



Sylvania Zoning Ordinance

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ARTICLE I

Authority & Enactment

The Town Council of the Town of Sylvania, Alabama, in pursuance of the authority granted by Title 11 Chapter 52 of the Code of Alabama hereby ordain and enact into law the following Articles and Sections.

ARTICLE II

Title

This ordinance shall be known as the "Zoning Ordinance of the Town of Sylvania, Alabama."



ARTICLE III

ESTABLISHMENT OF DISTRICTS

Section 3.1 Use Districts Named

For the purpose of this ordinance, the Town of Sylvania, Alabama is hereby divided into the following use districts:

- AG-1 Agriculture District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- B-1 General Business District
- B-2 Neighborhood Business District
- I-1 Industrial District

Section 3.2 District Boundaries

The boundaries of these districts are hereby established on a map entitled "Official Zoning Map, Town of Sylvania, Alabama". Said map and all explanatory matter thereon accompanied and is hereby made a part of this ordinance; it shall be properly attested and on file in the office of the Town Clerk.

Section 3.3 Rules Governing Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

3.3.1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, rivers, or other bodies of water, shall be construed to follow such center lines.

3.3.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3.3.3 Boundaries indicated as approximately following corporate limit lines shall be construed as following such corporate limit lines as they existed when this ordinance was adopted.

3.3.4 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-ways of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

3.3.5 Where physical features existing on the grounds are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 3.3.1 through 3.3.4 above, the Board of Zoning Adjustment shall interpret the district boundaries.



ARTICLE IV

USE DISTRICTS

Section 4.1 AG-1 Agriculture District

4.1.1 Permitted Uses

Agriculture uses (raising of crops, livestock, and poultry).
Single family dwellings.
Farm stands.
Veterinary clinics.
Horse stables and equestrian facilities.
Public and private schools.
Parks and playgrounds, including accessory structures.
Accessory uses and structures.
Home occupations as defined in Article X, Subsection 10.2.18.
Short-term rentals.
Bed and Breakfasts

4.1.2 Special Exceptions

Churches and similar places of worship.
Cemeteries.
Clinics and nursing homes.
Event Venues.
Public utility structures, including electrical substations, water towers, and similar structures and uses.
Libraries.
Fire stations.

Assisted Living Facility

Mobile home parks. (See Subsection 4.1.4)

Daycare Centers

4.1.3 Dimensional Requirements

Minimum Yard Size (Feet)			Minimum Lot Size		Maximum Height*		Maximum Bldg. Area Percent	Off Street Parking Car Spaces
Front Yard	Rear Yard	Side Yard	Area Sq. Feet	Width Feet at Bldg. Line	Feet	Stories		
35	35	10	15,000	100	35	2-1/2	25	See Sect. 5.5


*Maximum Height in this district only applies to residential uses

4.1.4 Mobile Home Requirements

Any development, redevelopment, alteration, or expansion of a mobile home park within the Town of Sylvania shall be done in compliance with these minimum requirements:

a. Basic Minimum Requirements

1. Stand requirements: Each stand shall provide a minimum area of 4,000 square feet; however, no stand shall average less than forty (40) feet in width nor less than one hundred (100) feet in depth.
2. Buffer: There shall be constructed and maintained a permanent screening device as specified in Article X, Section 10.2.5.
3. Open Space Requirements: The minimum front yard setback shall be twenty (20) feet from the nearest corner of the mobile home to the front line of the stand. The minimum distance




between mobile homes shall be twenty (20) feet on the sides and fifteen (15) feet on the rear.

4. Height Regulations: the height limit for any mobile home in the park shall be eighteen (18) feet. The height of the mobile home frame above the ground elevation, measured at ninety (90) degrees to the frame, shall not be greater than three (3) feet.
5. Soil and Ground Cover: Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
6. Drainage: The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be certified by a licensed professional engineer.

b. Access and Traffic Circulation

Internal streets shall be privately owned, built and maintained and shall be designed for safe and convenient access to all stands and parking spaces and to common use of park facilities.

1. An internal street or common access route shall be provided to each stand. The street shall be a minimum of thirty (30) feet in width. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of forty (40) feet. No internal street ending in a cul-de-sac shall exceed four hundred (400) feet in length.
2. Every mobile home stand shall have two (2) off street parking spaces. Off street parking shall be hard surfaced with all weather materials.

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3. Internal streets shall be maintained free of holes and other hazards at the expense of the licensee. All internal streets shall be hard surfaced within (2) years after the park is licensed.
 4. All streets within each park shall be numbered or named in a manner approved by the town.
 5. Interior streets shall intersect adjoining public streets at ninety (90) degrees and at locations which will eliminate or minimize interference with the traffic on those public streets.
 6. At each entrance to the park, an 18" by 24" sign should be posted stating "Private Drive, No Thru Traffic." The licensee may also post a speed limit sign on this same post.

c. Park Lighting


Adequate lighting shall be provided in a manner approved by the Town of Sylvania. All electric and telephone lines should be placed underground when possible.

d. Recreation Area

All mobile home parks shall have at least one recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than ten (10) percent of the gross park area shall be devoted to recreation facilities. Such space shall be maintained in a useable and sanitary condition.

e. Utility Requirements

Each mobile home shall be connected to the municipal water system and to the municipal sewage disposal system if available. The design and specifications of the utility systems shall meet town specifications and shall be approved by the Town. If the municipal utility system is not available, then a private central system shall be required until such time as the municipal system is not available then a private



central specifications of such systems shall meet Health Department specifications and shall be installed under inspection of the appropriate Town Department.

