authorized Representative

APPENDIX D

BYLAWS

CREOLA PLANNING COMMISSION BYLAWS

Article I – Objectives

The objectives of the Planning and Zoning Board are to assist the Mayor and Council in the preparation, maintenance and implementation of plans, regulations and ordinances for the orderly development of the Town.

Article II – Members

The Planning and Zoning Board shall consist of nine members as follows: The Mayor; one of the administrative officials of the City selected by the Mayor; a member of the Council selected by the Council; and six citizens appointed by the Mayor. All members of the Board shall be full-time residents of the City of Creola.

Article III – Terms of Office

The terms of Office of the Planning and Zoning Board members shall be as follows: The Mayor and the administrative official selected by the Mayor shall have terms of office on the Board corresponding to the Mayor's current elected term of office. The Council member shall have a term of office corresponding to his/her current elected term of office on the Council. The six citizens appointed by the Mayor shall each have a six-year term of office on the Board.

Article IV – Vacancies

Any vacancy among the Planning and Zoning board membership caused by death, resignation or removal for cause shall be filled for the unexpired term by appointment by the Mayor; except for the Council member whose unexpired term shall be filled by selection by the Council from among its remaining members.

Article V – Compensation

All members of the Planning and Zoning Board serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties. The Mayor, administrative official and Council member receive no extra compensation for their work on the Board over and above the regular salaries of their respective municipal offices.

Article VI – Officers

The Planning and Zoning Board shall elect a Chairman and a Vice-Chairman from among the six members appointed by the Mayor. The terms of office of these two elected members shall be one year with eligibility for re-election.

The Chairman shall preside at all meetings of the Board; call special meetings as required in accordance with the By-Laws; sign documents of the Board; and see that all actions of the Board are properly taken. He/she shall also, after consultation with the Mayor, appoint a Secretary for the Board. If the Chairman and Vice-Chairman are not able to preside at any meeting of the Board and a quorum is present, an Acting Chairman to serve only at that meeting shall be elected by a majority of the quorum present.

The Vice-Chairman shall, during the absence, disability or disqualification of the Chairman, exercise and perform all the powers and duties and be subject to all responsibilities of the Chairman. The Vice-Chairman shall succeed the Chairman if the Chairman vacates his office before his term is completed. In that event, a new Vice-Chairman shall be elected by the Board members at the next regular meeting of the Board.

The Secretary shall see that the minutes of all meetings of the Board are recorded and kept in an appropriate minute book; give or serve all notices required by law or these By-Laws; prepare an agenda for all meetings; inform the Board members of any correspondence relating to the business of the Board and see that such correspondence and all actions of the Board are dealt with as directed by the Board.

Article VII – Meetings

The regular meeting of the Planning and Zoning Board shall be the third Tuesday of each month at 6:00 P.M. at the Creola City Hall, or as otherwise determined by a majority in advance as required by law for transaction by the Board, the Chairman may dispense with the regular meeting and have the Secretary notify the members to that effect. Special meetings may be called by the Chairman at any time upon the giving of a twenty-four hour notice to each member. All meetings of the Board are open to the general public. The regular meeting in October of each year shall be the annual meeting at which the election of officers shall take place.

Article VIII – Quorum

A quorum for the official transaction of business by the Planning and Zoning Board shall consist of five members. Except as specifically otherwise provided by law, a majority vote of the members present shall suffice to take official action on matters presented to the Board. Each member of the Board shall have one vote.

Article XI – Powers and Duties

The Planning and Zoning Board shall have authority to see to the preparation of a comprehensive plan for the development of the City and for the preparation of the necessary ordinances and subdivision regulations to implement the plan, It shall review and make recommendations from time to time to the Mayor and Council for the adoption of the plan as a whole or any parts, revisions or amendments of the plan or its implementing regulations.

The Board shall have authority to review all applications for zoning or rezoning and to recommend approval or disapproval of these applications to the Mayor and council who alone

have statutory powers to zone. The Board may also review all applications for zoning variances or special exceptions and make recommendations on these applications to the Board of Adjustment. The Planning and Zoning Board may, at its discretion, hold public hearings on zoning matters presented to it for review and recommendation.

The Board shall review and take action on all plans for shopping centers, mobile home parks, planned unit developments and other such proposals as may affect the orderly development of the City; provided that where such plans or proposals involve zoning, the Board recommendations shall be forwarded to the appropriate authority as noted above. The Board shall have the authority to take decisive action on all subdivision plats presented to it.

Article X – Order of Business

The order of business at Planning and Zoning Board meetings, unless otherwise altered at the discretion of the Board, shall generally be as follows:

- A. Call to order
- B. Roll call
- C. Approval of minutes of previous meeting
- D. Consideration of applications and requests
- E. Old business
- F. New Business
- G. Reports and announcements
- H. Adjournment

During the consideration of subdivision applications that involve a Public hearing the following procedure shall normally be observed; however, it may be rearranged at the discretion of the Chairman for the expeditious conduct of business.

- A. The applicant will be asked to present his proposal.
- B. The Board members may ask questions concerning the presentation.
- C. The Board consultant and advisory staff will be asked to present their findings and recommendations.
- D. Statements or questions will be accepted from adjacent property owners.
- E. Statements or questions will be accepted from the general public.
- F. The Board members may ask any final questions they may have of the applicant, consultant, staff or public and then public participation is closed.
- G. The Board members then deliberate and vote on the issue at hand.

Roberts Rules of Order shall normally govern the conduct of business by the Board.

Article XI – Amendment

These By-Laws may be amended at any regular or special meeting of the Planning and Zoning Board by a concurring vote of a majority of the full board membership; provided that five days advance notice of any proposed change shall be given to all the members.

Article XII – Adoption

These By-Laws were reviewed, approved and officially adopted by the Creola Planning and Zoning Board. All previous By-Laws of the Board are hereby repealed.

Date of Adoption: January 23, 1992