4.1.5 Off-Street Loading and Unloading

Shall be provided as required in Article V, Section 5.5.

4.1.6 Required Buffers

No visual buffer is required, however all structures housing livestock shall be set back a distance of 500 feet from any property boundary that abuts a lot in a residential district.

Section 4.2 R-1 Low Density Residential District

4.2.1 Permitted Uses

Single-family dwellings, excluding mobile homes.

Public and private schools

Parks and playgrounds, including accessory structures

Accessory uses and structures

Home occupations as defined in Article X, Subsection 10.2.18.

Short-term rentals.

4.2.2 Special Exceptions

Churches and similar places of worship

Cemeteries

Libraries

Fire stations

4.2.3 Dimensional Requirements

Minimum Yard Size (Feet)			Minimum Lot Size		Maximum Height		Maximum Bldg. Area Percent	Off Street Parking Car Spaces
Front Yard	Rear Yard	Side Yard	Area Sq. Feet	Width Feet at Bldg. Line	Feet	Stories		
25	30	10	10,000	65	35	2-1/2	30	See Sect. 5.5

Section 4.3 R-2 Medium Density Residential District

4.3.1 Permitted Uses

Any use permitted in R-1 District.

Rooming and boarding houses, including short term rentals

Multi-family dwellings

Mobile home parks. (See Subsection 4.1.4)

4.3.2 Special Exceptions

Any use allowed as a special exception in R-1 District

Clinics and nursing homes

Assisted living facilities

Daycare centers

Post Office

4.3.3 Dimensional Requirements

Minimum Yard Size (Feet)			Minimum Lot Size		Maximum Height		Maximum Bldg. Area Percent	Off Street Parking Car Spaces
Front Yard	Rear Yard	Side Yard	Area Sq. Feet	Width Feet at Bldg. Line	Feet	Stories		
25	30	8/6 Feet	*See Note	20	35	2 1/2	50	See Sect. 5.5

*Single-family, 7,000; two-family, 10,000; add 3,000 for each additional unit

Section 4.4 B-1 General Business District

4.4.1 Permitted Uses

Stores retailing antiques, auto accessories, appliances, clothing, drugs, dry goods, flowers, foods and beverages, furniture, hardware, hobby and craft supplies, sporting goods, jewelry, leather goods, notions, office medical equipment and supplies, paint and wallpaper, toys, pets, reading material, and seed and feed .

Animal hospital and veterinary clinic.

Auto parts supply, however no outside storage shall be permitted.

Automobile sales and service.


Auto car wash.

Bakery, retail.

Banks.

Building, electrical, plumbing, and heating supply, provided outside storage shall be completely enclosed and such outside storage shall not exceed twice the area of the total floor area of the main building.

Bus stations



Barber and beauty shops.

Commercial recreational facilities.

Dry cleaning and laundromats.

Eating and drinking establishments.

Farm equipment sales and service.

Funeral parlors.

Hospitals.

Hotels and motels.

Apartment buildings or similar structures designed for separate residential or dwelling units.

Libraries.

Offices-business, medical, professional, and government.

Parking lots.

Photographic studios.

Planned shopping centers (see Article VI, Section 6.5).

Public and semi-public uses.

Radio and television studios.

Repair shops for jewelry, shoes, and household appliances.

Repair or service shops.

Service stations.

Tailor, dressmaking, and millinery shops.

Taxi stands.

Uses customarily accessory to permitted uses.

Manufacturing incidental to a retail business, where articles are sold at retail on the premises.

Warehouses, when necessary for retail sale.

4.4.2 Special Exceptions

(No special exceptions have been specified at this time.)

4.4.3 Dimensional Requirements

Minimum Yard Size (Feet)			Minimum Lot Size		Maximum Height		Maximum Bldg. Area Percent	Off Street Parking Car Spaces
Front Yard	Rear Yard	Side Yard	Area Sq. Feet	Width Feet at Bldg. Line	Feet	Stories		
None	None	None	*See Note	None	55	4	None	See Section 5.5

*It is the intent of the ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

4.4.4 Off-Street Loading and Unloading

Shall be provided as required in Article V, Section 5.5.

4.4.5 Required Buffers

A solid visual buffer, either using landscaping or solid fencing (masonry or wood), shall be provided where this district abuts a lot in a residential district (R-1 or R-2)

Section 4.5 B-2 Neighborhood Business District

This district is intended to provide for the most frequent daily needs of residents of an immediate neighborhood. Because these shops and stores will be most closely associated with residential uses, more restrictive requirements for light, air, open space, etc., are necessary.

4.5.1 Permitted Uses

Any use permitted in R-2 District.

Neighborhood retail stores and markets, including the following type stores: food, general merchandise, apparel, hardware, drugs and sundries, jewelry and gift, florist, sporting goods, and pet shops; provided the total floor area for each use shall not exceed 2,500 square feet.

Neighborhood services including the following types: dry cleaning and laundry pick-up station, laundromats, barber and beauty shop, shoe repair, offices, branch banks, branch post offices; provided the total floor area for each use shall not exceed 2,500 square feet.

Doctor, dentist, or professional office; provided the floor area for each use shall not exceed 2,500 square feet.

Planned neighborhood shopping center limited to five (5) acres in size (see Article VI, Section 6.5).

4.5.2 Special Exceptions

Funeral parlors.

Public and semi-public uses and structures.

Restaurants, not including drive-in restaurants or restaurants with a drive-thru lane.

Service stations.

4.5.3 Dimensional Requirements

Minimum Yard Size (Feet)			Minimum Lot Size		Maximum Height		Maximum Bldg. Area Percent	Off Street Parking Car Spaces
Front Yard	Rear Yard	Side Yard	Area Sq. Feet	Width Feet at Bldg. Line	Feet	Stories		
20	20	10	None	20	35	2	50	See Sect. 5.5



4.5.4 Off-Street Loading and Unloading

Shall be provided as required in Article V, Section 5.6.

4.5.5 Required Buffers

None required.

Section 4.6 I-1 Industrial District

4.6.1 Permitted Uses

Customary accessory uses and structures, including open space.

Any retail or service establishment dependent or closely related to industry.

Agricultural supplies

Bakeries.

Bottling plants.

Contractors' plants and storage yards.

Dairies.

Electrical appliance manufacturing and repair shops.

Farm machinery assembly and repairs.

Food processing.

Furniture industries.

Gas stations and auto repair-oriented businesses.

Ice and cold storage plants and freezer lockers.

Industrial equipment, sales and repair.

Industrial supplies.

Machine tool manufacturing.

Metal fabrication plants.

Monument works and sales.

Pharmaceutical manufacturing.

Printing, Publishing, graphic reproduction establishments.

Public works and public utility substations and storage yards.

Sheet metal and roofing shops.

Storage yards, including building materials, and lumber yards.

Textile industries.

Tire recapping and retreating.

Truck terminals.

Welding and machine shops.

4.6.2 Special Exceptions

Junk yards and auto salvage yards surrounded by either a solid wall or fence at least six feet high or a buffer strip as defined in Article X, Subsection 10.2.5.

Volatile uses and volatile industries.

Any other manufacturing and related uses not otherwise named which in the opinion of the Zoning Board of Adjustment would not have an adverse effect on adjacent property by reason of dust, smoke, vibration, noise, odor, or effluents.

4.6.3 Dimensional Requirements

Minimum Yard Size (Feet)			Minimum Lot Size		Maximum Height		Maximum Bldg. Area Percent	Off Street Parking Car Spaces
Front Yard	Rear Yard	Side Yard	Area Sq. Feet	Width Feet at Bldg. Line	Feet	Stories		
30	20	**	*	None	45	3	50	See Sect. 5.5
*It is the intent of the ordinance that lots of sufficient size be used for any business, industrial, or service use to provide adequate parking and loading space in addition to the space required for the other normal operation of the use.								
**A lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than ten (10) feet wide.								

4.6.4 Off-Street Loading and Unloading

Shall be provided as required in Article V, Section 5.6.

4.6.5 Required Buffers

A solid visual buffer, either using landscaping or solid fencing (masonry or wood), shall be provided where this district abuts a lot in a residential district (R-1 or R-2)



ARTICLE V

GENERAL PROVISIONS

Section 5.1 Application of Regulations

The regulations set forth in this ordinance affect all land, every building, and every use of land and/ or building and shall apply as follows:

5.1.1 Use

No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, or structurally altered except in conformity with the regulations of this ordinance.

5.1.2 Height and Density

No building shall hereafter be erected or altered so as to exceed the height limit or to exceed the density regulations of this ordinance for the district in which it is located.

5.1.3 Lot Size

No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

5.1.4 Yard Use Limitations

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard and further. No accessory building shall be erected in any required yard.

5.1.5 One Principal Building on a Lot

Every building hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the

case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district. (See Article VI 6-5.)

5.1.6 Necessary Repairs Permitted

Nothing in this ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared to be unsafe or unlawful.

5.1.7 Lot Frontage

All lots shall front on a public street.

Section 5.2 Non-Conforming Uses

Any parcel of land, use of land, building or structure existing at the time of the enactment of this ordinance, or any amendment thereto, that does not conform to the requirements of the district in which it is located may be continued and maintained subject to the following provisions:

5.2.1 Non-Conforming Vacant Lots

This category of non-conformance consists of vacant lots for which plats or descriptions have been recorded in the office of the Probate Judge of DeKalb County, which at the time of enactment of this ordinance fail to comply with the dimensional requirements for the districts in which they are located. Any such non-conforming lot may be used for any of the uses permitted by this ordinance in the district in which it is located, provided as follows:

- A. Such vacant lot of record does not adjoin another lot of record to which it can be combined as called for in Article VI, Section 6.1.
- B. Minimum requirements of the district for front yard, side yard, rear yard, and off-street parking shall be complied with.

5.2.2 Non-Conforming Occupied Lots

This category of non-conformance consists of lots occupied by buildings or structures at the time of the enactment of this ordinance that fail to comply with minimum requirements for area, width, front yard, side yard, and rear yard for the districts in which they are located.

5.2.3 Non-Conforming Open Uses of Land

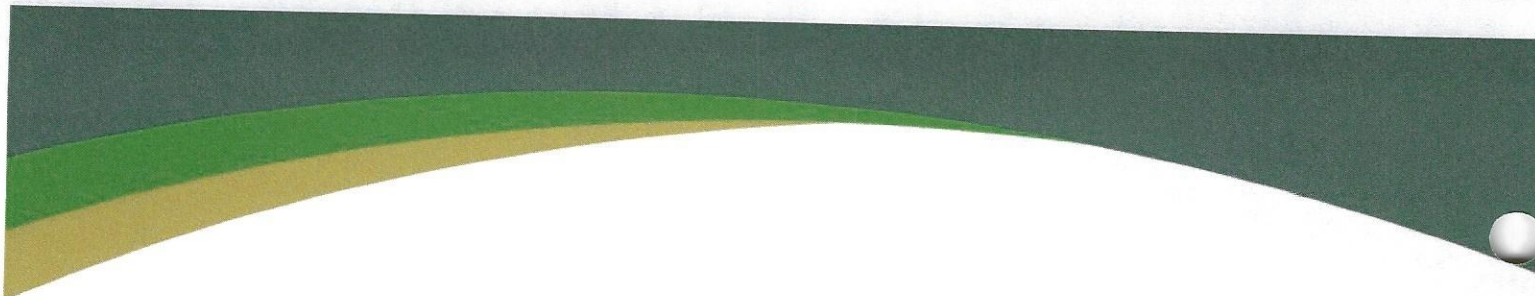
This category of non-conformance consists of lots used for storage yards, used car lots, auto wrecking, junk yards, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it is located. A legally established non-conforming open use of land may be continued except as follows:

1. When a non-conforming open use of land has been changed to a conforming use, it shall not thereafter revert to any non-conforming use.
2. Non-conforming open uses of land shall not be changed to any but conforming uses.
3. A non-conforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.

5.2.4 Non-Conforming Uses or Structures

This category of non-conformance consists of buildings or structures used at the time of enactment of this ordinance for purposes of use not permitted in the district in which they are located. Such uses may be continued as follows:

- a. An existing non-conforming use of a building or structure may not be changed to another non-conforming use.

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- b. When a non-conforming use of a building or structure has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.
 - c. A non-conforming use of a building or structure shall not be extended or enlarged except into portions of the structure which, at the time the use became non-conforming, were already erected and arranged or designed for such non-conforming use.
 - d. Non-conforming existing residential structures in either business or industrial districts may be enlarged, extended, rebuilt, or structurally altered provided no additional dwelling units result.
 - e. Maintenance and repairs necessary to keep a non-conforming structure in sound condition shall be permitted.
 - f. When any non-conforming use of a building or a structure is abandoned for a continuous period in excess of one hundred and eighty (180) days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5.2.5 Reconstruction of Damaged Buildings or Structures

Any non-conforming non-residential use which has been damaged by fire, wind, flood or other causes may be repaired and used as before if repairs are initiated in twelve (12) months and completed within two (2) years of such damage, unless such building or structure has been damaged to an extent exceeding eighty percent (80%) of its assessed value at the time of destruction. If the building or structure is damaged to a degree greater than eighty percent (80%), future use of the building and site must come into conformance with the regulations for the district in which it is located.



Section 5.3 Interpretation of District Regulations

The district regulations shall be enforced and interpreted according to the following rules:

5.3.1 Permitted Uses

Uses not designated as permitted uses or subject to additional conditions shall be prohibited. Special exceptions are permitted according to additional regulations imposed. These special exceptions can be approved only by the Zoning Board of Adjustment. Additional uses may be added to the ordinance by amendment.

5.3.2 Minimum Regulations

Regulations set forth by this ordinance shall be minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted uses, regulations or ordinances, the more restrictive or higher standard shall govern.

5.3.3 Land Covenants

Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 5.4 Visibility at Intersections

On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, twenty (20) feet from where they intersect.

Section 5.5 Off-Street Parking

Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established in all districts, or provided that no parking space can be reasonably provided on the same lot, such space shall be provided on any lot a substantial portion of which is within two hundred (200) feet of such uses. No certificate of occupancy will be issued upon completion of any building unless all off-street parking and loading requirements, shown upon the plans or made part of the building permit, shall be in place and ready for use and conforming to requirements. The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one use may not be assigned to another use at the same time, except that one half (1/2) of the parking space required for churches, theaters, or assembly halls, whose peak attendance will be at night or on Sundays, may be assigned to a use which will be closed at night or on Sundays. Each automobile parking space shall not be less than two hundred (200) square feet in area exclusive of adequate access to maneuvering space. Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; and such use shall be equal in number to at least the minimum requirements for the specific use set forth below:

Use Classification	Parking Space Requirement
Automobile sales and repair	One (1) parking space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space.
Automobile car wash	One (1) space for each two (2) employees at maximum employment on a single shift. Reserve spaces equal to five (5) times the capacity of the facility at the location of both egress and ingress.

Bowling alleys Two (2) spaces for each lane, plus one (1) additional space for each two (2) employees.

Camps for tents and camping trailers One (1) parking space for each site pro-vided for tents and camping trailers plus ten (10) additional spaces.

Elementary schools and junior high schools, both public and private Two (2) spaces for each classroom and administrative office.

Churches One (1) space for each four (1) seats.

Filling stations Two (2) spaces for each gas pump, plus three (3) spaces for each grease rack or similar facility.

Hospitals One (1) space for each four (4) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees

Hotels One (1) space per guest room, plus one (1) additional space for each five (5) employees.

Kindergartens or nurseries	One (1) space for each employee and four (4) spaces for off-street drop-off and pick-up.
Libraries	One (1) space for each four (4) seats provided for patron use.
Mortuary or funeral homes	One (1) space for each four (4) seats provided in the assembly room or chapel.
Motel, tourist homes or tourist courts	One (1) space per guest room plus two (2) additional spaces for each twenty (20) units.
Offices: professional, business, or public, including banks	One (1) space for each four hundred (400) square feet of gross floor area.
Medical offices and clinics	Six (6) spaces for each doctor practicing at the clinic, plus one (1) space for each employee.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, theaters, stadiums, gymnasiums, amusement parks, community	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each one hundred (100) square feet of floor or ground area used for

centers, and all similar places of public assembly

amusement or assembly but not containing fixed seats

Rooming and boarding houses

One (1) space for each three (3) guest rooms, plus one (1) additional space for the owner, if resident on the premises.

Residential dwellings

One (1) space for each dwelling unit. Dwelling units exceeding three (3), one and one-half (1 1/2) spaces per unit.

Restaurants, drive-in

Parking space equivalent to five (5) times the floor space in the main building.

Restaurants, indoor

One (1) space for each three (3) seats or stools, plus one (1) space for each two (2) employees on the shift with the largest employment.

Retail business

One (1) space for each two hundred (200) square feet of gross floor area.

Sanitariums, rest and convalescent homes, homes for the aged, and similar institutions

One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.

Senior high schools and colleges,
both public and private

One (1) space for each ten (10)
students for whom the school was
designed, plus one (1) space for
each classroom and administrative
office.

Shopping centers

Three (3) square feet of parking
space for each square foot of
gross floor area.

Mobile home parks

Two (2) spaces for each stand.

Wholesaling and industrial uses

One (1) space for each two (2)
employees at maximum
employment on a single shift.

Section 5.6 Off-Street Loading and Unloading Space

Every building or structure used for business, trade, or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space (shall have access to an alley or, if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have a minimum dimension of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

Retail operations:

One (1) loading space for each twenty
thousand (20,000) square feet of gross
floor area of fraction thereof

Wholesale and industrial operations:

<u>Building Area in Square Feet</u>	<u>Number of Spaces</u>
0-40,000	1
40,000-100,000	2
100,000-160,000	3
160,000-240,000	4
240,000-320,000	5
320,000-400,000	6

Section 5.7 Special Exceptions Permissible on Appeal to the Board of Zoning Adjustment

When a special use permit is required by the terms of this ordinance, application for such a permit shall accompany the application for a building permit. The application shall be transmitted immediately to the Board of Zoning Adjustment for review and recommendations prior to the public hearing.

If the Board of Zoning Adjustment shall find, after a public hearing, that in the circumstances of the particular application, the use for which the special use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood, it shall issue a special use permit. In granting such a permit, the Board of Zoning Adjustment shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements of this ordinance.

If at any time after a special use permit has been issued for any special exception, the Board of Zoning Adjustment finds that the conditions imposed and agreements made have not been, or are not being, fulfilled by the holder of a special use permit, the permit shall immediately be terminated and the operation of such use discontinued. If a special use permit is terminated for any reason, it may be reinstated only after a public hearing is held.



Section 5.8 Corner Lots

Corner lots in all residential districts shall have sufficient extra width to permit the establishment of a building line at least fifteen (15) feet from the side street property line.

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

Compliance with the requirements of this ordinance is mandatory except that under the specific conditions enumerated in the following Sections, the requirements may be waived or modified as so stated.

Section 6.1 Existing Lots

Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may nonetheless be used as a building site, provided that said lot requirements are not reduced below the minimum specified in this ordinance by more than twenty percent (20%). If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or to sell off these lots, he must first combine said lots to comply with the dimensional requirements of the ordinance. Any lot requiring dimensional waivers below the twenty percent (20%) minimum set forth in this Section shall be approved by the Board of Zoning Adjustment providing that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

Section 6.2 Minimum Required Front Yard for Dwellings

The minimum required front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, front yard on such lot may be less than the required front yard, but not less than the average of the front yards of the aforementioned existing buildings.





Section 6.3 Height Limitations

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials and similar structures, except as otherwise restricted in the vicinity of airports.

Section 6.4 Temporary Use Permits for Mobile Homes

In any Residential District not more than one (1) mobile home may be permitted in a rear yard as an accessory use on a temporary basis provided the Board of Zoning Adjustment shall make a finding that a personal hardship situation exists (such as the need to care for elderly parents or other dependents) which justifies a special exception of this nature. Temporary use permits shall be issued in such cases for one (1) year but may be renewed so long as the hardship continues to exist. Proof of the continuance of the hardship for the renewal of a temporary use permit shall be provided to the administrative staff of the Town of Sylvania, who upon review shall issue a renewal letter to the applicant. If a renewal letter is not granted by the Town administrative staff for any reason, appeal of such a decision shall be to the Board of Zoning Adjustment. All such mobile homes situated in rear yards must have access to city water and sewer service, and such mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such mobile home must be situated closer to the side or rear yard line than the required setback for the district involved, a variance must be obtained from the Board of Zoning Adjustment.

Section 6.5 Planned Unit Development

In the case of a Planned Unit Development either residential, commercial, or industrial consisting of one (1) or more structures designed for occupancy by three (3) or more families or one (1) or more businesses, firms, or uses, the developer shall submit to the Planning Commission for approval a plan of development as required in Subsection 8.4.3 (e. 1-7).

ARTICLE VII

ADMINISTRATION, ENFORCEMENT, BUILDING PERMITS, CERTIFICATE OF OCCUPANCY, AND PENALTIES

Section 7.1 Administrative Officer

The provisions of this ordinance shall be administered and enforced by an Administrative Officer appointed by the Town Council. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

If the Administrative Officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 7.2 Building Permit Required

It shall be unlawful to commence the excavation for 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 (except repairs not changing the character of the structure and not exceeding \$500 in cost or painting or wallpapering) of any structure without a building permit issued by the Administrative Officer.

No building permit shall be issued by the Administrative Officer except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.



Section 7.3 Application for a Building Permit

All applications for a building permit shall be accompanied by a fee according to a fee schedule currently in use by the town and plans in duplicate drawn to scale which indicate the following:

- 7.3.1 The shape and dimension of the lot on which the proposed building or use is to be erected or constructed.
- 7.3.2 The location of the said lot with respect to adjacent rights-of-way.
- 7.3.3 The shape, dimensions, and location of all buildings, existing and proposed on the said lot.
- 7.3.4 The nature of the proposed use of the building or land, including the extent and location of the use on the said lot and existing zoning.
- 7.3.5 The location and dimensions of off-street parking and means of ingress and egress to such space.
- 7.3.6 Any other information which the Administrative Officer may deem necessary for consideration in enforcing the provisions of this ordinance.

One (1) copy of the plans shall be returned to the applicant by the Administrative Officer after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one (1) copy of the plans similarly marked shall be retained by the Administrative Officer.

If the proposed excavation, construction, moving, or alterations as set forth in the application are in conformity with the provisions of this ordinance, the Administrative Officer of the town shall issue a building permit accordingly. If an application for a building permit is not approved, the Administrative Officer 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.

Section 7.4 Expiration of Building Permit

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Administrative Officer and written notice thereof shall be given to the person affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Administrative Officer and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

Section 7.5 Certificate of Occupancy Required

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Administrative Officer of the municipality shall have issued a Certificate of Occupancy 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 Administrative Officer that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance or, if such certificate is refused, to state the refusal in writing with the cause. If the Certificate of Occupancy is denied, the applicant may appeal the action of the Administrative Officer to the Zoning Board of Adjustment.

Section 7.6 Remedies

If any building is erected, constructed, reconstructed, repaired, converted, or maintained or any building, structure, or land is used in violation of this ordinance, the Administrative Officer or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, may institute injunction or other appropriate action in proceeding to stop the violation.



Section 7.7 Penalties for Violation

Any person, firm, or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding one hundred dollars (\$100) and/or imprisonment for a period of time not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.

ARTICLE VIII

BOARD OF ZONING ADJUSTMENT

Section 8.1 Establishment of a Board of Zoning Adjustment


A Board of Zoning Adjustment is hereby established. Said Board shall consist of five (5) members, each to be appointed for a term of three (3) years except that in the first instance one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year. Thereafter each member appointed shall serve for a term of three years or until his successor is duly appointed. Vacancies shall be filled for the un-expired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing.

The members of the Board of Zoning Adjustment serving on the effective date of this ordinance under a zoning ordinance effective prior hereto shall be considered as the five (5) members to be appointed by the Town Council, and each of these members shall serve the balance of the term to which such member was appointed.

Section 8.2 Meetings, Procedures, and Records

Meetings of the Board of Zoning Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board of Zoning Adjustment shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board of Zoning Adjustment and shall be a public record.



Section 8.3 Appeals, Hearings, and Notices

Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved by an officer, department, board, or bureau of the Town of Sylvania affected by a decision of the Administrative Officer or any other town officials based on this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Administrative Officer a written notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the Board of Zoning Adjustment.

The Board of Zoning Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice thereof to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appeal in person, or by agent or by attorney.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Zoning Adjustment after the notice of appeal shall have 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 the Board of Zoning Adjustment or by a court of record on application, on notice to the Administrative Officer and on due cause shown.

Section 8.4 Powers and Duties of the Board of Zoning Adjustment

The Board of Zoning Adjustment shall have the following powers and duties:

8.4.1 Administrative Review


To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this ordinance.

8.4.2 Variances

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing

to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, building or structures in the same district, or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Zoning Adjustment that the following conditions exist:

- A. There are exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- B. A personal hardship exists on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the town. A hardship exists only when it is not self-created, or when it is not economic in nature.
- C. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- D. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- E. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- F. The special circumstances are not the result of the actions of the applicant.

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- G. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
 - H. The variance is not a request to permit a use of land, building or structure which is not permitted in the district involved.

8.4.3 Special Exceptions; Conditions Governing Applications; Procedures

The Board of Zoning Adjustment is empowered to hear and decide only such Special Exceptions as it is specifically authorized to pass on by the terms of this Zoning Ordinance; to decide such questions as are involved in determining whether or not a Special Exception should be granted; to grant Special Exceptions with such conditions and safeguards as are reasonable and appropriate under this Zoning Ordinance; or to deny Special Exceptions when not in harmony with the purpose and intent of this Zoning Ordinance. A Special Exception shall not be granted by the Board of Zoning Adjustment unless and until:


1. Written Application A written application for a special exception upon a form provided by the Town Clerk is submitted indicating the section of the Zoning Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.
2. Fee. A fee established by resolution of the Town Council shall be paid to the Town Clerk to help offset the costs and expenses of the application process before the Board of Zoning Adjustment. In names and addresses of all record property owners adjacent to the exterior boundary of the subject property or across the street if a road borders on part of the property. Said list shall be current and certified by an employee of the Dekalb County Tax Assessor's office and you must attach a copy of the tax assessor's map showing your property in relation to your neighbors.
3. Public Hearing Upon Receipt of said written application, fee, and list, a public hearing shall be scheduled and notice of the hearing shall be given as follows: written notice shall be posted at the Town Hall, Post Office and one other public place selected by the Town Clerk plus a copy of the notice shall

be mailed or delivered to the applicant and each of the adjoining property owners. The notice to the adjoining property owners shall also include a copy of the application. Such written notice shall be posted, mailed, or delivered not less than 15 days before the meeting.

4. Public Hearing The public hearing shall be held by the Board of Zoning Adjustment. Any party may appear in person, or by agent, or attorney.

5. Findings Before any Special Exception shall be issued, the Board of Zoning Adjustment shall make a specific finding that it is empowered under the Section of this Zoning Ordinance to grant the Special Exception and the Special Exception will not adversely affect the public interest. Before any Special Exception shall be issued, the Board of Zoning Adjustment shall further make a determination that the specific rules governing the individual Special Exception, if any, have been met by the petitioner and that satisfactory provision and arrangement has been made concerning the following where applicable:

- a. Satisfactory ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control.
- b. Provision of off-street parking and loading areas where required, with particular attention to the items in 1) above and the economic, noise, glare, and odor effects of the conditional use on adjoining properties in the area.
- c. Utilities, with reference to locations, availability and compatibility.
- d. Buffering with reference to type, location, and dimensions.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.

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- f. Location, use, plan, elevations and dimensions of each building or structure to be constructed.
 - g. The location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exists, off-street parking facilities, pedestrian ways, location and width of roads, streets, and sidewalks.
 - h. General compatibility with adjacent properties and other property in the district.

6. Conditions and Safeguards In granting any Special Exception, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Special Exception is granted, shall be deemed a violation of this Zoning Ordinance and punishable as provided under Section 7.7 of this Ordinance. The Board of Zoning Adjustment shall prescribe a time limit within which the action for which the Special Exception is required shall be initiated or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the Special Exception.

7. Denial If the Board of Zoning Adjustment shall deny a Special Exception, it shall state in its record its reasons for doing so. Such reason shall take into account the factors stated in Subsection (5) above, or such of them as may be applicable to the action of denial, and the particular regulation relating to the Special Exception requested, if any.

Section 8.5 Decisions of the Board of Zoning Adjustment

All decisions and findings of the Board of Zoning Adjustment shall in all instances be final administrative decisions.

Section 8.6 Appeal from the Decision of the Board of Zoning Adjustment

Any person, or persons, aggrieved by any decision of the Board of Zoning Adjustment may, within fifteen (15) days thereafter, appeal the decision to the Circuit Court by filing with the Board of Zoning Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken.

The Board of Zoning Adjustment, including the zoning map, may be amended by the Board of Zoning Adjustment. Proposed changes or amendments may be initiated by the Board of Zoning Adjustment, Board of Zoning Adjustment, or by the Board of Zoning Adjustment. The Board of Zoning Adjustment may be changed or amended.

An application for any amendment shall contain a description and a statement of the present and proposed zoning regulation of district boundary to be applied. The names and addresses of the owner or owners of the lot in question and the use of each adjacent property.

A fee in the amount established by resolution of the Town Council shall be paid to the Town Clerk for each application for an amendment to help offset the costs of administrative expenses involved.

No amendment shall be adopted by the Town Council until after public notice and hearing. The provisions of Title 11 Chapter 55 of the Code of Alabama, as amended, shall apply to all changes and amendments.



ARTICLE IX

AMENDMENTS

Section 9.1 Initiation of Amendments

This zoning ordinance, including the zoning map, may be amended only by the Town Council. Proposed changes or amendments may be initiated by the Town Council, Planning Commission, Board of Zoning Adjustment, or by one or more owners of property within the area proposed to be changed or affected.

Section 9.2 Application

An application for any amendment shall contain a description and or statement of the present and proposed zoning regulation or district boundary to be applied, the names and addresses of the owner or owners of the lot in question, and the use of each adjacent property.

Section 9.3 Fee

A fee in the amount established by resolution of the Town Council shall be paid to the Town Clerk for each application for an amendment to help offset the costs of administrative expenses involved.

Section 9.4 Notice of Public Hearing

9.4.1 Notice of Public Hearing

No amendment shall be adopted by the Town Council until after public notice and hearing. The provisions of Title 11 Chapter 52 of the Code of Alabama, as amended, shall apply to all changes and amendments.

ARTICLE X

DEFINITION OF TERMS

For the purpose of interpreting this ordinance certain words and Terms are herein defined. The following words shall, for the purpose of this ordinance, have the meaning herein indicated.

Section 10.1 Interpretation of Commonly Used Terms and Words

10.1.1 Words used in the present tense include the future tense.

10.1.2 Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.

10.1.3 The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.

10.1.4 The words "used for" shall include the meaning "designed for".

10.1.5 The word "structure" shall include the word "building".

10.1.6 The word "lot" shall include the words "plot", "parcel", or "tract".

10.1.7 The word "shall" is always mandatory and not merely directory.

10.1.8 The word "map", or "zoning map", shall mean the "Official Zoning Map, Town of Sylvania".

Section 10.2 Definitions of Commonly Used Terms and Words

10.2.1 Accessory Use or Structure. A use or structure on the same lot with, and of nature customarily incidental or subordinate to, the principal use or structure.

10.2.2 Administrative Officer. The person appointed by the Governing Body to enforce all provisions of the Zoning Ordinance.

- 10.2.3 Alley. A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- 10.2.3a Assisted Living Facility. A Building arranged to be occupied as a resident by several individuals who need some assistance to live independently in a residential setting. This definition shall not be construed to include nursing homes, convalescent homes or hospitals
- 10.2.4 Boarding House. A building other than hotel, cafe, or restaurant where, for compensation, meals are provided for three (3) or more persons
- 10.2.5 Buffer Strip. A buffer strip consists of a planting strip at least ten (10) feet in width, composed of evergreen trees, spaced not more than ten (10) feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart, and said strip shall be planted and maintained in a healthy, growing condition by the property owner.
- 10.2.6 Buildable Area. The portion of a lot remaining after required yards have been provided.
- 10.2.7 Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, or chattels.
- 10.2.8 Building, Accessory. A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.
- 10.2.9 Building Area. The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.
- 10.2.10 Building Height of. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
- 10.2.11 Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.
- 10.2.12 Building Setback Line. A line parallel to the property line in front of which no structure may be erected.
- 10.2.13 District. Any section of the Town of Sylvania in which zoning regulations are uniform.

10.2.14 Dwelling, Single-Family. A building arranged to be occupied by one (1) family, the structure having only one (1) dwelling unit.

10.2.15 Dwelling, Two-Family. A building arranged to be occupied by two (2) families living independently of each other, the structure having two (2) dwelling units.

10.2.16 Dwelling, Multi-Family. A building arranged to be occupied by three (3) or more families living independently of each other.

10.2.17 Dwelling Unit. A building, or portion thereof, designed, arranged and/or used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

10.2.18 Home Occupation. An occupation conducted in a dwelling unit provided that:

- a. No person other than immediate members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- d. Home occupations shall be allowed to be conducted in any accessory building, provided that the accessory structure follows all other accessory structure regulations and said structure shall not exceed 1200 square feet in floor area;
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any

need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard or side yard.

10.2.19 Junk Yard. The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of wastepaper, rags, scrap metal, or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

10.2.20 Lot. A portion of a subdivision or any parcel of land intended as a unit for transfer of ownership or for development, or both. The word "lot" includes the word "plot" or "parcel".

10.2.21 Lot, Corner. A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front.

10.2.22 Lot, Depth. The depth of a lot is the mean distance of the side lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.

10.2.23 Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Probate judge of Dekalb County, or a lot described by metes and bounds, the description of which has been so recorded.

10.2.24 Lot Width. The distance between side lot lines measure at the building setback line.

10.2.25 Mobile Home. A single-family dwelling unit constructed on a chassis and which has been so designed that it may be occupied and used with or without a permanent foundation. It is intended for year-round occupancy and is equipped with appliances and electrical and sanitary systems that function independently of auxiliary facilities so that only simple utility connections are needed. A mobile home unit may have collapsing or telescoping parts that can be expanded or consist of two separate units joined at the site into a single home (double-wide). Removal of wheels or chassis and placing such a structure on the ground, piers, or other foundation shall not remove such a unit from this definition.

10.2.26 Mobile Home Park. A parcel of land under single ownership, designed, maintained, intended, or used for the purpose of supplying a location or accommodations for two (2) or more mobile homes for non-transient use. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

10.2.27 Non-Conforming Use. A legal use of a building and/or land that antedates the adoption or future amendment of these regulations and does not conform to the regulations for the district in which it is located.

10.2.28 Open Storage. Unroofed storage areas, whether fenced or not.

10.2.29 Parking Space. A storage space of not less than ten (10) feet by twenty (20) feet for one (1) automobile, plus the necessary access space. It shall always be located outside the street right-of-way and required side yards.

10.2.30 Planned Unit Development. A tract of land under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

10.2.31 Rooming House. A tract of land under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

10.2.32 Stand. An area within the mobile home park which has been improved for a single mobile home as provided in this ordinance.

10.2.33 Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of abutting property.

10.2.34 Street Line. The dividing line between a right-of-way and the contiguous property.

10.2.35 Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings and signs.

10.2.36 Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will 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. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces.

10.2.37 Yard. An open space, on the lot with the main building, left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

10.2.38 Front Yard. The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building, including covered porches and the right-of-way line.

10.2.39 Rear Yard. The yard extending across the entire width of the lot between the main building including covered porches and the rear lot line.

10.2.40 Side Yard. The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot line.

ARTICLE XI

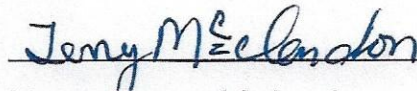
LEGAL STATUS PROVISIONS

Section 11.1 Separability

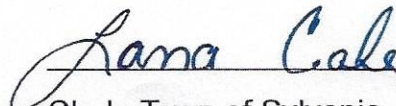
Should any section or provision of this ordinance be declared invalid by any court of jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid.

Section 11.2 Effective Date

This ordinance shall be in full force after its passage and approval by the Town Council of the Town of Sylvania, State of Alabama, this the 17th day of June, 2025.



Mayor, Town of Sylvania



Clerk, Town of Sylvania